



Debates

WEEKLY HANSARD
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Thursday, 23 August 2012

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Thursday, 23 August 2012

The Assembly met at 10 am.

(Quorum formed.)

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

Petition

The following petition was lodged for presentation, by Mr Smyth, from 2,020 residents:

Planning—Chisholm—petition No 139

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

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

- the ACT government is proposing to offer for sale Block 2 Section 590 in Chisholm
- the community is concerned that there has been a lack of effective consultation relating to proposals for the use of this site; and
- the community wants to retain this site as a community park.

Your petitioners, therefore, request the Assembly to direct the ACT government:

- Not to sell block 2 Section 590 in Chisholm
- To consult with the community about the type of park facilities they require
- To commence the process to gazette the area as a permanent park

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

Statutory appointments

MR RATTENBURY (Molonglo) (10.03): I move:

That the following continuing resolution be adopted:

Consideration of Statutory Appointments

That:

- (1) recognising that the Executive has a role in making appointments to statutory positions, and that the Legislature has a role in being consulted and, in one case, having a veto over an appointment, both individual members of the

Executive and the relevant committee of the Legislative Assembly shall ensure that details of proposed appointments remain confidential until the appointment is made;

- (2) to promote accountability and transparency, the relevant standing committees that consider statutory appointments shall, on a six monthly basis (that is, for the periods 1 January to 30 June and from 1 July to 31 December), make a statement to the Assembly in accordance with standing order 246A and present a schedule listing appointments considered during the relevant period; and
- (3) the list shall include the statutory appointment considered, the date the request for consultation was received and the date the committee's feedback was provided.

This motion is the culmination of quite a bit of work already done in the Assembly. It arises from a Select Committee on Privileges matter that arose last year. I do not intend to re-prosecute that matter this morning at all but wish simply to note that there was some discussion about how statutory appointments should take place and issues of confidentiality and process around that.

This proposed continuing resolution seeks to codify a practice that was convention. This has been considered by the committee chairs grouping who had quite some discussion about this. It has also been flagged with the Chief Minister. My understanding is that there is general agreement. This is a good codification of the understanding. It makes it very clear what the processes should be, settles the expectations very clearly and, hopefully, will ensure that as the Assembly goes forward there is no uncertainty, no misunderstanding, and that it will provide absolute clarity in the future. I commend the motion to the Assembly.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (10.05): The government is pleased to support the motion that has been moved by Mr Speaker today. We appreciate the consultative and collaborative method in which the motion has been progressed by the Speaker and believe the proposed approach demonstrates a solid understanding of the important role committees play in the statutory appointment process.

Madam Assistant Speaker, I also support the tabling of a schedule of statutory appointments considered by the Assembly committees, keeping in mind that the proposed schedule would not include details of the committee's commentary on individual appointees. I believe publication of commentary on individuals after the appointment process has been completed risks undermining the role of the appointed statutory officials.

More widely, this risks undermining a selection process and may discourage prospective applicants from participating in the process. I believe the motion moved by Mr Speaker today strikes the correct balance between the open and transparent process while maintaining the confidentiality of appointees, and on that basis the government will be supporting the motion.

MR HANSON (Molonglo) (10.06): I just make the comment that the opposition will be supporting this motion.

Question resolved in the affirmative.

**Financial Management Act 1996—Financial Management
(Credit Facility) Approval 2012 (No 1)—Disallowable
Instrument DI2012-208
Motion to disallow**

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation): Madam Assistant Speaker—

Mr Seselja: It is not on our blue.

MR BARR: I am sorry; it is on the notice paper.

Mr Seselja: I understand that, but it is not on the daily program. Why is that?

MADAM ASSISTANT SPEAKER (Ms Le Couteur): I do not know. It is on the notice paper so we can—

MR BARR: I understand that there was an omission.

MADAM ASSISTANT SPEAKER: I believe we can continue, Mr Barr, because it is on the notice paper, I understand.

MR BARR: Thank you, Madam Assistant Speaker.

MR HANSON (Molonglo): Madam Assistant Speaker, it would be useful to members of the Assembly now to clarify what matters are going to be debated today. The opposition was referring to the blue. We have only been made aware that this matter was coming forward. I would seek clarification from you as to what matters are being debated. It may be that it will need to be deferred to a later hour this day in order for further discussions to occur.

MADAM ASSISTANT SPEAKER: Mr Corbell can probably answer this better than I can.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development): Just for the information of members, of course there is an allocated period of time for Assembly business each day. We are well within that period of time. This is Assembly business notice No 2, having dealt with Assembly business notice No 1.

My understanding is that—and indeed this was raised, if I recall correctly, at the government business meeting last week—the government is proposing to call on and

then negate disallowance of this particular instrument. This is in relation to the loan financing capacity of the University of Canberra. The government has foreshadowed, through the government business meeting, that this was the intended course of action this week.

My understanding as to why it is not on the blue is that it was not listed by the administration and procedure committee. It is unclear to me why that is the case, but nevertheless the government has given prior notice of its intention to bring on and negate this disallowance. My advice is that the Treasurer's office has advised his counterparts of that matter and that that is the proposed course of action.

I do not sit on admin and procedure. As I have just said, it is not on the blue because it was not listed by admin and procedure. It is unclear to me why admin and procedure did not list it but, nevertheless, there is no procedural reason why this matter cannot be brought on today. Notice has been given, advance advice has been given through the government business meeting as well, and I would ask members to agree to debate this motion, as has been put to the Assembly in accordance with the standing orders of the Assembly.

MR HANSON (Molonglo): It is quite clear that the information from the government about what we will be debating and what we will not debating this week has been a moving feast and there have been ongoing discussions about what we will and will not be discussing. I think that, by virtue of the fact that the matter was not placed on the blue, the opposition was of the view that this matter was not coming forward today. What we are saying is that it would be courteous for the government and the crossbench to allow this to be debated at a later hour this day so that the opposition can make sure that we have our process in place for this to be debated. We were not aware it was to be debated. I think that would be reasonable and I think that would be courteous. As I said before, could you review what is going on and advise about other matters that are on the notice paper but not on the blue which we are not aware are about to be debated?

MS BRESNAN (Brindabella): I want to note first off that this was raised in the government business meeting. It was actually raised the previous week, so we were aware that it was coming up. The opposition would have been aware of that also. I concur with Mr Hanson that perhaps if we move it to—

Mr Seselja interjecting—

MS BRESNAN: Can I please speak?

MADAM ASSISTANT SPEAKER: Mr Seselja, please be quiet. I cannot hear Ms Bresnan.

Mrs Dunne: On a point of order, Madam Assistant Speaker, is there actually a question before the Assembly at the moment?

MADAM ASSISTANT SPEAKER: There is no question before the Assembly, it appears.

Mrs Dunne: So we are just having a free-ranging conversation which is somehow ruled by the standing orders. What is actually happening at the moment?

MADAM ASSISTANT SPEAKER: It is an excellent point, Mrs Dunne. Possibly someone might wish to move a motion of adjournment. My advice is that I need to call Mr Barr, who may or may not move something, and we can then do something with it.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (10.12): I move:

That Disallowable Instrument DI2012-208, being the Financial Management (Credit Facility) Approval 2012 (No 1) be disallowed.

Mr Hanson: I move that the debate be adjourned.

MADAM ASSISTANT SPEAKER: To a later hour?

Mr Hanson: Certainly.

MADAM ASSISTANT SPEAKER: I do not believe he has finished his speech. Mr Barr, you can speak if you so choose.

Mrs Dunne: There is a question before the house.

Members interjecting—

MADAM ASSISTANT SPEAKER: One moment. I am sorry. Members, please be quiet. Mr Barr has the floor to deliver his speech if he so chooses.

Members interjecting—

MR BARR: I have moved the motion. I am going to speak to my motion.

MADAM ASSISTANT SPEAKER: Members, Mr Barr has the floor. Please be quiet. Mr Barr, please deliver your speech.

MR BARR: This disallowable instrument provides the University of Canberra with a loan via a credit facility from the territory for \$50 million to design and build the first of its new on-campus student accommodation. Given the timing and significance of the university's proposal, we have pursued this outside the 2012-13 budget process—hence the need for this disallowable instrument.

The loan will be repaid over a 14-year period at an interest rate of 75 basis points above the rate at which the territory borrows funds. Such an arrangement gives the university certainty and it is below the rate you might otherwise get through a bank. The loan is for the University of Canberra's on-campus 1 development. This development will provide 297 dwellings with accommodation for 420 students. It is due to open by first semester 2014.

The University of Canberra is expecting enrolments to rise from 10,500 today to 16,500 in 2018. As such, the university has significant plans for further accommodation, and on-campus 1 is just part of a significant expansion.

Mrs Dunne: Point of order, Mr Speaker.

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

Mrs Dunne: I would like an explanation, if I could, Mr Speaker, about why we are debating this. Standing order 65 relates to the adjournment. Mr Hanson moved that the debate be adjourned to a later hour this day. Standing order 65 says that that question should be put forthwith and without debate. I am wondering why we have not dealt with Mr Hanson's motion to adjourn to a later hour this day.

MR SPEAKER: Yes, Mrs Dunne; I see your point, but Mr Barr was in the middle of moving his motion and he cannot be interrupted at that point. Mr Hanson actually did not have the call. Mr Barr, you have the floor. Mr Hanson—

Members interjecting—

MR SPEAKER: Members, let us be sensible about this. Mr Hanson can move the adjournment when Mr Barr is finished. Mr Hanson will get the same outcome and you will have actually had the opportunity to hear the minister's explanation of why he wants to move this motion. So let us just be sensible about this and move on.

Mrs Dunne: I am actually legitimately seeking your clarification.

MR SPEAKER: Yes.

Mrs Dunne: Mr Barr moved the motion; Mr Hanson moved an adjournment. Why is Mr Barr now speaking to the motion?

MR SPEAKER: Because Mr Barr still had the call. As the mover of the motion, he was entitled to make introductory remarks. On that basis, Mr Hanson did not have the call. My understanding and my advice are that the Assistant Speaker thought that Mr Hanson was taking a point of order. He did not have the call to move an adjournment. He had the call if he sought to move a point of order, but that is not what he did. So in that sense he never had the call. But he can have the call as soon as Mr Barr has finished speaking. Mr Barr, you have the floor.

MR BARR: Thank you, Mr Speaker. It is going to be a long day. The University of Canberra is expecting its enrolments to increase from 10,500 today to nearly 16,500 in 2018. As such, the university has significant plans for further accommodation. As I said, this project, on-campus 1, is just part of that significant expansion. Overall, on the university campus there will be around 1,350 accommodation places supported through NRAS and ACT government contributions, with more than 700 beds still to be provided through wing 4 of the old Cameron offices and on-campus stage 2.

Mr Speaker—and I hope that everyone can agree with this statement—the University of Canberra’s expansion plans will be a great boost to the territory.

Mr Seselja interjecting—

MR SPEAKER: Order!

Mr Seselja interjecting—

MR SPEAKER: Mr Seselja, thank you.

Mr Seselja interjecting—

MR SPEAKER: Mr Seselja!

Mr Seselja interjecting—

MR SPEAKER: Mr Seselja, you are now warned. I have just spoken to you three times, and you ignored me.

MR BARR: The University of Canberra’s expansion plans will be a great boost to the territory.

Mr Seselja: Point of order, Mr Speaker.

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

Mr Seselja: I seek your clarification because I do not think you have answered Mrs Dunne’s question. Is the issue we are dealing with here that Mr Hanson is precluded from moving the adjournment? Is that your ruling?

MR SPEAKER: No, not at all.

Mr Seselja: So he is entitled to move the adjournment which should be before the Assembly—or is he not? Are you just able to clarify that?

MR SPEAKER: Yes; let me spell it out one more time. I will speak more slowly this time. Mr Barr stood to move his motion, which he is entitled to do.

Members interjecting—

MR SPEAKER: Mr Hanson, one moment. I have been asked for an explanation. Mr Barr stood to move his motion, which he is entitled to do under the procedures of the Assembly. Under standing order 61:

A Member may not interrupt another Member whilst speaking, unless:

(a) to call attention to a point of order ...

And there are a couple of other things under standing order 61.

The Assistant Speaker gave Mr Hanson the call on the understanding that he was seeking a point of order. As he was not moving a point of order, he did not have the call. Therefore his request for adjournment was not valid. As I have been perfectly clear, Mr Barr now has the call to stand up and make his introductory remarks that go with moving his motion, as is very standard procedure in this place. As soon as Mr Barr finishes, Mr Hanson, as I have indicated, has the call if he wishes it, to stand up and move an adjournment. It is perfectly clear.

Mr Seselja: Sorry, just to make it perfectly clear then, is it your ruling that in the standing orders a member cannot stand up and move adjournment when someone is speaking?

MR SPEAKER: Standing order 61 is clear:

A Member may not interrupt another Member ... unless:

- (a) to call attention to a point of order;
- (b) to call attention to the want of a quorum; or
- (c) to move a closure motion.

Mr Hanson sought none of those things, so under standing order 61 he does not have the call at that moment. He has the call as soon as Mr Barr finishes.

Mr Seselja: But he was given the call.

MR SPEAKER: Yes, because the Assistant Speaker clearly understood that Mr Hanson was seeking a point of order. That is the basis on which he was given the call. Clearly there was a misunderstanding. He perhaps should not have been given the call, but the impression was that he was seeking a point of order. That is the basis on which he was given the call. Are we right to proceed now, members? Thank you.

MR BARR: The university's expansion plans will be a great boost to the territory. They will create up to 800 jobs, help the university grow and further enhance the ACT's education sector.

The government has given all parties notice of its intention to bring on this disallowance today to provide certainty for the university. My understanding is that all the parties understand and support this particular course of action. The level of controversy this morning is a little disappointing but possibly reflects a late night for those opposite. Our intention is to move—

Mr Hanson interjecting—

MR SPEAKER: Mr Hanson, please! You will have your moment in just a second.

MR BARR: Mr Speaker, I gave notice of this particular motion yesterday, but clearly admin and procedure, who set the agenda for this particular part of the Assembly program, had met earlier than that. If there is a flaw within Assembly process, it is that admin and procedure did not meet again prior to setting Assembly business. Perhaps the fact that this sitting fortnight has been disrupted in the way it has—

MR SPEAKER: Mr Barr, let us stick to the matter at hand, thank you.

MR BARR: So we would have been dealing with it today. If all the opposition have to worry about is a process argument, fine; knock yourselves out on the process argument. But the issue of substance before the Assembly is: do we or do we not support a \$50 million line of credit for the University of Canberra for this project? The government's view is that we should support this project. It is a good project for the university, it is a good project for the education sector in the ACT, and therefore it is a good project for the territory. I urge members to defeat the disallowance motion and to give the certainty to the university in relation to this line of credit.

Debate (on motion by **Mr Smyth**) adjourned to a later hour.

Mrs Dunne: Mr Speaker, I would like to seek some clarification about what is the purpose of the blue. We came in here today. We have a blue. It has one item of Assembly business on it. We got to the end of that item and the Clerk called on another item of Assembly business which is not listed on the blue. I now would like some clarification. Does the blue actually mean anything? Will it mean anything today? Will it continue to mean anything for the rest of the Assembly? Or are the government and other members going to just bring things on willy-nilly whether or not they are on the blue?

MR SPEAKER: Mrs Dunne, the questions you raise are predominantly a matter for discussion between the managers of business for the respective parties and/or the whips. The purpose of the blue is stated very clearly on the top of the document:

This program of proposed business is issued for the general guidance of Members. It is not a formal document and business listed is subject to change.

That is the stated purpose of the blue, on the document. The matters you raise, I think, are not in the purview of the Speaker; they are matters that must be dealt with amongst the respective parties. That is all the remit I have on this matter.

Mrs Dunne: I would put, then, to you and to members, that if members want to bring on other matters which are not on the blue and which have not been listed by various of the mechanisms that go to putting together the blue, there should be some courtesies extended as to the reasons why these need to be brought on and whether or not they are actually on the notice paper.

MR SPEAKER: Thank you, Mrs Dunne. I think the point has been made: the matter is now for the parties. We are not having a debate—unless you have something of substance to add, Mr Corbell.

Mr Corbell: Mr Speaker, I will not prolong the agony except to restate that the government advised the opposition manager of business, my counterpart, Mrs Dunne, at the government business meeting, of the intention to bring on this debate in the Assembly business this week.

Education, Training and Youth Affairs—Standing Committee Report 9

MS BRESNAN (Brindabella) (10.25): I present the following report:

Education, Training and Youth Affairs—Standing Committee—Report 9—*Report on Annual and Financial Reports 2010-2011*, dated 14 August 2012, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

I will be very brief to save time and my voice. First off, I would like to thank my fellow committee members, Ms Porter and Mr Hanson. Throughout this term we have had a number of committee members and I thank everyone who has contributed as part of this committee.

I will just speak very briefly to one of the recommendations in the annual report; I will let people read the recommendations for themselves. I note recommendation 3. Obviously it is a matter which has come up since the annual report process around CIT—the WorkSafe ACT inquiry into allegations of bullying and harassment at CIT. The committee recommends that progress be reported on in the annual report. I think that would be a good thing to do. I imagine that a future standing committee on education, training and youth affairs may look into this matter.

Question resolved in the affirmative.

Report 10

MS BRESNAN (Brindabella) (10.27): I present the following report:

Education, Training and Youth Affairs—Standing Committee—Report 10—*Accommodation needs of tertiary education students in the ACT*, dated 14 August 2012, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

Again, I would like to thank my fellow committee members, Ms Porter and Mr Hanson. Ms Porter was not involved at the time of the hearings, but I thank her for her contribution to this report. I would also like to thank the committee secretary, Andrew Snedden, for the work he has put into getting all these reports done and tabled in the Assembly. I would also like to thank all the people who made submissions and appeared before the committee.

Mr Corbell interjecting—

Mrs Dunne interjecting—

MR SPEAKER: Mrs Dunne and Mr Corbell, please take it outside. Order, members! I invite you to take it outside or I can enforce that. Let us proceed to you, Ms Bresnan.

MS BRESNAN: I would like to thank all the groups and individuals who made submissions to this inquiry and also for appearing at hearings. We heard from universities, student groups and organisations that are involved in promoting the rights of residents of rental properties and the like. Student accommodation is an issue in the ACT, as it is around the country. One of the things that came up was around regional students, particularly students going to CIT who might be doing apprenticeships. They fall through the cracks, in a way, because they are younger; sometimes they cannot live on their own and they face affordability issues.

The federal government has brought in a provision around low socioeconomic students, and that is going to have an impact on the whole country as well as the ACT, where we know there is a lack of student accommodation, although more is being constructed and the universities are investing in that. We know that often students can be vulnerable in terms of being charged too much rent and not being aware of what their rights are.

I will just go to a couple of the recommendations. Firstly, the committee recommended that, through the government's affordable housing action plan, there be a consideration of student accommodation and how it can be supported and developed. It is a key part of our housing infrastructure because we have a number of students from across the country coming to our national institutions and CIT. We also heard from student groups about having student housing cooperative models. The committee also recommends that the government explore this model and look at what has been developed in other jurisdictions.

One of the issues that came up very clearly from a number of groups was around the Residential Tenancies Act and that often people are not aware of their rights and responsibilities and we need to review the act to look at particular areas. That includes definitions of occupancy, standardised occupancy agreements, standardised provisions on evictions, and to include arbitration, provisions around the lodgement of bonds and the process for how occupancy rules are developed and changed and the provision of information to tenants on their rights and responsibilities. If we look into those processes we can possibly improve what we have, stop people being unnecessarily evicted and also make people aware of what their rights and responsibilities are. I thank everyone who contributed to this report and I commend it to the Assembly.

MR HANSON (Molonglo) (10.31): I thank Ms Bresnan, as the chair of the committee, the other members of the committee and the various secretaries that we have had. It has been the nature of the education committee that it has been a bit of a moving feast with both members and secretaries, which goes, in some way, to explain the delay in tabling this report.

Without going through the recommendations in detail, I think we all understand that the tertiary education sector in the ACT is very significant to our economy. It plays a vital role. A big element of that is attracting students to the ACT, not just from interstate but from overseas. At the moment a situation that is having a negative effect on the number of students that we can attract is the lack of suitable accommodation for those students. This report has endeavoured to inquire into ways in which we can improve that situation. There has been work done by our tertiary institutions, and I commend them for that, but there is certainly much more work that can be done.

Government members interjecting—

MR SPEAKER: Order! Mr Hanson has the floor.

MR HANSON: My apologies, Mr Speaker. I was momentarily distracted by the giggling from Mr Barr and Mr Corbell and I could not quite understand what it was all about. Had they been opposition members they would probably have been warned.

In conclusion, I commend this report to the Assembly, but I note that there is much more that can be done and much more that needs to be done if we are to make sure that the tertiary sector in the ACT can be the contributor to our economy and to the fabric of our great city that it potentially can be.

Question resolved in the affirmative.

Health, Community and Social Services—Standing Committee Report 8

MR DOSZPOT (Brindabella) (10.33): I present the following report:

Health, Community and Social Services—Standing Committee—Report 8—*The Provision of Social Housing in the ACT*, dated August 2012, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

I would like to thank members of the Standing Committee on Health, Community and Social Services for their contribution to report 8 and, indeed, for their contributions over the past four years, especially the deputy chair, Ms Amanda Bresnan, who has

been a constant presence and a valuable contributor over the past four years. I also thank four members—Ms Joy Burch, Ms Mary Porter, Dr Chris Bourke and Mr John Hargreaves—who were committee members for various periods over the past four years.

On behalf of the committee, I would especially like to thank and recognise the valuable contributions of members of the secretariat—Ms Grace Concannon, who was the initial secretary when the committee was established and served until 6 January 2012 through various reports; we sincerely thank Ms Concannon for her contribution over that period—and Mr Trevor Rowe, who filled in between February and April 2012. A very special thanks to Ms Kate Harkins, who was secretary between May until the present time, of course, for stepping in at very short notice and catching up on all of the work that she had to do to assist us in the completion of this report. So our sincere thanks to all of them, and also to Ms Lydia Chung, the administrative assistant, who was of such valuable help to all of the various secretaries in the course of the committee membership.

I am pleased to present this report, titled *The provision of social housing in the ACT*, to the Assembly. The health, community and social services committee chose to examine the provision of social housing in the ACT following the ACT Ombudsman's investigation of social housing last year. While the Ombudsman primarily examined the administrative processes surrounding the review and appeal rights of applicants and tenants, this inquiry examined the wider operation of Housing ACT, including its range of available stock, asset management systems and communication practices.

The community received 16 submissions and four supplementary submissions with the majority from housing advocacy organisations. The committee held two public hearings on 14 and 21 September and heard from 18 witnesses. The committee is grateful to all the participants who appeared before us and provided written submissions.

This inquiry highlights the constant struggle for balance that the ACT faces when it comes to ensuring that the most vulnerable within our community have access to safe, secure and affordable housing. This report suggests that, with improved stock management practices and a long-term asset management strategy, the ACT government can aim to expand the lifecycle of existing stock.

The committee also makes a number of recommendations regarding the processes associated with the applicants and tenants of social housing. A large number of the recommendations do not require systematic change but a re-examination of the current system to identify areas for improvement. The committee strongly encourages Housing ACT and the Community Services Directorate to maintain their focus on becoming a human services provider, as all submissions to the inquiry highlighted that communication methods need urgent attention and change. I commend the report to the Assembly.

MS BRESNAN (Brindabella) (10.37): I will just speak very briefly. I would like to thank Mr Doszpot for chairing this committee and always being collaborative with

other committee members in the way we have developed reports. It has been a very good committee to work on. I thank Mr Doszpot for that and I thank all fellow members of the committee. Mr Hargreaves is currently on the committee. As Mr Doszpot has mentioned, we have had a change in members and also a change in secretaries. I also thank Kate Harkins, who I think has done a fantastic job in coming in and bringing all these reports together. She has been a very valuable addition to the Committee Office.

I will just briefly refer to one of the recommendations. One thing that was quite clearly raised through this process was around communication processes for social housing tenants. A number of concerns were raised by advocacy groups about this. The government talked about the gateway quality improvement project and how this is about making changes to the way administrative and procedural matters are dealt with within ACT Housing. It is probably too soon to see how this project is working. I hope that it does work and that it leads to improvements in some of those processes. A number of the groups that appeared said that they had not started to see those changes coming through but, as I said, it is probably too soon.

The first recommendation was that a review of this be undertaken and that it include reference to the areas that were identified in the Ombudsman's report which, as Mr Doszpot said, led to this inquiry. I hope this is something that the government and Housing ACT agree to undertake. It is important to make sure that this project actually leads to the outcomes that have been stated and that we see improvements in the way this is done. Obviously, there are major problems currently and it needs to improve for the sake of those tenants in social housing properties, particularly public housing properties.

Question resolved in the affirmative.

Public Accounts—Standing Committee Report 28

MS LE COUTEUR (Molonglo) (10.40): I present the following report:

Public Accounts—Standing Committee—Report 28—*Review of Auditor-General's Report No 5 of 2011: 2010-11 Financial Audits*, dated 31 July 2012, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

This a short report. Every year PAC looks at the auditor's review of the financial statements. We made four recommendations. The one that was unique for this year talks about the considerable issues which the Auditor-General had—and I think I can say that all the committees had—when trying to understand what was going on in relation to the responsibilities of directorates and agencies due to the reorganisation as a result of the Hawke review. We made the recommendation that, looking at it from a financial point of view, if such major alterations happen in future they should be done

at the end of the financial year, thus to reduce the complexity in reporting arrangements. We also made recommendations about IT systems and that agencies should have in place mechanisms to review all the Auditor-General's reports. As always, I would like to thank the secretary and my fellow committee members for their contribution.

MR SMYTH (Brindabella) (10.41): I would just echo the words of the chair. It does create some difficulty when things like this change. If you are going to make significant change, doing it six weeks out from the end of the financial year does not seem to make a great deal of sense in terms of having smooth arrangements. I would echo the response that perhaps the government should seriously look at recommendation 2 and take it into account in future. Again, thank you to the colleagues and thank you to the secretary.

Question resolved in the affirmative.

Executive business—precedence

Ordered that executive business be called on.

Gaming Machine Amendment Bill 2011

Debate resumed from 17 November 2011, on motion by **Mr Barr**:

That this bill be agreed to in principle.

MR SMYTH (Brindabella) (10.42): The opposition will be supporting this bill. These reforms are long overdue. I think it is to the discredit of the government that for something like five years the club industry has been waiting for some action, and particularly the former minister, Mr Barr, was in many ways negligent in his administration of the industry.

It is quite interesting when you reflect on the nature of the bill—the original bill was just over 20 pages—that we are now confronted with 48 pages of amendments. I think we can firmly put that down to the sterling work of the Standing Committee on Public Accounts and their inquiry into the Gaming Machine Amendment Bill, which has a number of recommendations, some 17 in all, much of which has been picked up in the amendments. So to the credit of the government, they have at least read the report and have acted.

The club industry is often vilified because it has control, on behalf of the public, of poker machine licences. We talk about the harms that do come from poker machines. Indeed, I do not think there is anybody here who would not acknowledge there are some harms for those individuals who have difficulties that lead them to abuse their use of the machines. The majority of people behave responsibly. I believe the majority of clubs behave responsibly in the way they administer the act and that they administer the machines that they have under their control, and in many ways the clubs at the frontline of combating problem gaming do a good job. There will always be people that fall through the cracks and there will always be things that can be improved.

But what the clubs have asked for, particularly over the last five years, is a degree of certainty about their future, what is it that the government expects of them, what is it that the Assembly expects of them, and if they could please have some certainty in administration of their act. And we have seen change after change after change over the last five years, whether it be the introduction of requirements to move smoking into segregated areas or to ban it virtually at all, outright, or other things in regard to the act itself, things like the role of directors and their functions in the club. What they are after is certainty and what they are after is a path forward that would allow them the ability to meet the changes that are occurring in our society that are reflected in the use of gaming machines.

As one of the treasurers of one of our significant club groups said in an annual report a couple of years ago, the golden age of gaming is over, the massive profits that clubs used to reap have disappeared and many of our clubs now trade at very marginal rates and very marginal returns on the significant investment that they have. The downside of that is that the moneys that they put back into the community through their community grant schemes will also lessen. Many of us were there the other day at the Southern Cross Club where in their annual event they gave out significant numbers of cheques of small and medium amounts to a huge number of who's who of Canberra charities. There were a huge number of MLAs there. I think there were 10 or 11 MLAs there at the lunch, which is quite extraordinary. But I think it affirms the value of how we see our clubs and the value of the role that they play in our community.

Hopefully what this bill, very heavily amended, will do is make sure that we have a process, particularly for new clubs to set up in greenfield sites, that we will have a facility that will allow clubs to transfer their machines between venues, under strict guidelines as set out in the amendments, and that we will have a process for the future, because when one reads the government's response to the standing committee it is good that they have taken on board a large number of the recommendations. They are agreed or agreed to in principle. That really does set the tone for what we will do in the future. We certainly need to get these amendments in place and we certainly need then to bed them down to give the clubs the certainty that they deserve.

With that, we will be supporting the amendments and therefore the amendment bill. I have one small amendment which I believe has just been circulated and we will get to that when we get to that part of the debate.

The other thing is that it was a very good process that the committee put in place. One of the things that I certainly appreciated was the honesty of those people that appeared, in explaining their position and the position of clubs throughout the territory, so that the committee had a better understanding of what was going on. I think you can see the influence of what people told us in the committee in the amendments that the minister has now tabled.

I refer particularly to Jerry Wilcox of the Rugby Union Club, who spoke about the impact of ATMs and limits on ATMs. He said, in fact, the club lives off the ATM margins, not particularly off the poker machines. There is an irony, and if we were to

place limits, particularly for the small clubs, it could cause them significant damage and affect their viability. In a way the RUC, where it is in Barton, is also the local bank, apparently. People use it extensively just because of the ability to use the ATM.

So I thank the government particularly for that. We will argue over the number of machines in the cap that they are proposing, but it is good that that has at least been heard by all members of this place and acted upon by the government.

At the end of the day we still have in the amending bill the aspirational target. I am not sure how one puts in an aspirational target and says: "This is now law. We are going to aspire. You are bound by this law to aspire." I think we all aspire to something. The true failing of course is that they cannot explain how they will get there. And you have only got to read the Auditor-General's report where, on their reckoning, it will take something like 26 years to get there. So you have to question the value of a piece of law that is in effect inoperable and will not achieve the outcome that it purports to achieve. If you are putting it there to make yourself look good, good luck to you.

But the reality at the end of the day is, and there was a differing view in the public accounts committee, about perhaps matching New South Wales, which would have had a slightly higher target of about 4,500 machines. But what it is about is, and I have said this on numerous occasions in this place, that there should be some way that we can move forward over a long period. Perhaps the best way to do that is on a per capita basis whereby we determine a number through scientific process, not through what sounds like a good number, a guesstimate. That would give us a relativity that would allow it to be continued so that as the ACT population grew, then there would be automatic ticking off of the cap.

I think coming back to the Assembly every time you want to change the cap is not good process and puts it in the hands of politicians at interesting times in the electoral cycle. What the clubs want is some certainty. What we need to do is bed these down and then have a long-term discussion about how we can make it work even better for a very important sector in our community.

We have all heard chief ministers over the last couple of years going to club functions and saying, "We are a club town and we support the clubs," but it has taken a very long time to get to this position. It is a shame that the club industry has been largely ignored by the government in that regard for the last five years.

With that, we will pass the amendments and will move our own amendment during the debate.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (10.50): The Greens' position on poker machines is very clear. We should be doing all that we can to help the clubs move away from their reliance on poker machine revenue and impose effective harm minimisation measures to reduce the very real problems that poker machine addiction causes in our community.

The Greens will not be supporting the bill or the amendments that the government proposes to move. In saying that, there is one element that we do support, and that is of course the limitation on ATM withdrawals. The Greens do agree that there should be a cap on the amount that can be withdrawn and that it should apply to all venues. I will return to that issue as we debate the government's amendments.

In relation to the cap on the total number of machines, we strongly support a cap on machines. Unfortunately the bill, and particularly the bill as it is proposed to be amended, will do nothing to reduce the number of machines in the ACT. All it really does is allow the machines that we already have to be used to their maximum capacity. In principle, we would agree to a transfer scheme if it was part of reducing the overall number of machines, but that is certainly not what is proposed here.

I have to say that, in the context of statements that have been made that we are trying to encourage clubs to reduce their reliance on poker machines and diversify their revenue, this bill does nothing at all. In fact, in light of the amendments, it does the opposite and appears to entrench the reliance on poker machine revenue.

In relation to the transfer of machines, the Greens are happy to consider a transfer scheme in the context of a broader scheme that would actually reduce the number of poker machines and therefore, we believe, would have an impact on the level of problem gambling. This would also include mechanisms such as the imposition of an annual charge on each licence that is sufficient to compel licensees to return the machines if they are not using them, a trade-back scheme so that some licences are given back in order for the transfer to take place, geographic caps to ensure that we do not get concentrations of machines in particular areas of Canberra, venue and group caps to ensure that venues do not become too large or poker machine operators too concentrated and that there is a space for smaller clubs, a requirement on all traded machines that \$1 bet limits be imposed on those machines. Including these types of measures would deliver a transfer scheme that also allowed for the gradual reduction in the number of machines and addressed the associated harms.

I know that the club industry very much want to be able to move their machines around as freely and as flexibly as possible to maximise the return they generate from them. This is understandable and what we would expect. However, the Greens do not agree that it is good public policy to allow this to occur. Certainly we recognise that the commission will be required to undertake social impact assessments, and I have no doubt that they will do a good job undertaking these assessments. But I am concerned that it will just leave us knowing the negative social and financial impacts that machine transfers will cause without our actually doing anything about it.

The Greens believe that this bill represents a wasted opportunity to make some very productive moves forward on the way we tackle problem gambling in our community while at the same time giving the industry some increased flexibility which they have been advocating for.

As I said, the Greens do support the idea of reducing the number of machines and of imposing a limit on the amount that can be withdrawn from ATMs in venues.

However, given the proposed amendments and the absence of any real mechanism to actually reduce the number of machines, the Greens do not support this bill.

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) (10.54): I thank the Canberra Liberals for their support of these amendments. These amendments strengthen the support to our clubs and do provide some flexibility for clubs and recognise that the club sector is one that provides significant support to the community. As Mr Smyth reflected, at the Southern Cross Club recently the club gave out to many small organisations small grants that made a difference to them and made a difference to the community. I noticed that the Greens were there participating and celebrating in that distribution of funds by the Southern Cross Club to community organisations.

This government does recognise and value clubs. A short time ago I released grants to small clubs so that they could look at diversifying their revenue. Since I have been minister, I have engaged very positively with clubs and I look forward to continuing that into the future. I have more comments on the amendments I will make but I will get to them in the detailed stage.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 11

Noes 4

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

Question so resolved in the affirmative.

Bill agreed to in principle.

Debate interrupted.

Visitor

MR SPEAKER: Before we move to the detail stage, members, I have been remiss to acknowledge the presence of Mr David Lamont in the public gallery again today. Welcome to the Assembly again, Mr Lamont.

Gaming Machine Amendment Bill 2011

Debate resumed.

Detail stage

Bill, by leave, taken as a whole.

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) (11.00), by leave: I move amendments Nos 1 to 64 circulated in my name together and table a supplementary explanatory statement to the amendments [*see schedule 1 at page 3518*].

The amendments I have moved to the Gaming Machine Amendment Bill presented to the Assembly by my colleague Mr Barr in November of last year address issues raised during the Standing Committee on Public Accounts inquiry into the bill and other issues raised during further consultation since the bill's introduction. I wish to place on record my appreciation for the work of committee members and also the approach taken by ACT clubs in working with the government and highlighting areas for improvement.

While these amendments are extensive, their purpose is to improve rather than significantly change the intent of the original bill; that is, to give practical effect to the commitment of the government to reduce harm associated with problem gambling while also providing greater flexibility to clubs to effectively conduct their business. Importantly, this new regulatory framework will also assist the establishment of new club venues, particularly in greenfield areas.

With these goals in mind, I now turn to the more significant specific amendments that I have moved today. Amendments 12, 13, 15 and 20 collectively establish new mechanisms to allow club groups to relocate machines between venues through amending their licences. A distinction is introduced between “large-scale” and “small-scale” relocation proposals. Small-scale proposals are where no more than 10 machines, or 10 per cent of a receiving venue's existing number of machines—whichever is the lower—are to be moved between venues in a club group.

Large-scale proposals will continue to be subject to the regulatory oversight outlined in last year's bill. However, small-scale relocations will be subject to different regulatory arrangements. The commission may or may not require a social impact assessment or social impact statement to be provided if it has concerns that significant social impacts may arise were the proposal to be acted upon. The social impact statement is a new regulatory device introduced by the amendments and is an abridged form of a social impact assessment. Amendment 59, relating to the Gaming Machine Regulation, sets out the requirements for social impact statements, the matters they must address and the information that they contain.

The commission will prepare a guidance document on small-scale relocations that will clarify the circumstances where a social impact assessment or statement may be required. And to clarify a point raised during the public accounts committee inquiry, I can confirm that licensees whose applications to transfer machines are not approved

by the commission in whole or in part will be able to retain those machines at their existing location.

The temporary storage of gaming machines is an important issue for the industry. Amendment 18 provides that licensees may apply to temporarily store up to 10 per cent of their machines at a particular venue for any reason, if they have not done so within the preceding 12 months. This provision will expire in three years.

On the cap and pool, the introduction of a long-term target of 4,000 machines in the territory is a key feature of this bill. Amendments 25 to 32 reaffirm the government's commitment to a sinking cap, but introduce some changes to allow new or single venue clubs to establish new premises. A pool of up to 150 machines will now be available to new clubs and existing clubs with only one venue where the government releases land in the future that is suitable for new club venues.

The pool will exist within the cap. It will initially comprise the small number of licences currently unallocated and will be filled over time, to a maximum of 150 machines, as machines are surrendered or cancelled. The cap will thus sink in circumstances where the number of machines in the pool would otherwise exceed 150.

The current amendments also slightly alter what will follow after the 4,000 target is reached. It is now proposed that a per capita based system be introduced, with the details to be determined by a review.

It remains the government's wish that the target will be reached through the voluntary surrender of licences over time and the cancellation of licences in cases of regulatory noncompliance. The government will review the rate of introduction of gaming machine numbers in the territory 24 months after the amended bill commences.

Amendment 33 establishes a process for clubs to seek in-principle approval to established gaming machines in a new venue, setting out how applications may be made, how such approvals may be issued and how they are subsequently converted into standard licences or licence amendments.

The advantage of these new arrangements will be to provide an indication to applicants and their finance institutions as to how many gaming machines they could potentially operate from a new venue, should they be able to secure that site.

Amendment 1 updates the commencement of the bill's provisions to 1 January 2013, with the exception of the ATM withdrawal limit. The latter may now commence at a time to be determined by the minister. This will allow for potential harmonisation with any parallel regulation put in place by the commonwealth. The limit will nevertheless commence automatically 12 months after the commencement of the remainder of the bill.

The government recognises that the proposed ATM withdrawal limit, if universally applied, may cause undue hardship to small clubs and other venues, while having little impact on problem gambling. Accordingly, amendment 38 provides three exemptions to the withdrawal limit. These are in relation to ATMs brought in temporarily to the Canberra Racing Club for race days, small venues with 10 or fewer gaming machines and venues which only operate less sophisticated class B machines, typically in pubs and taverns.

I can also inform the Assembly that following comments made by stakeholders during the bill's review by the public accounts committee the Gambling and Racing Commission will shortly prepare a document to clarify how social impact assessments are conducted, particularly in terms of their consideration of potential for "over-concentration" of machines.

In conclusion, the bill and these amendments will together substantially change for the better the regulatory environment for ACT clubs. As a package they provide more flexibility to licensees in a number of ways, while also responding to the community's clear expectation that action is taken to address the harm caused by problem gambling through gaming machines. I believe that this package strikes a fair and reasonable balance.

MR SMYTH (Brindabella) (11.07): We will be supporting the amendments. It is interesting that you have a pack of amendments that is twice the size of the original bill. You would be well aware, Mr Assistant Speaker Hargreaves, of the excellent work of the Standing Committee on Public Accounts in listening to the community and making very solid recommendations to the Assembly about what should occur.

That said, we welcome these amendments. They give some certainty. They allow the introduction of new players into greenfield areas, not just existing clubs. They give some of the smaller clubs some certainty.

I will foreshadow my amendment. The minister, I understand, has moved that the limit that had originally been imposed, of 10 machines, with respect to ATMs, be increased to 15. I will move an amendment to increase it to 20. I will address that further, but in the main we are happy with these amendments.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (11.09): As I mentioned during the in-principle debate, the Greens do not support these amendments. We think that they set the bill back some way. We do not agree that any venue should ever be exempt from harm minimisation measures and we do not agree that we should legislate to guarantee that we remain the jurisdiction with the second highest number of machines per person in perpetuity—assuming, of course, that we actually manage to get the numbers that low in the first place.

In relation to the creation of a pool of machines for smaller clubs, I will say that in principle we agree it is preferable that new machines go to smaller clubs rather than larger ones. But there are other ways of achieving this, such as those that I previously outlined, and on balance we do not agree that we should be creating a mechanism designed to ensure that machines are always available. The Greens will not be supporting these amendments.

MR SMYTH (Brindabella) (11.10): After discussion with the Deputy Clerk, I move amendment No 1 circulated in my name [*see schedule 2 at page 2546*].

As I said earlier, this amendment will amend the minister's proposed new section 22(2)(a) and replace "15" with "20". When one looks at a list of the clubs that are

covered by this, it would simply allow three smaller clubs, being the tennis club, the Harmonie German Club and the Austrian Australian Club, to also be excluded from the cap on ATMs.

I do not think it is a big ask. In the original bill it was only 10 machines, which, of course, would have excluded the ACT Rugby Union Club, which so eloquently put to the public accounts committee that their dependence was on their ATM rather than on their pokies. At least it has moved from 10 to 15, which included the person who made the case, but I do not see the harm in including another three smaller clubs. If the fees from ATMs are important to the survival of small clubs then it is important that we give as many small clubs as possible the opportunity to have that windfall, if they choose to have an ATM or not, so that we do keep our diverse range of clubs alive.

One is a sporting club and two are ethnic-based clubs. Those sorts of clubs have been very much the mainstay of the club industry in the ACT. I do not think it is a large step. If one consults the list there, after that you are really talking about clubs that are up in the high 30s, 40s and 50s, or they are members of a club group, anyway, so they would not be covered.

I think it is a reasonable amendment. I do not think it is too much of an ask and I would ask members to consider at least allowing those other three clubs to be included within this cap.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (11.12): We will not be supporting this amendment. The Greens' view is that there should be no exemptions, so we certainly cannot support an increase in the numbers, as proposed in Mr Smyth's amendment.

I think Mr Smyth was referring to the Lyneham tennis centre. It is interesting that the other night the Belconnen Community Council were given a presentation on the fantastic redevelopment plans they have for that centre. Part of that is going to be handing back the poker machines, and they were warmly applauded by all those attending that meeting. We will not be supporting the amendment put forward by Mr Smyth.

Mr Smyth's amendment to **Ms Burch's** amendment No 13 agreed to.

Ms Burch's amendments, as amended, agreed to.

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

MR ASSISTANT SPEAKER (Mr Hargreaves): The question is that the bill, as amended, be agreed to.

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) (11.14): I want to take a moment to thank the public accounts committee for the work they did on this. I have had a number of

conversations across the club sector and they do wonderful work. To the commissioner for gambling and racing and the staff within the directorate who made these changes and who now see them come to fruition, thank you for the work.

Question resolved in the affirmative.

Bill, as amended, agreed to.

Road Transport (Third-Party Insurance) Amendment Bill 2011

Debate resumed from 17 February 2011, on motion by **Mr Corbell**, on behalf of **Ms Gallagher**:

That this bill be agreed to in principle.

MR SMYTH (Brindabella) (11.15): This bill was presented by the former Treasurer, Ms Gallagher, in February 2011. Fortunately at that time the Assembly recognised that this bill was premature given that the CTP reform bill of 2008 only came into force on 1 October 2008 and had a review clause in it. The Assembly asked the public accounts committee to inquire into this bill, and you will all recall that this inquiry was delayed while the government complied with the review requirements included in the act. Despite the disingenuous comments put out by Minister Barr about it being delayed by the Liberal Party, the true delays, of course, came about when, in complying with the law, Minister Barr took six months, despite the former Minister for Transport saying they would knock the review off in perhaps a month, the committee could have it in November and we would pass this bill in December 2011. It is important for the record that people know that any delays in this bill being passed rest fairly and squarely on the shoulders of the minister.

Members will recall that PAC conducted an inquiry and was able to finalise its report in April this year. PAC made a number of recommendations. The key recommendation was recommendation No 10, where PAC recommended that this bill not be supported in its current form. That was, of course, a unanimous report of the public accounts committee. We need to note that the government has now responded to the public accounts committee report. It was circulated out of session but was only tabled this week. Again, if the minister had wanted to deal with this earlier, he could have by ensuring that he had complied with the promises of the former minister, now the Chief Minister.

It is an interesting response. Basically, the minister has agreed to all of the recommendations except for the one saying the bill should not be supported. There is an internal inconsistency in the government's approach: "Yes, PAC got it right; yes, more work needs to be done; yes, everything that you've said is valid, but I don't care, I'm going ahead." You have to question the logic of that argument: "The recommendations are supported or will be looked at, but we will blunder on anyway." It seems a little bizarre that the government has supported all of the report except the key recommendation.

There is no question that it is too early to be able to make a fully informed judgement about the effect of the 2008 reform package and to assess the effectiveness of those reforms against the claims made by this government when those reforms were introduced. The three fundamental objectives which were sought by the government when Mr Stanhope presented the reform in November 2008 were to have a CTP scheme in the ACT that has a platform for licensing regulation and claims procedures broadly similar to schemes applying in New South Wales and Queensland, to foster competition by encouraging other insurers to operate in the ACT CTP market and so reduce premiums, and to improve health outcomes for people injured in motor vehicle crashes.

The opposition strongly supported the 2008 reforms, but we recognised that it would take some years for these reforms to have their full influence on the CTP market in the ACT. Indeed, it was my amendment that inserted the review clause requiring a review starting in October last year. It is about getting the balance right, particularly when legislating away people's rights in the vain hope that we might achieve something else.

There are two significant groups of people to consider when debating the effect of CTP insurance on the cost of living. The first group is all those of us who pay CTP insurance premiums. A critical issue in consideration of CTP insurance is the level of premiums. These premiums are a significant cost-of-living issue for many thousands of people and families in the ACT. There is much concern about both the level of CTP insurance premiums and the rate of increase in those premiums year on year.

Mr Stanhope, when talking about the 2008 reforms, spoke about reducing premiums. Ms Gallagher and Mr Barr have talked about the effect of this latest bill on premiums. When the bill was presented by Mr Corbell on behalf of the Chief Minister, he said the bill "lays the groundwork for lower premiums". Notice the very careful wording—not a promise for lower premiums, but it "lays the groundwork for lower premiums".

When Mr Barr appeared before the public accounts committee in relation to this bill, he said ACT households and businesses derived relief from these significant cost pressures caused by the high CTP insurance premium. Immediately after Mr Barr said this, what did his officials say? The head of Treasury said that the bill "will put downward pressure on the increase in premiums". Again, there was no reference to reducing CTP insurance premiums, just to slowing the rate of increase in these premiums. After the rather gung-ho comments made by Mr Stanhope—and we know we do not have an additional provider and we have had not lower premiums since the 2008 bill—more recent comments from this government recognise that actually reducing CTP insurance premiums is extremely unlikely irrespective of what action a government may take.

The second group of people are all of those who are injured as a result of a motor vehicle crash. These people typically have very real cost-of-living concerns, and, if we are being fair dinkum about dealing with everyone in our community, we must not ignore these people. What does this bill do for those who are injured? Again, there are two groups of people to consider. First, for those people who are assessed as having a

permanent impairment of at least 15 per cent, they will lose their access to claiming damages for non-economic loss. Hence, where any of these people require ongoing treatment of any sort, they will have to fund the cost of that treatment from their own resources. That obviously has a direct and adverse impact on their cost of living as well as the nature of their lives for the rest of their lives. And then, depending on the nature of their injuries, these people could have to rely increasingly on government programs for support.

Second, for those people who do not receive damages for economic loss, the basis of determining the quantum of these damages will reduce the amount of damages that would otherwise have been determined. Again, to the extent that the damages do not permit these people either to be rehabilitated or to live a reasonably fulfilling life, these people will have to find the necessary funds from their own resources. This is clearly a direct and adverse impact on their cost of living. Moreover, as people have more serious injuries, presumably the prospect of them having to rely on government programs is also increased.

It is simply not correct, therefore, to suggest that this bill will lead to lower CTP insurance premiums—indeed, on the form of this government's promises, one can expect that they will not, and we have not seen a decrease in premiums over the last four years—or that it will not be neutral with respect to cost-of-living pressures. While it is easy to see the reality of CTP insurance premiums in the context of cost of living, it is much harder to quantify the cost-of-living outcomes for people who have been injured. These people must not be ignored or overlooked in our consideration of this important matter.

In addition to the cost imposts on these two groups of people, there are other avoidable costs. It is easy to make the existing process more efficient and cost-effective—I will outline the detail of this in the detail stage—thus reducing unnecessary costs on the CTP regime. On balance, therefore, we are not persuaded that the bill we are debating today in its current form is appropriate, given the recent history of reform to CTP insurance in the ACT and given the consequences for all injured parties, including those people who are injured in motor vehicle crashes.

I will be proposing a number of amendments to the bill to make the operation of the CTP insurance regime more efficient and effective. My amendments will make the CTP insurance regime more flexible, more cost-effective for claimants and more certain in terms of outcomes for all parties. I need to comment on my first amendment. This will remove the requirement for a certificate of readiness to be available that says a party is ready for trial. This amendment will remove unnecessary cost imposts on matters which are being dealt with in conferences. At present, the act requires a certificate to be available. It is very unlikely, however, that at that point all matters will be discovered and agreed. Hence, it is simply not possible for a certificate to be available. What this means is that parties have to go to court to get an exemption from the requirement, and we all know that every time you go to court, somebody pays. My understanding is that this cost will be in excess of \$5,000 to achieve a position which should not have been required in the first place.

I note that the Treasurer has said that the situation in the ACT is the same as that which applies in Queensland, but this is not the case. If the Treasurer had undertaken effective research into this matter, he would have discovered that on 7 October 2009 the then Queensland Attorney-General introduced a bill to remove a similar provision from the Personal Injuries Proceedings Act, or PIPA. The attorney said in his second reading speech that other amendments to the Personal Injuries Proceedings Act will remove the requirement that parties must sign a certificate of readiness for trial prior to a compulsory conference. This amendment removed the requirement from section 37 of the so-called PIPA. Legal advice I have received from both the ACT and Queensland is that the amendment to PIPA was meant to have also been made to section 51B of the Motor Accident Insurance Act. The fact that it was not made to that act was an oversight. Section 51B as it stands has never been tested in Queensland. If it was tested, legal opinion is that a court would make the appropriate declarations.

Irrespective of the situation in Queensland, I see absolutely no reason why the ACT should retain the provision for such a certificate to be provided, it is an unnecessary cost impost on the CTP insurance scheme and it is an unnecessary delay to achieving progress in resolving claims. Again, I will deal with this matter when we get to the detail stage, and I will comment on my further amendments also at that time.

What the Canberra Liberals today will seek to achieve is balance. We want to improve the process to keep more people out of the court which will lead to better outcomes and also a cheaper system. That should put downward pressure on CTP premiums, making premiums cheaper. But we do not want to legislate away people's rights, and that is the balance that is required.

These amendments to the act will take the scheme from using the American Medical Association guidelines for determining degree of injury from AMA 4 to AMA 5. These guidelines were never intended to be used as a method for determining the compensation that somebody should be paid having been injured in a motor vehicle crash. It is for that reason that we will seek to remove clause 22 from the minister's bill.

This bill does nothing to achieve that which the minister says. When he tabled the report yesterday he talked about the monopoly the NRMA has. The NRMA is a sole provider; it is no monopoly. There is no monopoly in the ACT for the provision of CTP. Any insurance company that wishes to make that decision can come to the ACT, having met the requirements, any time they want. It is not a monopoly, and the minister should know better and should not be putting that rumour about. But, of course, that rumour suits his case.

These processes that the minister put in place from my discussions with insurance companies will not guarantee a single insurer will come to the ACT. They use words like "might be more inclined to" or "slightly more inclined to", but none of them would give me a guarantee. There are other things that they want, but these are things that, clearly, the minister is not willing to give them, otherwise they would be in his bill today. They all told me they made quite clear to the minister the things they required before they would come to the ACT.

Given that we will not get those things the minister claims we will get, given that we will not get a balance in what we do, given that we will not get better process, given that it will take away the rights of individuals, the opposition will not be supporting the bill in its current format. But it will move sensible amendments to improve the process and protect the rights of individuals, thereby having a balance to satisfy all of the requirements of what we as a community not just want but deserve—the protections that our insurance system offers us.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (11.29): I think the first point to be made about this debate is that it can easily become emotive and play on different prejudices, be they of lawyers or insurance companies. Descending to that does not do justice to what are some very challenging issues.

Unlike many other debates in this place, our decision on this bill will have an everyday impact for most people and a very acute impact on a considerable number of Canberrans every year through no fault of their own. We have the very difficult task of balancing those competing interests and making a public policy decision that will have a very significant impact on people's lives.

In amongst all the complexity of the scheme and competing options for reform, there is a basic question to be asked: what level of cover do we want to compel Canberrans to purchase? We all know that driving is a risky activity and that the unfortunate reality is that it is one of the riskiest things most of us will do on any given day. Compelling people to purchase insurance for that activity is a very sensible policy that we have had for some 60 years. Compelling the purchase of insurance spreads the cost of driving across all drivers and ensures that those who are injured in motor accidents are covered by insurance for that loss.

Insurance is a unique product, unlike just about everything else we buy. When we purchase insurance, we hope that we will never have to use it. CTP insurance is no different. No-one wants to be in an accident; but we want to know that, if we are, we have insurance to protect us from the loss we suffer. Of course, we also want to pay no more than is reasonably necessary for that cover. Added to that, I suspect that people across Canberra, if given the choice, would choose different levels of cover, just as they do for other types of insurance.

All these competing interests and issues make this a very difficult issue. I do not have a definitive answer about what that level of cover should be; it is almost an impossible question to answer. We can never know the different impacts that an accident will have on any given individual, and I have to say that being charged with the task of choosing the level of cover that should be applied when the consequences are so great and we can never really know what they will be is a task that I have really struggled with.

In assessing the bill, I think it is important that we consider where these proposed changes came from. These amendments essentially copy the scheme in New South Wales. That scheme was created in the late 1990s as a response to the insurance crisis. They were designed by insurance companies to manage the risk they found

themselves exposed to and ensure their profitability. The reason that they are being proposed here is to make the ACT market more attractive to other insurers. There is no science behind the particular measures that are being proposed; largely, they just reflect what took place in New South Wales. Why do we want to make the discount rate five per cent? Simply because that is what it is in New South Wales—not because there has been any analysis of the fairness of that change; it is because that is what they do in other states.

I would also say that I do not think that this is the only option for reform, and we should not see it as a “take it or leave it”. There is a range of ways that we can control the way the pool of money is divided up to ensure that the scheme is as efficient as possible and that we charge the lowest possible premiums for the best possible cover for the community.

In working out how we achieve that aim, there are a number of factors that need to be considered. The first, which I think we probably all agree on, is that the number one output of the scheme is that it facilitates the best possible health outcomes.

The government has raised the argument that the current scheme creates a perverse incentive not to get better and that the proposed changes will promote better health outcomes. Last year Jon Stanhope wrote an article entitled “The case for compulsory third party insurance reform in the Australian Capital Territory”, which was published in the *Canberra Law Review*. In that article, he cites two studies which found that the average recovery from whiplash injury was faster under the New South Wales scheme than under the ACT scheme. Conversely, the submission by the Law Society cites different studies that conclude that that is not the case. And I have seen other studies that also disagree with the position advocated by Mr Stanhope.

The difficulty I have with the argument that recovery times are improved is that I cannot see any measure in the bill that will achieve this aim and cannot agree that essentially anticipating that people will do the wrong thing or that they are not motivated to get better should be a reason to reduce the available compensation to everyone.

There is no question that we should be encouraging people to get the health care they need as quickly as possible and to resolve their claims as quickly as possible and get on with their lives as best as is possible. The Greens believe that there are ways of achieving this in a more sophisticated manner than the blunt instrument proposed, which would effectively exclude injured people from compensation for their non-economic loss.

This has been a particularly controversial proposal. Like all members, I have had a very large number of emails and phone calls, probably more than for any other issue over the term of this Assembly. Many of these have been from people who have been injured, arguing vehemently against the changes. Not a single person who has been involved in an accident has supported the changes. I think that this is an important point. Suppose we have the proposed scheme in place and premiums are slightly less. I do not believe that if you asked anyone who had been in an accident if they could go back in time, pay an extra \$20 or \$30 in their premium and be compensated for the non-economic loss, they would decline that opportunity.

I have also had many emails complaining about the high price and questioning why we have to pay more for insurance than other jurisdictions. The reality is that this will never be an apples and apples comparison. Aside from the risk rating issue, the fact is that Canberrans have higher average incomes; that will always mean that we suffer a greater loss when we are injured and will therefore always pay those higher premiums. Added to this is the fact that we have more accidents and that, on average, they tend to be at higher speeds and therefore more serious; that also drives up those premiums.

I certainly understand the desire for premiums to be lower; rego is a significant cost to a household budget. But as I said, I am not convinced that those who are advocating for a lower premium would maintain their position if they were the ones in an accident who were then given the ability to go back in time and pay just that little bit more.

I also have to make the point that the potential gains for these changes are very speculative and depend upon another insurer entering the market and being able to offer a CTP product at a lower price. Given that there will be significantly fewer claims and less risk, I believe that at the very least the premium probably would not grow any faster, and it may well become slightly cheaper. What is certain, though, is what is being given up for that uncertain gain.

During the detail stage, we will be debating a range of ideas to make different changes to the scheme. One general point that I would like to make is that whatever we do to improve the scheme should not be adding to the cost of the scheme. I would also like to echo Mr Smyth's point that it is not a monopoly market here: other insurance companies can come in and open up their doors; they are just choosing not to.

I have met with a range of stakeholders on a number of occasions. All those meetings have been very productive, and all sides have indicated that there are other ways forward and a range of things that can be done to improve the scheme. I would like to thank all of those who have had meetings with me and my office. Even though I cannot agree with all they have advocated, I would like to thank them for the information they provided. It was thoroughly considered and very helpful for us in formulating our position on this bill.

I would also like to thank the minister's office and the Treasury Directorate for responding to our request for information and negotiating in good faith. Even though we have to agree to disagree, the negotiation to attempt to find common ground was always cordial.

Whatever the outcome of this debate and the extent of the amendments that are made to the bill, this is certainly not the end of the road on CTP reform. The Greens' view is that there should be consistent incremental improvements to the scheme. There are all manner of ways we can change things—everything from imposing different caps for different parts of the scheme to moving to a completely no-fault compensation scheme or combinations such as providing no-fault medical care to all people injured in motor vehicle accidents so that at-fault drivers are also covered for their medical expenses. Something like that might be a reasonable compromise for the types of

reforms proposed. Certainly, whatever happens, we are very open to options for reform and happy to discuss any further proposals in the next Assembly.

The Greens do not support the provisions in the bill that will arbitrarily limit access to compensation for non-economic loss. We cannot agree that there should be a single above and below threshold that sees an injured person either in or out. Similarly, we do not agree that the discount rate should be increased just because that is what happens in other jurisdictions.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (11.39): I thank Mr Smyth and Ms Hunter for their contributions.

In bringing this legislation forward, the government have been clear that our aim is to reform the CTP insurance system in the territory. The government have considered how best to deal with the cost-of-living implications of CTP premiums and how to offer better health outcomes for claimants. Our reforms seek to address those issues by increasing competition in the market, leading to reduced costs of premiums for households and for business.

There are about 263,000 CTP premium payers in the territory. Each of those would be aware that premiums have risen by 50 per cent in the past four years. On 1 September this year the average family car CTP premium cost will be \$578.70. This puts registration costs above \$1,000 for the first time. Providing competition among CTP providers in the territory is one reform that will be facilitated by this bill. Increased competition will provide an incentive for insurers to improve claim handling and to place downward pressure on premiums. In the absence of these reforms, there is no likelihood of another insurer entering our market, due to our small pool and the risk profile that previous speakers have alluded to.

Members may be interested to note that documents sought by the Law Society and recently released by Treasury relating to legal costs since 2000 indicate that over \$77 million has been paid to Canberra legal firms, including \$8.2 million in 2008, almost \$10.3 million in 2009 and around \$8.1 million in 2010. I was interested to note that the Law Society walked away from the release of information about fees paid to individual firms; perhaps in the future, in this era of greater transparency, these costs could be further investigated.

These reforms will also provide a system that focuses on return to health for people who are harmed in a crash, aligning the territory's CTP scheme more closely to those of other jurisdictions. The provisions in the bill are not particularly new. As speakers have alluded to, the permanent impairment threshold to access damages for non-economic loss comes from legislation that was passed in the New South Wales parliament last century. The New South Wales Motor Accidents Compensation Act 1999 reflects various iterations of the threshold concept as a gateway to NEL under common law in every other jurisdiction except the Northern Territory, where a 100 per cent no-fault defined benefit scheme is in place.

It is important to put on the record that, despite some fairly ordinary and outrageous claims from some in this debate, the government's bill in no way reduces access to compensation for future medical care, rehabilitation, home care or loss of income. All people injured through the negligence of others in motor accidents will retain their existing right to have compensation assessed and awarded for these categories of damages. The bill does not in any way alter or detract from those rights. Rather, it facilitates access to them. And, of course, it provides a direct pathway to judicial review in connection with impairment assessment disputes, preserving a right to contest access to non-economic loss and to obtain a court decision with respect to it.

The issue of human rights has been raised in relation to the impact of a number of these reforms. I have provided information in the government response to the scrutiny of bills committee; however, I think it is worth spending a moment touching on some of the issues here this morning.

With regard to the impairment threshold, it is important to recognise that the threshold criteria only apply to non-economic loss. I reiterate that a claimant's right to ask a court to assess their claim for all other heads of damages is not removed. This includes all costs and expenses incurred by the claimant. Indeed, claimants have the right to seek a judicial review of a medical assessment with respect to the threshold. Implementing a threshold is a key component of improving the CTP scheme. It ensures the most severely injured persons are still able to claim pain and suffering in respect of the significant and ongoing, but unquantifiable in monetary terms, impact their injury it will have on themselves, their families and their carers for the rest of their lives.

The government recognises the costs of appropriate treatment and rehabilitation. If a person is injured in a motor vehicle accident, it can be sudden, and indeed can be expensive. That is why the government proposes to enhance the focus on early treatment and rehabilitation already in the CTP law by encouraging persons with minor injuries to promptly seek treatment, with less concern for the amount of their damages claim. The current CTP scheme too firmly emphasises maximising lump sum payments using the court system process. This can be prolonged and acts to the detriment of early treatment and rehabilitation. Instead, the bill encourages early rehabilitation and the speedy resolution of CTP claims.

Members will be aware of the government's response to the Standing Committee on Public Accounts report on the bill. The government has accepted the committee's finding in relation to the 28-day time frame to give notice of an injury, and this has been dealt with by way of an amendment to the bill.

Finally, I would like to turn briefly to the 2008 CTP reforms, the claim made by some that they have had no impact. Our recent review indicates there have been benefits from the legislative changes introduced in 2008. There is some increased focus on treatment and there has been some downward pressure on premiums. However, the review was really only able to look at less complex cases, as more complex cases were still in the process of settling. Nevertheless, as the government has previously made clear, it is unlikely that the 2008 legislation would continue to place significant

downward pressure on premiums. Indeed, it is not the case that the 2008 reforms have failed or have had no impact. That is not why we have brought these current reforms before the Assembly. The benefits of the proposed reforms include the potential for competition in the market as well as curtailing claim cost inflation.

Importantly, our current amendment addresses a technical deficiency in the 2008 legislation. The 2008 reforms were intended to cap the maximum legal fees payable for small claims, which are claims less than \$50,000, excluding pain and suffering. There is, however, a drafting loophole in the CTP law in this respect. Clause 17 of the government bill would correct this issue by making the exclusion of pain and suffering explicit and securing the original intent to encourage people with minor injuries to pursue early intervention, treatment and rehabilitation. In the absence of this particular change, it appears that any gains from the 2008 reforms would be quickly undone, and this would place immediate and upward pressure on premiums of somewhere between \$25 and \$40 per annum. This would amount to a further premium increase of between 4.8 and 7.6 per cent, in addition to the recent 10 per cent increase.

The government stands by CTP reform. The benefits of the reforms are for all the households in the territory. The benefits of the reforms are for those unfortunate enough to be in an accident, by focusing on early rehabilitation and the speedy resolution of CTP claims. There is no doubt that, in the context of seeking to eliminate economic rent and undertake the sort of microeconomic reform that is necessary in this country, it requires hard work and hard yards. There are always those who will take the cheap and easy option. It is always easy—

Mr Doszpot interjecting—

MR ASSISTANT SPEAKER (Mr Hargreaves): Mr Doszpot, we have got a list started; let's not add to it.

MR BARR: It is always easy to squib on an important reform. But this problem will not go away. Unless we address it, it will just grow and grow, and the sort of remedial action that will be necessary for some future parliament will be even more significant. The one thing I know with absolute certainty is that, if we do not deal with this now, someone else will have to deal with it later, and the problem will be worse and the challenges that confront legislators will be even more significant. That is the challenge for all members: when we go to the detail stage later in this sitting of the Assembly, who will have some courage for real reform? We will see that tested.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

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

Public Interest Disclosure Bill 2012

Debate resumed from 7 June 2012, on motion by **Mr Barr**, on behalf of **Ms Gallagher**:

That this bill be agreed to in principle.

MR SESELJA (Molonglo—Leader of the Opposition) (11.50): The Canberra Liberals will be supporting this bill today. I would like to emphasise that public interest disclosure legislation should at its heart encourage individuals to report wrongdoing. I should also say at the outset that changing legislation will not mean a change in culture, and it is the culture that has been rotten under ACT Labor when it comes to whistleblowers. I will come to that in a few moments.

PID legislation occupies a unique space between the need to maintain confidentiality and the responsibility to disclose practices that are conducted outside the best interests of the public. The Canberra Liberals' position on such matters is clear. Whistleblowers are people who strive to do the right thing and bring community attention to wrongdoings, and as such should be protected. This hits home to the core of what it means to foster good public administration.

In this regard, the Canberra Liberals believe that government functions at its best when it has as its main priority the objective to serve the community and is open to public scrutiny. That was why, as early as last October, one of our first policy releases included a commitment to establish a truly independent ACT Public Administration Commission to ensure that our public servants are supported in being the best local government in Australia. The Canberra Liberals are committed to fostering a public service that is able to give frank and fearless advice to government without negative consequences, as has been the case with this present administration.

I would like to note several key elements in this bill. Clause 7 establishes the meaning of public interest disclosure. Interestingly, it does not count policy disagreements to be included in PID.

Clause 11 identifies the Commissioner for Public Administration, the Ombudsman and the Auditor-General as disclosure officers, noting that in practice these officers will refer PID to the responsible entity before they conduct their own investigations. Can I say that clause again, without the reforms that the Canberra Liberals propose to make about an independent position, sees one of those officers being answerable to ministers not independent from government. We believe that is less than adequate.

Clause 12 notes that PID not only involves the entity and its officials but also other persons that affect the functions of the entity, for example, contractors. Clause 15 specifies the most likely scenario to make a PID is to speak with one's immediate supervisor or manager. Clause 16 notes that a PID disclosure can be made in any way, even inadvertently. Clause 18 offers that the entity responsible for the subject matter of disclosure should investigate a disclosure internally. Clause 20 allows for the investigating entity not to investigate. A possible example could be the age of the disclosed information.

Clause 27 specifies conditions when an individual can make a disclosure to the media or a member of the Assembly. Failing these conditions, they do not receive protections under this bill. Clause 42 specifies that only a Supreme Court can issue an injunction to stop or prevent detrimental action from occurring.

As I noted earlier, it is interesting to note that after 11 years of this ACT Labor government, only now it seems they are taking some steps to improve protection for whistleblowers. But the truth must be told. Under this ACT Labor government in general, and under this Chief Minister, persecution of whistleblowers and the protection of bullies has become endemic. We hear stories of 10-year wars in the Chief Minister's department, doctors leaving en masse, the distressing cases of whistleblowers who lose not only their job but their homes and their health because of the bullying culture of this government. Legislation will not fix this. Only a change of government will fix this. And of course, this week we saw the examples in relation to the no-confidence motion.

But let us have a look at some of the examples of whistleblowers and other brave public servants who have been shoddily treated by this government. Debbie Scattergood revealed that TAMS had wasted taxpayers' money on a \$15 million contract for unforeseen expenditures. In return for highlighting this discrepancy, she suffered discrimination at her workplace for four years, with the added insult of having her department trying to restructure her out of a job, not to mention findings on a biased report against her and allegations of a cover-up.

The result of her ill-treatment by her employers at TAMS left her with reactive depression, and the strain on her finances forced her to sell her home. This is how the government treats a 30-year veteran of the ACT public service for, as the Price report states, having legitimately raised a genuine concern. All in all, it took Ms Scattergood one year to get reports of investigations of her own mistreatment, costing her \$22,000 in legal fees.

At a time when the Chief Minister promised to make the ACT government the most transparent government in Australia, TAMS failed to issue 17 of the 21 key possible findings in the report sent to her. It is another example of the hypocrisy of this government, saying one thing and doing exactly the opposite.

We saw the example of Doug Buchanan, who was cleared in relation to allegations against him. The Hamburger review issued in March found that Mr Buchanan was mentoring the AMC leadership team and leading by example in his interactions with staff and detainees and that feedback from some external stakeholders was that the superintendent was having a positive impact on AMC operations. The review also noted that staff morale improved significantly after Mr Buchanan took over.

A professional with 30 years experience in the corrections industry was denied due process because of his opposition to the government's needle and syringe program. You will recall the Canberra Liberals called for a committee to investigate Mr Buchanan's departure, but the Labor Party, with Greens support, rejected this.

In February this year the Canberra Liberals uncovered that a confidential phone line set up so that staff and detainees could give confidential evidence to the human rights audit conducted by the Children and Young People Commissioner, Alasdair Roy, was compromised. In one instance Mr Roy approached a complainant's supervisor at Bimberi and informed the supervisor of the complaint that was lodged. In fact, we learnt of the complainant's name because, in a letter to Mrs Dunne, Mr Roy mentioned the complainant's name not once, but three times.

In March we received revelations of departmental documents suggesting staff collude with department managers. This was subsequently corroborated after three separate Bimberi staff claimed the process was corrupted and problems were being covered up, with news that one staff member was sacked after giving evidence and another stood down for their involvement in the review.

The Canberra Liberals' preference was this matter be handled through a judicial inquiry. But even with the evidence that due process was corrupted, ACT Labor and the Greens conspired against calls for a more thorough inquiry. This is another example that you can change the legislation all you like but the culture of this government is a sick culture. It is a culture of bullying, and the only way to fix that would be to change the government.

We saw the example of Neil Savery, who was, in estimates, relieved of his role as chief planning executive, whilst trying to maintain the integrity of the ACT planning process, with improper government interference by former Chief Minister Jon Stanhope and other officials. According to Mr Stanhope, mounting tensions between Mr Savery and the government marked the final straw that extraordinarily led to the commissioning of Alan Hawke's review of the public service.

The outcome of this review saw the independence of ACTPLA now subsumed within the Environment and Sustainable Development Directorate, and its director-general assuming the chief planning executive role. Mr Savery was pushed aside. Mr Corbell claims he has respect for Mr Savery but he did not protect him. Mr Corbell says he is a fan of Mr Savery but he hung him out to dry. He allowed him to be hung out to dry by this government because Mr Savery dared to say that we have an independent planning process and it should not be compromised.

The point that Mr Savery was making, and it is a legitimate one, is that there is a role for politicians to interfere in the planning process but there is a clear way of doing that. There is legislation which allows that. There are call-in powers where ministers can come in and make whatever decision they like and then they are answerable for it. But there was this kind of interference in the background, which Mr Savery was subjected to. We have this extraordinary position where the chief planner of the territory was forced to write a minute saying that the government interference in the planning process had completely compromised the Giralang process. How was Mr Savery treated? He was pushed aside, hung out to dry.

Then, of course, we have seen the bullying at Canberra Hospital, as early as February 2010, when serious accusations were made by doctors about the hostile, intimidating

work culture that they had to work in. The health minister's response on ABC radio was: "Well what issues, Ross? This is the frustration I have." What issues? We had further bullying of these individuals for daring to speak out, we had bullying from the former Chief Minister, egged on by the health minister, that he would dredge up every old Medical Board file for anyone who dared speak out against the government.

This is the culture of Labor. This is the culture we have seen for 11 years. Does anyone really think that by changing the legislation that culture is going to change? Of course not. The only way to change this culture is to change the government. We had Ms Gallagher's denial at the time in relation to the obstetricians.

Ms Gallagher: That would be "Gallaher", Mr Seselja.

MR SESELJA: Thank you, Ms Gallagher. It is interesting, is it not, and extraordinarily sensitive? Ms Gallagher denied at the time that nine obstetricians had resigned in the past 15 months, citing bad workplace culture. It is interesting that when we are talking about her bullying and her department's bullying she focuses on the pronunciation of her name. Isn't that interesting? Isn't that an interesting insight into her responsibilities as a minister and what she takes seriously, what is important to her, what is important to this minister? Extraordinary, isn't it? You do not like hearing about the bullying in your department, do you?

MR ASSISTANT SPEAKER (Mr Hargreaves): Come to the subject, please, Mr Seselja.

MR SESELJA: We are talking about it. We are talking about public interest disclosure. We are talking about whistleblowers. We are talking about people in our hospital system who have had the courage to speak out and have been condemned by this minister and this government. This is not going to be fixed by changing the legislation. You can improve the legislation. We will support improving the legislation. But you have to have the guts to change the culture, and you have not. For 11 years you have not bothered. For the last six years as health minister, you have not bothered. Extraordinary!

Ms Gallagher sits there and smiles. She thinks that bullying at Canberra Hospital is all a little bit of a joke, and that was how she treated it when it was raised with her. That was exactly what she did on the radio when she dismissed it as doctor politics. She dismissed it as doctor politics when investigations found that that indeed was not the case. Extraordinary! It is extraordinary what we see from this minister.

They have not bothered. They have not bothered to protect these individuals. They did not bother to protect Debbie Scattergood. They did not bother to protect Doug Buchanan. They did not bother to protect Neil Savery. They did not bother to protect the doctors who spoke out.

This has been their record. It has been a damning indictment, one case after another after another. In some cases senior public servants have been hung out to dry by this government, have been bullied out of their jobs for daring to have a different view, for

daring to speak out about due process, for daring to question whether or not the government should be spending money more wisely, in the case of Debbie Scattergood.

We have heard so many other stories of people who do not want to speak out, and we can understand that when they see how some of these people are treated. That is the message that this government sends, that you should not speak out. We have had nurses come to us and tell us how they have been bullied out of their jobs at the Canberra Hospital. This minister did nothing to help them.

We do believe that there are some improvements in this bill, and that is why we will be supporting it. We will be supporting the legislation. We have been strong supporters of whistleblowers. I think we know a whistleblower when we see one. It is not about just disgruntled employees. We have raised the cases that I have referred to in my speech. I do not think anyone could say that Neil Savery was just a disgruntled anti-government activist—anything but! He was a loyal servant of this government. He was someone whom I often had many disagreements with over policies and over direction. There were lots of planning issues that I disagreed with Mr Savery on, but I respected the work that he did. I respected the professionalism which he showed in doing that. He was undermined.

Debbie Scattergood was undermined. Doug Buchanan was undermined. And so many others have been undermined, have been bullied in their jobs.

In conclusion, we are prepared to give this legislation a go. If it needs further improvements down the track, we will look at them as well. But you need to get to the heart of it, because legislation does not fix culture. Legislation does not fix attitudes. It can help, but you need leadership from the top. You need leadership from ministers and senior managers within departments. That has not happened over the last 11 years. I do not think there is any evidence that if the Labor Party is re-elected in October that will in any way improve.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (12.05): I am very pleased to speak to this bill today and to support the changes. It is significant, and I understand the legislation will be some of the best in the country.

I will start with a story about public interest disclosure, about whistleblowing. It was included in a book by the Hon Justice Spigelman. He spoke about the case of Detective Sergeant Phillip Arantz who, in November 1971, leaked to the *Sydney Morning Herald* a secret report on the incidence of crime in New South Wales. Arantz was a key member of the research branch of the police department responsible for the collection of crime statistics, and he had noticed that the police commissioner's annual report to parliament contained false statistics on crimes committed and on solution rates. All his attempts to correct the information internally were rebuffed.

He first leaked information to parliamentarians, but their questions in parliament were ignored or evaded and the true statistics remained secret. Frustrated, Arantz gave a full report to the *Sydney Morning Herald*. He was disciplined for a breach of public service rules and dismissed from the force. Even more disturbingly, his conduct was

regarded in the then police culture as so bizarre that the police commissioner ordered that he undergo a psychiatric examination. It was later disclosed that the commissioner had personally rung the psychiatrist at the Prince Henry Hospital, who noted on his report, "Possible political expediency in bringing pressure to bear on patient's admission."

Over a decade later Arantz was exonerated, notionally reinstated in the force and given an ex gratia payment. Later, after the change in the culture of the force brought about in large measure as a result of Jim Wood's royal commission, he was posthumously awarded the police commissioner's commendation for outstanding service.

Today's bill represents the continual evolution of the change in culture demonstrated in that story. This bill will take one of the worst public interest disclosure schemes and turn it into one of the best in the country. We know this is the case because Australia's undoubted expert on whistleblower laws, Professor AJ Brown, has told us that, and we have had discussions with him. Members will, of course, be aware that Professor Brown was responsible for the whistling while they work project that undertook a comprehensive analysis of all Australian public interest disclosure laws and made extensive recommendations for the creation of best practice whistleblower laws.

As the size of the government grows and the role it fulfils increases in complexity, it is inevitable that, just as is the case for any large institution, there will be times when things go wrong. At the times when this happens we rely on the integrity of public servants to speak up to prevent wrongdoing. Given this is the case, we should have a scheme in place to protect those who are prepared to stand up and speak out against those things they think should not be happening where they see there may be some corruption, some wrongdoing.

The Greens have long advocated for public interest disclosure reforms. We included it in the parliamentary agreement with the government, and we are extremely pleased that we are able to realise the reforms. Public interest disclosure laws are a very important mechanism for public accountability and operate in conjunction with other accountability mechanisms to ensure that we have a robust framework. These are very significant reforms and follow on from similar reforms in other jurisdictions, essentially picking up on all the best elements to ensure that we have the best possible scheme here in the ACT.

I think the government has had a good approach to these reforms. An exposure draft was released, and the Greens are very pleased the government has responded to the concerns we related to them through a submission we put in to that process. Having said that, this bill is the best available to us. Certainly there are more issues that need to be addressed, but I think we have put our best efforts into this bill at this stage. It is important that we get this right. We need to make sure people do not suffer when they stand up to do the right thing.

Although it is no fault of the ACT's, the bill does not provide an adequate compensation mechanism. Recourse is left to the common law and civil action in the courts. This is an expensive and potentially risky path which existing experience from

around Australia already shows is rarely taken up. The Greens' view is that whistleblower protection should be properly embedded in Australian workplace relations law so that the bulk of whistleblowers, who are employees, can have more effective access to appropriate remedies, including compensation for any detriment suffered as a result of speaking up. The research that helped inform this bill shows that a current best-practice approach on this issue would be the one that matches the compensation mechanisms which have been available to whistleblowers in the United Kingdom under the Employment Relations Act for well over a decade—in fact, I think since 1998. Under current workplace relations arrangements, federal action is required before ACT public employees have access to such remedies.

I think support for today's bill should also include support from the ACT for commonwealth reform and that we should all actively pursue the issue with our federal colleagues to complete the final part of the necessary reforms. We note that when the House of Representatives Legal and Constitutional Affairs Committee reported on the need for a comprehensive federal whistleblower protection regime in 2009 it recommended that making a public interest disclosure should be recognised as a workplace right under the new commonwealth Fair Work Act with all the remedial provisions that would carry. Now that the federal government is also planning amendments to the Fair Work Act 2009 it would seem the perfect time to examine how federal whistleblowing legislation can use the workplace relations system to help deliver this vital protection.

Mr Speaker, as I said, the Greens very strongly support the bill today. The process that has led to the reforms is a very good example of a consultative process that has well utilised the expertise available to us. The end product is one that we should be very pleased with and one which I am very confident will ultimately improve executive accountability and reduce wrongdoing and inefficiency.

The Greens have three relatively small amendments to the bill to improve the operation of it, and I understand those will be supported. As I said, the Greens are very supportive of this measure and are extremely pleased that this bill is being debated and will pass today.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (12.13): I thank members for their contributions to the debate.

Transparency and accountability are central to a robust democracy, and the bill before us today plays a significant role in enhancing the integrity framework of the ACT government. It is vital that we have an effective system for encouraging the reporting of wrongdoing in the ACT public sector. The Public Interest Disclosure Bill 2012 replaces the current outdated legislation and creates a best practice model for managing disclosures and protecting genuine whistleblowers.

When this bill was introduced in June the Deputy Chief Minister, on my behalf, assured members that some of the most experienced minds in this country with regard to whistleblowing have contributed to the final form of this bill. Griffith University's Dr AJ Brown, one of Australia's leading whistleblowing researchers and thinkers on

government accountability more generally, graciously provided substantial comments on both the exposure draft and further refinements made to the bill prior to it being presented in June. It was invaluable to have his and his team's input and has led to comments that this bill achieves a high-water mark in the history of whistleblowing laws in this country. That should reassure members that what we have before us today will be a significant improvement on what is currently in place and sets a new benchmark in terms of public interest disclosure laws in Australia. This is something the Assembly and our jurisdiction should be very proud of.

The PID bill is broken into 10 parts. The first deals with preliminary material common to most bills we see here in the Assembly and, most importantly, defines the object of the act, which is to provide a way for people to make public interest disclosures, to ensure people who make a disclosure are treated respectfully and are offered protection if things go wrong, to establish a mechanism through which disclosures are investigated and dealt with, and to ensure that those involved in public interest disclosures are treated appropriately and have the opportunity to have their case heard.

The second part of the bill establishes the fundamental concepts central to the effective operation of the scheme. It defines the terms "public interest disclosure", "disclosable conduct", "public sector entity" and related terms. This part also establishes a two-tiered—subjective and objective—test for when a complaint or feedback might fall in the category of public interest disclosure. The first tier, the subjective component, caters for what might be called traditional or intentional whistleblowing. The subjective test is invoked if a person making a disclosure believes that their information tends to show disclosable conduct. In other words, if a person has a reasonable belief that someone is acting unlawfully, is wasting public funds, is corrupt or is in some other way acting dishonestly, misusing information, breaching public trust or acting partially, then the information brought to light should be investigated as a PID and the person offered protection under the act.

The second tier of the test contained in part 2 of the bill has been called the objective test and it rests on the idea that a person may not realise the information they have falls into the category of whistleblowing, but that this should not matter. In other words, when someone passes on information that reveals disclosable conduct then the matter must be acted upon as a PID, regardless of the person's intention in passing on the information. A person's belief and motivation for bringing the matter to light is irrelevant under the bill. There is an onus on those in receipt of the information to treat it as a PID so long as there is a public interest element to the claim. The point is that where there is a genuine issue being brought to light that warrants being considered as a public interest disclosure, it is the information that is important, not the way in which it surfaces.

Part 3 of the bill explains the "who", the "to whom" and "how" aspects, or the jurisdictional limits of the scheme. As with the old scheme, anyone is able to make a PID under the new legislation. Additionally, there is a prescribed role of "disclosure officer" under the new scheme. This may be a designated position; however, an individual's supervisor, the head of a public sector entity, the head of service, the commissioner, the Auditor-General, an MLA, members of governing boards and other

positions of responsibility are also able to receive public interest disclosures under the bill. This is in keeping with the “no wrong door” approach that is essential to effective complaint handling frameworks.

Once it is established that someone is in receipt of a disclosure, part 4 of the bill places an onus on the receiver to inform a designated disclosure officer, which is the first step in the reporting chain that is established under the bill. Part 4 aims to establish the link between those making a disclosure and the person able to effect action. That chain will ensure the flow of information to enable efficient and effective actioning of disclosures. Part 4 exists to ensure that on receipt of a disclosure, appropriate action is taken. It establishes an investigation, referral and reporting hierarchy, clarifying the roles of those likely to be involved in actioning a public interest disclosure. It also ensures that the discloser is kept informed about progress and removes the blanket prohibition on reporting on the outcome of a public interest disclosure investigation that existed in the 1994 act.

While it makes sense that as a first step disclosures should be handled internally, part 5 of the bill covers external disclosures. This is new terrain for the territory, but not new terrain for Australian jurisdictions. New South Wales has provided for external disclosures for many years, and Queensland also introduced external disclosure provisions in its 2010 act. The idea behind these external disclosure provisions is to provide a final avenue for those who are suffering manifest injustice due to sustained incompetence by those managing a PID internally, or to cover instances of deep-seated corruption. The bill permits a disclosure to be made to a member of this Assembly or to a journalist when their claims are not adequately handled internally, or where there is a real danger if they were to report it internally. It is acknowledged that this avenue opens a door on what will likely become a very public inquiry, but it is worth remembering that the cases where an external disclosure is justified will be limited. This is borne out by the experience of Queensland and New South Wales, where external disclosures have been very rare.

I should also be very clear that this is not a general permission or avenue for leaking to the press or providing information to members without proper permission or process. These provisions provide no protection to those who choose to leak information. What they create is an avenue of last resort for genuine whistleblowers to make a protected disclosure to a journalist or an MLA.

Part 6 of the bill is pitched at the level of broader management of the PID scheme by the well-established integrity arm of government, the Ombudsman, but also clarifies the role of the Commissioner for Public Administration. It gives the commissioner an oversight role in relation to the management of public interest disclosures. While public sector entities must respond and manage their own disclosures internally, it is envisaged that the commissioner’s role will be to provide advice as needed to those in receipt of a disclosure, and those undertaking public interest disclosure investigations. This will be further elaborated in the commissioner guidelines. Under the bill, there is also a positive obligation on the commissioner to monitor the progress of disclosures and review how they have been managed. There is also a reporting role given to the commissioner whereby they will provide advice to the relevant minister about

particular disclosures. The purpose of this part is to demonstrate organisational commitment, ensure effective oversight of public interest disclosures and establish a firm reporting arrangement at the highest level. This kind of central oversight will ease implementation, enhance consistency in dealing with disclosures and promote compliance.

Part 7 of the bill provides protections for disclosers. A discloser is protected from liability for a range of civil and criminal matters under the bill. For example, a disclosure cannot be considered a breach of confidence, defamation or amount to contempt of the Legislative Assembly, nor can a discloser be liable to disciplinary action or dismissal for making a disclosure. However, protections under the bill will be forfeited where a discloser gives false or misleading information or where a person is being vexatious.

Importantly, part 7 also creates an offence for taking detrimental action against a discloser, including threats. Detrimental action is defined as discriminatory treatment, harassment, intimidation, causing injury or damaging a person's property.

While the remaining parts are administrative in nature, the above covers the main aspects of the bill. To reiterate, the Public Interest Disclosure Bill is about making sure that people are encouraged to speak up about fraud, corruption or maladministration that affects the public interest and are supported when they do. It does so by creating a safe environment to come forward free from harassment, intimidation or other reprisals and supplemented by an administrative framework that properly assigns roles and responsibilities reflecting the importance of the information being considered under legitimate public interest disclosures.

It is intended that upon commencement the act will be accompanied by comprehensive guidelines that further explain the key concepts, particularly disclosable conduct, agency processes in dealing with a public interest disclosure, including how disclosers and witnesses are to be treated, and protocols for public interest disclosure to the media and members of the Assembly. These will be the subject of further consultation over the coming months.

In conclusion, and to respond to the Leader of the Opposition's attacks on me and the government in relation to how we have dealt with whistleblowers in the past, in the last year or so since I became Chief Minister, I think there have been an incredible amount of changes made to the way that the integrity arms of government are working, including the establishment of the open government framework, including some additional resourcing to the Ombudsman, including some additional resourcing to the Auditor-General, including the putting up of information online for everybody to have access to FOI information, and including the legislative changes you see before you today.

The work is not finished; there is a lot more to do. In relation to some of the specific actions I have taken, Mr Seselja mentioned Ms Scattergood. I would remind members that since I became aware of that case I have taken action to make sure that we are cooperating with Ms Scattergood through her continuing pursuit of matters relating to how she was dealt with within the public service.

I do not think I have ever mentioned this—mainly because I have never been asked—but in relation to Doug Buchanan I did not even know he was opposed to a needle and syringe program until I heard him on the radio one morning. It was not an issue that had ever been raised with me. So I think it is a bit of a leap to say that he was forced out because of his opposition to a needle and syringe program. I am not sure I ever met Doug Buchanan. I certainly was not aware of his views on a needle and syringe program.

In relation to some of the issues in the hospital, when the obstetrics matter was treated as a public interest disclosure—and this is something that the Leader of the Opposition fails to acknowledge—that was not a decision taken by a minister. I think they have pursued me for a couple of years since then, saying that I have tried to sweep that under the carpet, when anyone with knowledge of the public interest disclosure legislation, any member who read it, would be aware that I have not even been provided with the report, nor will I, nor am I able to be provided with that report, nor is it able to be publicly released. Whilst we have had years of criticism of this, we have not had one idea, one bill, one piece of legislation, that will address some of the deficiencies that the Liberal opposition are now claiming, four years into the term.

To complain about public interest disclosure and its inadequacies for years and then come in here and say, “Yeah, okay, we will support it but it’s a rather hopeless approach anyway,” I think is disingenuous. It demeans the work that has been done by the public service in getting this bill to where it is today, including the involvement of people such as Dr AJ Brown, who have helped enormously in drafting this legislation, and the work that has gone into the exposure draft.

From an Assembly point of view—and this is something the next Assembly should think about—the preparedness of this Assembly to pursue individual public servants in this forum is disgraceful, with the naming of people. I know of several public servants who have left the ACT public service because of the fear that their names will be used under parliamentary privilege in this place. I know that Mr Seselja does not mention any of those but I have frequently been approached by public servants who certainly do not raise concerns about any bullying that can be attributed to me, Mr Seselja. And I challenge you to find one public servant that would stand there and say that. But I have had several approaches from public servants who have actually left here because of the position that the Liberal opposition has taken and the preparedness to haul them in front of trumped-up inquiries and have their names and their reputations demeaned in this place. That is the reality.

This is an issue that the next Assembly genuinely needs to deal with. If you want good people staying in good jobs in the ACT public service, the Assembly need to consider how prepared they are to tramp on people’s reputations through a public forum. I know Mr Seselja will just pooh-pooh that idea. It is a genuine concern for a government of any political colour or persuasion—the smallness of our jurisdiction, the smallness of the community and the ability to publicly humiliate good, hardworking officers.

I commend the bill to the Assembly. I would also like to acknowledge the work that has been done by the Commissioner for Public Administration, Mr Andrew Kefford, and Ms Liesl Centenera, who have put an incredible amount of work into making what is an inadequate piece of legislation so much better, to the point where we have Australia's leading expert on these matters saying it is the best legislation in the country. Congratulations to both of you, and I thank other members for their contributions.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (12.29), by leave: I move amendments Nos 1 to 3 circulated in my name together [*see schedule 3 at page 3546*].

The Greens have three relatively straightforward amendments, and I will speak only briefly. Firstly, the Greens do not agree that there should be a regulation-making power that allows the executive to make an exemption from the Public Interest Disclosure Act. I cannot think of a circumstance where an entity should be exempted, but accept that it might be conceivable that a case could come up. The amendment proposed is a compromise that ensures the parliament agrees with any proposed exemption before it can commence.

The second amendment addresses a concern that currently the bill only provides for a disclosure to “describe” the wrongdoing to the media or an MLA and the Greens were concerned that should a person provide evidence of the wrongdoing they may be going beyond a description and therefore lose the protections offered by the act. This amendment allows a discloser to provide supporting information if they do provide information to a journalist or MLA so that they can have some confidence about whether or not the accusation is actually true and how to proceed. The amendment also limits what can be provided as a balance to the absolute protection from defamation.

Finally, the last of the amendments reduces the time in which the minister must provide a report of the commissioner to the Assembly. The Greens believe that 15 days is too long and given that the process will have inevitably taken a considerable period of time before we get to the report stage we do not believe that the minister should be able to sit on a report for potentially many months.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (12.31): The government will be supporting all three of Ms Hunter's amendments, largely for the reasons that Ms Hunter has outlined. They are minor in nature. Amendment No 2 provides more detail and protection

around, essentially, the term described. And we are very happy to agree with the nine days as it allows sufficient time for the minister to table any report from the commissioner. So the government is happy with those amendments.

Amendments agreed to.

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

Bill, as amended, agreed to.

Sitting suspended from 12.32 to 2 pm.

Questions without notice

Taxation reforms—promotional brochure

MR SESELJA: My question is to the Treasurer. Treasurer, in all rates notices recently sent out, the ACT government has included a brochure promoting tax reforms. Treasurer, did this brochure, and any other advertising planned to promote your tax reform, go through the ad campaign reviewer appointed to review advertising expenditure?

MR BARR: Yes.

MR SPEAKER: Mr Seselja, a supplementary question.

MR SESELJA: Treasurer, how much public money is being spent on this brochure to promote your tax reforms?

MR BARR: I will take that question on notice. Are you just referring to the brochure included with the rates notice or other elements of the government's advertising?

Mr Seselja: All elements.

MR BARR: All elements. I will take that on notice.

MR SMYTH: Supplementary.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Treasurer, are there any other taxpayer-funded advertising materials promoting your reforms yet to be released? If so, what are they and how much taxpayers' money will you be spending on your campaign in total?

MR BARR: I think that largely alludes to the question that Mr Seselja has just asked, and I will take that on notice.

MR SPEAKER: A supplementary, Mr Smyth.

MR SMYTH: Treasurer, why does this piece not have an authorisation on it?

MR BARR: It is not required to, Mr Speaker.

Bimberi Youth Justice Centre—staff

MS HUNTER: My question is to the Minister for Community Services and it relates to staffing at the Bimberi Youth Justice Centre. Minister, can you advise whether all of the staffing levels at Bimberi are filled, including the Aboriginal and Torres Strait Islander youth liaison officer position?

MS BURCH: Whether all positions are filled, I know that the employment and retention rate at Bimberi has greatly improved over the last two years. There was some discussion around the Aboriginal liaison officer position, and that has really turned into a family connection position. It is my understanding that that function is filled, but I could come back to you with the details on that.

Certainly there is a strong connection, particularly when we have moved to single-case management and those other reforms that we have put in place, to make sure that young children are not only connected to outside services but connected back to the families and those other support services for the families that are required. But I will come back, whether it is within today's question time but certainly by the time we rise, with that detail of our discussion.

MR SPEAKER: Ms Hunter, a supplementary question.

MS HUNTER: Minister, are there any circumstances where staff are working in isolation with groups of young people at a ratio less than that recommended by the Human Rights Commission's review?

MS BURCH: It is my understanding that the staffing arrangements are within the guidelines and the protocols for Bimberi. There is certainly a range of teams of units and certainly a number of team leader positions and supervisory positions, not only in the sense of supervising practice but supporting good practice as well. Those ratios have not changed. Different jurisdictions across the country have different ratios. I believe there was a proposition from the Human Rights Commission—and I am going back to some deep memory of that review—that it be different from what we currently have, but there has been no substantive change over the last two years with the ratios and the arrangements.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, can you guarantee that no Bimberi staff work alone when they are working in the unit, and especially at night?

MS BURCH: We have a very strong system of supporting staff over at Bimberi, and that is about allocating workers with a number of young residents in units there. We have also encouraged a stronger connection with a youth worker to individual

residents, to build up that relationship and to have very strong support. I would encourage Mrs Dunne, with her deep and enduring interest in Bimberi, to visit out there. I know that in the time that I have been the minister for children and young people, she scurried out there within a few days before the Human Rights Commission tabled their report. She had not been there before and she certainly has not been there since.

MR SPEAKER: Ms Bresnan, a supplementary.

MS BRESNAN: Minister, how many workers from Bimberi or its predecessor, Quamby, are currently receiving workers compensation payments?

MS BURCH: That is something the detail of which I would have to take on notice, Mr Speaker, and bring back. I am happy to.

Taxation reforms—promotional brochure

MR SMYTH: My question is to the Treasurer. Treasurer, in all your rates notices recently sent out the ACT government has included a brochure promoting your tax reforms. Treasurer, this brochure states that all homebuyers will pay less conveyance duty on properties up to \$1.2 million. Minister, how do you justify the statement that all homebuyers will pay less when first homebuyers in established suburbs, who are currently eligible for the first home concession, will actually have a massive increase in their conveyance duty?

MR BARR: Because the government is cutting stamp duty.

MR SPEAKER: Mr Smyth.

MR SMYTH: Treasurer, why are you using taxpayer-funded advertising material to deliberately mislead the community about your tax reform?

MR BARR: I am not.

MR HARGREAVES: A supplementary.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Treasurer, how exactly is the message going to get out to the community about these tax reform changes around housing?

MR BARR: It is, of course, appropriate when taxation arrangements change for the community to be informed of those changes. That occurs through a variety of means—information associated with rates notices, information on the ACT Revenue Office website, information provided through social media outlets, information provided through more traditional forms of the media. I think it is entirely appropriate and entirely consistent with the approach of every government in the Western world that when they make changes to taxation arrangements they inform their constituents.

Mr Smyth: But they tell the truth.

MR BARR: If the shadow treasurer wishes to continue to assert the things that he is asserting across the chamber, he should do so by way of a substantive motion.

MR SESELJA: A supplementary.

MR SPEAKER: Mr Seselja, a supplementary question.

MR SESELJA: Treasurer, did you personally read and authorise the copy in this brochure, entitled *Tax reform: a fairer, simpler and more efficient taxation system*, or otherwise approve its publication?

MR BARR: The material that has been circulated has been approved by the independent reviewer.

Visitors

MR SPEAKER: For the information of members, we have quite a full public gallery today. I would particularly like to welcome the delegation of whips from South Africa to the ACT Assembly today. Also in the gallery are members of the University of the Third Age, and a group from the ACT Council of Social Service. I welcome all of you to the chamber today.

Questions without notice

Taxation reforms—promotional brochure

MRS DUNNE: My question is to the Treasurer. Treasurer, in all rates notices recently sent out, the ACT government has included a brochure promoting tax reform. Treasurer, this brochure when describing the reform uses forms of words such as “fairer” six times, “reduced” eight times and “abolished” six times. In only one spot, in tiny type in the bottom corner, does the brochure state that the major component of the reform is in fact a major increase in general rates. Treasurer, why have you not been more up-front about what your reform actually means?

MR BARR: It may have escaped Mrs Dunne and the economic geniuses on the other side of the chamber, but the government are phasing out inefficient taxes and we are replacing them—and we have been very up-front about this—with a progressive broad-based land tax. Every single credible economist in the world recognises—

Mr Smyth interjecting—

MR BARR: Every single credible economist in the Western world recognises the importance of fair and efficient taxation, and every single credible economist recognises that a transition away from inefficient and distorting taxation to more efficient forms of taxation leads to a removal of dead weight loss on the economy. In the context of the reforms in this year’s budget, \$175 million worth of dead weight costs are lifted from the territory economy, and if the Liberal opposition do not believe or do not understand fundamental economic reform—

Mr Seselja: Point of order, Mr Speaker.

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

MR BARR: they should read an economics I textbook.

Mr Seselja: The question was very specific: it relates to the brochure and it relates to the failure to be up-front about the massive increase in rates. I would ask you to ask the minister to be directly relevant to the question.

MR SPEAKER: Minister, I will ask you to refer any further comments to the brochure and certainly not to the Liberal Party.

MR BARR: Thank you, Mr Speaker. The Liberal opposition do not seem to understand in the context of tax reform that we are cutting—

Mr Hanson: Mr Speaker—

MR SPEAKER: Yes, thank you. Mr Barr, I did just ask you to not refer to the Liberal Party. So you can either sit down or focus on the brochure.

MR BARR: Thank you, Mr Speaker. Through our tax reforms the government are cutting rates for one quarter of ACT households. We are introducing progressive marginal tax rates. The rates system will follow very closely a system that we are all used to, and that is income taxation, in that the higher the value of the land the higher the rate of taxation. This ensures equity insomuch as those Canberrans who are on low and middle incomes receive a tax cut. I know that really goes to the heart of what the Liberal Party oppose about this, because they do not believe in fairness and equity in taxation.

Mrs Dunne: Point of order, Mr Speaker.

MR SPEAKER: Mr Barr, thank you. I think you can just resume your seat.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: I presume that your injunctions to the Treasurer go to the supplementary as well as the initial question.

MR SPEAKER: It depends on the question, Mrs Dunne. We will see how we go. Let us just have the question, thank you.

MRS DUNNE: Why, when you said in your brochure that general rates will become more progressive, could you not have been more honest and simply told ratepayers that the general rates will become more expensive?

MR BARR: Because one-quarter, 33,700 Canberra ratepayers, receive a reduction in their rates as a result of the government's changes, because we are cutting the rate of taxation on the lowest threshold from 0.277 to 0.22. This ensures that the benefits of the taxation reform, both in terms of cuts to insurance duty and cuts to annual rates, go to those on low and middle incomes.

That is a deliberate policy choice, because the Labor Party believe in social equality. We believe in taking practical steps to narrow the gap between the rich and the poor in our society. Some people may not like that but that is a core value of this party, and these reforms deliver. What they ensure is that not only do we reduce our reliance on volatile and inefficient forms of taxation but we introduce an element of equity into our tax system so that those who have the greatest capacity to pay are asked to make a small additional contribution, \$2.35 per week, on average, and those on lower incomes receive not only the benefit of lower rates but also the benefit of reduced taxation on insurance.

It might have escaped those opposite but the significant winners on the insurance tax cuts are those on high incomes who have both a greater propensity to insure and more goods to insure and, therefore, in replacing revenue through the rates system it is entirely appropriate to have an element of progressivity in the rates thresholds and marginal tax rates to ensure that the burden of taxation is shared equally. Those opposite may not like it but it is the right thing to do. *(Time expired.)*

MR SPEAKER: Mr Hargreaves, you have a supplementary question?

MR HARGREAVES: I do, Mr Speaker. Treasurer, are there any sectors of the community that do not have a grasp of the fundamentals of the government's tax reform, even though you have articulated it in the brochure?

MR BARR: It would appear that there are a group of individuals in the community who do not understand basic economics, who do not understand social justice, who do not understand the importance of long-term strategic economic reform. Every single commentator with any economic credibility—from Michael Pascoe in the Fairfax press through to Craig James of CommSec—the Insurance Council of Australia, the Taxation Institute of Australia and various economics editors of the major newspapers around this country have applauded the ACT government's decisions. Why? Because they implement the reforms that Ken Henry articulated in *Australia's future tax system*.

They are the right reforms for this territory at this time. They lead the nation. The only people who have no idea are those six people opposite. It is interesting that their counterpart in New South Wales—the New South Wales Treasurer—is in fact very interested in our reforms and rang me recently to check how they were going. He wants to collaborate with Labor jurisdictions to reform taxation because he, at least, understands economics.

Visitor

MR SPEAKER: I was remiss in my earlier acknowledgements; we have been joined by a former member of the Assembly, Ms Roslyn Dundas, in the chamber. I welcome Ms Dundas back to the chamber.

Questions without notice**Budget—employment**

MS PORTER: Mr Speaker, my question through you is to the Treasurer. Treasurer, can you update the Assembly on how the government's 2012-13 budget is supporting the economy and local jobs?

MR BARR: I thank Ms Porter for the question. The budget is, indeed, supporting the ACT economy and it is supporting local jobs. The government, in putting together this budget—

Mr Smyth: How are those federal job cuts going?

MR SPEAKER: Mr Smyth, thank you.

MR BARR: I will come to that in a minute. Faced with the federal government's contraction in spending and employment in the ACT and the global economic uncertainty that has been hitting government balance sheets at a state and territory and federal level, not just here in Australia but around the world, the ACT government, through this budget, has sought to maintain economic growth in our economy. It is orthodox economics, but, bizarrely, from the cat cries from those opposite, it appears they do not seem to understand this.

The ACT government is keeping the economy strong by maintaining our spending on front-line community services and on public infrastructure. This includes record funding in the health portfolio of \$1.3 billion in this fiscal year—funding to employ an extra 150 nurses, doctors and allied health professionals. There is \$900 million in this budget for education. Importantly, funding to ensure that the pay rises for ACT teachers that the ACT government has put in place to enable ACT teachers to be the best paid in the country is contained within this budget, including—

Opposition members interjecting—

MR BARR: I know those opposite do not like it, but it includes the classroom teacher professional practice position that allows the best and brightest teachers to earn six-figure salaries within our system.

Opposition members interjecting—

MR SPEAKER: Thank you, members. Order!

MR BARR: It is in the EBA. We know Mrs Dunne's attitude to public education—that any investment in public education is throwing good money after bad. That has been on the record for years. She knows that is the position of the Liberal Party.

The budget, as we have been discussing this afternoon, also outlines important reforms to the ACT's taxation system to ensure that taxes are efficient and sustainable in the long term. Our five-year reform plan makes taxes fairer. Abolishing a large number of taxes makes the tax system simpler, and focusing on the most efficient revenue lines makes our tax system overall more efficient.

We are improving efficiency and budget sustainability by removing those taxes that are most volatile, by abolishing stamp duty over 20 years and by abolishing insurance duties over five. We are making taxes fairer by the introduction of progressive rates and by abolishing insurance duties.

We are supporting the local housing and construction sectors through more progressive stamp duty and land tax arrangements. There is a particular incentive in this budget for investment in more affordable housing. By adjusting the rates at which land tax applies, we are providing a tax cut to those who invest in affordable housing in this city.

Our record spending on infrastructure will see the territory economy continue to grow—\$900 million worth of new infrastructure to maintain employment in the construction sector and to provide for the sorts of infrastructure projects that this community needs and this community wants.

We are supporting private investment in the city through our tax policies and through our business development strategy. More land release, economic growth, social opportunity and inclusion—that is what this government is about. That is what this budget is about, and it stands in marked contrast to the alternative.

MS PORTER: A supplementary.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Treasurer, can you outline how the government's plan will spread our prosperity more fairly?

MR BARR: The government believes that all members of the community, no matter what their circumstances or their background, should share in the benefits of living in this great city. We believe in supporting those who need a hand up and ensuring those who have the capacity to pay do pay their fair share. This budget ensures prosperity and it ensures that it is shared fairly. The government are delivering high-quality services for all Canberrans, and first and foremost we continue to invest in the country's best health system. We have made great strides to address the damage that was done by the Liberal Party when they were last in government.

We continue to invest in our world-class education system. We continue to invest in services for the most vulnerable in our community, whether that is \$25 million extra for children and young people at risk, \$13.3 million for more ambulance services in the city or \$11 million for more social and public housing. And we are reforming the territory's taxation system to ensure that the deadweight loss of inefficient taxes is removed from our economy and that the burden of taxation is shared more fairly.

That is a values-based decision that the Labor Party proudly stands behind. Again, it stands in marked contrast to the alternative policy propositions, such as they are, that are inspired by Sarah Palin and BA Santamaria. And that is what you get from the Liberal opposition.

Mrs Dunne interjecting—

MR HARGREAVES: Supplementary, Mr Speaker.

MR SPEAKER: Mr Hargreaves has a supplementary.

MR HARGREAVES: Mrs Dunne and I have got something in common: neither of us is going to be here for the next election.

MR SPEAKER: Mr Hargreaves, your question or you can sit down.

MR HARGREAVES: I do have a supplementary, but it is hard to get it out when you are talking about leaders like that. I ask the Treasurer please to outline if there are any alternative approaches the government could take.

MR BARR: Yes. We could adopt the policy approaches that we have seen from conservative governments that have been elected in some of the larger jurisdictions.

We could take the Campbell Newman approach. We could seek to massively slash employment in the public sector, withdraw funding from community services. We could seek to send our jurisdiction back into the 1950s in terms of social policy. They are the sorts of policy alternatives that are out there. We could follow the Victorian model of the Baillieu government that slashes investment in TAFE, slashes investment in public transport. We could do those sorts of things. We could follow the New South Wales government model, which is to seek to legislate to cap pay rises for the public sector, to continue to sack workers year on year on year. They are the policy alternatives. And then we look federally and we see the comments of Andrew Robb in recent days. He suggested that 20,000 jobs—20,000 of the 210,000 jobs in our economy—should be ripped out and relocated to other parts of the country.

That is the policy prescription of the conservative parties in this country. The Liberal Party is the party of recession in this city. Everybody knows it. Zed Seselja is tied to Tony Abbott in a three-legged race to the bottom of public policy.

MR SESELJA: A supplementary.

MR SPEAKER: Mr Seselja has a supplementary.

MR SESELJA: Minister, do you still hold the view that the family home is a tax haven and that this is a problem for our community?

MR BARR: I support fair and progressive taxation. I support a tax system that ensures that market distortions are reduced as much as possible and that deadweight loss is removed from our taxation system and returned to the territory economy. I will continue—

Mr Hanson: A point of order.

MR SPEAKER: Mr Barr, one moment, thank you. Stop the clock, thank you.

Mr Hanson: The question that Mr Seselja asked was very specific. It was whether Mr Barr stands by his comments that the family home is a tax haven, and I would ask him to answer that question and be relevant to the question.

MR SPEAKER: Mr Barr.

MR BARR: Mr Speaker, I think the Leader of the Opposition may be referring to an observation I made in my inaugural speech that the value of the family home, and its inflated value, reflects its tax-free status. That was the comment I made in my inaugural speech, and if you want to look at some of the root causes for affordability, for why housing has become unaffordable for many Australians, it certainly relates to the taxation treatment of—

Mr Smyth: No, it relates to your land supply—

MR SPEAKER: Mr Smyth!

MR BARR: If only it were that easy, Mr Smyth. But the value of a home—and this is the point I was making in my inaugural speech—is of course a reflection of the fact that under Australian taxation law, over a period of time, it has not attracted any tax relative to other investments. It is no surprise then that house prices have become inflated in this country.

Pace Farm—battery hens

MS LE COUTEUR: My question is to the Minister for Economic Development and relates to a deal recently done with Pace Farm to stop battery cage egg production at Parkwood. The minister's media release on 4 July said that Parkwood will convert to barn egg production and the government will purchase land from it for \$7.5 million. The media release further says the government will rezone the land to industrial use and sell it for approximately \$30 million. Can you advise the Assembly on the progress of this agreement? What is the deadline for conversion away from cage eggs and what will be the expected capacity of hens in the facility?

MR BARR: The time frame is 18 to 24 months for the complete conversion. The government will make its payments in two tranches, an initial payment and then a payment upon completion. In relation to the capacity of the converted facility, I will need to take some advice on that.

MR SPEAKER: Ms Le Couteur, a supplementary question.

MS LE COUTEUR: How is cage free egg production defined in the agreement and does it restrict the stocking rate or does it include the RSPCA's stocking standard that an individual group size maximum of 5,000 birds per enclosure is recommended?

MR BARR: Perhaps it will not surprise members that that is not a level of detail I carry in my head in relation to the number of chickens in a barn.

Members interjecting—

MR SPEAKER: Minister Barr, continue, thank you.

MR BARR: Thank you, Mr Speaker. So I will seek some further information and get back to the member.

MS BRESNAN: Supplementary.

MR SPEAKER: Yes, Mr Bresnan.

MS BRESNAN: Minister, given that the current rural lease expires in 2023, can you explain how the valuation of \$7.5 million was arrived at?

MR BARR: It was undertaken through an independent valuation process.

MR SPEAKER: Ms Hunter.

MS HUNTER: Minister, you were reported in the *Canberra Times* as saying that the land will sell for \$30 million in the future. Are you anticipating the results of a future territory plan variation? How was this fixed valuation of \$30 million arrived at?

MR BARR: Again, I was providing information based on advice to me under what is anticipated to be prevailing market conditions in the years ahead.

Schools—Gonski review

MR DOSZPOT: My question is to the minister for education. Minister, when did your directorate first get the modelling information from the federal Department of Education, Employment and Workplace Relations about Gonski funding reforms?

DR BOURKE: I thank the member for his question. I am not aware of commonwealth government projections of Gonski-type recommendations because, as far as I can tell, the commonwealth government has not actually responded to the

Gonski review yet. When that response comes through I will be looking forward to sitting down and negotiating with the commonwealth, along with other states and territories, about our response to that.

MR SPEAKER: Mr Doszpot, a supplementary question.

MR DOSZPOT: Minister, we understand federal DEEWR distributed information to all state education directorates and your directorate had the resources to identify the impact that the Gonski reforms would have on Canberra schools. When did they provide you with the data that appeared in the weekend papers, or did they provide different figures? If so, how were they different?

DR BOURKE: I think Mr Doszpot is referring to the “leaked documents”. In the Liberal Party press release that is what they are referred to—leaked documents in inverted commas. I am not sure where they have been actually leaked from, perhaps the Victorian Liberal Party. This scaremongering is the kind of scaremongering that the Canberra Liberals have been running with, that the federal Liberals have been running with, the scaremongering that the New South Wales education minister, Mr Piccoli, has stepped away from. He said that what we should be doing is focusing on what is in Gonski, the principles of Gonski, and I should remind Mr Doszpot what they are like.

Members interjecting—

MR SPEAKER: Order! I cannot hear Dr Bourke. Dr Bourke, you have the floor.

DR BOURKE: The principles of the Gonski review, Mr Doszpot, are fairness, transparency and funding for those most in need. And those are the very principles of the Gonski review that Mr Piccoli endorsed in the *Sydney Morning Herald* today.

MR SPEAKER: Mrs Dunne, a supplementary question.

MRS DUNNE: A supplementary question, minister.

Opposition members interjecting—

MR SPEAKER: Order, members! I cannot hear your own colleague.

MRS DUNNE: Minister, if you had such information, why didn't you make a public statement to assure Canberra schools that they would be safe, given that the Prime Minister some months ago suggested that no school would lose any money?

DR BOURKE: Mr Speaker, it does not surprise me that the Canberra Liberals do not bother to read my press releases, which I have been putting out time and again this week, telling people—

Mr Hargreaves interjecting—

DR BOURKE: that I will not, as education minister, agree to a funding arrangement for schools which disadvantages ACT schools. I said that time and again.

MS HUNTER: Supplementary.

MR SPEAKER: Ms Hunter, you have a supplementary.

MS HUNTER: Minister, can you commit and guarantee to this Assembly and to the people of Canberra that no school in the territory will lose funding once the Gonski review is implemented?

DR BOURKE: I thank the member for her question. Of course we have not actually seen what the response from the commonwealth is to the Gonski review. We have already heard from the Prime Minister at the very start of this process that she guaranteed that no school and no system would be worse off under the Gonski review. And then we heard a statement earlier this week that not only will schools—

Members interjecting—

MR SPEAKER: Members, order!

DR BOURKE: Not only will no school system be worse off, but there will be more funding for schools. That means more funding under the Gonski proposals that the commonwealth government is bringing out—more funding for ACT schools and more funding for the ACT system. I am very pleased with that. Of course, as education minister, I am not going to agree to any funding deal which disadvantages ACT schools.

Mr Coe: Mr Speaker, I seek your indulgence.

MR SPEAKER: Yes.

Mr Coe: During that discussion, Dr Bourke said, “I’m not surprised you haven’t read my media releases.”

MR SPEAKER: Yes.

Mr Coe: To which Mr Hargreaves shouted across the chamber, “That’s because it’s not in Hungarian.” That sort of slur I think is unacceptable. I ask whether you would like to ask Mr Hargreaves to withdraw that comment.

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

MR SPEAKER: Yes, Mr Hargreaves.

Mr Hargreaves: If it is indeed a point of order, I did not actually say that. I said, “Is it in Hungarian?” In fact, Mr Coe ought to get a sense of humour. That has been a friendly exchange between me and Mr Doszpot almost every year we have been here. If Mr Doszpot is in the least bit offended, I will happily withdraw—happily.

MR SPEAKER: Mr Doszpot.

Mr Doszpot: I would ask Mr Hargreaves to withdraw.

Mr Hargreaves: I already did.

MR SPEAKER: It has been done. We will move on.

Schools—disability funding

MR HANSON: My question is to the minister for education. Minister, you have advised in estimates that the additional \$2 million funding for students with a disability in a non-government school was a one-off allocation. Why is your commitment to these families for one year only?

DR BOURKE: I thank the member for his question. This was in the context of this year's budget. In next year's budget this matter will be reassessed. Of course we are in the middle of a change. We have had the biggest review in 40 years, the biggest policy consideration in 40 years in school funding, in the Gonski review, which I am sure you are all aware of now.

Within that review is discussion about funding to those most in need, in particular support for students with disabilities. Therefore it would be imprudent to commit money in the forward years until we see what the commonwealth response is to that. If it is all signed up before the next federal election or before the end of the year, or whenever the commonwealth decides it is going to start rolling its timetable out, at that point we will be able to consider what we need to do in the future.

MR SPEAKER: Mr Hanson, a supplementary question.

MR HANSON: Minister, what advice would you give to families who have a child with a disability attending a non-government school about funding after your one-off commitment finishes?

DR BOURKE: We already provide funding for non-government schools for students with disability. This \$2 million was on top of that in this financial year. The funding is already going out. We have put an extra \$2 million on top.

Members interjecting—

MR SPEAKER: Order, members! There is a lot of noise in the chamber from both sides. I would like to be able to hear Dr Bourke.

DR BOURKE: Of course, it is up to schools, upon government assistance, to allocate and use that money as they see fit.

MR SPEAKER: Mr Doszpot, a supplementary.

MR DOSZPOT: Minister, how do you expect non-government schools to service their high-needs students at the same level as they do currently if that \$2 million in disability funding is not continued?

DR BOURKE: I thank the member for his question. I would be expecting that people are going to use it in ways that are appropriate to them. It is entirely up to schools and systems to use that money, and that may well be for things such as capital works, which could be very important for assisting them to cater for disabled students in their schools.

MR SPEAKER: Mr Doszpot, you have the call.

MR DOSZPOT: Minister, will you confirm before the election that this funding will be continued if you are returned to government, in the absence of any other decision on Gonski funding?

DR BOURKE: Mr Speaker, I think the question is out of order. It is asking me to make a policy announcement.

MR SPEAKER: Yes. Ms Bresnan, you have the floor for a question without notice.

Building—safety

MS BRESNAN: My question is to the Attorney-General and concerns the government's review into safety in the building industry. Minister, you are reported as saying on 24 July that you would formally announce a review within two weeks. It has now been four weeks. Have you developed the terms of reference for the review and when will you release them?

MR CORBELL: I thank Ms Bresnan for the question. The government has been closely engaged in consultation with the work health and safety council as we finalise the terms of reference. That work has now been completed and there has been very strong support from the work health and safety council for the terms of reference proposed by the government.

In relation to the reviewer, the government is finalising arrangements with a preferred reviewer to undertake the review, or inquiry, and I expect to announce the details of the reviewer very shortly.

MR SPEAKER: Ms Bresnan, a supplementary.

MS BRESNAN: Minister, given the concerns raised by stakeholders, will you ensure the work safety review includes an independent examination of the ACT government's role in construction safety, including its procurement practices and compliance regime?

MR CORBELL: Again, I thank Ms Bresnan for the question. It is, of course, worth reminding Ms Bresnan that the work health and safety council has already undertaken

a body of work to look at procurement policy when it comes to work health and safety matters. That will be a very important input into the review. Whilst I am not at liberty to disclose the full terms of reference today, I can advise Ms Bresnan that the issues she raised will be appropriately and open to be considered by the inquiry process.

MS HUNTER: Supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, will you ensure that this work safety inquiry allows for submissions from the public, and will it commission any input from experts in building and construction safety?

MR CORBELL: The inquiry will take public submissions—that is the intended process—and in relation to expert advice that is a matter for the inquirer to determine.

MR SPEAKER: Ms Le Couteur, a supplementary.

MS LE COUTEUR: Will there be an interim report from the investigation and what are the expected release dates for the interim report and the final report?

MR CORBELL: Whether or not there is an interim report will be a matter for the inquirer, but the government is seeking a final report around the end of November this year.

Lake Ginninderra—infrastructure project

MR COE: I have a question to the Minister for Territory and Municipal Services. Minister, employers who run businesses at Emu Bank have expressed extreme disappointment in your government's mismanagement of the infrastructure project on Lake Ginninderra. In fact a combination of inadequate parking, poor management of the lake and bridge upgrades, construction of the nearby apartments, closure of the Chandler Street pedestrian underpass and changed traffic conditions have led to a dramatic change and impact on numerous businesses. In fact, one business, Contours gym, is going to be forced to close. Why were surrounding businesses not informed of the infrastructure projects and the impact they would have, and road and path closures, including the bridge over the lake?

MS GALLAGHER: It is an area I know well and I must say that over the last few years the investment in that area of Belconnen is looking fantastic. Yes, upgrades—this is what happens when you invest in new infrastructure and improve the areas, and there are some signs up there with pictures of what it will look like when that work is complete—do inconvenience people who use that area and, at times, businesses who operate out of that area. I am certainly aware of some concerns around parking regarding some private developments that are happening around that part of the lake, and Roads ACT have been working with the proponent of that development to improve the parking arrangements for local businesses in that area.

I do not recall having these concerns raised with me directly outside of the parking arrangements, although perhaps they have been in the last few days, but I am very happy to work with businesses to look at what else can be done.

There is a significant upgrade happening at Lake Ginninderra. Anyone can go around there and have a look at the parks, have a look at the playgrounds that have been established, have a look at the Belconnen Arts Centre and then have a look at the work that has been done, including improvements to the pedestrian bridge. John Knight park is looking fantastic. There has been a lot of effort, which this government will not apologise for, in making our play spaces and our outdoor spaces great for the community.

But at times when that work is being done there will be inconvenience. We work with businesses in every normal sense to minimise those disruptions, and when they occur during developments we see what else can be done, whether it be through amending the road plan or the parking plan, to take into consideration some of those pressures. I am more than happy to look at what further work we can do to support businesses, if you want to hand over some of that information.

MR SPEAKER: Mr Coe, a supplementary.

MR COE: Yes. Minister, why was there no consultation or notification about the projects and what assistance will you give to businesses that are being so severely impacted by your government's poor coordination of these projects?

MS GALLAGHER: I do not accept that. I have got no evidence to accept the allegations that you have just put. I am happy to look into it, but I do not apologise for \$4½ million worth of capital works going into that area, which will ultimately benefit a lot of the businesses that are operating around that area.

Mrs Dunne interjecting—

MS GALLAGHER: Mrs Dunne, I can remember a few years ago some of the dreadful planning mistakes originally around Lake Ginninderra that resulted in there not being the pedestrian traffic or the business opportunities that should exist along that part of Belconnen. That is changing. I jog around that lake frequently. Any morning on the weekend when you go up there that is a much more dynamic area than it has ever been before and it is because of the capital investments that have been put into that area to encourage the recreational opportunities that that beautiful part of the world can allow. If there is further work that needs to be done or communication around the benefits and the plans for that development and the timetable for some of the infrastructure work, I am very happy to provide that. The long-term benefits from getting these investments in place will be there for all to use for many, many years and we do not apologise for that.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, when will the underpass and the bridge be accessible, when will work on Lake Ginninderra be completed, and what is the cause of the delay?

MS GALLAGHER: I do not have the latest timetable. I have seen it in the past, but I just want to check that it is up to date. I am just being advised by my office that there has been consultation on the Emu Bank wetlands, and I am more than happy to provide that information to the community as well.

TAMS do not just go out and start these projects without talking to people. Anyone who suggests that is the case should actually look at the work that goes into TAMS's consultation processes.

Mr Coe: Tell that to the business owners.

MS GALLAGHER: They do not always get it right. No-one ever does get consultation right. There are always views on either side. But, I have to say, a lot of effort is put in to making sure people are aware of what is going on. If problems are raised, they are responded to. I remember a caller rang me on Chief Minister's talkback who said, "You know, there isn't a sign up there with information about when and what's being done," and that afternoon there was a sign up there explaining all of it. Again, when problems are identified, TAMS respond very promptly. We are well served by that department.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, why has there been no resolution of the issues of car parking in that area when I was promised, on behalf of the employers and business owners, that it would be resolved by the end of July?

MS GALLAGHER: I understand—and I think this relates to the Hindmarsh development—there have been ongoing discussions. My last brief on it was that those had been finalised; there was a resolution. I asked a further question. I have not seen that come back. But the resolution was that the long-stay parks would be changed to allow higher turnover and to discourage all-day parking there, to allow people who were frequenting the businesses to access parking in that place. I saw that brief probably a week or so ago. My understanding is that it has been finalised to people's satisfaction, as much as these things can, when you are also looking at parking for construction workers who are building a very large development on the other side of the road.

Canberra centenary

MR HARGREAVES: My question is to the Chief Minister. Chief Minister, as we approach our centenary year, would you please outline what you believe are the key building blocks necessary to put in place and ensure that we have a dynamic and outward-looking economy?

MS GALLAGHER: I thank Mr Hargreaves for the question. I also acknowledge that this is the final question of the Seventh Assembly. Hear, hear! That was the 583rd question I have taken without notice during the term of the Assembly and your final question, Mr Hargreaves, as you are intending retirement after surviving 14 years—

Mr Hargreaves: Voluntary retirement.

MS GALLAGHER: Voluntary retirement, yes, the *Hansard* shall show that—voluntary retirement after 14 years of long and dedicated service to question time. It is perhaps more a sentence than many of us can understand. Thank you, Mr Hargreaves. The Assembly will miss, I think, your insight and your humour during question time and your knowledge or thereabouts of appropriate standing orders.

It is appropriate, as the final question of this Assembly, that we look forward to the next years ahead for this city. We are reaching our centennial year and I think, in terms of reaching our maturity as a city, it is very important that we focus on the future and what are those key areas to ensure that Canberra remains the vibrant dynamic city that we are all so proud of. It is with this in mind, I think, that I have been focusing on our regional connections and making sure that we are putting in place all the work we need to do to make sure that Canberra plays a strong role in terms of the future of this rapidly growing region.

We have signed the MOU with the Premier of New South Wales, and this sets out some of those key issues for New South Wales-ACT collaboration. It identifies regional direction statements which should identify future economic opportunities for the region, and I have been saying for some time that if the region around us has a strong economic outlook, then that has benefits for the ACT as well.

The MOU is also looking at infrastructure needs and the shared view of planning those requirements, including how we fairly apportion costs. This is very important when we see the level of traffic that comes from across the border every day and uses ACT infrastructure, particularly in the areas of health and education. I think, in terms of our own future, the MOU identifies health and education as key opportunities for us into the future.

We know that some of the more interesting facts that are coming out of some of the work being done by our educational providers are that 35 per cent of the total higher education domestic student population in our universities is from interstate. In the case of the University of Canberra, 90 per cent of these interstate enrolments are from New South Wales. For the ACT, the percentage is actually 61. I think there is enormous capacity to grow this sector of our economy. It is clean, it is clever, it creates high-paid, high-skilled jobs for the workplace of the future.

In the area of health, we already service the region. A quarter of the occasions of care in our public hospitals involve New South Wales residents, and a third of those on our elective surgery waiting lists are New South Wales residents.

I can hear how interested members of the opposition are in this forward-looking, vision-setting agenda that I am putting in place. I know that challenges the Liberal Party because they actually cannot look forward, they can only look backwards. This is about the benefit for the city as a whole, regardless of what political power may be the government of the day. I do not think there is any disagreement that health and education should be our priority.

MR SPEAKER: Mr Hargreaves.

MR HARGREAVES: Chief Minister, could you advise the Assembly of two areas of activity which are already achieving success, please?

MS GALLAGHER: I thank Mr Hargreaves for the question. In terms of some of those regional collaborations that I was talking about, last week I was very pleased to visit Queanbeyan hospital with the member for Monaro, to have a look at the facilities at Queanbeyan hospital. This is something that many sceptics said could not be done. They said that we could not actually do elective surgery—

Mr Hanson: No; said it should have been done years ago.

MR SPEAKER: Mr Hanson, thank you.

MS GALLAGHER: As much as it might surprise you, Mr Hanson, I am not actually referring to you. I just do not have this blind—

Members interjecting—

MS GALLAGHER: I know that everything is about you; it is always about you. But this is not about you. This is about the elective surgery operations.

Members interjecting—

MR SPEAKER: Members, thank you. Let us move on.

MS GALLAGHER: Mr Hanson, no; there were people that said it could not be done, that we could not get ACT doctors to work in Queanbeyan hospital on patients from the ACT elective surgery waiting list. They said it had been tried before and it had failed.

It was with enormous pleasure that I went and talked with the staff at Queanbeyan hospital about the work that is being done and the opportunities for the future. Queanbeyan hospital are very excited about increasing the capacity for the work that they do, and it frees up some of the capacity constraints that we have in our very busy hospital. So it is a significant achievement. And it is not an achievement that I have achieved; it is an achievement of the Health Directorate, the Canberra Hospital staff and the staff of Queanbeyan hospital, who have accepted that we just needed to get it done, and we got it done. That is a fantastic outcome. It will be reviewed after 50

operations to see the success. And based on that—and I believe it will be a success—we can look at how we can strengthen that regional relationship in health into the future.

MS PORTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Are there any other areas which we need to continue to develop in order to achieve your vision, Minister?

MS GALLAGHER: I thank Ms Porter for the question. Without doubt, the work of government is never done. There are always further priorities to address, whether it be some of the challenges around urban densification or around how we protect the bush capital nature of our city or how we address some of the issues around affordable housing options. Another priority area is transport for Canberra and how we continue to invest in public transport to make it the transport of choice for this city into the future. We have a number of pieces of work underway looking at things like the Gungahlin to Northbourne corridor and also the work of providing ACTION bus services across the community.

So there is always so much more to do, but we are very lucky to live in this beautiful city where we have got all the plans in place to address some of those challenges. We have got the business development strategy and we have got tax reform underway. We have got a very strong policy agenda going into the next four years. We will be focusing on all of those things that matter to Canberrans, those local government services—health, education—but we will also be wanting to maintain the very strong Labor agenda of removing discrimination, ensuring equality for all our citizens and making sure that, where governments provide assistance to those in need, we provide it in a targeted way that gets the best bang for the buck out of our dollar and makes sure that it helps people who need that extra helping hand.

We will be continuing all of that focus over the next four years. Mr Speaker, I am sure I can say at the conclusion of question time for the Seventh Assembly that it has been a blast.

MR HANSON: A supplementary, Mr Speaker.

MR SPEAKER: How appropriate, Mr Hanson.

MR HANSON: Indeed, Mr Speaker. It is only appropriate that it is to the Minister for Health, of course. Minister, in this spirit of regional cooperation, have you provided any advice to your New South Wales counterparts on how they might be able to fix their ED performance?

MS GALLAGHER: How I would advise the New South Wales government on fixing their ED problems?

Mr Hanson: Absolutely. You've certainly got a view of how it could be done here. I was wondering if you've got any view of how they can do it.

MS GALLAGHER: Yes, I sensed that. I would say that, if you look at the New South Wales emergency department figures, they vary across the state. But, indeed, I have had some very good meetings with the Minister for Health, Jillian Skinner. I have found her most helpful in pursuing regional collaboration. That has assisted in getting the Queanbeyan operation in place and also, for the first time, planning our regional health strategy, including looking at regional health infrastructure needs. It is in all of our interests that, regardless of the political colour of any government in New South Wales or in the ACT, both of those governments work together to deliver outcomes for the community. That is what I have been focused on. That is what I will continue to do. I thank Mr Hanson for that healthy dose of sarcasm.

With that, I ask that all further questions be placed on the notice paper.

Supplementary answer to question without notice Canberra Hospital—alleged bullying

MS GALLAGHER: Mrs Dunne asked me a question yesterday. She said:

You stated in estimates ... that you would not investigate allegations of bullying raised by the Auditor-General.

I have searched the *Hansard*. I cannot find those words that I am alleged to have said on 5 July, I believe. So I am more than happy to have Mrs Dunne come back and inform me what part of the *Hansard* she is referring to, in which case I can follow that up.

Papers

Ms Gallagher presented the following papers:

Intergovernmental Agreements—

List of agreements signed by the ACT Government—As at August 2012.

Ministerial level negotiations—Schedule—As at August 2012.

Climate Change, Environment and Water—Standing Committee—Report 6—*Inquiry into the ecological carrying capacity of the ACT and region*—Government response, dated August 2012.

Health Act, pursuant to subsection 15(4)—ACT Local Hospital Network Council—Annual report to the ACT Minister for Health—2011-2012 Financial Year.

Mr Barr presented the following papers:

Territory-owned Corporations Act—

Pursuant to subsection 19(3)—Statements of Corporate Intent—

ACTTAB—1 July 2012 to 30 June 2013.

ACTEW Corporation Ltd—2012-2013 to 2015-2016.

Pursuant to subsection 9(2)—ACTEW Corporation Limited—Amendments to the company constitution—Statement.

Mr Corbell presented the following papers:

Protection of Public Participation Act, pursuant to subsection 11(2)—Review of Act—ACT Government Report.

Independent Competition and Regulatory Commission Act, pursuant to section 24—Independent Competition and Regulatory Commission—ACT Greenhouse Gas Abatement Scheme—Compliance and Operation of the Scheme for the 2011 Compliance Year—Report 5 of 2012, dated June 2012.

Planning and Development Act, pursuant to subsection 242(2)—Schedule—Leases granted for the period 1 April to 30 June 2012.

Dr Bourke presented the following papers:

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

OHS Liaison Officer Funding—Review—Government response, dated August 2012.

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012

Debate resumed from 29 March 2012, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (3.03): The Canberra Liberals, after some consideration, will support this bill. This bill establishes a regime for the regulation of computer games that have been classified by the commonwealth as R18+, and this is an important distinction. This is part of a national approach recently agreed by the commonwealth, state and territory attorneys-general, supported by legislation that has recently passed the commonwealth parliament. I note, however, that the regulations associated with this new legislation have not yet been made, and these regulations are where the real issues of classification will be lodged.

This bill creates penalties for offences relating to demonstrating, selling or distributing R18+ computer games or leaving R18+ computer games in certain places. Lesser penalties apply to offences relating to M15+ games. I will speak about the penalties a little later as well. It also gives the Office of Regulatory Service inspectors power to enter, search, seize and destroy R18+ games, powers that are similar to those for X18+ films except there is no licence regime for R18+ games. To some extent, this begs the question of how the ORS will be able to manage these powers in the absence of a licensing regime. Presumably this largely will be reactionary, responding to customer complaints.

In my consultations on this matter, as might be expected, I received a wide range of views. In considering the views, I have to say that my main concern, something I will be monitoring with interest, is to ensure that the new R18+ classification does not open the floodgates to computer games that are even more violent or sexually explicit than are currently available in the MA15+ classification. It is my hope that this new classification will mean that some games currently classified as MA15+ will be promoted to the R18+ category, but this is really a matter for the commonwealth.

In a more general sense, I am particularly concerned about recent news reports indicating that there appears to be a correlation between violent computer games and offences involving particular forms of violence. An example given in the news reports was some stabbings. It can equally apply to other forms of violence, including sexual violence. I do note, for instance, that the New South Wales police commissioner has very recently expressed his concern about the correlation and the similarities between offences that he and his officers are seeing in New South Wales and those which are portrayed in some of the more violent games.

If the new classification goes some way to stemming this trend, it will serve a purpose. However, if the new classification only simply means that some games are of a more violent or sexually explicit nature rather than being a reconsideration of games in the MA15+ classification, then I would be very concerned about future trends in violent crime.

While I said the Canberra Liberals will support this bill, we do so with a degree of concern about how the new classifications will impact on social behaviour, and to this end I have circulated some amendments that address the penalties in this legislation in the areas of demonstrating, selling, distributing or leaving computer games in certain places. I have proposed a substantial increase in the penalties from what they are in the legislation to give a clear message that we in the Canberra Liberals will do everything we can to send a very strong message that we want to see this material kept out of the hands of minors, children, and we believe that increasing the penalties in this legislation will send that strong message.

That said, the Canberra Liberals will support the regulatory regime that underpins this classification system, but it is something that we do with considerable concerns about the social impact of the whole regime federally and locally and we will be watching it very closely. I will continue to liaise with my interstate colleagues about the application of this law.

MR RATTENBURY (Molonglo) (3.08): Particularly on the logistics front, the Greens will be supporting this bill today. Australia-wide agreement to having an R18+ category for computer games has been a long time coming, and the Greens are very pleased the day has arrived.

The issue of computer games is rather unique. Agreement from every Attorney-General in the land is required before R18+ ratings can become law. This is a result of the Australian constitution which hands the power to classify to the commonwealth, but the power to censor and enforce to the states and territories. This issue is even

further confused for the ACT due to our self-government act which precludes this place from legislating with respect to censorship. Therefore, we here in the ACT apply commonwealth laws and are left with the task of enforcing the scheme. While the constitutional predicament may be complex, the need for this reform is not.

The Greens' position is that adults should be able to view adult material and that children should not, and that is what this bill will help achieve. Currently there is the perverse outcome where children in Australia have legalised access to games that are restricted to adults in other countries. This strange result comes about by virtue of the fact that the producers of those games mould the game and remove very selected parts to bring it under the threshold and make it just legal in Australia for children. The more sensible result in other countries is for those games to be restricted to adults only. That result will now be achieved in Australia, and that is a good outcome for adult gamers and for children. This is a simple and sensible outcome that means adults will have access to adult material but children will not.

Given the overlapping responsibilities between the commonwealth and the states and territories, it is important to note that the commonwealth put in place its part of the scheme when the Senate passed its half of the legislation in June this year. The legislation received the assent of the Governor-General in July. And so it is now for the ACT to become among the first to legislate for its part of the scheme.

Given the overlapping legislation, it is interesting to read the Senate debate and reflect on some comments made by Senator Brandis and Senator Ludlam, from the Liberal and Green parties respectively, when they responded to the government's bill. And it may surprise some members to hear me quote Senator Brandis in this place but, nonetheless, he made some interesting comments:

... the average age of Australian computer gamers is 32, with women making up almost half of computer game players. Notably, over 75 per cent of gamers in Australia are over the age of 18.

These facts speak volumes about the make-up of the Australian gaming public. There are many of them in their 30s, and to be telling them that they cannot access the same material as people the same age in other countries does seem strange.

Senator Ludlam made the observation about a 2009 consultation by the federal government:

There were 60,000 respondents to the Attorney-General's 2009 consultation—
sixty thousand—

98 per cent of which said, 'Yes, of course adults should be able to view adult content, whether it is online or not.' So I look forward to the passage of this bill.

I think Senator Ludlam's comments speak volumes about the need for this bill as well. There are large numbers of people with an active interest, and they overwhelmingly support the proposal for R18+ classifications.

So in conclusion, the Greens are pleased that this day has arrived. It has been a long time coming, and many gamers and parents thought perhaps it would never arrive. However, arrive it has, with tripartisan support, and this is a good result.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (3.12), in reply: I would like to thank members for their support of this bill. The bill introduces an R18+ restricted classification category for computer games in Australia and is consistent with the decision of all jurisdictions at a meeting of the then Standing Committee of Attorneys-General, now the Standing Council on Law and Justice, in Adelaide last year.

The commonwealth has now passed the Classification, Publications, Films and Computer Games Amendment (R18+ Computer Games) Act. This is the mechanism which will activate the R18+ category for all other jurisdictions. The commonwealth amendments will commence on 1 January, giving all jurisdictions time to enact their own implementation bills.

The government is proud of its ongoing support for the R18+ adults only category here in the ACT. The ACT was the first jurisdiction to introduce its bill and will be the first to enact the new classification provisions. The bill adds the R18+ restricted classification category for computer games to the current framework which contains the G, PG, M, MA15+ and RC, or refused classification, categories. The new category, R18+, represents the government's commitment, and indeed all Australian government's commitments, to maintaining the principles expressed in the national classification code. It will provide more protection for children and young people. At the moment, harmful material can be easily purchased from overseas or through the internet, with no guidelines as to its content.

The key principles of the code are that adults should be able to read, hear and see what they want but that children should be protected from content likely to harm or disturb them. The R18+ classification for computer games satisfies both of these objectives.

Children and young people under the age of 18 will not be allowed to purchase R18+ computer games. The bill requires proof of age before purchase. A similar requirement already works effectively to prevent children under the age of 15 buying MA15+ games.

Contrary to the suggestion of some, an R18+ classification will not introduce prohibited and offensive games to Australia. The refused classification category still will exist, and the Attorney-General of any jurisdiction may request reconsideration of classification if there is concern raised about a particular game.

Compliance with the existing and new laws will be enforced by the Office of Regulatory Services here in the ACT. ORS is already responsible for licensing and enforcement of the X18+ films category. ORS inspectors will have the power to enter

premises without a warrant to investigate potential breaches and will be able to seize any computer games that do not comply with the law. ORS receives recurrent funding, \$121,000 in this year's budget, to undertake the new enforcement function.

As I have previously noted, the bill engages section 11(2) of the Human Rights Act which provides that every child has the right to the protection needed by the child because of being a child without distinction or discrimination of any kind. The introduction of the R18+ classification category engages this right in a very positive sense as it will provide greater and more effective protections of children and vulnerable adults than the present scheme. As I have already noted, under the present scheme any person can purchase material from overseas and have no guidance as to its content.

The ACT has long supported the introduction of an R18+ category for computer games because it provides the community with a greater ability to control the distribution of these games and provides adult purchasers with greater information to allow them to determine whether a given computer game is something they truly want to view or use. As I have indicated, the ACT is pleased to be one of the leading jurisdictions in the implementation of this important reform.

I turn to the issue raised by Mrs Dunne about whether violent video games cause aggressive or violent behaviour. Firstly, there is no proven link between violence and computer games. However, the government has established that in the absence of an R18+ classification for computer games, people are downloading or purchasing unrated games from overseas, with no understanding of the content or level of impact of these games. The real risk is that the absence of a classification framework will allow these games to be accessed by children. The R18+ classification category will inform parents and protect children from exposure to inappropriate and offensive material.

Between May and September 2010 the commonwealth Attorney-General's Department undertook a review of research exploring the link between violent video games and human aggression. All studies cited in group submissions to the 2009 discussion paper "Should the national classification scheme include an R18+ classification category for computer games?" were reviewed. The literature review found that much of the research into the behavioural impacts of playing computer games is contested and inconclusive. Although a significant amount of research shows a small to moderate link between video and games and aggression, there are problems with these findings that reduce their policy relevance. This includes defining and measuring violent content in games; accounting for third variables such as pre-existing aggressive personality, socioeconomic status and family peer influences; the severity of violent content, that is, is the content cartoonish versus realistic; the impact of socially acceptable violence, such as sports, or antisocial violence and problems with the concept of aggression used in research.

But this really does highlight that this is a complex area and that the most effective approach is through the regulation of the material to ensure that harm is minimised and that adults are able to view material consistent with the existing principles that underpin the classifications of all other materials, print and electronic, that exist

already in Australia. The R18+ classification will provide more protection for children and young people than the existing scheme. At the same time it will allow adults to view material appropriate for adults, with the appropriate information to allow them to make informed decisions.

I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MRS DUNNE (Ginninderra) (3.19), by leave: I move amendments Nos 1 and 2 circulated in my name together [*see schedule 4 at page 3547*].

These amendments, as I foreshadowed in the in-principle debate, are amendments to beef up the penalties in this legislation for the inappropriate display, distribution, leaving, selling or leaving in a public place R18+ material. Currently in the legislation provisions are at 50 penalty units. This amendment seeks to double those in terms of penalty units. This will bring this material into line with the penalties that are currently in legislation for X-rated material.

The amendments are moved because the Canberra Liberals are concerned about the implications and the impact of this material falling into the hands of minors. We want to send the strongest possible message that we believe that we should be doing everything that we can to avoid that happening. This would be a strong message to sellers and distributors that they have a very strong responsibility to ensure that minors do not obtain material through their offices that will be classified R18+.

These increased penalties would show the community that we take the issue seriously: that we consider that the material that will be contained in R18+ games is not there for children to play with, and that children should not have access to it. And it would send a strong message to the community that we in this place are doing everything that we can to protect the young people in our community.

The messages that we have received about this are very mixed, but the really strong message is that parents are saying to us that, with the redefinition and reclassification, it will be easier for them to make assessments about what is suitable and what is unsuitable for their children and it will be easier for them, parents, to set rules for their children about what games can be acquired and what games can be played. This is one of the elements of the law where we have seen that there is a strong message from parents that they would welcome the certainty that this would provide.

In this Assembly we should be reinforcing the role of parents and reinforcing our commitment to helping parents in this way by making it a very serious offence—a very serious offence indeed—to put these materials in the way of young people. By

increasing the penalties, and making them quite substantial penalties, we send that message. It is a message that we should be prepared to send loud and clear to people who distribute, sell and purvey these games in the ACT—that we take it seriously, that we take seriously our responsibility to keep these R18+ materials out of the hands of minors.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (3.23): The government will not be supporting these late amendments from Mrs Dunne. The reason for that is the need for consistency in relation to penalty provisions.

The current provisions that attract a penalty unit level of 100 penalty units for an individual are for material which is refused classification or material that is unclassified—that is, it has not been submitted at all to the classification scheme. X18+ material is 50 penalty units—not 100; 50. The government's view is that to provide for the penalties for R18+ computer games being sold to minors to be at the same level as refused classification is not the appropriate standard. Selling refused classification material or material which has not been classified at all, has not been subject to classification at all, should have a higher penalty than selling material that has been classified but is being sold to someone who is not legally allowed to obtain it.

So the government does not support the proposal from Mrs Dunne. It is important to remember what Mrs Dunne's amendments would do. Mrs Dunne's amendments in relation to penalty units would equate an R18+ computer game with material that is classified RC; that is, games that, if classified RC, would:

- depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena, in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be accorded a classification ... or
- describe or depict in a way that is likely to cause offence to a reasonable adult, a person who is, or appears to be, a child under 18 ... (whether the person is engaged in sexual activity or not) ... or
- promote, incite or instruct in matters of crime or violence ...

They are the criteria for material to be refused classification. Sale of that material attracts 100 penalty units. That is a higher and more serious matter than the sale of R18+ computer game material to a minor. I am not saying that that action in and of itself is not a serious matter, but there should be an appropriate grading of the seriousness of the offence provisions.

Mrs Dunne is seeking to equate one action with another; they are not the same in terms of their seriousness and they should not be accorded the same penalty units. So the government does not support the amendments.

MR RATTENBURY (Molonglo) (3.27): The effect of the amendments from Mrs Dunne would be to double the penalties for selling R18+ video games to children.

This would see the proposed maximum penalty rise from 50 to 100 penalty units—in effect, a maximum fine of \$5,500 to \$11,000. The proposed penalty of 50 penalty units is based on the offence of selling an R18+ movie to a child. In a vein similar to the comments of the attorney, while I understand the intent of Mrs Dunne, I believe that ultimately it makes more sense to keep the act internally consistent. On that basis, the Greens will not be supporting the proposed amendments.

Question put:

That **Mrs Dunne's** amendments be agreed to.

The Assembly voted—

Ayes 6

Noes 11

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

Question so resolved in the negative.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): The question is that this bill as a whole be agreed to.

MRS DUNNE (Ginninderra) (3.31): It is disappointing that the members of the Labor Party and the crossbenchers could not bring themselves to agree to this rather sensible improvement, especially when you contrast it with other penalties on the statute book. For instance, as Mr Seselja just confirmed for me, the penalties for distributing single-use plastic bags under the plastic bag legislation is 50 penalty units, again something which has received some notoriety and a larger penalty than is currently on the statute book, or a similar penalty which is on the statute book, for having minors in a brothel.

It shows the standards of the Labor Party and the Greens when they come to this. They say that we have this very strong penalty of 50 penalty units for distributing plastic bags because of the strong evidence of pollution. We have strong evidence before us, which the minister always likes to minimise as much as possible, of the impacts of excessively violent and sexually explicit games on the population generally and particularly on young people. But when it comes to setting the penalties in this place, the minister and the Greens think that it is comparable to distributing a plastic bag at a shopping centre.

The Canberra Liberals actually believe that our children and our families need more protection than they do from distributing plastic bags. That is why we have moved these amendments today. This could have been a better piece of legislation—it could have better protected the children in the ACT—except for the intransigence and the blindness of the Labor Party and the Greens.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (3.33): I can tell that Mrs Dunne well and truly has her marching orders from the Australian Christian Lobby and that we are going to hear more and more of these positions in the coming days and weeks. We will hear more and more of this strident conservatism—

Mrs Dunne: Point of order.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): One moment, Mr Corbell. Mrs Dunne, do you have a point of order?

Mr Seselja interjecting—

MADAM ASSISTANT SPEAKER: Mr Seselja, please be quiet.

Mrs Dunne: I note the tabling last night of a piece of legislation that would outlaw religious vilification. I am wondering whether the assertions made by Mr Corbell that I was taking marching orders from the Australian Christian Lobby were an attempt to vilify me for my views. And are they consistent with the standing orders and consistent with the position being put forward by the attorney in the tabling of his bill yesterday?

MADAM ASSISTANT SPEAKER: Mrs Dunne, I am not sure that there is any point of order.

Mr Hargreaves: On the point of order—

MADAM ASSISTANT SPEAKER: I do not believe, Mr Hargreaves, in fact, it is a point of order. Mr Corbell—

Mrs Dunne: Sorry; there is a point of order.

MADAM ASSISTANT SPEAKER: Could you ask me what—

Mrs Dunne: I am asking you. I am asking you to rule on whether it is appropriate to say in a disparaging way—to disparage members of the community and to attempt to disparage me—that I am taking my marching orders from any particular organisation. I would like you to rule on whether that is appropriate language. I would also like you to reflect on the fact that the attorney wishes to change the law to outlaw religious vilification.

MADAM ASSISTANT SPEAKER: Mr Corbell, it is—

MR CORBELL: I am open to you to rule on the question.

MADAM ASSISTANT SPEAKER: I cannot; I do not believe there is a point of order. Mr Corbell, you have the floor; please continue.

MR CORBELL: Thank you. Madam Assistant Speaker, it is not my problem if Mrs Dunne is in lock-step with the views of Jim Wallace and his conservative cronies in the Australian Christian Lobby. We know that she is. She is on the record supporting a range of policy positions that are entirely consistent with the views of the Australian Christian Lobby, but she seems to want to disavow any sort of link, association or similar policy.

Members interjecting—

MADAM ASSISTANT SPEAKER: Members of the opposition, please be quiet.

MR CORBELL: I do not resile from my comments at all, Madam Assistant Speaker. I do not resile from my comments at all. We are seeing, on the other side of this place, an increasing strident conservatism which is going to seek to undo important reforms in a whole range of areas. I can tell that Mrs Dunne would have much preferred just to oppose our R18+ classification. But she tried to create some cover for herself.

Members interjecting—

MADAM ASSISTANT SPEAKER: Members of the opposition, please be quiet.

MR CORBELL: She tried to create some cover for herself by saying, “We’re more interested in protecting the interests of children and young people.”

Mrs Dunne: Point of order, Madam Assistant Speaker.

MADAM ASSISTANT SPEAKER: One moment, Mr Corbell.

Mrs Dunne: Madam Assistant Speaker, is it appropriate—I seek your ruling on this—for the attorney to speculate on what I may or may not have wished to do rather than what I have done?

MR CORBELL: What is the point of order?

MADAM ASSISTANT SPEAKER: Mrs Dunne, there is no point of order. Mr Corbell, you have the floor. I ask all members to hear Mr Corbell in silence.

MR CORBELL: She tried to construct a get-out, if you like, by saying that she was more interested in protecting children and young people than other parties in this place because she was prepared to have higher penalty units.

Mr Smyth: Point of order, Madam Assistant Speaker.

MADAM ASSISTANT SPEAKER: One moment, Mr Corbell.

Mr Smyth: There is an imputation in the comments from the minister that Mrs Dunne did something but it was a cover for something else that she wanted to do. If he wants to accuse her, he should just accuse her properly in the form of a proper motion.

MADAM ASSISTANT SPEAKER: Mr Smyth, there is no point of order. Mr Corbell, you have the floor.

MR CORBELL: Thank you, Madam Assistant Speaker. They are very sensitive on this point, Madam Assistant Speaker, I must say. Maybe there is some truth in the content that I am raising.

I would simply make the observation that the penalty units provisions that the Assembly has just agreed to in relation to this bill are serious penalties. Think about what a retailer gets for selling a computer game. What? It is \$20, \$30—maybe, if it is a high-end game, \$100. And what is the penalty proposed? It is \$5,000—over \$5,000. That makes it really clear that it is not worth the retailer's time or effort to try and break the law and do the wrong thing by selling a computer game that is classified R18+ to a minor. I think that makes it really clear. Obviously, for a corporation the penalty is even higher than that—much higher than that.

So before Mrs Dunne gets on her high horse and tries to get something on the *Hansard* that she can email across to Jim Wallace to show that she fought the good fight on these matters, she should reflect on this. We look forward to the debate that I am sure will take place in the forthcoming election between those who seek to wind back important reforms that advance equity and equality, tackle discrimination in our community and help protect young people and children in our community in ways which also reflect the right of adults to view material that does not cause harm to others versus those who will seek to wind all of those important issues back and plunge us back into some discriminatory and regressive environment which does not seek to respond to the needs of a modern and contemporary society.

I commend this bill to the Assembly.

MR HANSON (Molonglo) (3.40): I was not intending to speak on this issue, but the quite vile accusations and the vilification that have come from the Attorney-General require a response. Mrs Dunne has moved—on behalf of all opposition members, all of us—very reasonable amendments that say that if you provide R+ classified material and leave it in a position where it can be provided to minors, there should be appropriate penalties. I think that sounds reasonable. We have considered that. That is a reasonable amendment. Mrs Dunne has provided some useful comparisons about penalty points that show that moving from 50 to 100 penalty points is a very reasonable thing to do. She has done that on behalf of the opposition, based on what we think are the right measures to put in place to provide appropriate safeguards for this new piece of legislation.

There is the accusation and the heckling from those opposite that this is somehow related to Mrs Dunne's religion, that this is motivated by a religious organisation, that she is in lock-step with them. Mr Hargreaves interjected that this is sport. I think that goes to the very point that Mr Corbell was making the other day when he was talking about legislation aimed at religious vilification. We have seen a stark example of it in this place, where an organisation, the Australian Labor Party, and the Attorney-

General of the ACT have attempted to use religion to vilify someone, to say essentially that their motives are corrupt because of the nature of their religion. I wish to make that point.

If Mr Corbell wants to argue on the merits of the case in terms of what are the appropriate penalty units as a response to people who provide R-rated material to minors, let us have that debate, and let us have that in an appropriate way. But let us not try and drag in religion in this vile manner that the Attorney-General has.

MR RATTENBURY (Molonglo) (3.43): It is interesting to reflect on what has happened in the last 10 minutes or so. We had a discussion where Mrs Dunne put forward some amendments proposing to double penalties. She had her argument for that, and that was fair enough. To use Mr Hanson's word, that was an appropriate way to have the debate. I then stood up and said, "I see where Mrs Dunne is coming from, but because of the way the act is structured and the relative classification of offences, I believe that ultimately it makes sense to keep the act internally consistent."

It was Mrs Dunne who then dragged it into the gutter when she stood up and, because of that position that I took, basically said that somehow the Greens did not care about protecting children—and all the other wild accusations she proceeded to make once her amendments had been rejected.

Let us just reflect on where this went. Mr Hanson stood up and talked about vile accusations and vilification. I am not going to speak for the attorney, but let us just reflect back on where this debate was going. We were having a fairly ordinary debate on what is the most appropriate penalty level. I saw it as not being the right way to go within the internal consistency of the act—to just double the penalties—because with these things there is usually a pattern and structure to them. I think that it was most unfortunate—but it is the tactics that we often see over here—to take a perfectly reasonable statement and twist it into something that was not actually said and was far from the intent of the member who actually voiced the position. That is the gutter tactics we have seen in this discussion.

It is a real shame, because this is a good piece of legislation. My speech was very much about the fact that this legislation provides protections for children. We probably could have just left it at that, but, as is so often the case, it caused this side of the chamber to take it just one step too far. They cannot help themselves.

Bill, as a whole, agreed to.

Bill agreed to.

Standing and temporary orders—suspension

Motion (by **Mr Corbell**) agreed to, with the concurrence of an absolute majority:

That so much of the standing orders be suspended as would prevent order of the day, Assembly business, relating to the disallowance of Disallowable Instrument DI2012-208 being called on forthwith.

**Financial Management Act 1996—Financial Management
(Credit Facility) Approval 2012 (No 1)—Disallowable
Instrument DI2012-208
Motion to disallow**

Debate resumed.

MR SMYTH (Brindabella) (3.46): The opposition will be supporting the disallowance motion for this disallowable instrument. I think people need to be aware of some of the history of how the opposition at least came to be aware of what may or may not have happened. I was approached during the break by an emissary of the government with some interesting reasons as to why this should go ahead. Part of it was that it was not included in the budget; it was overlooked by the budget.

It was quite an interesting saga as to how we were brought into knowledge of this disallowable instrument. It appears that the DI went to cabinet on 24 July in preparation for the sitting fortnight. The interesting thing is that it was not until the very last minute, when I actually had to ask the Treasurer for a briefing, that the Treasurer gracefully gave me a briefing. I thank him for the briefing. The officials were good, as they always are. It was almost clandestine. It almost had an Agatha Christie air: will we or won't we? Will this happen or won't it happen?

This does go to the way in which the government conduct their business. This is potentially the last sitting day of the year. This would have been the last sitting day. Tomorrow, of course, will now be the last sitting day of the term. The government had important business that they had not given due consideration to. It is very important business for the future of the University of Canberra. Not moving this disallowable instrument today means this matter would lapse.

It is my understanding that the government have been aware of this since February, perhaps earlier; yet no attempt was made to get this into the Assembly earlier. The notice was given yesterday with debate today. You would have to question what the government are up to. How seriously do they take the future of institutions like the University of Canberra when they cannot even arrange a disallowable instrument which they have known about since at least February? February, March, April, May, June, July—it goes on and on.

I thank the Treasurer for the briefing that we had. I think during the briefing some of his officials learned what was going on because of the way the questions were being asked and the answers that were given. I think there is a lot of enlightenment now. The opposition is grateful for the briefing and I am sure there are some officials who actually learned what was really going on.

If you follow the course, then we get to this morning. Of course, it is not listed on the notice paper. There has been no courtesy whatsoever to say, "Apparently we should have got it to admin and procedures last week because that is when admin and procedures set Assembly business for today, but we weren't ready because we didn't have the DI done, so we had not told them." So it goes on. There was not even a

courtesy phone call this morning to say, “It’s not on the blue, but it’s coming on.” If you want people prepared to help you to clean up your mess then you have got to help them be ready for it. I think it is sad that the minister conducts himself in this way.

This is an important matter to the University of Canberra. It is an important matter to the local building industry as well. It is an important matter concerning jobs and it is important to the wellbeing of the ACT. The matter essentially involves providing the University of Canberra with a guarantee of funding of up to \$50 million, as a credit facility, for the construction of residential accommodation on land that the University of Canberra already owns.

I am a little surprised about the urgency with which this matter has been brought to the Assembly: we have got to do this now. The reason we have got to do it today—we could probably have done it tomorrow—is that the disallowable instrument will lapse by the election because the minister did not get it in in time. The work was not done. It is a very important matter. We are all lectured about the important things that the government have got to get on with, but they cannot organise their business affairs to get these disallowable instruments, in particular this one, done in time. It is surprising that it is suddenly so urgent when the government have known about it since February.

The question that has occurred to me—and the minister might answer—is this: why was this matter not acted on earlier? I would have thought that the government would have been aware of the funding requirements some time ago. It is not like it is a new funding requirement. Given the action which had been considered, planned and constructed for new residential accommodation for both ANU and UC—in the case of ANU, they have recently completed some—and given the aggregation of the national rental affordability scheme with funds now for the UC, you would have thought the government would have done the work to make sure that this went ahead and not dealt with it in such an ad hoc way.

What it involves is the redevelopment of Cameron wing 5, the stage 1 project on the site of the UC—which is the subject of this disallowance motion—planning for stage 2 on the UC site and the planning for Cameron wing 4. I think it is simply another indication of how our Treasurer is not on top of his portfolio; \$50 million worth of potential work is a big project.

Whatever the reason for the delay in bringing this matter to the Assembly—and the Treasurer can answer that when he closes—we are now faced with the absurd situation of the Treasurer moving disallowance on his own disallowance motion, disallowance motion 2012-208, so that it does not lapse. The motion having been moved, the Assembly is now being asked to defeat that motion.

Timing is critical with this matter. If we work backwards, the commonwealth government has provided financial assistance to the states for the provision of residential accommodation for tertiary students under the national rental assistance scheme, or NRAS. In the case of the ACT, a deadline has been specified that certain accommodation has to be available by June 2014. In practice, this means that the accommodation needs to be ready by the beginning of the 2014 academic year. For

the construction to be completed in that time frame, the government needs to provide the necessary funding or, as in this case, a guarantee for funding to the University of Canberra. If this Assembly does not support the provision of this funding before the election, the delay will jeopardise the completion of the project within the commonwealth's timetable and the federal funding will be withdrawn. Hence we have to consider, because of this government's inaction, this as an urgent matter.

The technical reason for our considering this motion today is that, if this disallowable instrument is still unresolved when the Assembly rises, the instrument lapses and will have to be reactivated by the next Assembly. The delay that would impose on the UC project would create a problem in completing the project on time. There is a sound logic to what the Assembly is being asked to do with this motion. However, I return to my original question: why has the Assembly been placed in this position? One can only assume it can only be because of the indifference or the ineptitude of the Treasurer. There must have been knowledge of this matter and the associated timings many months ago. Equally, there must have been knowledge of what action had to happen to enable UC to comply with the commonwealth's funding deadline.

I should note that, contrary to some advice I was given—and I say not from the government in this case—there is no link between this matter and the budget. On the other hand, there are financial implications for the territory. On the one hand, \$50 million is withdrawn from the territory bank account, so the territory does not generate interest on those funds. On the other hand, the territory will be paid interest by UC on those funds and that will offset the funds the territory would lose otherwise over the term of the facility. The financial effect on the territory, I am assured, would be neutral.

The opposition is a strong supporter of the provision of sufficient accommodation for our tertiary students at UC and elsewhere and this funding arrangement for UC seems a very satisfactory way to achieve that. The opposition will be supporting the motion of disallowance.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (3.54): The Greens will be supporting this motion today. I understand that this was brought up in the government business meeting, but it did not make it through admin and procedures and therefore was not listed. There seems to have been some sort of mess-up, which should not have happened, but I guess these things do happen. We will be supporting it today. It will give a line of credit to allow UC to build more student accommodation and to be able to take advantage of the commonwealth's NRAS program.

We need to ensure that our students have access to affordable housing. I really do hope it is affordable housing. We have seen over at the ANU on the city west site what is supposed to be affordable housing but, of course, most of us would agree that it is way out of reach of the majority of students. We need more student accommodation. It needs to be there so that we do not have that crisis every year when uni starts with students scrabbling around trying to find some shelter.

We will support this motion today. It is a similar arrangement that we have seen in the past with Community Housing Canberra. As I said, we need to get in now in order to take advantage of the commonwealth program. That is why the Greens will be supporting this motion today.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (3.56), in reply: I thank the shadow treasurer and the Parliamentary Leader of the Greens for their indication of support to provide certainty to the university in relation to this matter. My understanding technically is that, rather than supporting the disallowance we are, in fact, agreeing to vote no, to not disallow the instrument. That is just to make sure that when it comes to the vote that is understood, and that is a good thing.

I will not labour the points that Mr Smyth raised, other than to say that it is appropriate, in the context of a \$50 million line of credit, that there be a thorough examination of a business case prior to granting such a line of credit. There are, of course, processes that are appropriate for government and for the cabinet to go through. Whilst it might provide a cheap debating point for the shadow treasurer, I think those who are familiar with the process, those who understand the development of this proposal and those who recognise that this sitting fortnight has been truncated as a result of other decisions would recognise that this would have been dealt with last week had we had sitting days, an opportunity to provide notice and Assembly business last Thursday. That would have enabled the Assembly to deal with it earlier.

In the context of time frames, the government has moved quickly once a full business case was made available and able to be analysed by the Treasury Directorate. The University of Canberra understands that and the government understands that. I am pleased that we have been able to reach an outcome that would appear to have the unanimous support of the Assembly. That will give the university the confidence it needs to undertake this important project. I thank members for their support, no matter how churlishly it has been given.

Question resolved in the negative.

Standing and temporary orders—suspension

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (3.59): I will be moving two motions. The first is that I move:

That so much of the standing orders be suspended as would prevent orders of the day Nos 1 and 10, Assembly business, relating to the Report of the Select Committee on Estimates 2012-2013 and the Government response, being called on and debated cognately with orders of the day Nos 5 and 6, Executive business, relating to the Appropriation Bill 2012-2013 and the Appropriation (Office of the Legislative Assembly) Bill 2012-2013.

I just want to foreshadow that, once we have dealt with this motion, I propose to move a further motion which will establish time limits for debate in relation to the Appropriation Bill. These time limits have been agreed between all parties in this place. The government recognises that debate on the Appropriation Bill is an extremely important debate of significant interest to all members. The government has made provision for 15 hours of debate on the Appropriation Bill. I am very pleased that we are commencing that debate at 4 pm today, providing us with quite a large amount of time to get through that debate today and proceed to continue with it tomorrow.

I regret, Madam Assistant Speaker, that the paperwork I require to move the time limits motion has not yet been provided to me. I understand it is to be delivered to me shortly, so I will move that motion once I have the appropriate documentation to put to the house. But for now I commend the suspension of standing orders to members.

Question resolved in the affirmative, with the concurrence of an absolute majority.

MADAM ASSISTANT SPEAKER (Mrs Dunne): How about we do it this way, Mr Corbell: we do all the preliminary bits and then before we get to part 1.1 we set the time limits?

Mr Corbell: If I have my paperwork, yes, Madam Assistant Speaker; thank you.

Appropriation Bill 2012-2013

[Cognate bill:

Appropriation (Office of the Legislative Assembly) Bill 2012-2013

Cognate papers:

Estimates 2011-2012—Select Committee report

Estimates 2011-2012—Select Committee report—government response]

Debate resumed from 7 June 2012.

MADAM ASSISTANT SPEAKER (Mrs Dunne): I remind members that, in debating order of the day No 5, executive business, they may also address their remarks to executive business order of the day No 6, and to the report of the Select Committee on Estimates and the government's response to the report.

Standing order 180 sets down the order in which the bill will be considered—that is, in the detail stage, any schedule expressing the services for which the appropriation is to be made must be considered before the clauses and, unless the Assembly otherwise orders, the schedules will be considered by proposed expenditure in the order shown. With the concurrence of the Assembly, I am proposing that the Assembly consider schedule 1 by each part, consisting of net cost of outputs, capital injection and payments on behalf of territory.

Is this the wish of the Assembly? That being so, schedule 1 will be considered by each part, consisting of net cost of output, capital injection and payments on behalf of the territory, and the clauses prior to schedule 2 and then the title.

Motion (by **Mr Corbell**), by leave, agreed to:

That the following times be allotted for consideration of the Appropriation Bill 2012-2013 and Appropriation (Office of the Legislative Assembly) Bill 2012-2013:

Appropriation Bill 2012-2013

Part 1.1	ACT Executive	15 minutes
Part 1.2	Auditor-General	20 minutes
Part 1.3	Chief Minister and Cabinet Directorate	45 minutes
Part 1.4	Health Directorate	1 hour
Part 1.5	ACT Local Hospital Network	30 minutes
Part 1.6	Territory and Municipal Services Directorate	1 hour
Part 1.7	Treasury Directorate	1 hour
Part 1.8	Shared Services Centre	30 minutes
Part 1.9	Superannuation Provision Account	10 minutes
Part 1.10	Territory Banking Account	10 minutes
Part 1.11	Economic Development Directorate	1 hour
Part.1.12	Justice and Community Safety Directorate	1 hour
Part 1.13	Environment and Sustainable Development Directorate	1 hour
Part 1.14	Community Services Directorate	1 hour
Part 1.15	Housing ACT	1 hour
Part 1.16	Education and Training Directorate	1 hour
Part 1.17	ACT Gambling and Racing Commission	20 minutes
Part 1.18	ACT Public Cemeteries Authority	10 minutes
Part 1.19	ACTEW Corporation	30 minutes
Part 1.20	Canberra Institute of Technology	40 minutes
Part 1.21	Cultural Facilities Corporation	30 minutes
Part 1.22	Exhibition Park Corporation	30 minutes
Part 1.23	Independent Competition and Regulatory Commission	20 minutes
Part 1.24	Legal Aid Commission (ACT)	30 minutes
Part 1.25	Public Trustee for the ACT	10 minutes
Part 1.26	Treasurer's Advance	20 minutes
Appropriation (Office of the Legislative Assembly) Bill 2012-2013		40 minutes

Detail stage

Schedule 1—Appropriations.

Proposed expenditure—Part 1.1—ACT Executive—\$6,639,000 (payments on behalf of the territory), totalling \$6,639,000.

MR SESELJA (Molonglo—Leader of the Opposition) (4.06): I will speak briefly on this and just make a couple of general points about this line item in the budget. Firstly, I think it is very important that governments lead by example when it comes to the executive in terms of staff numbers and the use of resources. We note that the executive has gone from 31 staff to 36 staff from 2010-11 to 2011-12. That is not a massive increase, but it is important that we make sure that is monitored. At a time when the government has asked other areas of the government to make savings, it is important there is an example in the executive.

It is not our position that that is an excessive number at the moment. It is in the right ballpark, but I think it is important that leadership is shown when it comes to the executive so that we do not see any cynicism from governments by increasing the staff numbers in the lead-up to an election as that might assist them.

That said, Madam Assistant Speaker, we know we need a reasonable number of staff in the executive to support ministers. They play a very important role, as do the public servants who come and go from time to time in those ministers' offices. We believe it is important, though, as in all other areas of public sector management, that that is done in a reasonable way, and we simply put that point to the government.

MR SMYTH (Brindabella) (4.07): There is one issue in the executive area that resulted in a recommendation from the committee—the policy on the use of mobile phones by staff in the executive. The recommendation is:

The Committee recommends that the ACT Government inform the ACT Legislative Assembly with regard to the ACT Executive's mobile phone policy. This should include detail on policy guidance concerning: allocation—delineating between Ministers and ministerial staff, terms of use, acquittal of conditions attached to use, and payment plans.

The government's response is, "Yes, we've got a mobile phone policy and that has been developed and it is distributed to the executive and to the staff." So it is a typical response from a secretive government. If you have got a policy on the use of mobile phones, I do not see why it cannot be tabled in this place as per the suggestion of the estimates committee. I guess that is probably expecting too much from this new era of openness and accountability.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (4.08): The Greens will be supporting this line item, which is around the staffing for the executive. There has not been a huge increase; it is one that would be expected. We do not have any issues and certainly nothing came out from the estimates committee or the estimates process.

There was a discussion within the estimates report, as Mr Smyth has alluded to, around the executive's mobile phone policy and having a policy and guidance on that. We believe good administration is a good thing, and we can always improve on being open and accountable about money we spend. The Greens will be supporting this line item.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (4.09): As the minister responsible for the ACT executive I will briefly respond to those comments. I point out that I believe the ACT executive is the only line item in this budget that has actually returned money back into Treasury coffers that has been underspent due to the very close eye we keep on the executive budget. We have answered a question on notice, I believe, about this, but it shows that a substantial amount of money was returned to Treasury because of how closely we monitor and manage our entitlements. The machine in the executive area is lean. Our staff work very hard. They are on call 24/7 and they require the use of technology such as mobile phones. There is policy guidance around not only mobile phones but a whole range of entitlements. It is appropriate that there is a very clear level of transparency around this line item as well.

Mr Smyth: Except you're not tabling the guidelines.

MS GALLAGHER: We keep a very close eye on this, Mr Smyth. We actually return money to the budget, unlike the first floor of the Assembly, which does not. Our offices have returned money. We have made sure that where we can save money we do, and when we save that money we return it to Treasury. I look forward to the non-executive members taking the same approach.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.2—Auditor-General—\$2,545,000 (net cost of outputs), totalling \$2,545,000.

MS LE COUTEUR (Molonglo) (4.12): I am very pleased to speak about this, because in my job as chair of the public accounts committee I have been arguing for the last four years that the Auditor-General should have an increase in funding. I and the public accounts committee have been strongly arguing for increasing the funding for the Auditor-General's functions to ensure that we have more performance audits.

Members would be aware that the Auditor-General has basically two functions—a financial auditing function, which is financed by the Auditor-General charging fees from the people she audits, and a performance audit function, which is basically where the Auditor-General is reporting to the Assembly about the performance audits she does of various bits of ACT administration. This is an incredibly important function and it is one that the public accounts committee has been arguing for a long time that we should have more of.

I am very pleased that finally, at last, we have an increase in funding. The expectation is that we will have an increase in performance audits from six in 2011-12 to eight in 2012-13. There is also a small increase for indexation costs. I think the ACT gets value for money out of Auditor-General, and I support this increase in funding.

MR SMYTH (Brindabella) (4.13): When members look at the section concerning the Auditor-General's presentation to the estimates committee, they will find no recommendations. I think it is the first time in many an estimates report where the

government has actually taken on board some of the suggestions of previous estimates committees and public accounts committees—that is, funding to the Auditor-General be extended, given that it provides good advice and, indeed, probably in the longer term saves the territory money.

I commend the provision of additional funds for the audit office to undertake more performance audits. I have been seeking these additional funds for many years. PAC has supported these demands for additional funds, and the value of independent performance has been shown time and time again, not only in the ACT but in other jurisdictions in Australia and elsewhere.

I think the sign of a good audit office in any jurisdiction typically is the response of the government to its reports on performance audit in particular. In the case of the ACT, of course, we have had the history of the vigorous, even antagonistic, reaction from former Chief Minister Mr Stanhope to some of the reports that were signed off by former Auditor-General Tu Pham. I think that shows that the audit reports were probably pretty close to the mark. The audit office performs an incredibly valuable role both for the Assembly and for the community, and I look forward to seeing the continued sound reports of the performance audits.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (4.15): The government has agreed to increase funding to the Auditor-General's office by \$1 million across the forward estimates. This is in recognition of the very important role the Auditor-General's Office plays. I also draw members' attention, though, to the fact that the decision the government has taken over the years has been to exempt the audit office from savings that have been sought across government. Indeed, in the 2006-07 budget we also increased funding to the Auditor-General to increase performance audits at that time.

Our record in government is clear. We have consistently increased funding to the audit office, and this is in recognition of the very important role the audit office plays. As the minister responsible, I am pleased I have been able to find some additional money in what was a very tight budget.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.3—Chief Minister and Cabinet Directorate—\$36,919,000 (net cost of outputs) and \$2,946,000 (capital injection), totalling \$39,865,000.

MADAM ASSISTANT SPEAKER (Mrs Dunne): Would it help members if I highlight at the beginning of each part the time set aside for that part? The time agreed to for this part is 45 minutes.

MR SESELJA (Molonglo—Leader of the Opposition) (4.17): I want to address some of the issues that I think are really set from the top. These are not just Treasury issues; these are issues of leadership for the head of government and are around the cost of living.

The government and the Chief Minister in this area have not been able to provide sufficient detail to the community about what they can expect in years to come when it comes to their cost of living, and particularly with things like their rates, with the government's changes. We certainly have asked questions of the Chief Minister. The Chief Minister was asked how households would be affected, what families are facing over the next five years, and what information families will have regarding the projected rates increases for their blocks.

The main response from the Chief Minister was that some of those, of course, are subject to future budget decisions. That appears at page 869 of the estimates of 26 June. We asked about rates. The Chief Minister also said:

Well, I have not had one request, other than from you, Mr Seselja, for any more detail than that.

When you have a government that have a record of raising costs for people, and they are planning on raising those costs even more in years to come, I think it is incumbent upon them to be open about that.

If you look at what happened when the GST was implemented, there was a lot of detail. It was taken to an election and there was a lot of detail put to the community about what it would mean. "Yes, it will mean that these prices will go up." Some prices would go down, if they were subject to high rates of wholesale sales tax before that, and that was abolished. Other taxes were reduced, income tax went down and, of course, there were all sorts of discussions about whether or not GST would apply to various things, how it would impact on things when there were existing excises—alcohol and the like. There was detailed discussion and answers given by Peter Costello, John Howard and others in the lead-up to that.

If you are going to undertake changes to our tax system, you need to give the community as much detail as possible—not the propaganda that is coming in the letterboxes at the moment. That actually does not tell the truth. It says things that are plainly not true, and it hides most of the inconvenient facts at the back of the brochures or in the small print. I think that was disappointing.

We also asked the Chief Minister about the cost of living statement. The \$9,000 in ACT government taxes and charges that an average family now faces is a massive amount. It is going up by \$600 just in this year. And let us face it: with respect to this \$9,000, for this average family that they have chosen—and I have commented on this on a number of occasions—whilst the income levels and the one full time and the one part time is fairly typical of many Canberra families, some of the other things they deliberately left out suggest that it is not a typical Canberra family, because this Canberra family has two cars but no-one pays for parking. There would not be many Canberra families with one full-time worker and one part-time worker, two cars, living in the suburbs, who are not paying for parking at some point. That was left out. They left out some of the taxes they pay, like the utilities tax, which you pay, of course, on things like your phone. So this is not a typical family.

But even if we accept the slightly skewed facts that are provided around that, with respect to the \$9,000, it was put to the Chief Minister, and her response was unequivocal:

Do I believe that the community has to pay for the costs of delivering services?
Yes, I do ... Do I think that those costs will go up over time ... Yes, I do.

I think that is a dismissive way of dealing with it. Will costs go up over time? Well, in some cases they should not always have to, and they certainly should not be going up more than inflation in many cases. At the very least, governments should be keeping costs to around inflation when it comes to costs on families. I think people can accept that. If inflation is at around three per cent, you might expect that your rates and charges will go up by a similar level. That is reasonable. People do not expect that it is going to stay as it was in 1990 or 2000, and if our rates in 2001 had gone up at around about inflation, of course they would be much lower than they are now. With electricity, likewise, water even more so, and for so many of the other services.

Getting this statement in the budget, the cost of living statement, was important. It was a great piece of work by the shadow treasurer. It showed his commitment, the Canberra Liberals' commitment, to fighting for Canberra families and for really pushing to try and ensure that we get policies that put downward pressure on costs. That is really important, and I do not think the Chief Minister got it. When asked whether the cost of living eased or increased in her time as Treasurer and Chief Minister, this is what the Chief Minister had to say:

I think perceptually there is a view out there that the cost of living has increased ... I think there is a disconnect between what are believed to be pressures and what actually are.

I think that is a pretty dismissive statement. To say to families, "What you are experiencing with your cost pressures is not real; you feel like you do not have as much money; you feel like costs are going up but they are not," I think is not very responsive. I do not think it is very responsible. And I do not think it is true. People do understand. People in our community are not mugs. They can look at their costs, they can look at their income and they can compare. Most people in Canberra who work, say, as a public servant, might have seen their income go up by around three to four per cent a year—sometimes less than that, but around about that, CPI or wage price inflation. Yet they know they have seen their electricity go up by around 85 per cent in the last decade—so more than double that. They know that, depending on where they live, their rates have gone up, sometimes by 150 per cent in that time, sometimes by 80, 90 or 100 per cent. They have seen water go up by 200 per cent. I think we heard today again that under this government CTP, outrageously, has gone up by 50 per cent. They told us their reforms would fix CTP and it has gone up by 50 per cent over the last few years—I think over the last four years, the Treasurer said.

So people know that the things that they need are going up much quicker than the things that they want. Who cares, really, if plasma TVs are cheaper now than they were five years ago? That might be useful for one purchase for a family, but all of the day-to-day things—school fees, electricity, water, gas, petrol—have been going up

much quicker. So they are feeling it. I think statements that demonstrate that politicians like the Chief Minister are out of touch are unfortunate. I think they demonstrate where this government are at when it comes to cost of living. They will pay cost of living lip-service but every action they have taken has put costs up—and not just by a little bit, not just with inflation, not just in the expected way that we might see costs go up over time, but far higher and far quicker.

People would be seeing that and, when they hear these statements from the Chief Minister, I think that they would get a sense that this government does not get it. After 11 years, I think it does not. This government is not interested in addressing costs of living. It seems it is only ever interested in increasing taxes and charges, and we see that all the time.

I have a number of other things I would like to look at. I will briefly talk about the government office block and the walking away from that. I think a lot of taxpayers' money has been wasted on that. We should not pretend that these things do not matter. When you go to the community with fabricated figures, a fabricated case, and then you realise that actually it is not a good idea, having spent millions of dollars, that matters. Those millions of dollars are another example of why Canberrans face these cost pressures.

This government office block is a credibility killer for this government, because this Chief Minister and this Treasurer said it was necessary and that it would save us millions of dollars—\$34 million a year. They were saying it and they knew it not to be true, because if they thought it was true, they would have done it. They absolutely would have done it. So they were being completely dishonest and hypocritical with the community, and I think that should be condemned. (*Time expired.*)

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (4.27): I want to start by making some brief comments in relation to accountability indicators used for directorates across the government.

I note that the government have agreed to the recommendation in the estimates report in regard to ensuring that accountability and strategic indicators are relevant and useful. This was something that we spent a bit of time on in the estimates process. On quite a number of occasions we asked questions of the various directorates about the different strategic and accountability indicators and they had to concede that they were not terribly useful at times and really offered no measure of accountability in some cases in a way that you would have expected for directorates' performance.

We have often talked about taking a broader look at how we measure our performance and have praised the measuring our progress website, which I think we should utilise more. We could incorporate those types of measurements into our strategic and accountability measures.

Also, in relation to across-government projects, in spite of the repeated discussion about the role of the Chief Minister and Cabinet Directorate in coordinating across-government initiatives such as sustainability policy alignment, as listed in the statement of purpose, there is still limited evidence about exactly what is happening.

From what I could gather from asking the same questions of different directorates, action can be quite ad hoc.

I would like to mention triple bottom line reporting and assessment. This has been a major project for CMCD and is something that the Greens believe has been done well. We are concerned now to see that the application of the framework will fulfil the potential of the work that has been done to date. Again this is an issue that we have to be actively pushing within agencies and assistance needs to be provided to them so that they can use the tools and fulfil the requirements set out in the framework. We would like to see them supported to do that.

An important part of the TBL framework is climate change impact assessment, which is an item from the parliamentary agreement. We are pleased that a mechanism for assessing climate change assessment has now been developed and look forward to it being rolled out, implemented and embedded. I would say that without assistance to agencies they will struggle to meet the expectations in that recently released framework.

I would like to mention the change to the Ombudsman, bringing that office within the CMCD directorate. Firstly, on the question of the housing of the Ombudsman, I make the point that the Ombudsman should be recognised as an officer of the parliament and established as an independent stand-alone agency that sits outside the executive. We think that this is the best way of ensuring that the office of the Ombudsman best fulfils its role as an accountability mechanism and a check on executive government and the actions that they take. That said, the Greens have no objection to moving the Ombudsman within CMCD if it is to remain housed by another executive agency. I can see sense in having the Ombudsman directly reporting to CMCD, which is responsible for whole-of-government agency, and is probably best placed to drive changes across the public service.

There is also a significant increase in the funding for this office and that is something that the Greens very much welcome. I think we can all agree that the office fulfils a very important function and that additional money invested in the Ombudsman will ultimately deliver returns through the better delivery of service by agencies.

On the celebration of the centenary, the Greens support the appropriation to help us celebrate this incredibly important birthday and milestone in the city's history. It should be an occasion that all Canberrans can participate in and feel proud of. I am very much looking forward to the unveiling of the program. That should occur early in September, on 4 September or so. From what I can see there will be a huge range of activities and events that should engage all Canberrans and hopefully people from right across Australia.

The other important work that CMCD has undertaken and will continue to work on with this appropriation is the open government website and surrounding reforms. Certainly the Greens very much welcome the progress but I would say that beneath the snazzy or the good-looking front page of the website much of the information within it is not at this stage hugely useful and it does simply replicate information that

is readily available elsewhere. I did raise this in the estimates hearings, wondering why it was so. There was certain information there that I thought people would have intuitively clicked on and gone through by way of a TAMS portal—things like where toilets were available—than necessarily through this one. I was assured that there was ongoing work being done on this.

The cabinet summaries are quite short. They are a summary, it would be true to say. They are not necessarily telling us anything that we did not already know. Maybe we could have some progress on seeing how that can continue to be improved upon. For instance, there was one example where the government had agreed on a bill, and it had tabled that bill the previous week. It was not exactly how we would see information coming out of that process.

That said, I do think that the initiative is a very worthwhile one. Certainly government transparency is something that the Greens have long advocated for. I hope the initiative does continue to progress and that greater information can be provided. Largely, what I mean by that is that the reasons for actions and the basis on which decisions are made are also published. That is what we see as the next evolution of these summaries—actually having a little bit more information about how the cabinet came to make the decisions that they have made.

I would also like to touch on community engagement as this is another area that CMCD is responsible for. Certainly there have been improvements in this area. One comment I would like to make is that there is still a need to be clear about the nature of consultation being undertaken. The difference between information provision and genuine consultation is often not clear. I think it causes huge frustration for many people out there that what is being described to them as consultation is actually just them being provided with information about a decision that has been made. That may be quite legitimate. There is nothing wrong with that. There are many different ways of communicating and consulting. They take different forms. It is about being very clear up front with the people you are engaging with as to what process you are embarking on, what the outcome is, what the parameters are, and just being extremely clear and extremely honest about what it is that you are attempting to do.

I will finish with a quick observation about the curious exchange that took place during the estimates hearings about plans and plans for plans and frameworks for assessing plans about plans. I must confess I still have not been able to work out what the director-general was saying in that exchange. There is no doubt that CMCD is good at producing plans and frameworks. The challenge for CMCD now is to implement the plans and make sure that all the various plans actually work together and deliver real outcomes, and that they also have some way of being able to report back on whether actual progress has been made. There was one moment when I felt we were swimming in, as I said, the plans and plans for plans and the framework for plans about plans.

MS BRESNAN (Brindabella) (4.36): I will speak briefly in relation to the Chief Minister's directorate, regarding the industrial relations portfolio. Firstly, I touch on a relevant issue regarding the WorkSafe investigation into bullying at CIT. While obviously I recognise this is in relation to CIT in the Education and Training portfolio,

I will raise it here because it is also part of work health and safety issues and is obviously relevant to the IR portfolio. It is well known that CIT is currently subject to a WorkSafe improvement notice, as well as various orders from the minister, due to serious failings in its processes for dealing with bullying. There was also a report in 2010 from a consulting firm that identified problems at CIT, and that was the KMR report.

It is important to know whether the government knew about this KMR report back in 2010. Dr Bourke has stated that he did not know about this KMR report until mid-2012. Evidence from CIT in the estimates hearings shows that it appears the former minister, Minister Barr, did know about this report and that action was not taken at the time, or it appears so. I would appreciate it if Minister Barr, who was the relevant minister at the time, would explain what occurred with the KMR report which discussed bullying problems at CIT.

There was not additional funding for new work safety initiatives in this budget, although it is something which is identified as an issue. The Greens would like to see workplace safety become more of a priority, particularly in light of the tragic accidents in the construction sector. The budget papers carried an indicator which was that only 40 per cent of ACT workplaces inspected by WorkSafe complied with occupational health and safety legislation. In estimates the Work Safety Commissioner explained that this figure was distorted because most WorkSafe visits are in response to a complaint. It would seem that this indicator needs to be reworked but also that there needs to be an increase in WorkSafe's capacity for proactive inspections.

This would include putting more resources into both proactive and responsive inspection capacity, reviewing and reforming government procurement processes, putting more into safety and training programs and having specialist skills in preventing and dealing with workplace bullying, as other jurisdictions have. I note that the government has set up a review of work safety in the construction industry. The Greens support this review and I was encouraged to hear today in question time from the Attorney-General that the review will now take submissions from the public and that government procurement practices are likely to be included in the terms of reference.

I note that, as with some other portfolio areas, with IR it is not always clear why particular targets are chosen for accountability indicators. For example, it is not clear why the directorate chose a target of four for the number of times the directorate will provide advice to government on developments in the national workplace safety agenda. I would encourage the government to provide clearer indicators and more information in this area in next year's budget.

MR SMYTH (Brindabella) (4.40): I have been asked by Mrs Dunne to speak on her behalf as the industrial relations shadow for the Canberra Liberals, and her words follow.

On the industrial relations front within the Chief Minister and Cabinet Directorate, I note that, in particular, scrutiny committee report No 55 makes lengthy notes about the Work Health and Safety Amendment Regulation 2012 No 2 which does two

things. First, it enables transition inspector functions, delegations and work safety council appointments under the Work Safety Act 2008 to be effective for the purpose of the Work Health and Safety Act 2011. Secondly, it provides for retrospectivity of those arrangements from 1 January 2012. This retrospectivity covers more than six months.

The Work Health and Safety Bill 2011 was brought before the Assembly last year. It was a regurgitation of a national model code, but the responsible minister, Dr Bourke, did not have the nous to apply his mind to local implications. These regulations should have been incorporated in the transition provisions of the bill when it was presented to the Assembly in 2011. That these provisions were not, and given the number of investigations, notices and prosecutions that potentially fall into this transitional category and no doubt are on foot, this omission by an incompetent minister could have put the territory on very shaky legal ground.

There is potential for the ACT taxpayer to have to foot the bill for legal actions that should never have been on the radar. Indeed the scrutiny committee noted:

Whether or not retrospective operation is prejudicial may not be a simple thing to determine.

The committee went on to say:

It is not necessarily clear that what this legislation does is non-prejudicial to everyone who may be affected.

This is yet another example of this government's propensity to look at the headline and not the story, to fail to plan, to fail to play the tape through to the end.

DR BOURKE (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (4.42): I rise to speak to my industrial relations portfolio, which is in the Chief Minister and Cabinet Directorate. As the Assembly is well aware, this government is committed to ensuring safety and fairness for all workers, ensuring that the private sector workers compensation scheme operates efficiently and effectively now and into the future. Ensuring safety and fairness for all workers is an ongoing process, and the budget papers reflect a number of projects and ongoing work that will be undertaken over the next 12 months.

Similarly, the budget papers signal a number of areas of ongoing work that will be undertaken to improve the performance of the private sector workers compensation scheme. Over the next 12 months this government will continue the ongoing development and adoption of the national Work Health and Safety Act and associated regulations, codes and industry guidance; undertake an inquiry into work safety compliance in the ACT's construction industry, including a review of our own procurement practices, with a view to improving safety outcomes in that industry; rewrite the territory's dangerous substances legislation, taking into account the model regulations on asbestos, hazardous chemicals and major hazard facilities, as well as the unique requirements of the territory, with a particular emphasis on retaining our

high safety standards; through allocation of specific funding for a dedicated asbestos coordinator position, continue to work through the Asbestos Regulators Forum to ensure a proactive regulatory and policy approach to asbestos management; address recommendations stemming from the national reviews into the Fair Work Act and asbestos management; and continue to participate in national projects led by Safe Work Australia which are intended to maximise coordination and harmonisation of workers compensation schemes across the country, improving compensation outcomes for injured workers and streamlining requirements for business.

We will continue to work as stakeholders to ensure that any proposals for improvement to the private sector workers compensation scheme deliver an affordable system for employers, fair treatment of injured workers, improved performance of scheme providers and an effective governance and management regime for the scheme; continue our work with stakeholders to develop a robust, transparent and accessible framework against which Work Safety ACT can conduct compliance orders of the insurers who underwrite the ACT private sector workers compensation scheme; address recommendations that may stem from Safe Work Australia's review of the treatment of dust diseases across the various workers compensation schemes in Australia; continue to work with stakeholders to ensure that any proposals for improvement to the private sector workers compensation scheme deliver an affordable system for employers, fair treatment of injured workers, improved performance of scheme providers and an effective governance and management regime for the scheme.

We will undertake a review of public holiday legislation in the territory and, finally, continue to participate in the national review to address workplace bullying and to consider any recommendations stemming from the ACT's Workplace Bullying Advisory Committee.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.4—Health Directorate—\$365,860,000 (net cost of outputs), \$237,882,000 (capital injection) and \$746,000 (payments on behalf of the territory), totalling \$604,488,000.

MADAM ASSISTANT SPEAKER (Mrs Dunne): The Assembly has agreed that we would set aside 60 minutes for this part of the debate.

MR HANSON (Molonglo) (4.46): I rise today to talk about our health budget. It is enormous. It is the largest component of the ACT's budget. As members would be aware, I have had much to say about the health system that we have here in the ACT and, there is no question, disagreements that I have had with the health minister and with the Greens' spokesperson for health.

But one thing that we all agree on is the magnificent work that is done by those within our health system who work in a very difficult environment, under very high pressure, meeting significant demand. Although I have provided the opposition's role in critiquing, holding the government to account where I considered there were failings in the system, I agree wholeheartedly with the Chief Minister, and, I am sure, the

Greens' spokesperson, about the very high quality of staff that we have across our health system, both the medical and the administrative staff, and the tremendous work that they do.

I note in particular a number of the staff in the areas that do such good work on behalf of our community. I start at the top, with my acknowledgement of the Director-General, Dr Peggy Brown, and other staff at the top of the executive, including the Director of DonateLife ACT, Dr Imogen Mitchell; the manager of the Canberra Hospital Foundation, Moira Lye; the Director, Executive Coordination, Janelle Wheatley; the Director, Communications and Marketing, Hasna Scheduling; and the Internal Audit and Risk Manager, Sarwan Kumar.

Underneath the Deputy Director, Strategy and Corporate, Ian Thompson, are a number of areas. It is a weighty responsibility, and I have certainly acknowledged Ian Thompson's dedication and hard work over the years and his wry sense of humour when dealing with the numerous opposition questions in estimates and so on. Under him, in professional leadership, research and education are the Chief Nurse, Veronica Croome; the Principal Medical Adviser, Professor Frank Bowden; and the Allied Health Adviser, Karen Murphy. They oversee student placement unit, medical and dental professional standards unit, including CPC and MD/AC, GP adviser, research office, clinical trials, academic unit of general practice, school of general practice, rural and Indigenous health, and school of clinical medicine, including the ACT Health library.

Under the Chief Information Officer, E-health and Clinical Records, Judy Redmond, are clinical records, e-health strategic planning and NETA and national e-health initiatives and e-health projects, including clinical systems, support systems, digital health, infrastructure and ACTHEIM. Under the Executive Director, Service and Capital Planning, Grant Carey-Ide, are redevelopment unit, capital asset development plan, and health services planning unit. Under the Executive Director, People, Strategy and Services, Judi Childs, are human resource operations, workforce policy and planning, workplace relations, organisational development, and case management and staff development unit, including manual handling training and PART.

Under the Executive Director, Policy and Government Relations, Ross O'Donoghue—another individual whom I have had many dealings with and would thank personally for his hard work over the past four years—are Aboriginal and Torres Strait Islander policy, including the APTSRH Indigenous project; aged and community care policy; alcohol and other drug policy; community and health policy, including breastfeeding implementation and children's plan officer; mental health policy; primary healthcare policy; NGO funding; and government relations.

Under the Executive Director, Business and Infrastructure, Rosemary Kennedy, are infrastructure support, including engineering services, food services, property management and maintenance, and domestic and environmental services; client services, security and emergency, including security services, fire and emergency, transport, communications, and residential accommodation volunteer services; business support, including biomedical, engineering, medical physics, medical technology systems, sterilising services; strategic support, including strategic asset

management, strategic procurement, strategic supply management, and tenancy and asset management; systems reporting, including accreditation support, branch culture change support, branch support, records management, business continuity planning, and mailroom services and sustainability.

Under the Executive Director, Performance and Innovation, Phil Ghirardello, are innovation and redesign, including project support office and access improvement program; health performance, including health economics, data collation and analysis, and information and management services; clinical services improvement, including early recognition of the deteriorating patient project, ICU and ED networks, and elective surgery access.

Under the Chief Health Officer, Population Health, Dr Paul Kelly—and I would thank him very much for his work; again, he is an individual I have had some dealings with—are chief health officer, executive office, health promotion, epidemiology, cervical screening reporting program, and health protection services.

Under the Executive Director, Quality and Safety Unit, Elizabeth Trickett, are clinical audit, clinical audit committee, incident management, clinical review, accreditation coordination, clinical policy, Coroner's Office liaison, territory-wide reference groups, national projects/Australian commission, open disclosure, consumer engagement, medico-legal coordination, health technology assessment committee, occupational medicine unit, injury prevention service, and dangerous substances coordination.

Under the Chief Finance Officer, Financial Management, Ron Foster, are financial management; insurance and legal liaison, including medico-legal claims coordination; revenue and financial services; and financial operations support unit.

Under the Deputy Director, Canberra Hospital and Health Services, Lee Martin, who I understand is on leave for health reasons, are operational support, with the Executive Director, Nursing and Midwifery, Susan Aitkenhead, who I believe has returned to the UK; the Executive Director, Medical Services, Dr Robert Griffin; and the Director of Acute Support Services, Jane Gunning. Also under Lee Martin is the Executive Director, Division of Surgery and Oral Health, Barbara Reid, and under her are community dental health program; ophthalmology; medical imaging; surgical inpatient units, including wards 11B, 10A, 9A, 9B and 6B; pre-operative and pain management services, including anaesthetics, operating theatres, post-operative recovery suite, acute pain management unit, surgical OP services, surgical bookings, pre-admission clinic, and registrar review clinic; and academic unit of surgery.

Under the Executive Director, Division of Women, Youth and Children, Elizabeth Chatham, are women and babies, including the delivery suite, antenatal OP, gynaecology OP, postnatal IP, antenatal IP, gynaecology IP, Canberra midwifery program, centre for newborn care, neonatal parent support program, newborn hearing screening program, and diabetes and endocrinology in pregnancy services; community-based services, including CARHU, caring for kids, early childhood, community paediatricians, allied health, women's health, and youth health; paediatrics, including paediatric surgery, genetics, paediatric day stay, paediatric IP, adolescent IP, paediatric OP, and paediatric diabetes service.

Under the Executive Director, Division of Critical Care, Jeanette MacCullagh, are the intensive care unit, including medical emergency team and ICU outreach; emergency department, retrieval services; and patient flow management, including medical assessment and planning unit and surgical assessment planning unit.

Under the Executive Director, Division of Capital Region Cancer Service, Denise Lamb, are BreastScreen ACT; clinical immunology; clinical haematology; medical oncology; radiation oncology, including cancer, psycho-social services, post-chemotherapy monitoring, and oncology OP; IP services, including wards 14A and 14B; ACT Health intake service and client support, including health centre administration, central OP administration support, community health intake, and natural call centre ACT; and transcription services. *(Second speaking period taken.)*

Under the Executive Director, Rehabilitation, Aged and Community Care, Linda Kohlhagen, are community care services, including community nursing and community allied health; geriatric medicine, including ward 11A, ortho-geriatric, and ACRS research; rehabilitation medicine, including ward 12B and RILU; client support services, including clinical technology, ILC, equipment loans, ACTES, DORRS, exercise physiotherapy, and falls prevention; nursing, including ACAT, day care programs, nurse practitioners, walk-in centre, and veterans support service; allied health service, including physiotherapy, occupation therapy, speech pathology, social work, CRT, DARS/VARS, psychology, and transitional therapy and care program, TTCP; and operational support, including administration and information technology.

Under the Executive Director, Division of Mental Health, Justice Health, Alcohol and Drug Service, Katrina Bracher, are alcohol and drugs, including medical services, consultation liaison, co-morbidity and impact team, opioid treatment service, withdrawal service, counselling treatment service, and diversion service; justice health, including Alexander Maconachie Centre, Bimberi Youth Justice Centre, Symonston Period Detention Centre, and ACT court cells; mental health, including Child and Adolescent Mental Health Services, mental health rehab and specialty services, access and acute mental health, mental health service and sector development, academic unit of psychological medicine, and adult community and older persons mental health services.

Under the Executive Director, Division of Pathology, Professor Julia Potter, are anatomical pathology, chemical pathology, diagnostic haematology, diagnostic immunology, microbiology, cytogenetics, molecular pathology specimen collection, ITM laboratory information system, and business support.

Under the Executive Director, Division of Medicine, Rosemary O'Donnell, are renal services; respiratory and sleep services; gastroenterology and hepatology; cardiology; pharmacy services; neurology; rheumatology; dermatology; infectious disease, including acute and community-based infection prevention and control services; HITH; diabetes service; medical IP services, including wards 6A, 7A, 8A and CCU; chronic disease and management, including chronic care program; endocrinology; forensic and medical sexual assault care; sexual health centre; academic unit of internal medicine; and medical outpatients.

I read out all of those organisations and all of those names because not one area is more important or less important than the others, but it is the coordination of work done across the board by all of our hardworking staff in the Health Directorate that I pay tribute to today. I congratulate them on the work that they are doing. And I look forward to continued engagement with the Health Directorate in coming months and years.

MS BRESNAN (Brindabella) (5.00): Thank you, Madam Deputy Speaker.

Ms Gallagher interjecting—

MS BRESNAN: Can we just stop the clock, please. I could not start because people were talking across the chamber.

MADAM DEPUTY SPEAKER: Ms Bresnan.

MS BRESNAN: The Greens welcome the new appropriations to the health budget. Overwhelmingly, the majority of the health budget goes towards acute care. The Greens recognise the increasing growth in the number of people presenting to acute health services, but I will again point to the need—many health groups made this point also—to put more health funds into preventative health care measures and services. While all parties talk about preventative health, an ongoing focus on acute care and issues such as quantitative measures and targets, including emergency department waiting times and elective surgery, comes at the expense of looking at what we need to do in preventative health to address the ever-increasing demand on, in particular, the hospital system.

This is a conversation governments are going to have to have with the community as the burden of disease related to conditions such as diabetes and heart disease increase—conditions which are preventable and in most instances are related to factors such as diet and inactivity.

As I stated in my in-principle budget reply speech, the budget provides \$109,505,000 in new recurrent funding for the Health Directorate, but there is a small fraction of this directed to preventative and primary health initiatives.

There is \$100,000 a year for a healthy weight action plan, yet type II diabetes is set to overtake heart disease and mental illness as having the largest burden of disease in our community. The refunding of the Heart Foundation's active living program, at \$485,000 over three years, by the Environment and Sustainable Development Directorate is very much welcome, but it is a small part of what needs to be done to address the main causes of the burden of disease in the community.

The Greens recognise that health growth funding does need to go towards services to maintain critical care capacity, surgical services, and the emergency department.

Another key issue that needs to be addressed to a greater extent in health is the social determinants of health, as a person's income is the most likely determinant of their

health. If a person is living on a low income, they are less likely to engage in healthy lifestyles. And then, once they start to get sick, they are less likely to receive medical treatment through primary healthcare services, and their illnesses can escalate to emergency levels because of a lack of intervention. This is an area which must be addressed if we are to invest in health in a smarter way.

The Greens are pleased to see an additional \$1 million per annum recurrent for both mental health and cancer services. Mental health is a priority area, with mental illness making up 12 to 14 per cent of the burden of disease. This is also a recommendation in the estimates report. I believe that by increasing funding to mental health we are not only increasing services, but also recognising that mental health is an illness that can be treated and addressing the stigma that is still associated.

Over the last four budgets, the Greens have pushed the mental health funding target in the parliamentary agreement, and have secured about \$50 million in new funds.

While I continue to refer to the need for a greater focus on prevention and recovery services for mental illness, I am very pleased that the government has recommitted to developing the secure forensic mental health unit. A number of detainees have, most inappropriately I believe, been held in the AMC's crisis support unit for long periods, despite it not being a therapeutic environment. The Greens have from the start argued that there is a need for a secure mental health facility in the ACT, as have a range of mental health and other groups, and that having such a facility will have a significant impact on the way we assist people with a mental illness and ensure this is done in a proper environment.

Cancer funding has steadily increased over the years. Given the increasing number of people who are surviving cancer, it is important that the government recognise the increase in demand for post-cancer illnesses. Lymphoedema is one of them, and the clinic at Calvary has been under pressure. It is an important public service, and we need to ensure that people get timely access to this service as, left untreated, lymphoedema becomes harder to treat and hampers recovery from the cancer itself. Private services are often too expensive for people to access, which is why having a properly resourced public service is vital. The Greens recently announced an election initiative to provide an extra \$150,000 a year for the lymphoedema clinic at Calvary hospital, which would increase the number of therapists from about 1.5 to 2.5 or three full-time equivalents.

There has been much media in recent weeks about the new women's and children's hospital. The new birthing clinic has increased from three to five rooms; however, there are still many women on the waiting list and it is the birthing service with the most unmet demand. Birthing mothers and midwives want to see that demand met, and are pushing for a north side stand-alone birthing clinic. That model has been successful elsewhere in Australia. It is disappointing, I have to say, that the government will not consider this successful model despite the position of midwives, health consumers and other providers.

I note that there is a recommendation in the estimates report, recommendation 31, about engaging with midwives to look at developing an appropriate model. This has

not been agreed to. The government, as previously, has referred to having it co-located with acute services if escalation is required. We need to have a look at the fact that models for stand-alone centres have worked elsewhere. They are extremely successful. We need to start looking at the evidence of that rather than the needs called for by other certain health professionals.

On drugs and alcohol, the decision by the federal government to cut local drug and alcohol funding by \$1.2 million around the same time as the budget was delivered was a major concern. At risk was the \$500,000 provided to Karralika for its component of the Solaris Therapeutic Community at the AMC, along with other services. Fortunately, this decision was reversed, thanks largely to the lobbying of local drug and alcohol groups. We are still waiting on confirmation as to whether other funds have been lost. I do hope this is something the ACT government may be able to confirm at some point. The response to the recommendation on this in estimates is that the matter should be referred to the commonwealth; however, I would hope that through the minister, through meetings and contacts with federal counterparts, this would be clarified so that groups in the ACT have some certainty.

Over the years there have been delays in the growth funds for the home and community care program being provided to HACC-funded organisations in the ACT. There have been counterclaims of blame from both the ACT and the federal governments, which do nothing to assist the organisations who provide these services. With the new arrangements for HACC funding between the federal and state and territory governments, I hope that we do not see a repeat of these delays in growth funds to add to what will already be a complicated process. The recommendation on this in estimates to establish more timely administration processes has been agreed to, and the government has stated that it will continue to refine these processes, which is good news.

I also hope that we will see a resolution, finally, on transport issues for the aged-care and rehabilitation hub at Village Creek. This has been an issue for around two years. While I recognise that there are physical impediments to buses in the area, this is something which needs a practical resolution for people who access this service and rely on public transport. I note that this is also a recommendation of estimates which has been agreed to.

The Greens were very pleased to see \$50,000 per annum for A Gender Agenda. While this is a small amount, it is timely recognition of the important role this group plays in the community.

I also note the recommendation of establishing a needle and syringe program at the AMC and that the government has announced an NSP with a one-for-one exchange with the doctor at the AMC. This is something the Greens have advocated for for a number of years. I released a paper on this in 2010. I again go to the fact that all the evidence from overseas, with the experience of prison-based NSPs, shows that there have been no incidents of needle-stick injuries or needles being used as weapons, and no increase in drug use. In fact, it has led to an increase in the uptake of drug treatment programs, because it brings this issue out into the open and can be

addressed by health professionals, which is a major positive. NSPs have been in operation in the community for years and are recognised as part of addressing drug use, which includes treatment and prevention.

There is a recommendation in the report in regard to hepatitis C treatment, but I am noting, as I have previously, that this treatment is dependent on a person's gene type and that factors such as body weight should be recognised.

I have to note Mr Hanson's speech. It is good to see that he has finally looked at the Health Directorate. I did not want to go there, but I do find it extraordinary that in the last four years, particularly in the last couple of months, there have been unprecedented attacks on the Health Directorate—saying it is the worst in the country. It is not. As I said before, there are good things and bad things. I have to find what happened today in Mr Hanson's speech extremely disingenuous.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (5.10): I welcome the opportunity to speak on this very important line item. This budget allocates new expenditure in the total of \$155.1 million over four years across a range of directorates. In the health budget there are substantial amounts of funding going across a range of different areas, including into increasing the intensive care unit capacity, providing for new beds across the hospital system, with growth in demand for surgery, both in Calvary and in Canberra Hospital—indeed, with some of our private partnerships. There are increased allocations for cancer; increased allocations in mental health services, in both the government and non-government sectors; and increased funds for chronic disease management. And tomorrow I will be tabling the Chief Health Officer's report, and that will clearly show some of the areas where we need to continue to focus in this area.

We have also got increased funds to open the new cots in the neonatal intensive care unit, a very important regional service. Also, we have funds to provide extra staff for the Gungahlin health centre, which will open during September. There is also funding in the budget, \$12 million, to enhance emergency department services; \$1.8 million to provide money to increase our share of the blood supply plan; and funds for increased counselling and volunteer services with A Gender Agenda.

And, for the first time, there is allocation of funding to formulate a healthy weight action plan for the city. Whilst the money is allocated to health, this will very much be a whole-of-government piece of work that takes into account our planning, active transport, health and education. It is a very important piece of work that I do not think has had any scrutiny at all since the budget was tabled, or not to any great degree.

This is a very significant part of the ACT budget, the largest expenditure item across any directorate. It is an agency that does an incredible amount of work. Outside the emergency services, and perhaps services like corrections that provide services 24 hours a day seven days a week, I cannot think of an agency where you have the level of attention, pressure and demand that you will see in the Health Directorate. They deserve this Assembly's respect. There are a number of areas of pressure, as we know, in the hospital, but the hospital is staffed by incredibly dedicated staff right across the area.

I support the comments by Ms Bresnan. In the stunt that Mr Hanson just pulled, he did not address any of the expenditure items that we are discussing here. This is to pass \$1.2 billion worth of expenditure. To stand up after four years of how he has behaved towards the health system and read out the org chart and not even—

Mr Smyth: Never towards the staff.

MR GALLAGHER: That is just so not true, Mr Smyth—so not true. That Mr Hanson thinks he can behave in the way he has behaved—bullied people in the way he has bullied people, and then at the eleventh hour stood up and read an org chart that he cannot even navigate his way through because he never realised that those services have been offered in health because he did not know they were even there. He just stood up and read the organisation chart.

I know people who have left the ACT public service because of the way Mr Hanson has behaved and how he has been prepared to trash reputations.

Mr Hanson: So negative.

MS GALLAGHER: He has continued it right until the eleventh hour—the second-last sitting day in the Assembly. Then he gets up all mild and meek and starts reading out an org chart that takes 14 minutes. He realises halfway through that there are actually a whole lot of other services being provided in the health system that he did not even realise were there. And then he has the nerve to sit here and call me negative.

What you have done to the morale in the Health Directorate is disgraceful, Mr Hanson. It is simply disgraceful, and your act tonight is disgraceful. And everyone with any common sense at all—the only positive approach I can take to what you have just done—realises that you are hearing everything that I am hearing: that people are fed up with the way that you are dissing the health system. So this, tonight, was some sort of apology to all the people you have placed under extraordinary pressure—nurses and doctors, high-calibre nurses and doctors, that, in your pursuit of some political gain, you have been prepared to bully out of the system. That is what you have done.

Congratulations, Mr Hanson. Congratulations! I do not think I have seen anything as low as what I have just seen tonight—reading out an org chart, not even addressing the substantive issues. Is that some sort of fake apology to a whole load of people that you have placed under immense pressure for the last four years?

Mr Hanson: You are so negative.

MS GALLAGHER: Mr Hanson, it is not even worth my responding to that. It simply is not, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: Stop the clock.

MS GALLAGHER: I am happy to leave it there.

Mr Hanson: I was just going to make a point under standing order 42. The minister is addressing me. If there is a concern with my interjections, I would ask you to call the minister to order—to stop addressing members and, rather, address her comments through you.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.5—ACT Local Hospital Network—\$429,135,000 (net cost of outputs), totalling \$429,135,000.

MADAM DEPUTY SPEAKER: The time limit for this is 30 minutes and we are starting at 5.18.

MR HANSON (Molonglo) (5.18): I will speak briefly. I am very disappointed that the Chief Minister has used this opportunity to provide a personal attack on me. There is an opportunity here, as I said, for a tripartisan approach to commend the Health staff. I am very disappointed that the Chief Minister has dealt in such negativity and has chosen to personally smear and attack rather than join with me and congratulate her Health staff, who have done so much work over the last four years.

We know that there are problems in the health system. We know that there have been issues but, after four years, I have chosen this opportunity to take the time to congratulate every single health area in the public health system for the work they have been doing. I must say I am very disappointed that the health minister has not joined in that exercise but has decided to continue with what has been a series of negative attacks on me personally. It is very disappointing. We will probably hear more negativity from the health minister, but I stand by my comments and I again congratulate all those hardworking staff in our public health system.

MS BRESNAN (Brindabella) (5.19): The Greens voted in favour of the move to a local hospital network and want hospital providers working together to better meet the changing needs of the ACT population. Part of the reason for the COAG move to local hospital networks is to achieve greater efficiencies in hospital systems. The Greens welcome this move, but do not want to see efficiency become such a focus that other measures suffer.

The budget features a strategic indicator measuring the number of people who wait four hours or less in the emergency department. Future commonwealth bonus payments are contingent on those targets being met. This is obviously a matter that has been prosecuted quite widely. The ACT measures well against quality indicators such as infection and readmission rates and patients suffering major trauma are treated within emergency times.

The issue I have raised many times is that we do not want to compromise quality of care in order to meet waiting measures which do not really show anything about the quality of care a person receives or the outcomes of that care. The current president of the ACT branch of the Australian Medical Association has said publicly that hospital staff should focus on providing good treatment to their patients and that he did not

want to see waiting time pressures affect their good work. Similar stories have come through from other doctors and nurses who say they are already under enormous pressure and staff need to be able to do their jobs and not have added pressure or burdens placed on them. I have talked on many occasions about the use of the four-hour waiting time being discontinued in the UK.

The Local Hospital Network Council is to provide advice on clinical and corporate governance, standards of patient care and community and clinician involvement in the planning of services. This will include dealing with the new activity-based funding and purchase services from the four hospitals in the ACT.

With regard to dental health, the Greens have been advocating for a federal denticare scheme. The removal of federal funding for dental services under the Howard government had a significant impact on state dental services. Dental health is integral to a person's overall health and often gets overlooked because many people cannot afford private dental care. It is time that a national dental scheme was given priority in recognition of the major impact a lack of dental care has on a person's overall health and wellbeing.

The ACT, through the last commonwealth budget, will receive additional funds for public dental services. If I recall correctly, it is increasing from about \$9 million to \$10 million this year. The government was not able to provide the details through the estimates committee on how that additional funding would be spent, although it seems the recent announcement of a mobile dental clinic fits with the extra commonwealth funding model.

Through the estimates process we asked what progress had been made to allow private practising midwives to have their care plans recognised by the hospitals so that their clients could claim Medicare benefits, something which has been denied to ACT women since the Medicare benefits began. There has been progress on this at a national level with the extension of insurance cover and a change in the collaborative arrangements where a midwife now requires an agreement with the health service rather than an individual medical practitioner. This is, I have to say, a very positive step, and hopefully it will lead to this matter being resolved. I note that the estimates recommendation is agreed in principle by the government. It states that the Health Directorate is working to progress the commonwealth directives.

We also asked through estimates about Calvary staff entitlements, which was an issue identified by the Greens in last year's budget estimates process. Through questioning this year it was evident that no progress has been made with both Calvary and the government counterclaiming that the other party is liable. While there is little chance of the entitlements needing to be paid out to the staff any time soon, it is workers' entitlements at risk, and the Greens believe this issue must be resolved.

I was not going to comment on Mr Hanson, but I have to, and the issue of personal attacks. Mr Hanson, I think, has made a practice over the last four years of personally attacking people. I think he has crossed the line a number of times. I have been the subject of that as well. Often they are things which are not actually recorded in *Hansard*. I find it extremely disingenuous of him to get up tonight and talk about negativity and personal attacks and display a glass jaw—

Mr Hanson interjecting—

MADAM DEPUTY SPEAKER: Mr Hanson! Stop the clock for a moment. Resume your seat, Ms Bresnan. Ms Bresnan is having enough difficulty making her voice heard, given that she has a sore throat. Please be quiet. She will be heard in silence.

Mr Coe: On a point of order, Madam Deputy Speaker—

MADAM DEPUTY SPEAKER: Yes, Mr Coe.

Mr Coe: I think we would all benefit if Ms Bresnan was to actually stay relevant to the topic at hand.

MS BRESNAN: On the point of order, Madam Deputy Speaker, in his speech Mr Hanson got on to talking about the local hospital network and making the claims that I am actually counteracting now. He raised the topic; I am just addressing it now.

MADAM DEPUTY SPEAKER: There is no point of order. Ms Bresnan, please continue.

MS BRESNAN: I will conclude. He was displaying the glass jaw once again. I do not think anyone is saying it is wrong to be reading out the names of the people who work hard every day in the health system. I am just referring to how disingenuous it is, given the attacks we have seen on the health system and calling it the worst in the country, to be talking about negativity and personal attacks when Mr Hanson has made a practice of it, not just in here but in briefings as well.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (5.25): This, again, is a very important part of national health reform. This is pulling out of the health budget as part of our agreement under national health reform the local hospital network. We have established that in line with our commitments. This allows for a separate financial area to be constructed within what has previously been ACT Health. We have the Local Hospital Network Council, which takes into account our four inpatient units—that is, Clare Holland House, QEII, Calvary Public Hospital and Canberra Hospital—and shows, as a part of the requirements for the commonwealth funding to flow, the allocation of funds that are going directly into those inpatient facilities.

For us, largely it is a technical way of dealing with this issue rather than in larger jurisdictions where they have established a number of different local hospital networks for that point in time. We have now got one that takes us in as a whole regional area. This is the funding that will fund our hospitals and allow for all of those services and the initiatives that I have outlined in my previous speech to be allocated funding.

This is the emergency department and the elective surgery system, but it is all of the other things, the majority of the health system, which does not constitute those two areas, into the inpatient units. It will become clearer, I think, in budgets in the future

how the local hospital network arrangements translate through our financial statements. It is a very important line item. There is \$429 million allocated to that, and this money will ensure that our hospitals keep functioning. Without this support, these essential services would not be able to function. Of course, that would have catastrophic consequences on the ACT community. I look forward to all members' support for this very important line item.

Standing and temporary orders—suspension

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (5.28): I move:

That so much of the standing orders be suspended as would prevent the Assembly proceeding to a vote on the question—That Part 1.5—ACT Local Hospital Network—be agreed to.

This is an important line item for the budget. The development of the ACT local hospital network is a matter where the government believes members should place on the record their views as to whether or not they support the implementation of such a measure. This is the opportunity to do that. That is why I am seeking that standing orders be suspended to allow a call of the Assembly to occur.

MS BRESNAN (Brindabella) (5.29): The Greens will agree with this. I think the local hospital network is something that all parties have supported and agreed on in previous votes in here when we have talked about establishing the local hospital network. I think it is good to demonstrate to the commonwealth government and groups that are involved with the network that we support this and that we support the regional cooperation that comes through the national hospital network.

MR HANSON (Molonglo) (5.29): I indicate that the Canberra Liberals will be supporting this motion. I have no concerns with this. We support the construct of the local hospital network. I notice that there is legislation that needs to be passed with regard to the establishment of the structure. We understand that it is necessary in terms of securing the federal funding that is required and, as such, we will be supporting the local hospital network.

I am not quite sure what the games are that are being played by those opposite. We have seen a bit of negativity from the Chief Minister. We are seeing games being played now by the leader of government business. We will support this. We will certainly support the local hospital network. What we are seeing again from the health minister is negativity, personal smear and attack, and there is some sort of game playing going on. If that is what they want to do down here, that is fine. We will support the motion.

Question resolved in the affirmative, with the concurrence of an absolute majority.

Question put:

That the proposed expenditure be agreed to.

The Assembly voted—

Ayes 17

Noes 0

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

Question so resolved in the affirmative.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.6—Territory and Municipal Services Directorate—\$291,511,000 (net cost of outputs) and \$266,508,000 (capital injection), totalling \$558,019,000.

MADAM DEPUTY SPEAKER: The time limit for this is 60 minutes.

MR COE (Ginninderra) (5.35): Of course, like almost every area of government, the Territory and Municipal Services Directorate provides essential services for the people of Canberra. I hope when the crossbench address this they spend as much time addressing the TAMS directorate as they can rather than having a go at the opposition, which is what they are doing so much these days. It is always interesting when the Greens accuse the Liberals of being negative when the very premise of their party is one of doom and gloom and apocalypse, but never mind.

The TAMS directorate has a huge budget, but I think it is fair to say that there are many areas of the budget where the money can be spent better. Of course, the best example of that, I believe, is the ACTION network, a network which cost \$123 million in 2011-12. That excludes the Treasurer's advance which was released today for the final quarter of 2011-12. Of that \$123 million as listed in the budget, \$101 million comes from a direct government subsidy. It costs taxpayers \$101 million per year to fund ACTION buses, whether they ride the bus or not. That is \$690 per household. That is an astronomical amount of money.

When you look at the patronage levels and you think of the services they provide, I do not think we are getting an appropriate return on our investment. That is something Mr Stanhope admitted on quite a few occasions when he was the Minister for Territory and Municipal Services responsible for transport. He would say there had to be reforms, changes and massive improvements to fix the network and get patronage to a critical level. However, not he nor Mr Hargreaves nor Ms Gallagher nor Minister Corbell had the guts or perhaps the capability to actually make those tough decisions

to reform ACTION so that we are getting a better return on investment. Better return on investment means more people, a better environment and less congestion. It means so much, yet this government is unwilling to make the tough decisions.

In addition to the overall issues with the ACTION network, you have the great promise that Mr Corbell came out with in the 2004-05 budget that we will have a real-time solution; we will have real-time information for ACTION buses. How many times has this press release, written in 2005, been copied and pasted? Once again, this year we have the grand promise of real-time information for ACTION buses. This is something they keep promising, they keep spending money on, yet no person in Canberra actually has access to the service.

It is like so many of Minister Corbell's ideas—they never quite get off the ground, yet they spend a lot of money doing it. This year \$423,000 is listed in budget paper 3 for real-time bus information. Are we actually going to get a single bit of geographical information as a result of that \$423,000 on top of all the money they have spent in the years to date? It is interesting that budget paper 3, page 115, also states there is no funding for the MyWay centres in Civic and Belconnen beyond 2013.

In addition to the huge expenditure on ACTION there are, of course, many other areas in TAMS, and I will touch on just a few of those in the limited time I have. Budget paper 4 on page 106 mentions some of the different targets that the directorate and the government have for their performance indicators. One of those is the percentage of territory roads which have been resurfaced and also the percentage of municipal roads which have been resurfaced. Each year I have been in this place—I imagine it may well be each year of this government—the percentage of the territory roads resurfaced and municipal roads resurfaced is not up to speed. The target for territory roads was five per cent, but the outcome was only four per cent, therefore, we are down 20 per cent. So 20 per cent of the roads in the ACT that were meant to be resurfaced over the last year were not. For the municipal roads the target was four per cent and the outcome was three per cent, so 25 per cent of the municipal roads which were meant to be resurfaced were not.

It is all very well for this government to blame the weather, but every single business, every single legitimate organisation, factors in that information. How is it that we blame the weather this year, yet a couple of years ago in drought they did not reach the targets of territory and municipal roads being resurfaced? It does not matter whether it is sunny or whether it is raining; this government cannot deliver, yet they have a new excuse every time.

Budget paper 4, page 106, refers to waste going to landfill, with a target of 0.7 tonnes per person now up to 0.84 tonnes per person. This is going up once again to 0.88 tonnes. I would think this would be a critical indicator for a government and a crossbench in an agreement which supposedly has a huge focus on the environment. Over the course of just 24 months we are seeing the amount of waste going to landfill increasing by more than 20 per cent per person. This is a chronic failure of this government. Indeed, the Greens have not held the government to account on this indicator because each year during this parliamentary agreement this indicator has got worse—each year. It is all very well for the Greens to say, "Isn't that a shame," but

the fact is if they actually walked the walk, they would hold this government to account and they would say, “If you want our continued support, you can’t just take us for a ride; you’ve actually got to deliver.”

In addition to this, budget paper 3 at page 93 talks about traffic and parking fines where we are expected to see an increase of \$1.2 million in revenue next year. This is a government that is gouging motorists at every single opportunity. They take away car parks knowing that the ACTION bus service is not good enough to be a substitute for the vast majority of Canberrans and knowing it is not a good alternative. What ends up happening is that people drive, there are fewer car spots, people get booked, the government brings in more revenue from increased parking fees which have gone up and up and up—

Ms Gallagher: Revenue from parking fines is going down.

MR COE: I actually said “parking fees”. So when you include the amount of money that people are spending on parking, registration and all the different costs associated with driving, you see that this government is gouging people in Canberra who virtually have no choice but to drive. It is simply impractical to catch an ACTION bus all the time for all the people. To that end, it is quite unjust the way this government is treating so many people, especially people in the outer suburbs.

I join with Mr Hanson in commending the staff of the TAMS directorate. It is a tough area of government, there is no doubt about that. It is a very diverse agency which carries out many essential tasks, many of which often go unnoticed. I would like to put on the record today my thanks and support and that of the opposition for the work they do.

MS LE COUTEUR (Molonglo) (5.44): The Territory and Municipal Services Directorate is one of the most important in the ACT because it provides a wide range of services directly connected to the life of ACT residents. I have been privileged to have the TAMS portfolio responsibility within the ACT Greens, and it has probably been the area of my work where there has been the most contact with constituents. I have generally received good cooperation from the directorate and the minister on the matters, and I commend the good work of the directorate staff in terms of communication and on-the-ground work as well, of course. However I have comments and concerns about how the budget might affect the directorate.

I begin with active transport—walking and cycling. My colleague Ms Bresnan will discuss matters relating to other forms of transport. The issue here, of course, is that funding is going down for active transport. Investing in active transport makes getting around Canberra easier, cheaper, safer and more sustainable. It means investing in things like footpaths, lighting, signage, separated bike lanes, bike racks and good, people-friendly urban design.

At the beginning of this Assembly the Greens negotiated a significant new capital works and recurrent funding program for walking and cycling and maintenance, and Canberra is already seeing the benefits of this money in new facilities. A great example is the Civic cycle loop where this construction is finally starting. But after

this financial year the money runs out. The Greens welcome the significant new capital investment in this budget—\$7.3 million over four years. But, on further inspection, it is clear investment for walking and cycling will actually be going down quite substantially. Firstly, there is no new recurrent funding for maintenance under this budget. When the funds from the parliamentary agreement run out next financial year, maintenance funds will go down by \$1.6 million a year. So all those cracked footpaths are much less likely to get fixed.

Secondly, there is capital investment of \$7.3 million over four years, but in the parliamentary agreement the Greens secured \$12.5 million in capital investment. So capital investment is set to drop below what the Greens negotiated by \$5.2 million over the next four years. The question is: how can the government expect to meet its targets for increased walking and cycling by spending less on works for walking and cycling? You could not have a clearer example of how the Greens have made the Assembly work for a better connected, healthier and more sustainable Canberra.

What is more, the government's own survey data shows this is an area of high dissatisfaction. Canberrans want more to be done, not less. I remind the Assembly that active transport is still only a tiny fraction of our overall transport expenditure. Of course, investing in active transport is not just about the amount of money; it is also about how it is spent. The Greens believe cost effectiveness is the best way to choose projects, and we are glad to see the government now agrees. We look forward to the results of the new walking and cycling counts, and we hope this will be integrated into the government traffic models.

We would also like to see greater engagement with the community and with experts not only on cycling works but also on walking. I hope TAMS will work closely with ESDD in particular to reap the benefits of ESDD's grants to the Heart Foundation for their fantastic active living project.

It is just as important to get the design of works right. We need to make places for people places where they want to be and which are easy to move around. We welcome continued investment in street furniture, like seats and bike racks, and in streetscape upgrades, but layout and design are not always great. Furniture in some places is tucked away where people seem unlikely to use it and in other places it is clustered where it blocks pedestrian and cyclist passageways.

Turning to trees, earlier this year the government released its response to the investigation by the Commissioner for Sustainability and the Environment into urban tree management practices in the ACT. The ACT Greens have a longstanding interest in urban trees, and it was the result of me as part of the ACT Greens raising this issue in the Legislative Assembly that the government established the commissioner's investigation.

The government agreed fully or agreed in principle with most of the commissioner's recommendations but deferred many actual decisions. Now the budget repeats that. It is a key priority for TAMS to implement the recommendations of the commissioner's inquiry into our tree management practices, but it still does not make clear which decisions will actually be implemented.

I am concerned that there is no new funding for TAMS, and the previously announced funding is still below what the commissioner recommended and what TAMS and the trees need. In response to our questions we now see some progress, but it continues to be slow going, and on many points there is still no explanation as to why it is all taking so long. Basically, there is no explanation for the gap in funding. The commissioner recommended \$4 million in new funding each year and \$1 million up front. Tracking all the money that has been taken in or out, it looks to us like we are headed for a shortfall of more than \$2 million a year. The longer we fail to look after our street trees properly, the greater the safety risks and the greater the cost down the track. I am very concerned about this shortfall.

It is possible that I have missed something, but it is also possible that there is more to this story that we just have not heard. I note the information about recurrent expenditure, which we have had to ask for, does not seem to match the money that has gone in and gone out. This is troubling, because we still do not have any explanation.

The ACT budget is supposed to be the government's key policy document where they put into action what they want done. In the case of TAMS, it often seems that the government deliberately obscure how money will be spent so that they can shuffle money around at the end of the year. We are concerned that tree management will suffer as a result.

It is a broader issue. Trying to piece together a picture of what is going on by chasing down basic information about internal budgets is an extraordinary waste of everybody's time and public money. It is also unfair. It gets in the way of fair scrutiny and obscures public debate. We have asked the government a number of times why they cannot provide more information about recurrent expenditure in the budget, and the response is usually that there just is not enough space in the budget. Of course, if you go back to the old budgets, you will see that this is not true, at least for TAMS.

A decade ago TAMS reported expenditure in budgets under each of its activities as an indicator under output classes. It took up half a page for each output class. If we cannot do that now, at least it should be possible to find space on the budget website for a few more spreadsheets which have basic information about costs, revenue and staffing so far for various programs.

Imagine the time and energy we would all save in estimates if that information was available. Imagine how it would better inform debate and "citizen journalism" and inspire Canberrans to engage with territory governance. It would probably benefit the public service as well. Real, open government could hardly be easier and more cost effective. I know there are many advocates in the community that would be very happy to see this change. There is really no excuse, especially when we remember that the government has already passed my open government motion calling for a proactive stance in favour of disclosure and better use of ICT in providing government information. I call upon the government to actually act on this and not just talk about it.

Next, Canberra Connect provides some great services. We welcome increased funding for Canberra Connect in this budget. But I note that this funding is for increased efficiency and effectiveness. As we heard in the hearings, the funding is, in fact, just to service increased demand. We would actually like to see specific projects to increase efficiency and effectiveness, and one would have hoped that that would have been the result of the recent review.

Talking about waste—I am very glad to hear Mr Coe is also concerned about that—we are pleased that the budget includes some funds for increased recycling facilities. However, we remain concerned that the government's response to waste has missed a number of simple, cheap and effective measures. We welcome the funding for the new recycling drop-off facility in Gungahlin, but we are disappointed to see that this facility, like the existing four, does not contain facilities for materials containing toxins, like recyclable batteries and light globes.

For years we have been calling on the government to do more to keep toxins out of landfill and, once again, they have failed to deliver. I simply do not understand why it is beyond the ACT government to establish collection points at convenient locations such as government shopfronts or libraries. Similar schemes operate elsewhere in Melbourne, Adelaide, Sydney and right here, of course, at the ANU. Indeed, less than 50 metres from here at the front desk of the Legislative Assembly there is a battery collection box. Why can the ACT government not do it?

While the Greens welcome funding to continue street-level recycling in Civic, there is still no expansion in other town centres. This is particularly disappointing as it was part of the ALP-Greens parliamentary agreement to install street-level recycling bins in all town centres. Not only has the government failed to deliver on that, but they also failed to install bins across all of Civic. City west, of course, has no bins. The budget also includes \$600,000 for new street furniture and bins. *(Second speaking period taken.)* Surely it would be more cost effective to roll out new bins as part of the street-level recycling program so we could see some expansion of this beyond east Civic?

However, the main failing of this budget on waste is lack of funds for waste education programs. There is no extra funding for waste education at all, despite the government's own consultancy recommending one and the Greens' waste motion calling on the government to start one.

The Hyder report concluded that education is the quickest, cheapest and most cost-effective way to reduce levels of waste going to landfill. So why is the government not acting on its own consultancy recommendations? Why, indeed, is the government not acting on the call of the motion that was passed with Liberal support earlier this year on the subject? Instead, the government is still planning to build a dirty materials recovery facility as a solution. This facility would separate organic waste from household green kerbside bin waste, which represents almost 50 per cent of the weight of the materials currently sent to landfill. This material would be processed into low grade compost.

The Greens are opposed to the introduction of a dirty MRF which, once committed to, will not largely change or not improve the quality of organic material recovered. The compost you get from a dirty MRF will never be high quality. It can only be used for mine site rehabilitation and forestry because it will have toxins in it.

Australia has real soil quality issues, and what we are essentially doing through this process is mining our soils to produce food without replacing the essential nutrients. It is unfortunate from an agricultural and environmental perspective for the nutrient cycle to end in a dirty MRF in Canberra. It is also totally unsustainable. What we see, instead, is an economic burden on the government by digging a new \$20 million hole to extend the Mugga Way landfill. If we want to save Canberra money while preserving our environment, we must see a more serious budget commitment to waste reduction and recycling in the ACT.

As to animals, we welcome the allocation for construction of an off-leash dog park in north Canberra and an upgrade of the existing dog park in Belconnen. This is a pet topic of mine, and it is good to see more outdoor facilities. It is good to see dogs unleashed, even the small ones.

An additional one-off amount of \$165,000 has been allocated to the RSPCA in 2012-13, which is \$15,000 more than the one-off additional support amount provided last year. This increase still does not adequately meet the estimated shortfall of half a million dollars for the RSPCA to properly run all the services they need to run, including those contracted by the ACT government. The question is: why does the government continue to allow such a shortfall?

In conclusion, I have made only a few remarks about some of the areas where the Greens have concerns. As I said, TAMS provides a large number of important and generally high quality services to the ACT community. TAMS is what keeps the ACT running physically on a day-to-day basis. We are all dependent on its services, and we look forward to continuing to help improve and better focus these services.

It being 6 pm, in accordance with standing order 34, the motion for the adjournment of the Assembly was put and negatived.

Sitting suspended from 6 to 7.30 pm.

MS BRESNAN (Brindabella) (7.30): I will just continue on with ACTION, which is part of the TAMS budget. Public transport, which is currently primarily provided by ACTION buses, is a critical investment for the future of Canberra. Overall, the Greens remain of the position that government budgets can give a greater priority to public transport. Before this year's budget we advocated for a significant investment in improving bus services to areas where they are especially lacking, such as Weston Creek and Tuggeranong suburbs. We know the most significant factor in getting people to use public transport is frequency. This is something the Greens have pushed for through the parliamentary agreement.

The reality is that Canberra's public transport network is still not where it needs to be. The Greens' vision is to bring Canberra a genuinely first-rate public transport system. I have had constituents contact me about overcrowded buses and buses driving past when they are full. People do want to use public transport and we must do everything we can to encourage and not discourage public transport use.

The \$7.7 million dedicated to improving ACTION's operations in this budget is not for increased frequency or coverage of services. It primarily covers a shortfall in fare revenue due to a change in the ticketing system and it pays for Comcare premiums. A significant amount of capital funding is also provided for replacing the bus fleet. This is important for getting ACTION's fleet in line with disability standards, although it does appear that the funding in the budget is for one-for-one replacements. The new articulated buses featured in the news recently are also one-for-one replacements and will not increase the overall capacity of the fleet or allow ACTION to run extra services.

I would point out that the government agreed in principle to the estimates committee's recommendation that the government significantly increase its goal for new bus priority and transit lanes. I hope that this is something we see in practice, as funding for these measures is vastly outweighed by other infrastructure funding. The committee's recommendation about providing the Assembly with all the current information about freight movements in the ACT was only agreed to in principle. The government will not provide the information but instead will create a freight strategy, which is somewhat of a token gesture.

A brief comment on park and rides: there are still several that need to come to fruition. The Erindale park and ride and the building of a new station had been delayed to February this year. The Calwell park and ride has been on the table for a couple of years already, and I know many people in the area want to see that progress rapidly. I was encouraged to hear planning for this has started.

I would like to congratulate the government on giving three years of guaranteed funding to the Nightrider bus. This is an important service that the Greens believe makes a real difference to transport and safety in the city. We are pleased that it no longer has to rely on year-to-year funding and will also run for an extra week, which is a positive step. The Barton bus station is something that we are pleased to see being progressed through the budget. Barton is on a key route. It has the Red Rapid travelling through it and, of course, this could also be a future light rail route.

I would like to comment that the transport budget led to a familiar complaint from Alistair Coe, the transport spokesperson for the Liberals, about the amount of money going to ACTION, which is something we hear every year. I agree that there may be further efficiencies to be found in ACTION. In relation to dead running, for example, I note that this budget commits funds to looking at a new bus depot in the Gungahlin region, which will reduce dead running. Another contributor to dead running is the lack of a depot in Woden.

It is worth considering, of course, that increasing services and the quality of services is a way of increasing patronage, which of course increases fare revenue, reduces the amount of empty or low patronage buses and decreases the proportion of the subsidy. A comparison of public transport subsidies around Australia shows that the ACT gives a significantly smaller proportion of its annual expenditure to public transport services than most other states and territories.

While the average state gave 4.1 per cent of its general government sector expenditure to public transport in 2008-09, the ACT gave 1.8 per cent. The ACT's public transport funding in the 2011-12 budget outcome was 2.46 per cent, 2.2 per cent for 2012-13 and reducing to two per cent by 2015-16. According to 2008-09 data, New South Wales gave the most to public transport as a percentage of general government expenditure, at 6.2, and Queensland the second most, at 4.8. The ACT ranked sixth. The ACT Greens support better funding for ACTION, more services for the people who need them and the creation of a rapid public transport system that people can rely on.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (7.36): I thank members for their contribution to the debate. This is an important area of government service delivery. This is local government services. It goes to the heart of what Canberrans care about. Probably next in line with health and education comes TAMS and all the services they provide.

I would just like to put on the record the work that TAMS do, to get an understanding of the work that they do. They maintain 3,200 kilometres of roads, 420 kilometres of on-road cycle lanes and 359 kilometres of off-road cycle paths across the ACT. They undertook 16,369 kilometres of street sweeping in the 2011-12 year. They replaced 3,271 signs and undertook 489,114 square kilometres of road re-surfacing in the 2011-12 year.

They manage 75 per cent of the ACT land and provide over 80 per cent of Canberra and Queanbeyan's water supply. They provide advice and support to 187 rural lessees who have leases over 38,659 hectares. They manage 57 public toilet amenities in rural areas and 250 barbeques in rural reserves and camp grounds. They provide more than 270 ranger-guided activities for over 3,000 participants. They support 38 park care and land care groups with approximately 400 volunteers.

Every year, they welcome over 200,000 visitors to Tidbinbilla nature reserves and host over 9,000 visitors at Birrigai, at Tidbinbilla—predominantly ACT school groups engaged in environmental or outdoor adventure programs. They undertake 20,000 hectares of fire fuel management activities, including 7,484 hectares of grazing, 7,556 hectares of slashing, 4,522 hectares of prescribed burns, 542 hectares of physical fuel removal and 837 hectares of chemical control. They manage 140 trained bushfire fighters and upgrade and maintain over 500 kilometres of fire trails each year.

They manage and maintain approximately 700,000 trees in urban open space and street verges valued at around \$420 million. They manage and maintain the floral display for Floriade. They maintain 501 playgrounds and nine skate parks. They

maintain 87 shopping centres that require daily and/or weekly cleaning activities. They maintain 63 public toilet amenities in urban areas, 114 barbeques in urban parklands, a graffiti program, including 30 legal graffiti art sites, and 162 mural art sites. They assess 2,000 trees on leased land as part of the tree protection related services. They remove 237 abandoned cars.

They returned 854 dogs to their owners, 119 to interstate owners and 101 to ACT Rescue and Foster; 161 were sold to new owners. A total of 5,154 dogs were registered in 2010-11. They welcomed 1.9 million visitors annually to our libraries with over 2.9 million items borrowed in 2011. The libraries have over 770,000 books, DVDs, CDs, magazines, audio books and other materials in the public libraries and they provided 121,400 hours of free internet access to the community in 2010-11.

Each year, they deliver 10 million items of linen to more than 100 customers through the Capital Linen Service. They had 310 community, commercial and industrial tenants managed through the ACT Property Group. They managed 84,000 square metres of owned and leased office accommodation, with an average utilisation rate of 15.9 metres per square per officer.

They managed domestic rubbish and recycling collections for over 144,000 Canberra households. They recovered 807,000 tonnes of material, giving a resource recovery rate of 75 per cent in 2010-11. They recycled 92 per cent of the 38,000 tonnes of material collected from kerbside recycling bins in 2010-11. They delivered presentations and tours to over 8,000 visitors at their facilities and provided around 1,000 email responses to waste and recycling queries. They managed 16 waste management contracts. They prepare for over 600 internments per year, 489 burial and 137 ashes internments, and manage 26,000 burial plots.

We have in service a fleet of 428 ACTION buses, 70 of which run on compressed natural gas. We have 640 drivers, employing a total of 881 people. On average, over 59,000 trips were recorded each business day on the MyWay system for April 2012. They serviced 305 school runs every school day—109 morning services and 196 afternoon services.

Canberra Connect, the fantastic online service, delivers approximately 2,000 services on behalf of the ACT government through a single entry point to government and high quality customer service. They undertook 7.6 million transactions comprised of 5.2 million website hits, 796,000 calls and 497,000 shopfront visits. They accept the transfer of over \$100 million worth of infrastructure and landscapes assets each year on behalf of the ACT government. They manage an integrated asset management system which has 319 individual asset classes and a centralised TAMS fleet management unit to manage approximately 600 TAMS leased and owned vehicles. They had a staff in the order of 2,000 and more than half of those were permanent staff. Overall staff in gender proportion is 63 per cent male and 37 per cent female.

The reason I read that out, Madam Deputy Speaker, is really to explain the complexity of the work that TAMS does every day and the importance of all of it. I think other speakers have already spoken about different areas of the TAMS portfolio; they do an incredible job. There is always room to improve in local government, but I think the

statistics I just read out give you some comfort for the injection of \$558 million under part 1.6 of the budget. At this point I would just like to place on the record my thanks for the responsiveness of the directorate that seeks to meet the needs of Canberrans through its local government services.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.7—Treasury Directorate—\$43,366,000 (net cost of outputs), \$81,479,000 (capital injection) and \$17,782,000 (payments on behalf of the territory), totalling \$142,627,000.

MR SESELJA (Molonglo—Leader of the Opposition) (7.45): What I would like to focus on in this particular area is the cost of living pressures that are being placed on Canberra families as a result of decisions of this Treasurer in this budget, and we have seen those building. To his credit, Andrew Barr is not the only Labor Treasurer who has been piling on the cost of living pressures on Canberra families. He follows along in a tradition of Labor treasurers who have done that over the last 11 years. They have been increasing taxes and charges every year so that the family budget becomes ever more stretched.

The cost of living statement in this year's budget has \$9,000 per year going to ACT government fees and charges for an average family—\$9,000 per year. Let us just contemplate that for a moment. On top of all of the other costs an average family has—their income tax they pay the federal government, their GST they pay the federal government, their petrol excise they pay every time they fill up their tank of petrol, all of the other taxes and charges that are paid—the ACT government charges them on average \$9,000, and for many families it is much more.

We in the Canberra Liberals believe this is one of the most important issues, if not the most important issue, in the community at the moment. It is how much it costs just to get by—it is the electricity, it is water, it is rates, it is the cost of parking, it is the cost of all sorts of other essentials. This government does not seem to care and does not seem to get that so many people in our community are doing it tough—they are low income earners and they are middle income earners.

There are even people who some would classify as high income earners who are doing it tough. It is a moving feast, of course, because when you are paying off a \$400,000 or \$500,000 mortgage to get into the market in the ACT, then you have to earn a fair bit to have a chance of getting that loan in the first place and to be able to pay that back. You have to be on a pretty reasonable income. By national standards, you have to be well above the national average in terms of income just to be able to make ends meet and just to be able to pay the basic mortgage repayments on a first home.

This Treasury line encapsulates the government's attitude, because they raise taxes at every opportunity. I want to touch on a couple of those taxes and charges that Canberra families are facing. There are rates increases coming, and many people are seeing them already. Many people are seeing very large increases come through just

this year. Many Canberra families are facing significant increases that they did not expect. But we know that, in coming years, if Labor is re-elected, under the plan that they have set out, all Canberra families will face significant increases in their rates.

All Canberra families will see their rates bills go through the roof as an effective land tax on their home as the family home loses its tax-free status, as Mr Barr foreshadowed in his maiden speech. The family home is no longer going to be the tax haven, as Mr Barr described it, and we will see in coming years, if Labor is returned, a massive burden placed on Canberra families. This is not to be underestimated in terms of the significance of how this will affect people.

Let us think of the self-funded retirees, many of whom are not going to receive concessions on their rates. Some will receive concessions; some will not. But many self-funded retirees will not be getting concessions. Their incomes are relatively fixed—they are not going to go up much if at all, and they are going to see their rates bills every quarter going up significantly. Where are they going to find the money? Where will the Canberra couple in their 70s who may have been retired for 10 years or so and who are trying to make ends meet find those extra hundreds and even thousands of dollars every year that ACT Labor wants them to pay for their rates?

This is a significant problem, and what we saw today in the failure of Mr Barr to answer the information, or the misinformation, that has been put out there by this government on these rates is worth reflecting on. The very first piece of information that people are getting in their mailboxes on tax reform is misleading. It is not telling them what is actually going to happen. In one case it is a flat-out lie; it is simply not true that every buyer of a home under \$1.2 million is going to pay less. No, that is not true because, in fact, many, if not most, first homebuyers will actually pay more. Most first homebuyers buy established homes, and they are no longer going to be eligible for the concessions. So the very first piece of taxpayer-funded propaganda from this government about a fairer, simpler tax system does not tell the truth. It does not tell the truth about first homebuyer stamp duty and how first homebuyers of all people are going to be sluggish under this scheme. The very people you would think may benefit from a change like this will actually be paying more.

In addition, if you look at the brochure, it does not really tell you that your rates are going up. They neglected that bit. In the first panel as you open up the brochure is an explanation of what this reform is, and the first panel tells you a bunch of things. It tells you some of the taxes that are going down, and then it says that rates will be reformed with the aim of making them fairer. There is a euphemism if we have ever heard one. No, rates will be going up significantly. Families will see their rates bills go through the roof in coming years under this reform.

Let us be clear about this. Buried at the very back of the brochure in small print is a mention that rates will go up. So the first piece of information given is absolutely misleading information to first homebuyers. It is incorrect information, and the government hide the real reform, the real change, for most people, which is that they will see their rates bills go up significantly. This is, of course, coming on top of rates increases over the last decade under this government of about 80 or 90 per cent on average. They have already seen an increase of 80 or 90 per cent, and now they are going to face an even more marked increase in coming years if Labor are re-elected.

We certainly will not be supporting this line, because this line is where the slug is coming from. It is through Treasury. It is through the decisions taken in Treasury and by the Treasurer and backed by the government that Canberra families are going to see a \$600 increase on average in their ACT government fees and charges and that they are going to see a massive increase in their rates. The government is so proud of this reform that it is spending our money to mislead us about what this reform does.

The government is using our money to hide what the reform will do and, in some cases, flat out deceive the community as to what is actually happening. I say to the Treasurer that that brochure should be withdrawn immediately until you put something out there that is actually true. You cannot put stuff out there that is a flat-out lie, and that is what that brochure is. Why are you so keen to hide what is going on? *(Second speaking period taken.)* That is the question the Treasurer could not answer in question time today. He had the opportunity to tell us we were wrong, but we are not. The figures speak for themselves in terms of the impact on first homebuyers of the changes to those concessions.

Let us be clear on this: the government needs to be honest about what it is doing here. If it is proud of these reforms, then put all of the information out there. Do not hide it in the fine print. Do not fudge the truth. Do not twist it. Say, "This is what we are doing; these taxes will go down for some; these taxes will go up," and people can make judgements if you are proud of your reforms.

There are, of course, other changes and other taxes, and this is a government that keeps taxing homes. It does it with the increases to the lease variation charge.

Ms Gallagher: That old chestnut.

MR SESELJA: Well, the Chief Minister says, "That old chestnut." Why would you object to a tax that is going to be \$50,000 on every unit within a couple of years? Why would you object to such a tax?

Ms Gallagher: It is not on every unit. You know that.

MR SESELJA: Well, you are right. In some cases it will be much more. In some cases it will actually be over \$100,000.

Ms Gallagher: For most units, it won't even be charged.

MR SESELJA: Most units? Well, where do people buy units? They buy them in places like Braddon, for instance, where it is going to be \$52,000 a year on most units that are built. And what about dual occupancies? We have not even used dual occupancies. We could have. In some cases, that might be \$80,000 or \$90,000 or \$100,000 for every one of those. You are right, it will not be \$50,000 in every case; in some cases it will be much more.

What is that going to do for rents? What is that going to do for the cost of a unit? What is that going to do for planning of this city as this government keeps taxing

more and more and more? We saw the latest figures, did we not, Mr Smyth, which showed the false economy of jacking up taxes on one type of property in the ridiculous way this government has. The actual revenue is not what they had anticipated. In fact, Mr Smyth has just handed me the figures, and we warned of this. We warned that if you set the tax too high, you will actually do yourself out of money.

They are actually back now to where they were before they increased the taxes in terms of revenue. I think there were years in the past when the tax was at a lower rate and they were getting around \$8 million. So it is false economy. Imagine the flow-on to conveyancing. This does not tell us how much we have lost in conveyancing. So they have actually lost money as a result of this tax. There is a shortfall of nearly \$14 million. They expected \$22 million and raised \$8.7 million. Talk about a bad tax. It raises the price of a unit. It is a tax on units. It is a tax on homebuyers. It is a tax on renters. It is a tax on jobs, and it does not even bring in the revenue expected; in fact it has brought in only one-third of the revenue expected.

Of course, there will be flow-on effects, but they will not actually quantify those for us. As we suggested, if there is less activity in the unit sector, then you are going to get a lot less revenue through conveyancing. No doubt, millions of dollars, perhaps tens of millions of dollars, have been lost as a result of setting the tax too high. It is just another example of how this government does things.

We will not be supporting this line, just as we will not be supporting the budget as a whole. We do not believe that a budget that places these kinds of burdens on families is worthy of our support. It places these kinds of burdens in all sorts of ways, particularly around the family home. That is what we are seeing from this government. Come 20 October people will be looking at these kinds of issues as they consider their vote. They will be looking at the tax burden and the cost burden that has been placed on them by this Labor-Greens alliance over the last four years and by this Labor government over the last 11 years. They will be asking themselves whether they will be able to afford another four years. Many tens of thousands of families in Canberra will not be able to afford more of this. They will not be able to afford another four years of this Labor-Greens alliance.

We certainly will not be supporting this particular line, and we do not support the direction of this government, which is to tax homeowners and properties—squeeze them until they bleed, not quite until they die. We do not support that approach, which has been put out there by the former Treasurer and endorsed by this Treasurer and by this Chief Minister.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (8.00): Obviously the biggest issue in regard to the Treasury in this year's budget is tax reform. Let me say from the outset that the Greens support the proposed taxation changes. The economics are in; the results are very clear. Stamp duty and the insurance levy are inefficient taxes and should be removed. Removing the insurance levy is the easier question, because it is a smaller tax. Removing stamp duty, which contributes about 25 per cent of our own-source revenue, will of course have a much greater impact.

The simple reality is that we have limited options for taxation. We have no minerals and mines. Our major asset is land, and our most efficient tax base is land. The best and most efficient way to generate the revenue needed to deliver government services is through our rates.

Transitioning from one scheme to another will necessarily mean that some people miss out on the benefit of the reduction in stamp duty and pay the increase in their rates. There is no way around this, and no change like this will ever be able to be perfectly distributed. What I think the plan does as well as possible is limit the windfall gains and losses. I think that the proposed 20-year time frame for the implementation of the changes is a reasonable one.

The other important feature of the proposed changes is that they make the scheme more progressive. That is, those in lower value properties will pay a lower rate of tax on their properties than others. Certainly I realise that this is not perfect and that the value of housing will not always directly correlate with the income of the occupants. This is why it is so important that we have appropriate concessions and deferral provisions in place.

The Greens are very pleased that options are being brought in for those who are asset rich but cash poor. The new provisions will allow those in that circumstance to defer their liability.

The tax changes are the most controversial part of the budget, and I have received quite a number of constituent inquiries about the changes, some supporting and some opposing. I think it is disingenuous just to talk about the increase in rates without looking at the broader changes proposed. As I said, the way the change is distributed can never be perfect, and as much as people say it is not fair to suddenly increase their rates, equally it is not fair that those who buy a house but do not live in it very long and have to move because their circumstances change should be paying an extraordinary amount more in tax than those who stay in one house for a longer period of time.

This is a very significant reform. It is what all the experts are telling us to do. Everyone from Ken Henry down agrees that we should move from stamp duty to land tax. Removing distortionary taxes and replacing them with a stable revenue base that allows us to accurately forecast our revenue and encourages the efficient allocation of our housing and land resources is a good thing. We all know that stamp duty is a real barrier, particularly to downsizing, and that as our population ages we need to better allocate our housing resources. It does not make sense to have older people living in large houses that do not meet their needs when they could live closer to services in houses better suited to their needs but cannot because of the barrier created by stamp duty.

I should also mention the land tax changes for lower value rental properties. This is similar to the measure identified in the parliamentary agreement. In the context of the broader changes, I hope that it does have an impact on rental affordability. I would say that I do have a slight concern that part of the impact of the change will be to

effectively divert some of the revenue to the commonwealth. I also recognise that there are competing arguments about the impact of land tax on the rental market and how it can be used to influence housing affordability. No system is ever perfect, and the transitional period is always the most difficult, but ultimately it will make the tax system better. As with any reform, if you never start you will never finish. At some time it has to be done; now is as good a time as any.

In relation to the other revenue items in the budget, some comments about the lease variation do have to be made. Certainly the amount forecast was not reached, but I think that is primarily due to market conditions rather than the modest increase in the charge, because of the high discount applied this year. I think that the fact that house prices have not risen this year just shows that the arguments from the Leader of the Opposition are about as credible as are Tony Abbott's arguments on the impact of the carbon tax.

Mr Barr: He did not mention the carbon tax, did he?

MS HUNTER: No, indeed. For the record, I will repeat the Greens' support for the changes to the lease variation charge and again reiterate the need for a general sustainability remission instrument to utilise the lever available to us to deliver better environmental outcomes from our housing.

I would now like to go to the first homeowners grant. I note the recent changes to the New South Wales scheme and again place on the record the Greens' view that it does nothing to improve housing affordability. I think that in light of the New South Wales changes to the way the grant is paid there, the Treasurer should revisit this issue with his counterparts from other jurisdictions to see if a more sensible solution for the use of this money can be found. Housing affordability is a very important issue for Canberra and spending public money to make it worse just defies common sense.

On the question of economic management, as I said in my budget reply, the Greens agree that additional money should be spent to offset the reduction in commonwealth spending in Canberra. We are a countercyclical economy and, particularly given last year's outcome, we think it is good policy to be spending a bit more to keep our economy strong.

Having supported the principle of additional spending, I would like to make the general observation that the Greens believe that the details of that expenditure represent a wasted opportunity to invest in longer term initiatives that will ultimately deliver better outcomes. Areas such as public transport infrastructure like light rail and better recycling to capture the value of scarce resources are good investments, not just for now but also for the future.

The point that seems to be accepted in principle but cannot seem to be applied in practice is that we have to be doing what we do differently. Doing so would save us money and reduce our environmental impact. Unlike probably any other time in post-industrial revolution history, now is a time when economic success most likely will not be tied to resource depletion and ever increasing carbon emissions. In terms of economic management, the most important thing that we can do is make our economy

more sustainable. We have had the clean economy strategy released this year, and now the challenge is to implement initiatives across government to realise the agreed objective here.

Treasury has an important role to play in this, in ensuring that government policy and expenditure create a market for sustainable products and services and assist us in reducing our reliance on the activity of the commonwealth. This is called diversifying the economy. Providing business assistance to help companies get started is very important, but nowhere near as important as creating a strong market for their products. The best thing we can do for producers of energy efficient products and smart architects and designers is require our homes to be more efficient. The best thing we can do for recycling companies is to educate people against putting their waste into landfill and make it easy for them to dispose of it in a way where it can be reused and recycled by businesses.

Treasury should have a role in helping other directorates change the way they do things—particularly, in the budget context, the way they spend public money. It should be noted that by all the traditional measures our economy is doing very well. This is in part attributable to the underlying nature of the economy and management advice that comes from our Treasury, and we should recognise that good work. I would also say, and I know I say it a lot, that we need to look beyond the traditional measures. Gross state product and state final demand are really very limited in what they tell us. We should be placing greater emphasis on other measures that better reflect how well our prosperity is distributed—measures that tell us about the practical impacts in our community.

The Greens will be supporting this line item in the budget.

MR SMYTH (Brindabella) (8.10): The centrepiece of the budget is the so-called courageous tax reform package of the Treasurer, the man born to reform the ACT's tax system. These reforms essentially propose using the general rate system to raise revenue. This revenue will replace revenue which will be lost for abolishing some transaction-type taxes, such as duty on general life insurance and commercial land tax, and from phasing out some transaction-type taxes, such as duty on conveyances. Residential land tax will be retained, but it will be restructured.

This reform package is meant to be achieved over a 20-year period. Unfortunately, the government said that the reforms are only a five-year reform package; indeed, the revenue estimates cover only the three outyears. When we asked both the Treasurer and the Chief Minister for the data for the 20-year projections, we found that the work had not been done—that they only had the three years before us—and that if we wanted more detail we should go to the Quinlan tax review. It is not fair to tell people that their rates will go up when you have not done the work and you have not determined what their rates will look like over that 20-year period. This is what the government want us to believe. They want us to believe that the majority of people will be better off under this system, and it is just not true.

Any tax reform should be equitable across the community. It should lead to increased efficiencies in the taxing regime and it should be simpler to administer. The ACT

government's reform package can be questioned in relation to equity. The budget shows that instead of conveyancing duty being phased out, revenue from this tax increases through the outyears. There are also equity questions in relation to people and organisations who in recent times have undertaken transactions involving paying stamp duty and will now be required to pay increased amounts for general rates and possibly for conveyancing.

If you look at the Quinlan report—prepared by the former ACT Treasurer who said so famously in March 2005, “The government will squeeze investors till they bleed, but not until they die”—you can see where this government is coming from. A critical aspect of any tax reform is to consult with the community. The Treasurer offered consultation in his response to the Quinlan report; then he went ahead and introduced his reforms in any event. It was another failure of the government to consult with the community. So much for more openness and more accountability!

I note that other Labor jurisdictions have rejected the move from stamp duties to broader based land taxes. These views were summed up by the then Treasurer of South Australia when the Henry tax review was released in May 2012:

A broad-based land tax would be a punitive tax on families and households and won't be supported by this government ...

On balance the tax reform package is subject to question. Will it favour one group over another? Yes, it will favour people in organisations dealing with low-value properties. Will it disadvantage anyone or any group? Yes, it will disadvantage all those with residential properties valued over the land tax threshold, all those who deal with properties valued at more than \$1.3 million, and people who want to downsize from properties which have a high value. Indeed, the reform package was so badly developed by this Treasurer that within 12 hours of the budget being presented he had to agree that two commercial transactions could proceed which otherwise would have been abandoned because of the imposition of increased stamp duty impost. While there are merits in reducing the reliance on transaction taxes, changes such as this should be implemented in a way that is fair and equitable across the community.

We have just had Mr Seselja speaking about the land use charge, the lease variation charge, more appropriately the land use tax. This government has had a major focus on putting in place the land use tax. This policy has been described as the change of use charge and the lease variation charge. In reality, it is a tax—nothing more, nothing less. Expectations were that this tax would raise substantial quantum of funds year on year, but the latest financial report, which sets out the preliminary results for 2011-12, shows that this tax was estimated to raise nearly \$22 million, and then in coming years continually go up to become \$23 million, \$24 million, \$26 million and \$28 million. But did it raise nearly \$22 million in its first year of operation? No, it did not; it only raised \$8.7 million, a shortfall of nearly \$14 million.

And that is not the worst outcome. When we look at the latest quarterly reports, there is a wonderful paragraph which says:

Taxation revenue, largely relating to housing market activity, was around \$35 million lower than anticipated, reflecting a greater than expected softening of housing market activity, and the timing of the lease variation charge ...

So there you have it, Madam Deputy Speaker. What you have got is not collecting the revenue, so you are \$14 million short with \$35 million lower than anticipated conveyancing duty. Perhaps not all of that is apportionable to the lease variation tax, but you have to appreciate that a lot of the activity that has been slow is due to the fact that this government has put a tax on housing at a time when many groups, whether it be Shelter, the Indigenous advisory board or the Youth Coalition, said, "Housing affordability is at an all-time low in the territory and has declined under this government." What do they do in answer to that? They put another tax on housing, aided and abetted by their parliamentary colleagues, their parliamentary coalition members, the Greens. This is a disgrace, but the sad commentary on the imposition of this punitive tax in its redesigned form is that the market has spoken and will continue to speak about this tax.

One of the good outcomes in this year's budget is the cost of living statement. People can now look at what their government is charging them. That is a great Liberal Party initiative. The Liberal Party actually cares about where people are and what it costs to live in this city. We are acutely aware, because of representations to us, that people are finding it difficult out there. Yes, we are living in a wealthy city. Yes, people do have higher than average incomes in the ACT. Yes, they do have higher than average charges as well. Everything is more expensive in the ACT, whether it be petrol or any of the things that are freighted into the ACT. Certainly housing is far more expensive than it should be in the ACT, because of the mismanagement of this economy, of these taxes, by this government and their Greens colleagues.

What do we find when we look at the cost of living, the estimated impact on households? There has been more than a \$600 increase, a \$641 increase, in the 2012-13 year—and more to come. They have not told the true story and they do not apportion everyday charges like parking, which is assiduously avoided.

We find in the report and in the expert's report that the government could have done a better job of this. They could have given a fuller picture. They could have told a fuller story. But that would not help, because this is the government that is taxing the daylights out of people—indeed, Ted Quinlan said so appropriately, "Tax them till they bleed, but not until they die."

Let me look at economic performance. We have concerns about the performance of the ACT economy. The Treasurer, in releasing the June quarter financial report, said:

State Final Demand ... increased by 1.8 per cent ... in original terms ...

This is both a strange and a silly comment to make. It is strange because it is very old news; it is silly because no-one except the ACT Treasurer, who purports to have economics training and should know better, uses original data for state final demand. As the Treasurer should know, because I have told him often enough, the figures to use are the trend figures, as these provide the best longer term view of how the economy is performing and these are the figures suggested by the ABS to be the most accurate.

The concern that I have is that, based on the Treasurer's own numbers in the budget, the ACT economy was forecast to go backwards in the June quarter of 2011-12. In trend terms, the reduction would be something in the order of \$135 million. If the Treasurer chooses to use the seasonally adjusted data, the reduction would be in the order of \$321 million. Of course, if these forecasts are not realised, that means that the forecasting capability of the ACT Treasury will be called into question yet again.

Budgets are important. Budgets lay the foundation for economic investment. Budgets tell us what we are being charged as ratepayers. This budget fails on all of those counts. In this case, this line should not be supported by the Assembly.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (8.19): The Treasury Directorate provides a vital role in administering the territory's finances and taxation. It also provides advice and guidance to ensure appropriate economic and financial management in the territory. This includes support for our fiscal policy and responsible return to surplus, our modest and responsible savings program and our reforms to the taxation system. The collection and administration of taxation ensures that the ACT government has the funds to provide the services, facilities and infrastructure the ACT community deserves and expects, and to deliver and plan for future growth.

However, it has been widely acknowledged for some time that the territory's taxes, like those of other states and territories, are in need of reform, and in this budget the government have acted. We have outlined a five-year reform plan to make taxes fairer, simpler and more efficient. This particularly includes reducing taxes for those who have lower incomes, making the tax system simpler to understand and administer and, importantly, reducing distortions on household spending and business activity, removing about \$175 million worth of deadweight loss from the territory economy.

Our reforms make the ACT less reliant on volatile taxes, putting the collection of tax revenue on a more stable basis for the future. The benefits of these reforms are economy wide and the government have continued to provide appropriate and targeted assistance and financial support to those who need it. Our reforms support economic growth and allow the government to maintain and enhance the high standard of living that our community enjoys.

The commonwealth's contraction in employment and spending and continuing global economic uncertainty will pose challenges for the territory economy in the fiscal year ahead. In light of this the ACT government's budget has maintained spending on front-line services and infrastructure to support the economy and to continue to support local jobs. We have continued in this budget our measured and responsible plan to return the territory to surplus in 2015-16.

Question put:

That the proposed expenditure 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.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.8—Shared Services Centre—\$12,173,000 (net cost of outputs) and \$8,616,000 (capital injection), totalling \$20,789,000.

MS LE COUTEUR (Molonglo) (8.26): Although Shared Services has a range of important roles, I will speak mostly on its key role in implementing various measures the government has announced in the budget to improve the environmental outcomes in government information and communications technology. I will also talk a bit about government procurement.

I moved a motion on sustainable government ICT in 2010, which I am pleased to say the Assembly passed unanimously. There has been some progress but more work is needed. I would like to see a better investigation of the lifecycle impacts of ACT government ICT. I am very pleased the budget includes extending the life of much of the government's existing ICT equipment for another four years. This is something I have been advocating for years. It is both a financial measure and an environmental measure as there is reduced e-waste, and extending the life of equipment reduces our call on the world's resources.

Shared Services will need to be smart about extending the life of the equipment and ensure that software demands do not overload the hardware to the extent that productivity is reduced. In this context I repeat my call for Shared Services to look at thin clients as a potential way of future proofing our desktops.

The government in the budget has also announced improved energy efficiency in government ICT infrastructure as part of its strategic plan for ICT in 2011-15, and this is welcome. We need to maximise our ICT benefits, of course, while minimising our ICT costs, including energy costs. I look forward to the government, through Shared Services, providing leadership on energy efficiency in ICT use. These are welcome moves which will contribute to reducing the government's footprint and costs from ICT.

There still needs to be a policy promoting teleconferencing in the ACT public service. The budget notes that travel expenditure dropped 10 per cent in the last financial year and predicts further reductions, attributed in part to increased teleconferencing.

Teleconferencing technology is improving and becoming cheaper. Shared Services needs to take steps so that this technology is more readily available to the public service either through small services at workstations or even shared services which directorate staff can book for teleconferencing.

Shared Services should be more active in supporting the implementation of other energy efficiency initiatives, such as speeding up connecting government smart meters and sub-meters to the internet. If the government's sustainability data management system is to obtain its full potential then Shared Services needs to get actively and positively involved in adding meters to help the government measure and manage its own energy use, and in particular, of course, its ICT energy use.

Volume 3 of the estimates committee report includes a short paper from the Centre for International Economics entitled "Efficient pricing principles for shared services". This is a short but interesting discussion on various models, or life stages, of shared services. It states:

It is only once the Shared Services organisation has matured and achieved its own efficiencies that a better understanding of the overall organisational efficiencies may be had, and more complex charging and cost allocation arrangements may be implemented.

It might now be time that Shared Services can move from being an operation which provides mandated services to a situation where it is the first choice for government agencies on a range of voluntary services. The CIE report describes these services as "includes professional and advisory services; separation of governance and service functions; services charged out to recover fully loaded costs; and objective to reduce costs and improve service quality".

We do know that ACT government agencies do not go to Shared Services for a range of ICT related activities, yet you would hope Shared Services would be the first port of call for all procurements of ICT. I am also concerned about the lack of funds to progress a whole-of-government information management system. Getting this right could potentially improve security, productivity and communication across agencies.

I now turn to procurement. The ACT contracts register shows Shared Services Procurement is allowing directorates to undertake single select procurement where the costs of the activity exceed \$200,000. But under its own procurement rules, any procurement exceeding \$200,000 should have been undertaken using a public tender process. This makes it likely that value for money is not being achieved through current government procurement processes. This is also an area where there should be more transparency.

We see evidence of this in the operating budget. Shared Services is supposed to operate on a cost recovery basis, but Shared Services Procurement is both receiving a direct payment from the government and having an expected surplus of \$6 million. Neither of these should happen for an agency running on a cost recovery basis. An issue here is that Shared Services Procurement charges agencies a flat four per cent of capital costs in contracts it manages on their behalf. This four per cent fee is regardless of the actual cost of providing the service.

We were especially concerned to hear that procurement does not keep timesheets or other data of staff activity on projects. Without this, how can client departments tell whether they are charging too much or too little for the service they provide? Without proper information we cannot tell if we can do better. In estimates we heard a number of reasons why the four per cent fee is leading to a surplus, including economies of scale, changing project structures and staffing matters. Given the surplus it seems that Shared Services Procurement is arguably charging other departments too much.

Turning to HR, we also see issues there. In the budget estimates committee hearing it appeared that human resources were in the early stages of reviewing their own processes to ensure cost effectiveness. They are looking at consistency of process. We think it is very important that they look at process duplication because we believe there may be inefficiencies there. We know the Legislative Assembly was able to save money by providing its own human resources services and hopefully Shared Services will be looking at these kinds of examples in revising its own service provision.

I would like, finally, to make some comments about social procurement. I must say that we were really expecting to have seen much more progress from the government on social procurement. It is just over two years now since the previous Chief Minister, Mr Stanhope, announced at the launch of Cafe Ink in the Woden Library that the ACT government would commence social tendering. One year on, at June 2011, not much progress had been made, so the Greens moved a motion in this place calling on the ACT government to commence three demonstration projects by June 2012. The government agreed to do this at the time.

However, when the time came for the government to report on this, two of the three demonstration projects it referred to were ones that did not involve social ventures and the ACT government already had in place years before Mr Stanhope's announcement. One of those was for graffiti removal and the other was with Spotless. Shared Services advised, through the recent estimate processes, that in order to make progress on social tendering it would start employing a dedicated full-time senior officer to promote awareness across directorates and agencies. Shared Services also advised that it had guest speakers come along to its senior officer forums to educate staff about social procurement.

It seems that what we have seen for the last term of this Assembly is a lot of talk but not a lot of action as far as social procurement goes. What the government really needs to do is identify those projects it believes it can procure from social ventures and pursue a single select tender that has the right people and the right balance between financial costs and social outcomes. These projects can act as demonstration projects to the rest of the ACT public service and will do much to encourage uptake.

Shared Services seems to have some issues around costs and duplication, but basically is going okay. I note that government goes in phases. You put all the services in one bunch, a shared services model, and then the tide will turn and they go back to agencies. I think it is a bit unclear which is the best model. We have the Shared Services model now. I commend the government, but I think it needs to do its work

on reducing duplication, seeking better efficiencies and providing leadership in procurement, in ICT, in energy efficiency—in fact, all of the issues with which it deals.

MR SMYTH (Brindabella) (8.36): I think the issue of security of ICT systems must be of paramount issue for all governments. Other jurisdictions have been concerned about this issue. I note in particular events recently in Western Australia. The WA Auditor-General recently undertook a number of tests in WA government agencies of ICT security. The findings were concerning and in some cases very scary. There are a huge number of vulnerabilities. Perhaps the worst was with USBs.

The WA audit office left a number of USBs in different agencies. Invariably these USBs were simply plugged in and installed into the agency's IT systems with no check on whether such an action could jeopardise the entire IT system. The audit office was able to determine when this action took place. This experience raises the fundamental question of how secure the ACT's ICT systems are. There are issues about electronic recording of access to IT systems. Indeed, one could reference the data manipulation scandal at the Canberra Hospital.

It is important for all sorts of reasons that organisations are able to monitor and track the use of electronic equipment so that we can follow the flow of information and also identify those who have accessed equipment and information. We all need to be vigilant about these matters. We did hear about the government's ability to test and their recovery plans. There are some recommendations covering these issues in the report. We commend the Shared Services line to the Assembly.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (8.37): I thank members for their contributions and advise that Shared Services provides cost-effective and efficient services across the territory government. The model has worked well for the territory and it is indeed testament to the management and professionalism of the team at Shared Services. Time prevents me from reading through the entire organisational chart at this point.

In this budget the government is continuing to invest in innovation and improvements in the operations of Shared Services. These investments include more modern and efficient data storage facilities to cater for the government's future data requirements as they grow. It includes investments to replace ageing server hardware to ensure that our ICT capabilities continue to provide stable and reliable voice and data networks for our agencies. It also includes innovative investment to improve productivity, such as facilitating improved identity and data access management and extending mobile device capabilities. It is the government's view that both of these initiatives should allow significant productivity improvements and allow the public service to become even more efficient in the delivery of outstanding services to the people of Canberra. I thank members for their support of this line item.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.9—Superannuation Provision Account—\$147,649,000 (capital injection), totalling \$147,649,000.

MR SMYTH (Brindabella) (8.40): The superannuation provision account is a very important account for the ACT and for her public servants. I note that the key issue with the SPA is the quantum of liabilities in the account and the proportion of liabilities covered by assets held in this account. In this budget the coverage of liabilities—that is, the proportion of liabilities which are funded by assets in the account—was about 49 per cent. This means there will be no change from the coverage achieved in 2012. Estimates for the outyears show that coverage will only increase to 15 per cent in 2013-14 and remain unchanged for the following two years.

I also note that in 2007-08 the coverage of liabilities in the SPA was more than 70 per cent. What we have seen is a dramatic decrease in the proportion of funded liabilities over the past four or five years, and I suggest that it will be a major task to rebuild the coverage of the liabilities, possibly requiring significant blocks of funds from the ACT budget to eliminate liabilities if it is to be fully funded by 2030, if the recovery of the world markets continues to be sluggish.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (8.41): I think my views on the SPA and the role it should play are pretty clear. I am very pleased that under the new investment policy there will be development of a proxy voting policy and reporting on all resolutions. I look forward to not having to ask any more questions on notice about how we voted on various resolutions and not having to find out any more of those maybe embarrassing answers, which I am sure neither the Treasurer nor the Treasury officials agree with.

I am, of course, also very pleased that we will no longer be investing in big tobacco, cluster bombs and land mines. I am certain that the decision will, if anything, have a positive impact on the result in next year's SPA numbers.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (8.42): I thank members for their contributions. I can advise that the government are making prudent provision for funding of our defined benefit superannuation obligations, inherited somewhat from the commonwealth government when public servants transitioned into the ACT public service with self-government.

Making provision for our superannuation in this budget ensures there will be sufficient funds to fund our projected liabilities in the future. Without this prudent provision or our investment strategy the call on future budgets would be considerably greater and lead to significant intergenerational equity issues.

The most recent triennial actuarial review has informed the government's provisions in this budget. Some of the demographic assumptions have shifted and this is something the government will watch in the future.

These changes include increased take-up of pensions at retirement by PSS members, changes to benefit selection by CSS members, improvement in pensioner mortality

rates—in other words, people are living longer—and increases in benefits due to increased—

Mr Smyth: Surely it is a decrease in pensioner mortality.

MR BARR: Improvements in pensioner mortality rates, yes. So people are living longer—increases in benefits due to increased incomes and a reduction in retirement rates by PSS members.

Further, the territory has seen something of a challenge with these liabilities through the particular accounting treatment, with the projected liabilities being calculated as a net present value calculation and so subject to variations in the discount rate—in this case, the commonwealth 10-year bond rate as at 30 June of each year. So there can be significant volatility in the calculation of what is essentially a very long term liability.

As members would know, the current bond rate is at historically low levels, reflecting the strength of the Australian economy in the face of global weakness, the pressures of European sovereign debt issues and a current international perception of this country as a safe haven for capital investment.

We can expect to see continued volatility in our superannuation liabilities for some time to come. Although this bears watching, it is not cause for undue concern. The government will continue to make proper provision to meet what are very long term liabilities and we will continue to monitor our superannuation.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.10—Territory Banking Account—\$214,000 (capital injection) and \$33,261,000 (payments on behalf of the territory), totalling \$33,475,000.

MR SMYTH (Brindabella) (8.45): When we talk about the territory banking account, it is normally a bit of an esoteric subject, but I think this year is a little different. The reason for this is that the balance in the territory banking account falls to virtually zero as at the end of this financial year. For those that have not looked at it, on page 223 of budget paper 3, at 30 June 2012 there was some \$288 million in the account. At the end of this financial year, it will be \$2.1 million. At the end of the following year, \$2.1 million, and at the end of the following year, that is, 30 June 2015, it will be \$1.7 million, recovering slightly in 2016 to \$12 million.

While acknowledging that there are cash management issues relating to the flow of funds in and out of the TBA, nevertheless, I raise this aspect as a concern because it seems that by running the TBA to such a low level, particularly when the balance in the account was nearly \$300 million at the end of the previous financial year, it could raise some interesting issues.

As was acknowledged in the estimates hearing, there is a possibility in exceptional circumstances, according to the Director-General of Treasury, that some short-term borrowings may be required if the balance in the TBA is too low when funds are required for particular purposes.

I have some concerns therefore that such a low level of the funds in the TBA may well lead to this. Moreover, the fact that this low balance in the TBA continues into the outyears indicates that forecasts of funds flowing into the TBA is a concern. Will there be a slowing in revenues? Will commitments for capital works increase? Will expenditure on other matters be maintained or increased? And why is the TBA expected to remain so low for so long? The suggestion would be that we have been a little bit sanguine about this trend in the balance in the TBA.

The estimates committee had some concerns about the TBA. The committee recommended that if the TBA reaches zero, the Treasurer should immediately advise the Assembly at its next meeting and detail the measures being taken to address the situation. In a rare outcome, the government has actually agreed with this recommendation. It is certainly something that I will be keeping an eye on, and no doubt the Treasurer will be keeping an eye on, because these funds are very important to the future of the ACT.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (8.48): As Mr Smyth has mentioned, this issue did come up in the estimates committee and it was included in the estimates report—that is, if the TBA did get down to a zero balance, what would happen there? The Under Treasurer indicated that this would be a completely untoward and exceptional circumstance and it would be hard to see what these circumstances would be.

The committee did, as Mr Smyth said, recommend that if the balance reaches zero, the Treasurer should immediately advise the Assembly of the detail of the measures that were going to be taken to address the situation. As has just been reported by Mr Smyth, the government's response said that they have agreed to that recommendation.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (8.48): I will be brief. The government's management of the TBA is one of our central functions and one in which I am sure everyone takes a keen interest, although until this year it has not necessarily been one of the most recognised or debated areas of the Treasury portfolio.

Management of the bank account encompasses active involvement with our portfolio of investment assets and debt liabilities. It seeks to ensure an appropriate rate of return on financial investments and the management of capital market functions through the management of the government's borrowing portfolio to match the territory's capital needs.

Importantly, it seeks to ensure competitive borrowing rates that are commensurate with our AAA credit rating. A key aspect in this area, of course, is the government's responsible investment policy that we have released. This policy provides for good governance of our investment assets as well as ensuring an appropriate and sufficient rate of return on those assets. I commend this appropriation line to the Assembly.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.11—Economic Development Directorate—\$75,236,000 (net cost of outputs), \$182,145,000 (capital injection) and \$7,772,000 (payments on behalf of the territory), totalling \$265,153,000.

MR SMYTH (Brindabella) (8.51): In conjunction with the budget, it is reasonable to note that the Minister for Economic Development also recently released his business development strategy, “growth, diversification and jobs”. I am not sure what this means, however, for both the private sector and the ACT economy.

As some members will recall, we had an economic white paper in December 2003, when we were going to become unashamedly pro-business. That was rapidly abandoned, and then we had mark 2, in August 2008, in the lead-up to an election, oddly enough, when the government dropped “towards our second century”, which had nothing in it and was quickly lost.

So on its record, perhaps one will not be too surprised if “growth, diversification and jobs” delivers very little, because its father and grandfather also delivered very little. Sadly, I think it demonstrates the commitment of this government to the business community. The reality is in fact that its failure was quite stark.

Despite what might appear to be the minister’s best intentions, there is absolutely no doubt that during the 11 years of Labor government and Labor-Greens government in the ACT, private sector employment has fallen by 10 per cent as a proportion of total employment from 59 per cent in 2001-02 to 49 per cent in 2010-11. This is a very sad and sorry trend and it means that Labor and the Labor-Greens governments have set back the role and strength of the private sector in the ACT. At least the current minister knows how to say “diversification” even if the proof of any efforts to achieve diversification remain to be seen.

I also note that the Assembly earlier this week debated a motion of mine relating to the administration of the payroll tax regime in the ACT. My summary of the debate is that both Labor and the Greens have a completely anti-business sentiment. There was no recognition of the concerns which were raised by the community in my motion. There was no interest in this parliament on the part of Labor or the Greens to seek to resolve the legitimate concerns of the private sector and there was no suggestion of overriding the authority of anyone, contrary to what was said. On the contrary, my objective was to see if there could be a meeting of the minds, as it were, between the ACT Revenue Office and the private sector and any other relevant organisation to resolve the fundamental issues with the administration of payroll tax in the ACT. All I can now say is that I anticipate developments in this area of policy with considerable interest.

If we turn to tourism, I remain concerned about the approach of this government to encouraging growth in the most important industry after the public sector. Despite, or is it because of, the efforts of various ACT tourism ministers, visitation to the ACT of domestic and international travellers is still considerably lower than the level achieved in 2003-04.

I find this very concerning. I know that there has been the global economic financial crisis and I know that the value of the Australian dollar is relatively higher than it has been. But at the same time the inherent attractions in the ACT, both national and local, should continue to provide interest on the part of visitors in coming here and viewing those exhibits.

Prior to the last election I floated the idea of a blockbuster fund. That idea was laughed at by the government. Subsequently, what did we see? A blockbuster fund from the government. This fund has been used to underpin major exhibitions, particularly at the National Gallery. It took quite a while but this government finally realised that one of the most powerful ways in which the ACT can act is to assist major exhibitions to put on major events.

The experience of this approach is in sharp contrast to the stupidity of the supposed major autumn event, which is now called Enlighten. This event, which was to be a hallmark event, a stand-alone event, such as it is now, and which has been absorbed basically into the Canberra Festival, has been nothing short of a fiasco from its earliest point. Unfortunately, the funds poured into this event by this government are probably unlikely to see any return.

I am a strong supporter of developing a new international-standard convention centre in the nation's capital. The facility is certainly being pushed for by the community and it is certainly something that needs to be looked at. I also look forward to the current project and commend the government for evaluating the branding of Canberra exercise. It should be a most useful exercise as long as we then have a long-term commitment to ensuring that the benefits of rebranding are adequately funded. Without that, the exercise will remain a waste.

There is also the issue of long-term planning for tourism in the ACT. One of the recommendations, recommendation 88, states:

The Committee recommends that the ACT Government develop a strategy for long-term tourism needs in respect of accommodation, attractions and events and in doing so consider the Western Australian-Government Tourism WA strategies addressing the same needs.

The government's response is interesting. The government's response is "noted". It then goes on to read:

The Government is committed to addressing the challenges facing the tourism industry ... as part of the National Tourism 2020 initiative. Tourism 2020 is a national framework to enhance growth and competitiveness in the tourism industry. Endorsed by all State and Territory Tourism Ministers, it brings the existing work, research and collaboration ...

It goes on to say:

Australian Capital Tourism is in the process of developing an ACT specific Tourism ... strategy. With the current five-year strategic plan due to expire in 2013, commitments under ... 2020 will guide the development of ongoing strategic priorities for the Government and industry.

I have to say that is welcomed, but I certainly hope it is better than the strategy that was put out in 2008, which was really quite flimsy and I suspect has not led to a great deal. It will be interesting to see if the government actually does a review of the 2008 to 2013 strategy because I suspect there would not be a great deal to review.

But it does somewhat miss the point. What the Western Australian government have done, with their planning authority and with the industry, is to go and pick sites, to develop the framework across the CBD of Perth, to ensure that they are putting away sites that may be needed for future accommodation, for future attractions, for restaurants or whatever it is—all the ancillary things that one requires to support the tourism industry.

Mr Barr: Their equivalent of the territory plan?

MR SPEAKER: Mr Barr, thank you.

MR SMYTH: No, it is not their equivalent of the territory plan. It is a glib answer from a glib minister. It is not the equivalent. It has actually gone out and looked at the various sites to determine what their functionality could be in regard to the wider tourism industry. It goes well beyond the concept of a territory plan in that regard because the territory plan will, of course, have many uses for sites that are suitable for tourism facilities.

It is about commitment. The level of commitment that the industry see from this government is not what they want. A number of them have spoken to me about what it is that the WA government is doing and how long-sighted it is because it does really look forward regarding the needs of the industry, not just in the next five years but in the next 10, 20, 30 or 40 years, which is how we as a city should be planning.

It is important that economic development is treated appropriately and it is important that we make sure that we get it right. Under economic development we also have things like sport and rec. Of course there is the active kids challenge that came up in sport and recreation. It is interesting that when it was inside government it was funded to some \$200,000 a year. It dropped to \$110,000, then \$75,000 and \$50,000 in the coming years.

If we are concerned about issues like obesity, if we are concerned about keeping our kids fit and healthy and if we are concerned about reaping the dividend that fit and healthy kids reap for themselves personally in education and of course for the society that they live in, one of the ways of doing that is supporting groups that do have a record of achievement but are finding it tough in raising sponsorship. One of the reasons they are finding it tough is that sponsors say, "Well, how much is the

government putting in?” And when they say, “Well, the government is putting in a declining amount every year,” then sponsors say, “If the government doesn’t value it, why should we?”

I would urge the government to look at its funding for the active kids challenge. It is important that we get the basics right for our kids, that we instil that attitude regarding fitness, health and participation. It really is something that should be dear to the hearts of everybody in this place, but apparently it is not dear to the heart of the government.

MS LE COUTEUR (Molonglo) (9.01): The Economic Development Directorate is a very important part of the ACT government as it is the directorate which has most to do with developing how and where we head economically. And arguably, from that point of view, it has the most to do with how the ACT will change into the future.

I am very pleased to have represented the ACT Greens as spokesperson in this portfolio over the last four years. The Greens recognise that we do need economic development, and this development must take place in a way which builds for a long-term, sustainable future. We must ensure as best we can that our economic activity now does not lead to more problems—any problems, preferably—in the future.

It is not always easy to know how change will occur, but we do know that change will occur. Canberra is changing. What we need to do is ensure that its changes lead to it being resilient to a number of external changes and other changes—cultural changes, economic changes, climatic changes and social changes. We need to look at the form of the city and how we can live there. It may possibly be denser. We need to look at how we can access the essential resources of life—food, water, fresh air and a thriving and healthy natural ecosystem around us. In the ACT the Economic Development Directorate is right in the middle of dealing with all these issues.

The Economic Development Directorate, EDD, has the objective of facilitating the territory’s economic development while balancing economic, social and environmental considerations. It does this through business development and support, land release and development, major public works, some territory venues and some major community and tourism events. I will not talk on all these areas this evening, but I do want to briefly touch on some issues.

The first is the city to Gungahlin project office. The establishment of this new office, I very much hope, is a positive step towards dealing with some of the emerging traffic problems in Canberra. It starts with Northbourne Avenue, which is the most congested road in Canberra. This is expected to get worse as Gungahlin continues to grow. The congestion in Northbourne Avenue leads to problems throughout the inner north, with rat running through the suburbs and considerable inconvenience to both inner north and Gungahlin residents.

The budget includes the good first step of funding a dedicated team which will work with ESDD, LDA, TAMS and Housing ACT as well as local residents and the broader community to deal with the transit problems between the city and Gungahlin. We very much hope that the government will soon be releasing its revised costings on transit options for this corridor and we very much look forward to these costings

becoming public. We also look forward to the project office sharing information with the public in a proper, open government way—as has not really happened in the past. Whatever eventually happens along the city to Gungahlin transit corridor, the project office will have a vital role in keeping the public informed and, hopefully, supporting and enhancing what should be a very good development.

This is a good opportunity to create a truly cosmopolitan and sustainable community along Northbourne Avenue. The city to Gungahlin project will not just be about the development of mass transit options for Northbourne Avenue and other roads; it will also be about developing these roads and the precincts next to them as places to support a range of human activities, including residences, cultural spaces, shops and services. We need to ensure that these developments are high quality, are sustainably designed and include generous communal spaces to prevent social isolation.

Housing ACT is a substantial landowner along Northbourne Avenue. The Greens want to ensure that we retain the same level of public housing in this precinct, noting that, given the poor condition of much of the current stock, it will probably be beneficial, and possibly essential, to redevelop most of it. This needs to be done sustainably.

A revitalised Northbourne Avenue is a key component in creating a vibrant and sustainable Canberra that can accommodate growth while contributing to the wider ACT goal of a 40 per cent reduction in greenhouse gas emissions by 2020.

The Greens welcome support for some of the business initiatives in the budget. We are pleased that there continues to be half a million dollars of support in the Canberra business development venture capital fund. This provides some support for future diversification of the ACT economy and will assist a range of business proposals which we hope will include the future sustainable industries that the ACT needs.

The Greens note that the business life cycle is complex and that businesses should not and do not rise or fall solely on ACT government funding. Their own activities are the major input into their success, but there also need to be good linkages with ACT and Australian government programs. In this budget the ACT Greens welcome the raising of the threshold for payroll tax, as this will make it easier for Canberra businesses to grow.

The Greens have advocated for the use of remissions of the lease variation charge as an incentive for adaptive reuse of C and D-grade office stock in Civic and other town centres. We are pleased to see this in the budget. This is an example of how we can use economic tools to achieve the sustainable change we need. The Greens have long recognised the value of adapting existing buildings for a range of purposes, including for affordable residences, and we welcome government incentives for reuse of buildings.

The Greens welcome the government's use of lease variation charge remissions to support developments that achieve carbon savings at least 30 per cent above the current minimum regulatory requirements. We supported the lease variation charge legislation on the basis that these remissions would be an integral part of the package, and we are waiting for transport corridor remissions to be developed.

Moving to Molonglo valley, the Greens have been looking at developments in the Molonglo valley with interest to see how the government goes about what is touted as a sustainable development and to ensure that adequate biodiversity protections are included in the planning and development processes. The Greens have continued to push for improved environmental standards for new housing in Molonglo and are pleased to see that the home advice sustainability program continues to help homeowners and builders to incorporate sustainability measures as well as multi-unit developments needing to meet a mandatory seven-star energy efficiency rating. It is possible that the home advice sustainability program could be a model for future developments if it proves successful in Molonglo. We support the program and we will watch its results with interest. The Greens are particularly pleased to note that there will be 70 innovative sustainable houses as part of a compact sustainable living community in the Molonglo demonstration precinct.

Looking at Gungahlin, the Economic Development Directorate discussion in estimates in relation to biodiversity was very interesting. It seems that the directorate has been using a document called the Gungahlin strategic offsets package in negotiations with the commonwealth to identify where land development can occur and where there are issues. It is quite interesting to reflect on the relationship between LDA and ACTPLA in terms of working these things out, and I have been surprised to find how much the LDA appears to be the lead agency in this. The document that the LDA is using has not yet gone before the ACT government, even though it has been used by the directorate for referrals under the Environment Protection and Biodiversity Conservation Act for the new suburbs of Kenny and Throsby. I would like to see this document made public, and I again draw the government's attention to its alleged open government policy. There needs to be less picking and choosing of what documents will be released. In this instance the community needs to know what trade-offs are being made by the government as it goes about potentially developing areas of high-value biodiversity.

In its response to the estimates committee report, the government said the Gungahlin strategic offsets package has been overtaken by another document called GAMO. Its full name is *Environment protection and biodiversity conservation in Gungahlin: strategic measures to avoid, mitigate and offset impacts of development*. It has said that it will not release GAMO until it is released as part of the Gungahlin strategic assessment process under the commonwealth Environment Protection and Biodiversity Conservation Act.

It is disappointing that this has not been released. I guess all I can say at this stage is that I hope it will be good and we do not find flaws later in the development decisions which are made from it and thus are also flawed. And I restate what I said before: I would like to see the government reconsider its decision and release GAMO for public consultation immediately. This would be consistent with the open government commitments that it has.

I would like to conclude with a commendation for much of the work of the directorate and its cooperative willingness in general to provide information and briefings.

MR SESELJA (Molonglo—Leader of the Opposition) (9.11): I want to briefly respond to some of what Ms Le Couteur was saying. The Greens' view of the world in Throsby is a very concerning one, and one that we have raised concerns about. Sometimes the government does get sucked in by the Greens on some of these issues. The reality is that Throsby has been set aside for residential development for a long time. As a result, like many suburbs in Canberra, or like many areas in Canberra that have been set aside, there will be from time to time some more ecological value. That is the nature of the way that we have planned Canberra, in fact, because no-one is going to invest money in the rural sector with short-term leases that are likely to be developed at some point in the future that have been set aside. That is one of the reasons we see that.

The Greens' view of the world is "if you plan properly and set aside these suburbs, the ecological values will be there and you cannot develop them". It is a catch 22. If the Greens had had any influence when Canberra was being developed, none of it would have been developed. Virtually none of it would have been developed, because we can always find some environmental impact. There is always some environmental impact when we develop houses—when we develop anything.

Our role as legislators and as leaders is to make sure we just get a reasonable balance, as we have done in Canberra. I do not think anyone would look at the development of Canberra and reasonably say—and this goes back many decades, pre self-government and post self-government—that the environment has not been given due regard or that we have not kept green space, not just for residents to enjoy but also for native flora and fauna to thrive.

I think that we get that balance right. Ms Le Couteur's view of the world and the Greens' view of the world, that we wipe out whole suburbs such as Throsby, is counterproductive and would mean that we could virtually develop nothing. We just need to be sensible about these things at a time when we do need more housing. Even if there is a slowdown in the next year or two and we see less demand in that time, the next boom is just around the corner. The next boom is just around the corner, and we need to be ready for that. We need to be able to respond to that in a really timely way lest we see further impacts on affordability in the future the next time that we see a real upswing in demand.

I would like to move to the government's performance when it comes to land release in this area as we discuss that.

Mrs Dunne: Woeful.

MR SESELJA: It is woeful. We asked some questions of the Minister for Economic Development on this. The answers are pretty concerning. If you wonder why there is a housing affordability crisis, you only have to look at some of these numbers. "How many residential blocks expected to be released in 2011-12 have actually been released?" we asked. The answer was this: "Of the 3,015 dwelling sites scheduled for release"—that is actually not true—" (revised down from 5,500 at mid-year review), 2,466 dwelling sites were actually released." So 5,500 were meant to be released; that was revised down to 3,015; and the actual was 2,466.

You wonder why young families cannot buy a home in Canberra! We have got a government that simply cannot get the land out. This is why we have argued long and hard for changes to the way we do things—having a genuine land bank, having infrastructure reform through infrastructure Canberra, having genuine competition in the market rather than this virtual LDA monopoly that is being re-implemented under Simon Corbell.

That is the sort of thing we need to be doing. Those reforms will make a difference. That will allow us to be able to respond to demand. When demand is slowing, you can slow it down. When demand is up, you can respond quickly.

Members interjecting—

MR SPEAKER: Members! One moment, Mr Seselja. Members, could you just keep the noise down a bit in the chamber.

MR SESELJA: Thank you, Mr Speaker. We can respond quickly. That is what we need to do. We have been saying it for years. Years ago I remember asking how you go about getting land over the counter. They were saying it was coming. We have asked the question again. We asked this question: “How much land is currently available over the counter for homebuyers?” The answer was this: “There are no blocks currently available for sale over the counter.” If we had asked that at any time over the last few years, we would have got virtually the same answer.

Mr Speaker, it is not good enough. We have heard it for a decade. We have heard it for 11 years: “It is coming. We are going to respond to land release.” They have not. They have not responded to land release. And it is not good enough.

Mr Smyth has referred me to recommendation 87 of the estimates committee:

The Committee recommends that the ACT Government assess and report to the Legislative Assembly on whether the current machinery of government arrangements for land releases, infrastructure development and planning approvals in the ACT are delivering optimal outcomes.

The government response is “noted”. That is not good enough. You have had 11 years and you still cannot get the land out. Half of the land that was meant to be out in that financial year was released. You still cannot get land over the counter.

We have no shortage of land here in Canberra; we should be able to do much better. We can do much better through making simple reforms—simple reforms that need to be done. I am being pointed to more recommendations, from the review of the Auditor-General’s report on the residential land supply:

The Committee recommends that the ACT Government ensure that the Land Development Agency establish quarterly targets for over-the-counter sales and report quarterly to the ACT Legislative Assembly on these sales.

The report right now would be a short one. How many over-the-counter sales do we have? Zero. None. After 11 years. These are the basics. You should be able to get this right. You have got control over it. You have control over the settings, you have control over ACTPLA and you have control over the Land Development Agency. Yet what do they do? They stall.

You have to ask how much of this is deliberate profiteering from the government at the expense of first homebuyers—how much of this is gouging first homebuyers in order to prop up their budget bottom line. It is false economy; it is poor economics. But it is also putting a massive burden on Canberra families.

In the time I have left, I will briefly mention the government office block, because it was in this area. It was in the Economic Development Directorate that the tales were spun—that we were told all sorts of weird and wonderful things to justify this government office block which is not going ahead. I will simply make a couple of points on that.

If the government is not going to tell the truth on the biggest infrastructure project it has ever proposed, what can it be trusted on? If it is going to make up numbers like a \$34 million saving, which it walked away from and does not believe in, what else is it not telling the truth about? What else is this minister not telling the truth about? What else is the Chief Minister not telling the truth about?

Millions of dollars were wasted. That is taxpayers' money; that is taxpayers' money that has been wasted. They told the community porkies about a process in order to back up their own claim. Their own claim was that we needed this government office building, that it needed to be built and owned by the government. They spent millions of dollars. They made up the figures. They claimed \$34 million in savings and then walked away from it because they were not telling the truth. If they were telling the truth, if they were going to save \$34 million a year, they would not have walked away from it.

In the brief time I have left, I acknowledge members of the southern electorate branch in the gallery, particularly Nicole Lawder, one of our wonderful candidates for Brindabella, with such a fantastic background. I welcome them here to the chamber tonight.

MR RATTENBURY (Molonglo) (9.21): I rise just to reflect on the narrative around suburbs such as Throsby that Mr Seselja has set forth on again. I think it is of concern—and my remarks are similar to remarks I made earlier about that—that he is always taking it one step too far. I think in an area like Throsby what the Greens asked for when we talked about it in this place was for it to be assessed under the Environment Protection and Biodiversity Conservation Act. That act was passed during John Howard's prime ministership. That act sets up protection for areas of national environmental significance. The fact that Throsby qualified under that seems to be of great concern to Mr Seselja, who would preferably concrete the entire area. I think that it is unhelpful to draw out these narratives of extremism that Mr Seselja so readily resorts to.

We need to actually look at the balance of Canberra. I think what we are seeing is very significant development in Gungahlin, very significant land releases, but it is my view and the view of my colleagues in the Greens that Gungahlin deserves the same open spaces as other parts of Canberra have, just as areas around, perhaps, Macarthur or Fadden have open spaces around them, just as areas right through the inner north, the inner south, Woden, Weston Creek—all of these parts of Canberra—have open spaces. I think that people at Gungahlin deserve the same thing.

Yes, we need to improve the supply of land. Yes, we need to try to ensure that people can get access to housing, and affordable housing, in this city. But that should not come at any price. It is actually about saying to the people at Gungahlin, “We also respect the fact that you want open space.” Mr Seselja, I think, spoke very wisely about the balance we have built in this city between open space and nature and building urban fabric, and I think the extremist agenda or the image he tries to portray around seeking protection for those areas that have recognised national environmental significance is unhelpful to the debate and is a disservice to the people of this city.

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

Mr Rattenbury: He wants another go.

MR SESELJA (Molonglo—Leader of the Opposition) (9.23): I am having another go, yes, Mr Rattenbury, and I simply respond in a couple of ways. Mr Rattenbury seeks to deny his own words in this place on Throsby because it was Mr Rattenbury who said that from the Greens’ perspective—I do not have the quote in front of me—perhaps Throsby should be a no-go zone. I believe they were the words. I think they may be his words verbatim. “Perhaps Throsby should be a no-go zone.” So it was not like Macarthur where we do have green space in the middle of the suburb, or Fadden or Kambah or other places where we see that. It was, “Perhaps Throsby should be a no-go zone.”

So let us be clear and let us be honest about what the Greens have said about this. It is not that we should have a little bit of green space, a little bit of space for wildlife corridors and the like. We support that. We support that in every suburb. We do not want to see wall-to-wall houses. I suspect the “concrete” comment has more to do with my background than anything else, but putting that aside, let us stick to the facts. The facts are that was what Mr Rattenbury said. He is desperately trying to find *Hansard* to see whether I got a word wrong. But I look forward to him coming back and quoting the exact words and telling us how different it is.

In fact, *Hansard* says:

... the Greens’ view is that Throsby may well be a complete no-go zone.

I missed the word “complete”. I apologise. I did not say “complete no-go zone”. I have now just read that off the screen. So I assume that is correct. But those were the words and that was the sentiment. So let us not pretend that it was anything different.

That is where we need to be sensible. We need to be sensible. We are happy with environmental assessments, we support them, but we do not support this idea that you write off whole suburbs or most of a suburb because the Greens have decided that they do not want to see development there, even though it has been reserved for development for a long time.

I think there are some shocking examples of bad planning where we do see house-to-house-to-house, and that has happened under Labor. We do not want to see that. I think that some of the examples of suburbs in Canberra in the south are far better examples. I think they are far more liveable. I think that is the way we should continue broadly to develop our suburbs, but we are not going to go the extra step that the Greens advocate, which is to write them off and therefore deny the kinds of housing options that are needed for the community. This is important. It is important that we get this right.

So let us stick to the facts. If you do not believe it, then withdraw what you said in the Assembly and say you got it wrong. Indeed Mr Smyth drew to my attention the words. It was not a misquote. It was a correct quote. It was a correct quote of what Mr Rattenbury said. So let us be clear on what our position is, and our position is sensible development, open space protected in our suburbs, but let us not write off whole suburbs because that just makes it so much more difficult.

I have actually missed part of the quote; so I will read the entire quote. This is Mr Rattenbury speaking:

Throsby is the perfect case in point of the kind of area for which we should perhaps just put aside all notion of development. Whilst our motion today does not call for this specifically to happen, as the work has not been finished that will determine this final decision, the Greens' view is that Throsby may well be a complete no-go zone.

I do not know. There is not a whole lot of ambiguity there. So if that is not the Greens' policy, then just walk away from it and say: "I got it wrong then. We have changed our view." You have not; so that is the Greens' policy, that is the Greens' view. He did not say he was speaking for himself. He said, "Speaking for the Greens, this is the Greens' view."

I will finish on that point. It is important we get the balance right. It is important we are held to account for what we say and do not pretend we said something completely different or that we have been verballed when we have not. Let us get it right. We have done it for many decades in Canberra. We have not done it by writing off whole suburbs. We have done it by striking a wonderful balance between open space, good environmental policy and fulfilling the needs and aspirations of young people, in particular, as they seek to build a home and own a home for their families. I will leave it there.

MADAM ASSISTANT SPEAKER: Mr Rattenbury.

MR RATTENBURY (Molonglo) (9.29): I stand—

Ms Hunter: They are playing up.

MR RATTENBURY: Yes, indeed. There is nothing like an audience, is there, gentlemen? I stand to absolutely support the statements I made and to—

Opposition members interjecting—

MR RATTENBURY: Are you ready? This is how they always operate, ladies and gentlemen. It is quite an eye-opener, is it not?

MADAM ASSISTANT SPEAKER: Members of the opposition, please be quiet.

MR RATTENBURY: I am quite comfortable to stand by the words I used because, of course, they were said in a perfectly clear context. I was talking about the fact that we were calling for an assessment of the area. If that assessment came back and said, “This is an area of such national environmental significance that the entire area should be protected,” then the Greens would have been willing to along with that scientific assessment. That was the observation I was making.

The question I would ask back to Mr Seselja, and I would be happy to give him leave to answer this question, is: if the environmental assessment had come back and said Throsby should be set aside because it is of such national environmental significance under John Howard’s EPBC laws would Mr Seselja have proceeded with development on the site nonetheless? Would he have sought to defy the commonwealth? Would he have sought to defy the environmental assessment?

Ms Hunter: Would he have sought to trash the area?

MR RATTENBURY: Would he have sought to trash the area that had been identified as needing protection? That was the context in which I made my comments. The challenge stands now for Mr Seselja. Would he defy those scientific assessments and build the suburb anyway?

Opposition members interjecting—

MADAM ASSISTANT SPEAKER: Members of the opposition, please be quiet. Mr Barr.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (9.31): It seems a pity to break up this little love-in that is going on. It is good to see you guys getting on so well! Meanwhile, we will get on with governing the territory and you guys can play Thursday night footsies in front of the seven members of the southern branch of the Liberal Party. It is terrific to see you all here too. Welcome.

Opposition members interjecting—

MADAM ASSISTANT SPEAKER: Members of the opposition, I cannot hear Mr Barr. Please be quiet.

MR BARR: Thank you, Madam Assistant Speaker. Returning to the Economic Development Directorate line within the budget, we are very pleased, of course, with the establishment of this directorate because it has enabled the government to continue to invest in the city's future growth through the release of land for new estates, the construction of important new infrastructure for the city and support for local businesses to grow and, importantly, to create jobs. And on that point it is interesting to reflect—

Mrs Dunne interjecting—

MADAM ASSISTANT SPEAKER: Mrs Dunne, please be quiet.

MR BARR: It is interesting to reflect that the most recent ABS data has shown an all-time record level of employment in the Australian Capital Territory. We have never in our history had more people in employment than the most recent ABS data shows—209,100 fellow Canberrans were in employment. I would have thought that would be something to celebrate. But no, Mrs Dunne, poor old Vicki, never one to celebrate good news, poor old, sad sack Vicki, has got to have one negative story, has got to have something to talk down, because the idea that something positive could be happening in her city is just too much to bear from that vantage point, parked at No 4 on the far edge of a fairly talentless frontbench there. It must be pretty disappointing to spend all of your career sitting in that spot.

Opposition members interjecting—

MADAM ASSISTANT SPEAKER: Please be quiet, gentlemen! Mr Hanson and Mr Smyth, if you continue I will warn you.

MR BARR: At least outside this place I can guarantee—and I know these two opposite possibly could—that this frontbench would not be seeking a role in the Muppets as Statler and Waldorf. But these two here, the cranky old men on the balcony, sitting there with their little bit of commentary all the way through, a couple of jokes, keeping it going—

Mr Smyth interjecting—

MADAM ASSISTANT SPEAKER: Mr Smyth, you are now warned.

Mr Hanson: Madam Assistant Speaker, on a point of order.

MR BARR: He is up on his feet.

Mr Hanson: You have just warned Mr Smyth but I would remind you that Mr Barr is not being relevant to the debate. He has basically made a personal attack on Mrs Dunne. He has focused his attention on the opposition in an attempt at ridicule. Could you bring Mr Barr back to the substance of the debate, and that is the budget? Otherwise I think it is unreasonable to expect members of the opposition not to interject.

MADAM ASSISTANT SPEAKER: Thank you, there is no point of order. Mr Barr, you have the floor.

MR BARR: Thank you, Madam Assistant Speaker. The budget has indeed allocated more than \$60 million for infrastructure in the new suburbs of Molonglo and, of course, a continuation of our infrastructure program in Gungahlin. The land release program for the next four years is 19½ thousand dwellings, 5,000 this year and the next two years and 4,500 in the fiscal year 2015-16.

More than \$20 million has been allocated in the budget to support the growth, diversification and jobs business development strategy. Included in that is a \$12 million grant and payroll tax waiver for NICTA, Australia's information and communication technology research centre of excellence. As Mr Smyth alluded to in his contribution, there is \$2.6 million for the centenary branding of Canberra exercise.

We are also engaged in support for the Canberra business development fund. I have been chairing a number of meetings, successful meetings to date, of the red tape reduction panel, and I thank the Canberra Business Council, the chamber of commerce, whose board I met with the other night, and the Council of Small Business Associations for their active engagement in the red tape reduction panel. We are pleased to continue our support for CollabIT, for Innovation Connect to establish the my digital city innovation prize, the social media buy local campaign, amongst others, in the business development strategy.

Turning to tourism, sport and recreation, we know that Canberrans love their sport, both as active participants and as spectators. This year's budget contains a variety of projects that encourage further participation in sport and recreation and enhance our sports facilities. We are delighted, of course, to receive commonwealth funding—and for the Prime Minister to have made the announcement at a Giants AFL match at Manuka oval earlier this year—for lighting at Manuka. We are delighted, of course, that the territory will host the Australian cricket team for the very first time in our history, in our centenary year, in a one-day international under lights at Manuka oval on 6 February. There is a really strong sports program in our centenary year. There is funding for a new grandstand at the enclosed oval in Gungahlin, funding to restore sportsgrounds in Bonython, Watson and Weetangera and \$2.15 million for a range of other sportsgrounds infrastructure improvements.

The budget also provides funding for a range of tourism initiatives, including the marketing campaign and, of course, further assistance for the Canberra Convention Bureau to work on a range of marketing activities in the business tourism sector.

So overall the Economic Development Directorate are performing very well. Six different areas of ACT government have come together into a unified directorate. Mr Hanson has left the room, so I will not go through the org chart for his benefit, but it is a fantastic directorate to work with. I certainly enjoy working with the team and look forward to their continued contribution to the economic development of the territory.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.12—Justice and Community Safety Directorate—\$246,937,000 (net cost of outputs), \$30,530,000 (capital injection) and \$151,497,000 (payments on behalf of the territory), totalling \$428,964,000.

MRS DUNNE (Ginninderra) (9.39): I heard Mr Coe make the comment earlier today about the real-time bus information system and how many times the minister, Mr Corbell, could recycle that press release and promise it again. I think the Justice and Community Safety line in this budget has some of those characteristics about it as well. For instance, we have in this budget \$2.2 million over four years for a sentencing database. This was promised to us in the 2008 election and it is only being provided now. When you think about it, Madam Assistant Speaker, it is extraordinary that there is no accessible database for sentencing in the ACT either for statistical purposes or for making judgement precedents.

This was highlighted earlier this year when I moved a motion in relation to the administration of bail in the ACT and the government could not provide the data that the Assembly was asking for. It was not particularly complex data that was being asked for, but the government has no information and has no idea how its bail system operates because it cannot collect the data. This government after 11 years has made no inroads. There is new technology all over the place but there are no sensible inroads into the collection of data for sentencing and statistic purposes and for allowing judges to look at the precedents.

Other aspects of the court system highlight the failing nature of everything this Attorney-General puts his hands too. The court system, under 11 years of Labor and seven years of this Attorney-General, has gone from bad to worse. We have extraordinarily poor performance data in the area. We have huge waiting times for matters to be listed. When those matters come on, we have the terrible problem of waiting for a very long time for reserved judgements. These are particular problems, and I know there are some sensitivities about these things. But the Attorney-General does nothing about the fact that people in the ACT are waiting years for reserved judgements. He sits back and says, "Separation of powers; I can't do anything about it." It is about time the Attorney-General worked with the legal community, worked with the bench, worked with his legal advisers and found out a way about how we might do something about reserved judgements.

I have people come to me on a regular basis saying they cannot get on with their lives because they have matters of business held up in the courts for years at a time. Their financial situations are put on hold while they are waiting for judgements, and they go on so long that they know that they will have to appeal the decision at the other end because the whole process is so torturous. We have seen that this attorney has done nothing about it. The Law Society and the Bar Association are at their wits' end about it. The people of the ACT deserve better than they are getting currently. The old adage of justice delayed is justice denied holds in this territory where people are waiting extraordinary periods of time for civil and criminal decisions, and they should not have to.

This will get worse because we are approaching the time when we have members of the bench who are about to retire and they will be taken offline to deal with their

reserved judgements so they can be dealt with before they retire. That will have huge impacts on the court system, which is already struggling. Despite all the bells and whistles about the blitz and how everyone said the blitz was really great, this is from ABC online today:

The waiting time for ACT Supreme Court trials appears to have only diminished slightly since this year's well publicised blitz on cases.

Waiting times for the Supreme Court trials appear to have diminished only slightly since this year's well-publicised blitz on cases.

The Supreme Court worked through hundreds of criminal matters this year, with the help of visiting judges, to reduce the average waiting time for trials to 18 months.

To maintain the gains, the court started a new docket system last week ...

Says the ABC:

Today lawyers seeking trial dates were told they would be waiting until the beginning of 2014.

People being brought before the Supreme Court in the ACT on criminal matters from today will have to wait until the beginning of 2014. Madam Assistant Speaker, some of those people will be remanded in custody. They may be found guilty and the offence for which they are found guilty may not have a sentence long enough to compensate for the fact that they have already been remanded in custody. We see it time and again. People remanded in custody are found guilty and are immediately released because of time already served on remand. That is not justice in this system, and this is the justice system that has been overseen—and overlooked—by Jon Stanhope in the first instance and now Simon Corbell. Simon Corbell has been there for over six years. It is nobody else's fault but his.

Looking at the budget, we see we are coming up to an election and we have to look at the things that were promised at the last election that have not been delivered. One of the things that were promised at the election which has not been delivered was to do something about community legal services and create a community legal hub. The government went through a long tortuous process this year of putting together a feasibility study, the riding instructions of which were "show how expensive this will be so as to justify us not doing anything about it".

What we saw in the budget this year was \$660,000 over three years to re-house the women's legal centre. That is good for the women's legal centre, and members on this side have been advocating for a long time that they should have better facilities than they currently have over their split site and their appalling conditions. But that is not what the community legal centres have asked this government for over a long period of time. They would like a hub. But Minister Corbell has spent a whole lot of time putting together a scenario whereby we will never see this hub while ever he occupies the role of Attorney-General because it is not convenient for him. He would rather waste his money elsewhere.

When you consider the amount of money, for instance, that has been wasted, according to the Auditor-General, on the Emergency Services Authority building, you could have built a community legal services hub over and over and over again. I kid you not—probably three times over we could have built the community services legal hub.

There are other issues we need to deal with here. We see, for instance, in the budget that there is \$526,000 over three years for the implementation of R-rated videos, for which legislation passed today. There is \$121,000 in this financial year and then \$133,000 indexed from 2013-14. It is interesting that this will not come into operation until January 2013. It will be very difficult for the government to spend the \$121,000 effectively in the first six months of the operation of the legislation considering, as I have said before, that the Office of Regulatory Services does not have a regulatory regime that it can apply in this case.

Turning to the Office of Regulatory Services, we have a huge problem with the implementation of liquor licensing. The review that we saw this year has made very little difference to the operation of liquor licensing. We see huge amounts of red tape for every liquor outlet in the ACT, irrespective of whether it is a tiny suburban restaurant in Florey or the largest pub in Civic. The regulatory regime is the same, which is a ludicrous approach. Anyone who knew anything about managing a business—which Simon Corbell obviously does not—would not have set up a regulatory regime of the sort that we have seen in relation to liquor licensing.

I want to touch briefly on the issue of delays not just in the courts but also in the ACAT. *(Second speaking period taken.)* I have become increasingly concerned about the delays in the ACAT. On a regular basis—about three times this week—I have had complaints from people who have had matters in the ACAT where there have been considerable delays that have caused considerable costs. There seems to be a real problem in the administration of the ACAT. There seems to be no rhyme or reason about how matters are dealt with and how, for instance, costs are awarded and, if costs are awarded, whether interest is charged and how that will happen. These are matters of considerable concern and that the attorney has not been diligent in looking at the issues in the administration of the ACAT.

There are a couple of community issues that I would like to reflect on, almost as a segue for Mr Hanson, who I am sure will speak about police matters as well. I am concerned about the incapacity of the police to deal with terrible neighbourhood disputes. I could recite the details of neighbourhood disputes which have been extraordinarily troublesome to people not just in my electorate but across the territory where people have gone to the police and the police seem to be powerless to assist them in dealing with matters. Even when there are clear descriptions of breaches of the law, it seems the police are powerless to do anything about them.

One case I am aware of has been going on for at least four years and has resulted in criminal charges. This started as a neighbourhood dispute, and back in 1998 Gary Humphries created the neighbourhood dispute resolution system, but it is not enough. It was a start, but more powers are needed for police to deal with local infringements,

low grade infringements, which are a more than a nuisance and are terrible for the neighbourhood. The provisions Mr Stefaniak proposed some years ago in relation to on-the-spot fines, and which the government decided in its wisdom not to support, would have assisted police in these matters. The police are powerless in many ways to deal with them, and the minister shows no interest in helping the police address these issues.

It means that it is a very hard place to live if you have an unruly neighbour that you cannot do anything about. The police do not have the powers to do anything about it, and it is a living hell for people in my electorate and people across the territory when they have long, ongoing and dreadful neighbourhood disputes. The police need the power to deal with this, and they also need to be tasked by the minister to deal with these things.

What we have with the administration of the justice portfolio by Simon Corbell is a series of lost opportunities. He went to the last election with a promise of a unified court and better budgeting and he was going to play hell with a stick. But he came in and the first thing he did was to move away from his proposal for a unified court and come up with a virtual district court. That was such a dud policy that he could not find anyone—not one person, not even anyone in the Labor lawyers—who could come up with a good word for his policy, and he eventually had to abandon it because it was such a dud. Since then we have had stopgap, piecemeal attempts to fix up the court system. Even today, after all the money that has been spent on the blitz, we have made almost no inroads into the unconscionable waiting times to have criminal matters listed.

MR HANSON (Molonglo) (9.54): Mrs Dunne set me up with my segue for police, so I will go there before I talk about corrections. Indeed, it is the case that our police are not well supported by this government. We have an outstanding police force. It is well led, it is well disciplined, it is well trained. We are lucky to have the police force that we have, but they have ongoing frustrations. A classic example of that is the revolving door of bail. We have talked about that in this Assembly previously, but this is a government that, rather than supporting its police force, has decided to enact a framework of legislation that puts emphasis on a balance that favours those who perpetrate crime rather than the victims of crime or those in the community trying to look after us and prevent crime.

Having said that, I think that we get reasonably good value for money from our police force, and this might be one area of the budget where we would agree with the government that the amount appropriated is getting us a good result. It is quite clearly the case there is more the government could do to support the police, but I think that the appropriation amount is appropriate.

The police are out right now in Civic as we speak, and they will be out there tomorrow night and the night after. They face danger and they face threat. There is violence in Civic; we know that. On some nights that violence reaches unacceptable levels. The Canberra Liberals have done what we can to support the police from opposition. Mr Seselja proposed legislation that would have provided additional protections for police. The police assaults legislation provided a framework where, if

a police officer was assaulted or other crimes were committed against police, they would become aggravated offences. The penalty for those assaults and other crimes would have been about 25 to 33 per cent higher than normal crimes. That would have sent a very clear message to the judiciary and to those who decide to have a go at our police force that that is unacceptable and they will be punished. It is very disappointing that, as our police are there tonight keeping us safe and keeping our families safe, we could not keep them safe. That is a shame on this government and it is a shame on the Greens.

An area where we do not get value for money is corrections. The cost of a prisoner per day is \$422. When we sent our prisoners to New South Wales it was \$263. Based on our present population, that works out in the order of \$15 million a year more to run corrections than if we had been sending those prisoners to New South Wales. When you look at the litany of failures we have seen in our jail and, indeed, when you talk to many of the prisoners and read the Burnet Institute report, it is quite clear that, when it comes to rehab and education programs and so on, many prisoners got good if not better access to programs in New South Wales than they do here in the ACT. That particularly applies to female prisoners. Because there is such a small number of them, they have significantly limited access to many of the programs which are available to the male prisoners here in the AMC or, indeed, which were available to them in New South Wales.

I remind members that when this prison was opened and the price blew out by about \$30 million and the number of beds reduced from 374 to 300, the then Chief Minister said that this would cost no more than it would cost to send prisoners to New South Wales. That was not true. Like so much else that this government has told us, it has not come to fruition, and this is costing our community \$15 million a year more. What could we get for \$15 million in our health system? I reckon you would get a better emergency department than we have got now if we were to put that \$15 million into our emergency department.

That is exactly what the Canberra Liberals argued for in 2004. We said: "Let's not build a jail. Let's put that money into our hospital." They were talking about the capital back then, but it is quite clear that that would have been the operational costs from 2008 when it opened—2009 if you want to say when it became operational—through to today. Literally tens of millions of dollars have gone into that jail that could otherwise have gone into a hospital. I think we all see the consequences of that decision.

The jail is already full; it has reached capacity, a capacity that Simon Corbell said in a committee hearing in 2007 would be enough for 25 years based on its current bed configuration. Within literally 18 months of the jail opening, it was full. Another mislead by the government, and it is going to be another cost to the community. There has already been retrofitting of bunks and costs to try and refit the jail so it can take more prisoners, but we have got more costs to come.

Finally, despite the problems we have seen in the jail, despite the complexities of managing a jail in a small jurisdiction, despite the fact we have got sentenced prisoners, remand prisoners, male prisoners, female prisoners and the ongoing

problems, this government wants to impose a needle and syringe program on the staff. This issue has been well litigated both in this place and in the community, but let me say quite categorically in this place, in case there is any question or any doubt, that the Canberra Liberal will not introduce a needle and syringe program. If the government introduces a needle and syringe program before the election, we will repeal it. Be of no doubt.

The community and the staff at our jail should be in no doubt as they go to the polls that if they vote for the Labor Party or the Greens then there will be needles and syringes and a quasi-legalisation of drugs—the Hamburger report found that to do this need a quasi-legalisation of drugs—but if you vote Liberal, then you will get a government committed to stopping the drugs getting into the jail, getting rid of the needles and rehabilitating the prisoners. That is what the staff expect and that is what the community expect. That, Madam Assistant Speaker, is what the prisoners deserve.

MR RATTENBURY (Molonglo) (10.02): For the justice portfolio, delays in our courts are one of the most systemic and important issues that must be addressed over both the short and medium term. Members will be well aware that delays in our courts are a problem. Mrs Dunne has spoken about this tonight already. Some people are waiting for up to two years for their day in court, and sometimes they spend that time behind bars. Members will also be aware that there has been significant legislative action taken here in the Assembly over recent years to address the problem. In more recent times there has also been funding for the Supreme Court blitz, which did achieve its objectives. The blitz has helped reduce the backlog, and that in itself is a good thing.

However, the next phase of eliminating the backlog must be to put in place the necessary steps to ensure we do not slide back to a backlog over the next couple of years. I have already had this conversation with a range of people in the legal community around town; we cannot rest on our laurels on this one.

Importantly, the key to this next phase is just as much about facilitating a cultural change in the courts and law firms of the ACT as it is about funding. So often, problems governments face are a matter of finding the money to fund the solution. And this is part of the solution. But the Greens' view is that the funding will not deliver the desired long-term benefit to the people of the ACT unless it is coupled with a change in culture. Put simply, the ACT courts and the lawyers that work in them too readily accept delay as part and parcel of justice in the ACT.

The Greens are a party interested in solutions, however, and we will not dwell on the negatives. The solution must be for the attorney to engage with the legal community and have an honest discussion about the long-term changes that need to be made in order to create a cultural change.

Far too often over the past 3½ years I have observed announcements being made that impact solely on the legal profession and the people they represent, without people actually taking the time to consult with the profession. There are many examples of this. There was the District Court, then the massive expansion of the Magistrates Court jurisdiction, then the proposal to remove the right of self-defence for people accused of assaulting police and the more recent fee hikes for court appearances.

What this has amounted to is the government imposing its will on the profession without prior discussion. This has resulted far too often in a public discussion about technical legal details being thrashed out by the profession and the attorney via the media. This hardly makes for good policy development.

The Greens would be taking a different approach. We would recognise that the only way to create cultural change in the profession is to take the time to sit down and have an honest discussion. As the profession are the ones who will ultimately implement any reforms on a day-to-day basis, they must feel ownership of the decision, rather than having it imposed from above.

The ultimate example of this was the Supreme Court blitz. This was the result of the profession and the government sitting down and agreeing a plan. That plan has worked. This shows there is goodwill and energy on both sides to make a difference and cut into the backlog.

The Greens' message today is that over the next year and over coming years, there need to be more examples of collaboration, like the blitz, and far fewer examples of the government developing policy in isolation and without consultation.

Turning away from the need for cultural change, I would like to focus on one very positive aspect of this year's budget. It is the continued investment in Street Law, which is a Greens initiative included in the parliamentary agreement. Funding for Street Law is continued for the next three years, and it is certainly welcome. Street Law is a free legal service for homeless people or those at risk of becoming homeless. It is a crucial investment because it helps people resolve legal issues before they snowball into a court appearance.

The continued funding and investment are about access to justice through early investment in legal issues. Spending a relatively small amount of time and money at the start of a legal problem is so much more efficient than waiting until it requires court adjudication. Because people who live in situations of homelessness or on the edge of it are often on a knife edge, living from fortnight to fortnight and dreading an unexpected bill or a fine that will push them over the edge into homelessness, early investment brings immediate benefits.

I turn away from that positive note to an issue of continuing frustration for the Greens: the lack of a community legal centre hub here in the ACT. This is a long-running issue with a very clear and well-articulated solution to fix the problem. As I understand it, and Mrs Dunne has been clear about this tonight, the opposition support the concept of a CLC hub. The Greens certainly support it and the CLCs themselves support it. The benefit of a CLC hub is that it would deliver more legal assistance to people who cannot afford a lawyer. We know that currently community legal centres are turning away pro bono lawyers and that all they need is extra space.

What is included in the budget can best be described as a short-term fix. Money is included to split the women's legal centre away from its two current co-tenants at Havelock House, the Welfare Rights and Legal Centre and the Tenants Union. This

move to split the CLCs up really is a short-term solution. The Greens are convinced that before very long at all the government will need to fix the problem properly once and for all, rather than pretend that this approach is good enough.

Mr Corbell's arguments on this matter are well known and well practised, but, with respect, I believe they are wrong. The attorney says it is a choice between government paying rent on a hub or the salary of a lawyer at Legal Aid. We believe this is wrong because spending on a hub would actually deliver more pro bono legal services in the ACT. It would tap into the goodwill of the ACT legal profession and harness the energy that exists to help people in need.

It is frustrating that we leave this Assembly with no funding for a CLC hub, but I strongly believe that this issue will not die away and that one year soon there will be a CLC hub established in the ACT and, because of that, fewer people will go without legal advice and representation when they need it the most.

In conclusion, the justice portfolio faces some big challenges in the future. The government would do well to be more open to new ideas and undertake more consultation on those ideas. The government should never see itself as the font of all wisdom when it comes to justice. It need look no further than the profession here in the ACT, who are ready, willing and able to engage with the government and tackle the big challenges that will face our justice system in the coming years.

MR SMYTH (Brindabella) (10.09): My concerns about the management of the ESA continue with respect to the annual budget of this agency. The latest indication of my concerns can be seen in the tabling of yet another payment from the Treasurer's advance yesterday. What did we see? Another \$2 million to address cost pressures in the ESA. This follows the continuing operational deficits which have been incurred by the ESA in recent years and which are forecast to continue through all of the outyears.

There seems to be little prospect for the ESA to reduce or eliminate this deficit unless there are quite significant changes made to the structure and operations of the ESA. For the moment, clearly the ESA's deficit is being managed by seeking recourse to the Treasurer's advance. That is a most unsatisfactory situation—in fact, I believe, a breach of the Treasurer's advance, which is for unexpected costs. Clearly, these were expected.

There are a number of other matters to raise. There is the ongoing conflict between the ACT and the commonwealth over the funding of fire protection services for commonwealth facilities, and the ping-pong of claim and counterclaim between the governments. There are concerns about whether the ACT is being considered differently from the way in which other jurisdictions have been dealt with by the commonwealth. You have to question the status of this conflict, and the consequences for the ACT remain to be resolved, as far as I am aware.

Within the ESA, there have been issues relating to personnel with ACT Fire and Rescue, where there has been a major dispute with the government. Where will this dispute end?

Then there is the matter of the provision of \$3.7 million in the 2012-13 budget to meet increases in employee supplies and service costs to maintain the quality and effectiveness of the ESA services. The question I have about these funds is this: why are they being provided only for this financial year? Also, what will happen to the people and services related to these funds after the end of the 2012-13 years? I think there are something like 22 jobs involved there.

Then there is the Mitchell chemical fire emergency. There is still, pardon the pun, fallout from this emergency almost a year after the event. There is still uncertainty about how the remote access devices should be managed, particularly outside business hours. So far, I am very unsatisfied with the answers that I have received on this matter. I believe there are very real personnel management issues to do with this matter as well as broader personnel management issues. We raised a number of them at the estimates, but they have not been answered or resolved by the government.

The second-last matter I wish to raise is the relocation project. The project has had a very chequered history to date. There were considerable delays in getting to an agreed point where the strategy for the new and relocated ESA premises was decided. I trust that progress from this point, such as with the new facility at Charnwood, is satisfactory, but I remind members of, particularly, this minister's record in delivering capital works—and a very poor record it is.

I have already been told, particularly by firefighters, that the new training facilities are already inadequate in terms of size. If you drive up Lanyon Drive, you can see a couple of white marquees that have been erected to help during training time, the reason being that the facility is not big enough. When the firefighters have undertaken training and are particularly dirty, they have to discard their dirty equipment in an area so that they can go inside for training. The urban firefighters are telling me that it is something of a joke within the brigade, given that it is a brand-new facility. As Mr Corbell has had such a poor record on delivering capital works inside ESA as well as inside his other portfolios, it appears that nobody was surprised that yet again we have got a facility that is not big enough currently, let alone big enough for the future, to serve the members of Emergency Services.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (10.13): I would like to take the opportunity to highlight some of the very important initiatives outlined for the Justice and Community Safety portfolio in this year's budget. The Justice and Community Safety portfolio has been provided with funding of \$398 million of recurrent expenditure and \$63 million of investment for capital projects to ensure that Canberrans are protected and have adequate access to justice.

I would like to highlight a few of the very important initiatives in the portfolio as we deal with the debate this evening. The first is funding for legal aid. Access to legal aid is a fundamental cornerstone of any equitable justice system. The government is proud to be providing an additional \$200,000 worth of funding to assist with expensive cases that the commission will face in the coming year. This funding will ameliorate the impact of expensive criminal cases, freeing up funds to provide services to other legal aid clients.

It is of course worth highlighting that since that decision an inquiry has been ordered into the conviction of Mr David Eastman. That will place further pressures on the Justice and Community Safety budget, in particular the Legal Aid Commission budget, and the budget of the DPP. The exact scope and circumstances of that inquiry are still being fully ascertained. Once they are fully ascertained, the government will be in a position to indicate what the financial impacts will be and how they will be managed.

The government continues to provide services to the very successful Street Law outreach program, providing legal services to homeless people in the ACT. There is also \$700,000 over three years to support the relocation of the Women's Legal Centre. I note criticism from both Mr Rattenbury and Mrs Dunne on this point but, again, I would simply reassert the government's position on this matter.

The community legal centres have said their most important objective is more space so that they can accommodate pro bono services. The Assembly asked the government to commission an examination of options to provide additional accommodation to community legal centres. The most cost-efficient option was to relocate the Women's Legal Centre from its existing accommodation in Havelock House to another site, freeing up, therefore, space in Havelock House for other community legal centres. The government is being criticised for pursuing the most cost-effective option that delivers the outcomes that community legal centres are looking for.

In a perfect world we like to have everything, but we do not live in a perfect world. We live in a world where there are constrained resources for legal services. I do not want to see large amounts of money unnecessarily spent on rent or on physical infrastructure that can otherwise be spent on providing legal aid and legal representation to those people who need it most. The government has identified the most cost-effective option. If other members in this place are going to criticise the government for identifying a cost-effective option, they need to justify why it is they believe less cost-effective options should be pursued in the alternative. We do not hear that from either the opposition or the Greens.

The government continues to make investments in the operations of our courts and tribunals. There is improved information for the judiciary in the ACT courts as a result of a \$2.2 million investment of funds in a new sentencing database, fulfilling an election commitment to improve sentencing information and analysis for the courts, and at the same time providing clear data on sentencing laws and offence penalties for our judicial officers. Sentencing offenders is a complex task. This new funding will establish that database and help increase the efficiency of the courts by allowing judges to make more timely and accurate judgements based on clear precedent when it comes to the matter of sentencing.

The government has also, as members have noted, invested significantly in improving the efficiency and operation of our courts through the Supreme Court blitz process. That work has been very successful. Whilst it has not been commented on to much degree at all, a just under \$10 million investment in new ICT case management systems for our courts will provide the opportunity for a whole range of business

process improvements, electronic filing and a web portal for practitioners, and improved integration and data sharing between various justice agencies and stakeholders, such as Policing, Corrective Services and the DPP, along with the courts. This is critical to making better case management work in our courts.

The blitz itself, as members would know, has been extremely successful. Out of the 93 civil matters listed in the first six-week period of the blitz, 45 matters settled, 13 were completed, five were vacated, two were adjourned, one was sent to a court referee, with only 27 not being reached. Out of the 40 criminal matters listed in the first week of the blitz, 21 were resolved with a plea of guilty, six were discontinued and four were vacated. The remaining nine were heard and decisions reserved, of which three have already been delivered.

Reducing the backlog is about providing better access to justice. It is designed to ensure the court can start a new case management system, including the implementation of the docket system, with a clean slate. I am very pleased with the work that my directorate has undertaken, in concert with the legal profession and the courts, to achieve these excellent results. I thank them all for their efforts.

It is worth highlighting—and I know this is a matter that has come up in commentary this evening as well—that currently the ACT Supreme Court, when it comes to fees, is the third cheapest court in Australia to run a one-day civil trial as a corporation. This indicates that there is scope for increasing fees without restricting access to justice. Changes made to court fees reflect the fact that there needs to be a discipline on the allocation of court time when it comes to the conduct of civil matters and to focus the parties' attention on the efficient use of the court's time. I am pleased that these reforms are going to assist the court in the management of its workload as well.

Can I turn now to the police and emergency services side of the Justice and Community Safety portfolio. There are some significant ongoing investments in the community safety side of the portfolio. The government provided \$3.96 million in the last budget for phase 1 of the ESA station upgrade and relocation strategy, making sure that our fire and ambulance stations are in the right locations to provide improved coverage, improved fire and ambulance cover, for the citizens of Canberra. As a result of that work, three sites were investigated and planning has commenced. Those are at Charnwood, Aranda and Calwell—a new combined fire and ambulance station at Charnwood, combined fire and ambulance at Aranda and a new fire station at Calwell.

We received, overall, very positive feedback on this project. As a result the government is now in a position to commit to the construction of a new ambulance and fire station in Charnwood. For the first time, residents in west Belconnen will get a dedicated ambulance service in their district. People who live in west Macgregor, Dunlop, Fraser, Charnwood and Holt are going to get better services from their ambulance service in particular because of the location of a dedicated ambulance service and additional ambulance crew in the west Belconnen area.

At the same time, the fire station will be relocated from its existing premises into a new combined facility. This is a very important project for west Belconnen. I am proud that it is a Labor government that is delivering better emergency services cover

to the people of west Belconnen. Work continues on planning for the Aranda site and also for the Calwell site. Both of these sites require changes to the zoning in the territory plan before they can commence construction. The statutory planning processes are now being undertaken.

There is a further \$1.65 million in the budget to undertake due diligence assessments and other improvements for new or upgraded stations in other parts of the city, including options to establish a new ambulance station in the city centre, an ACT fire and rescue station in the Pialligo-Campbell area and the upgrading of a co-located ambulance and fire station facility at Fyshwick. This is the next stage of the government's comprehensive plan to upgrade and modernise our fire and ambulance stations to meet the needs of a growing city.

The government continues to invest in ambulance services. Ambulance services are the area of our emergency services seeing the greatest growth in demand from the community; as our community ages, requests for ambulance services are sitting at around nine to 10 per cent per annum. In the 2012-13 budget the government has committed a further \$13½ million over four years to deliver 15 new front-line staff for our ambulance services, two new additional emergency ambulances and the complete replacement of cardiac monitor-defibrillators for the front-line ambulance fleet.

The additional front-line staff will increase the minimum number of 24/7 emergency ambulance crews from seven to nine—one of the most significant increases in ambulance services in the history of self-government. This first additional crew commenced in March 2012. The second crew is scheduled to commence on 26 June this year, increasing the capacity of ACTAS to respond to the needs of the community. Funding in this year's budget further increases the minimum number of 24/7 emergency ambulance crews from nine to 10, as we continue to invest and provide the ambulance services our city needs.

Turning to crime and policing, which is always an area of significant concern and interest for our community, I am pleased to say that it has been a Labor government that has delivered some of the most significant reductions in property crime in the history of self-government. Let us have a look at some of these figures. In the March 2000 ACT criminal justice statistical profile we have seen consistent decreases in a wide range of reported property and violent crimes. These were confirmed, by the way, in the most recent statistical profile which I tabled yesterday.

Burglary, break and enter are down 25 per cent, weapons offences are down 24 per cent, robbery is down 10 per cent, property damage is down 16 per cent and assaults intending to cause injury are down eight per cent. These are great results. My congratulations go out to ACT Policing and its volume crime targeting team on the dedicated work they are doing as a result of the resources provided by this Labor government to improve policing in the territory.

It has been Labor over the past 10 years that has invested in policing and boosted police numbers by over 120 front-line officers. That has been our commitment to improving policing services in the territory, and it is delivering results. For the first time in over a decade motor vehicle theft in the ACT has fallen below the national

average. That is a great result for our community. That means hundreds of fewer cars being stolen every year. And we are seeing thousands fewer homes being broken into every year. This is a great result for our community and a result I know the community welcomes.

Of course, we intend to build further on these excellent results through the property crime reduction strategy, which is focusing on further reductions in a range of property crimes, including a further 10 per cent reduction in burglary and a further 20 per cent reduction in motor vehicle theft by December 2015. Those are just a range of issues that the government is tackling in the Justice and Community Safety portfolio. Of course, my colleague Dr Bourke will talk about corrections.

I will respond briefly to the accusations from Mr Smyth in relation to the ESA training centre. I am sorry to hear that he has bought the myth about the tents at the ESA training centre. The tents at the ESA training centre are part of the USAR cache, which is based at the moment at the training centre. They are being used for training. The tents are decontamination tents and they are used as part of USAR training. Not surprisingly, they are erected at the training centre for training purposes, but they are not in any way being provided as a result of any lack of space at the training centre. I have made inquiries on that front and I am advised by the ESA Commissioner that any claims that they have been erected due to a so-called lack of space are completely false.

The government remains committed to continuing its strong record of investment in justice and community safety in the territory. I was delighted earlier this month to travel to the new Tidbinbilla RFS station. It is a great outcome for our community, the Tidbinbilla RFS station—a purpose-built RFS station for the Tidbinbilla RFS brigade. I spoke to the volunteers at the Tidbinbilla RFS station. They are absolutely over the moon about the facility that they have there. They have got a purpose-built kitchen, a training facility and a four-bay vehicle area. They have got an excellent hardstand. They have got every facility that they could ever want.

It is a great outcome for the Tidbinbilla RFS brigade. Compliments on the work of my portfolio and the government's decision to invest in that facility were numerous at the opening. I am delighted that the government has been able to support the Tidbinbilla RFS brigade in making sure that they have the capability they need to do their important work as volunteers protecting that very important part of the urban-rural interface here in the ACT.

The work of the Justice and Community Safety Directorate is wide ranging, but our commitment and our investments are clear. The results are being delivered, whether it is in the courts, whether it is on the ground when it comes to emergency services or whether it is in reductions in crime. Work is ongoing and it is delivering real outcomes for the Canberra community, making Canberra even stronger.

MS BRESNAN (Brindabella) (10.30): I will just talk to the corrections aspect of the JACS budget. The first issue I would like to address is the provision of a therapeutic environment for detainees suffering acute mental illness. The crisis support unit is not adequate for this purpose and the Hamburger review asked for the directorate to improve this part of the AMC.

As I said in my Health speech tonight, I am very pleased that the ACT government has recommitted to building a forensic mental health unit. There were some concerning trends early this year about the number of Aboriginal and Torres Strait Islander detainees being held at the crisis support unit. The estimates committee recommended that the Justice and Community Safety Directorate annual report detail the number of detainees held in the crisis support unit in terms of gender, Aboriginal and Torres Strait Islander status and other pertinent socio-demographic categories.

The committee also recommended that the annual report detail the number of detainees held in the crisis support unit for longer than two weeks. The government's response to the committee's report said it agreed in principle to this recommendation but ultimately would not be in a position to do this as the crisis support unit is only meant to accommodate people temporarily. I hope this is something that can be looked at further. While we continue to have this unit people are being held who need to be in other settings, and this will continue to be an issue.

The lack of general counselling services at the AMC was pointed out by the Hamburger review as an issue. The estimates committee asked the government to advise which general counselling services are available. The government responded by noting that seven specific and niche counselling services are provided to detainees. The government could not detail any general counselling services. The Greens believe this is a matter that should be investigated further.

The new funding for through-care is a positive step. I know many community groups are supportive of this. It is an issue the Greens have been following closely and, while we believe this should have been in place sooner, it is definitely progress. Community groups have raised concerns that women in prison are receiving inadequate services. While women comprise a small population within the prison, they must have access to comparable services as other detainees, including productive education and training opportunities.

As I mentioned in my speech addressing health funding, the Greens support, and for some time have called for, the introduction of a needle and syringe program at the AMC. Mr Hanson obviously mentioned this in his speech. It is disappointing that this issue has been used as a political football. I congratulate the government on making the decision to establish the NSP. As I said before, I think it is a victory for evidence-based policy over using it as a political issue.

I would also go to some of the comments Mr Hanson made about corrections in general which had, I think, a dog-whistle element to them. Having brought up the amount that is paid for prisoners in New South Wales, I certainly hope that Mr Hanson is not suggesting that we will be using that as an indicator, given that in the New South Wales corrective system there are very high recidivism rates and we know that around 80 per cent of prisoners in the New South Wales prison system have a mental illness.

We are trying to do something different here in the ACT, which is to be commended. It is an easy issue to target politically. But we need to be providing these services in

the prison here because we want to give prisoners an opportunity to come out, to not reoffend and to be functioning, contributing members of the community. That saves all of us in the community, not only economically but also socially.

DR BOURKE (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (10.34): I rise to speak to the corrections aspect of this directorate. I do need to offer some corrections to Mr Hanson in regard to his quote of \$422 a day. It is actually \$334.76 per day, which is of course the ROGS data as of 31 January 2012, as Mr Hanson would have known. He would also know that there has been a significant reduction in these costs over the last two years. He would know also that the comparison between ACT corrections and other states is compounded by the fact that we have only one prison, with minimum security, medium security and remand prisoners all in the one prison, and we do not have the low-cost, minimum security prisons which other states have, which reduce their overall costs per prisoner.

He made some statements about education which are completely incorrect. As he would know, the level of education that ACT detainees at the AMC receive is nearly three times the national average. And I rise also to rebut his claim about female detainees being disadvantaged. There is actually no evidence that that is the case.

With regard to accommodation pressures, I note that on 2 August this year there were 272 detainees and 332 beds, which would seem to add some number there to go before the place would be full. So I do not see where Mr Hanson is coming from there.

With regard to the NSP, we all know that this is government policy, but I do not see that Mr Hanson really appreciates the fact that blood-borne viruses actually maim and kill and that we really do want to do something about not increasing the level of infection in the community when detainees are released, which they inevitably are, into our community, living down the street or around the corner or next door to us. We want to reduce that level of infection. So an NSP is one of the tools that we would use in the community to do that, and this is what our policy is about.

With regard to having a drug-free prison, Mr Hanson would know that there is no prison in the world which is actually drug free. Indeed, we actually take considerable steps to reduce demand for drugs in the prison, with a very active drug and alcohol rehabilitation program. I had the privilege to go out to the AMC recently to see the Solaris program's 13th graduation—and it was a very moving ceremony—where a 24-year-old man got up and talked about his four months of drug and alcohol rehabilitation program and how he had learnt more in that time than in the previous 20 years.

I note Ms Bresnan's concern about services for female detainees, but I say that there is actually no evidence to support those claims of limited services for female detainees at the AMC.

This budget provides approximately \$46 million for ACT Corrective Services, and this includes an investment in Corrective Services infrastructure and the ongoing improvement of Corrective Services in the ACT. The budget has allocated an

additional \$2.9 million over four years to support the operational capacity of ACT Corrective Services. It will provide additional resources to meet increases in service demand and will assist with the supervision of offenders on community-based orders and the preparation of reports for both the sentencing court and the releasing authorities. The funding will also assist with the cost of AMC repairs and maintenance, which will be needed as equipment begins to age through wear and tear, and assist with the cost of utilities at the AMC.

The 2012-13 budget provides \$250,000 to upgrade older Corrective Services facilities and commence planned upgrades in the AMC, which has now been in operation for three years. This funding is in addition to the directorate's annual capital upgrade program, which includes \$121,000 for upgrade of Corrective Services facilities. As the AMC is a 24-hour, high-use operational facility, it is important that regular work is undertaken to ensure that the facility remains in this sound, safe and functional condition.

The Sentence Administration Board secretariat has been allocated \$50,000 so that an electronic document system can be implemented. This will replace the current hard copy, paper file system for board members, which I am sure they will appreciate, and result in a significant reduction of paper consumption and recycling costs.

MADAM ASSISTANT SPEAKER (Mrs Dunne): The time allocated for debate on part 1.12 has expired.

Proposed expenditure agreed to.

Part 1.13—Environment and Sustainable Development Directorate—\$74,824,000 (net cost of outputs), \$21,052,000 (capital injection) and \$1,767,000 (payments on behalf of the territory), totalling \$97,643,000.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (10.40): I was going to propose that the Assembly adjourn the debate at this point, given the progress we have made this evening, and I was going to suggest the Assembly may wish to return to the budget debate tomorrow, given that we have made excellent progress, but I am in the hands of members. If I see shaking of heads, then the government has no objection, but I was going to indicate that we do not need to progress as late as perhaps we would otherwise, because of progress to date. I take it that there is a desire to continue.

MADAM ASSISTANT SPEAKER: The view is that we are going to keep going.

MS LE COUTEUR (Molonglo) (10.40): I am here to talk about the planning part of the ESD Directorate. My colleague Mr Rattenbury will speak more about the environmental part of the ESD Directorate.

Planning, of course, is incredibly important. Canberra is a planned city, and we need to do the planning well. It needs to take into account realistic transport, communication and living needs. We need to plan to make living in Canberra cheaper,

easier, safer, more culturally enriching and more sustainable environmentally, culturally and socially. I could go on, but I will not.

We also need, of course, to communicate better with the people of the ACT about the planning that goes on in the territory. Some people would describe me as a planning nerd, or a geek if you want, but regardless of the fact that I have spent the last four years as the ACT Greens' planning spokesperson, I still find the sheer size and difficulty of reading the territory plan and the associated documents really hard. And I think that most people in Canberra find the sheer quantity of the language in which all of this is written quite intimidating and it results in the lack of engagement, both on a neighbourhood level and in shaping the direction of the territory. It interacts at the higher level.

Nonetheless, planning is important. The planning authority has to take into account things like expected impacts of population change, climate change and mitigation strategies and peak oil. We will need changes to our urban form, and we currently have the aim, for instance, of a fifty-fifty greenfields infill development. We are getting 70-30. This will need to change if we are to become a more sustainable city. We think that the government needs to do a lot more work to explain to people what is happening in the environment and the potential changes.

I think this is really important because part of the social licence for changes is people understanding why the changes are needed and people appreciating that the system, while they may not totally agree with it, is a fair system. It is the same in every part of our human existence. We need to feel we are included and that there is general agreement for what is happening. Our planning system is like that.

One of the things that I have worked very hard at is getting better consultation and notification about developments. I note the most recent changes in terms of suburban development. I am hopeful that the recent changes will reduce the angst in some of the suburbs.

I am concerned, though, in terms of the planning process, that particularly we are not doing enough about climate change through this. As we all know, in October 2010, the Assembly passed the Climate Change and Greenhouse Gas Reduction Act 2010, which required emissions to be reduced by 40 per cent by 2020 and 80 per cent by 2050, based on 1990 levels.

This legislation needs to be reflected in our territory plan. It is very hard to see how we could possibly meet these targets without significant changes to our planning system, and there really is little evidence to suggest that these changes have happened. In fact, the government said, in its response to the Assembly's inquiry into ACT greenhouse gas reduction targets, that a task force would be established to review the planning and building regulations to identify opportunities for reducing greenhouse gas emissions.

This, the minister recently told us, was, in fact, pursued by the building quality task force rather than by the dedicated task force they said there would be, which was to report by June 2010. Some two years since the work should have been available, nothing has happened. This is very depressing.

I have got some comments on the regulatory part of ESD, and those of us who read the *Canberra Times* today would see that building regulations featured on the front page. This is an important issue. People put their life savings into their housing, and they need to be assured that the house is properly built and is not going to fall down, is not going to leak. So I would like to see more emphasis put on enforcing building regulations. I am pleased that a couple of budgets ago more money was put into COLA. I would like to see COLA use the muscle that it has got in this regard. I still have too many complaints from people that the building that they are seeing is not of sufficient quality.

I am pleased to see that the government yesterday agreed with Ms Bresnan's motion about safe shelters and that ESD have now agreed to work with participating churches to facilitate temporary shelter. This is the sort of thing that churches have been doing over the millennium, and I think it is a great idea that finally ESD will take this on board. It is a pity it appears that ESD saw this as an issue before they bothered inspecting the churches.

I would like to note estimates recommendation 123, which is about the ESD creating a new restricted plumbing licence for landscapers under the construction occupations act. I have spoken to the master plumbers on this subject and they seem okay with this, as long as the landscapers are adequately trained. In talking with the plumbers, they also pointed out, as I said before, there is adequate compliance checking with ESD on how people connect to the water network. I think this is important, as it has often been said that plumbers probably save more lives than doctors do.

I would really like to know how many instances the ESD actually checks on something on its own behalf and how many times it only does spot checking because people have complained. People have complained that the DA does not appear to be adhered to. People have complained that the DA does not appear to be in accordance with the territory plan. One issue where I know that there seem to be issues is waste management plans. How often are these checked? How often is all the plumbing checked?

Talking about checking, I have been very disappointed that the government has not responded to the Heritage Act review and, in particular, the recommendation that a full-time heritage compliance officer be funded. The Heritage Act review was released in September 2010. The government has had about two years to respond. There has not been any response. At the beginning of the year the Chief Minister promised the government would not only release its response but it would introduce the Heritage Amendment Bill 2012. Maybe that is going to be an early action for a returned government, if it is returned, but this is not the way that the government should be planning. These things have basically not happened. Possibly what the government is saying is that the word "heritage" means that a lot of time must pass before anything happens.

One unsatisfactory consequence of all of this is that there is now no accountability indicator for heritage performance. There used to be the indicator "assessed development applications for any heritage impact". I am advised ACTPLA, within 15

working days, used the stop-the-clock methodology but that indicator has been discontinued and no new indicators will be developed until the new legislation is introduced and possibly, I assume, even passed. And this is clearly an unsatisfactory situation.

The Greens have been particularly concerned about the development application process in heritage precincts, and particularly the role the Heritage Council plays in assessing whether any proposed changes are consistent with heritage requirements. We were pleased to see the estimates report recommended that the government speed up current discussions between the heritage unit in ESD and ACTPLA to clarify how work in heritage areas, exempt from development act approval, can be better managed. This is an area where there have been issues and we note, again, as we do every year, the government has done little, if anything, to assist the Heritage Council to address its still large backlog of heritage-listed nominations. And I could ask: when will this be improved?

I will now move briefly to waste, as I did touch on a number of these issues in my speech on TAMS. TAMS, of course, are the people who actually look after the waste. It is ESD who do the policy. And I will reiterate my concerns for a policy level, and a practical level, about the current treatment of household organic waste in the ACT.

The estimates report states that out of several waste stream priorities set for waste reduction, organic food waste is the number one priority within the residential waste stream. The ACT Greens have been very concerned about household organics and have been pushing the government to take action on this crucially important waste stream through the term of this Assembly and through previous terms, such as by my colleague Dr Deb Foskey. The government, unfortunately, is planning to build a dirty materials recovery facility as a solution to organic waste and this will separate organic waste from the household green kerbside bin, which represents about 50 per cent, by weight, of the material currently sent to landfill. As I mentioned earlier today with TAMS, this organic matter will be processed in a way that will make a low-grade compost. *(Second speaking period taken.)*

The Greens are opposed to the introduction of a dirty MRF. Instead we want to see, as I said earlier, an education program rolled out as recommended by the government's own consultancy and called for by the motion that I moved earlier this year, which was supported by the Liberal Party, in terms of what we should do about organic waste. The government unfortunately has not introduced the education program, despite the fact the Hyder report recommended that this would be the most cost-effective option up to 2021. So I would say to the government: if we want to save Canberra money and conserve our environment we actually need to look seriously at waste. Look at what was recommended to the government and actually put some energy into this.

The ESD Directorate is vitally important to Canberra. Planning how our city develops is vitally important for Canberra. We have the benefit of being a planned city. We want to keep the benefits of that. It is also vital in that these benefits ensure that our city is well built. So it is ensuring that the regulations, which have been passed, are in fact implemented.

MR SESELJA (Molonglo—Leader of the Opposition) (10.52): I just note in passing that we do find it a bit amusing when Greens members get up and lament that the government have not done something. They are part of the government; they are in alliance with them. If they wanted it done, you suspect that they could achieve it. One of the interesting things in discussing the environment when you have got the Greens with the balance of power, with the Greens part of a Labor-Greens government, is that you would expect, based on what they claim to believe, that the environment would be the one thing that would have improved in these last four years.

No-one is surprised. No-one who views politics and understands anything about the Greens and the Labor Party would be surprised at how much the cost of living has gone up over the last four years. No-one would be surprised that they have mismanaged the budget over the last four years. But perhaps they would be a bit surprised that, with the Greens having their best opportunity ever to influence things here in the ACT, having been at the peak of their powers at the last election, they have not delivered on the environment. One of the reasons I think we are seeing the decline with the Greens is that they have not delivered.

The environment has gone backwards over the last four years. It is not me saying it; it is the state of the environment report that says that during the term of this Labor-Greens government we have seen the environment go backwards in significant ways. Canberra's ecological footprint is 13 per cent above the Australian average, the second-highest in the country behind Perth. People in Canberra are using 14 times the land in the ACT to support their lifestyles. Over the last five years, greenhouse gas emissions have increased by eight per cent. How is that 40 per cent target going? An eight per cent increase over the last five years. There is a long way to go. Waste generation is up 28 per cent, faster than the rate of population growth. Green space has decreased by nine per cent over the last four years. And there is only a 4.9 per cent take-up rate for green power by Canberra residents.

That is the record of the Labor-Greens government. The state of the environment report says it. I know that the Greens put a lot of store in the state of the environment report; they would like to see more power given to the commissioner, so I know that they take that very seriously. But unfortunately, it shows that the environment has gone backwards at a rate of knots. Maybe it is because of the focus. Maybe it is because the focus has been on tokenism rather than real, practical environmental solutions.

The Greens have denied Canberrans a third bin. They denied Canberrans a third bin because of their support for this Labor government or their failure to force their coalition partners to act on that. They have denied them some of these practical environmental solutions which are on the table. Instead, they have focused on things that do not actually improve the environment, like banning plastic bags. That is the sort of environmental policy which leads to waste generation increasing 28 per cent faster than the rate of population growth. When you focus on things that do not work, there is not enough energy going into things that do work.

Canberrans are practical people. They love their open spaces. They love their environment. They want to see it looked after. Let us have a look at the state of our lakes under this Labor-Greens government. The state of our lakes is a nice measure of our local environment. Without fail, we have seen lakes around Canberra in a worse state now than they have ever been. These are challenging things to deal with, but when you are focusing on the wrong things, when you are focusing on banning plastic bags or solar feed-in schemes, you are not getting the practical environmental solutions. You are not working on how we improve our waste facilities to ensure we have better recycling. That has been, I think, the great failure. That has been a significant failing over these last few years.

The Canberra Liberals very much support practical environmental solutions. The test for an environmental policy from the Canberra Liberals' point of view is: does the evidence say it will work? Does the evidence say it will improve our environment? Is it cost effective? Is it the right environmental solution? That is how we will do things. That is how we will do things in government.

I want to talk a bit about our planning system. There is much that can be said, but we have not seen any improvement. We know that all the reports that have come through say that we have not. We have seen various reports from the Auditor-General talking about our planning system. We saw a relatively recent audit, in June, saying that the Environment and Sustainable Development Directorate did not meet the statutory processing time frames in the majority of complex development applications reviewed by the audit. You have got to ask the question: after 11 years, are we getting it right in planning?

We have looked at this in areas such as supermarket policy. We have looked at the political interference in the planning process. Mr Corbell interfered recently in the planning process through the use of a call in. That is an appropriate interference in the planning process, and in some cases that can help get things done. But the kind of interference we have seen outside that official process, the kind of things Mr Savery was raising, did not help things go smoothly. What they saw was a process that got bogged down for years.

That kind of political interference leads to poor outcomes for the community. If you are going to interfere, if you are going to make political decisions, do it in the proper way. Do it by setting the policy, by changing the legislation, by changing the territory plan, by using the call-in powers where that is appropriate. Do not do it through interfering inappropriately in a statutory planning process that is meant to be at arm's length from government.

That was the concern Neil Savery raised, and that is something that we believe needs significant work if Canberrans are again to have some faith in our planning system.

It is very important that we get this right. We get it right by respecting the process that we have. The broad framework of legislation that we have for planning is reasonable. There are some pretty significant improvements that we can make to it, and we will. But the legislation is not the biggest problem here in the ACT; it is the way the planning system has been administered in recent times.

It leads to all sorts of negative outcomes. It leads to local shops not being developed when they should be, as in Giralang. It leads to inappropriate developments, having density in the wrong places sometimes. For a long time, the only place we would see unit complexes being developed seemed to be in cul-de-sacs in suburban areas instead of people focusing on putting them where they need to be and protecting our suburbs from inappropriate development but allowing the city to grow in the way that it should. The other way that this breakdown in the planning system impacts is through affordability. It impacts on those trying to buy into our market.

That is why these things matter. These are not academic debates. They affect people's local centres; they affect the look of our city; they affect the sustainable development of our city; and they affect affordability and amenity in our city. These are things that we value very highly.

In the 30 seconds I have left, let me say that we believe that infrastructure planning is a critical part of the reform that needs to take place. Infrastructure planning is one of the economic drivers. By having the right infrastructure, by investing in it and by planning it properly, we bring certainty, we bring more investment, we bring more private sector investment and we protect what it is we love about our city; we help Canberra to continue to be a wonderful place to live well into the future. *(Time expired.)*

MR RATTENBURY (Molonglo) (11.02): Whilst a number of important environmental measures have been maintained or introduced in this year's budget, we do feel that there are missed opportunities here to build a more sustainable and prosperous Canberra. It is easy to buy into the mainstream rhetoric that investing in the environment is somehow a burden, peripheral to the main business of a government, when in fact the benefits far outweigh the cost. The benefits of investing in environmental action are not only felt into the future but can be enjoyed today.

Consider the \$305 in savings that the government's new energy efficiency scheme will deliver for average household energy bills; the aesthetic and biodiversity benefits that the inner north wetlands are already contributing to our suburbs; and the cost savings that Canberra families will experience from installing on-site renewable energy. These benefits simply validate the fact that doing good by the environment also does good by the economy and society.

With this in mind, I would like to turn to the substance of the budget and reflect upon some of the key climate and environment issues it raises.

Firstly, I want to focus on climate change. We are pleased to see that the government has expanded its resource management fund from \$3 million to \$5 million. However, we question whether the new fund is sufficient to achieve government carbon neutrality. There is still no accurate data on whole-of-government resource use, and a number of agencies are yet to develop their required resource management plans. If I sound like a broken record—I am pretty sure I have said this for at least the last couple of years—it is a concern and continues to be the case.

It is promising to see that funding for carbon neutrality in ACT schools will be boosted over the next four years. However, it is unclear whether this is sufficient to meet the 2017 target, due to a lack of data on schools' energy use and emissions. We understand that plans to roll out energy monitoring and measuring devices are currently underway as part of the government's implementation of the sustainability data management system. We would encourage the acceleration of the rollout of this system in the schools, given their important educational role.

I turn to energy efficiency. We were very pleased to see the energy efficiency improvement scheme finally come to fruition in this term of government; it has been something that we have supported for some time. Between 2013-14 and 2015-16 the scheme will deliver marked bill savings and emissions reductions, stimulating much-needed transformations in the ACT energy efficiency market. We will be keeping a close eye on the scheme's rollout from January 2013, particularly to ensure that the measures implemented deliver the impressive energy and greenhouse reductions anticipated.

On the topic of public housing energy efficiency, we are somewhat less impressed. With a level of funding of only \$2 million per year for the next three years, we will see Housing ACT take over 20 years to reach a minimum of a three-star energy rating for Housing ACT properties. Investing in energy efficiency is the most cost-effective means of abating emissions and is critical to minimising cost of living pressures for Canberra's most vulnerable households. Upgrading a home from zero to three stars can halve the average energy bill. At a time when electricity prices are increasing, this funding is urgently needed.

The value of public housing is drastically undermined if the cost of keeping it habitable is unaffordable to the occupant. We are disappointed to see that the government and the opposition again voted down the Greens' rental bill, which would have gone a long way towards improving this issue. This legislation has the potential to save Canberra's most vulnerable millions of dollars over the coming years and deliver significant contributions to the ACT's 40 per cent emissions reduction target.

On renewable energy, we are glad to see that the first tranche of the large-scale feed-in tariff is moving ahead—I am sure we will see it in the next few weeks, just in time—but we are concerned about the length of time it took to pass the legislation and the time it has taken to progress the auction process for this initial tranche. We are yet to learn how the government plans to streamline the process to ensure that the full 210 megawatts of clean solar energy is delivered to Canberrans in a timely fashion.

We would also like to see greater provision in the pre-qualification criteria for community engagement and investment. Whilst we appreciate that cost effectiveness is one of the draw cards of this scheme, we should not ignore the need to engage members of the community in renewable energy solutions. After all, it is they who will be purchasing the energy generated from the scheme. This is exactly why opportunities to help households and businesses to generate their own renewable energy are so important.

It is disappointing to see the continued lack of support for rooftop PV in the ACT. Since the feed-in tariff ended last July, there has been a marked drop-off in installations. Whilst households can access Actew's solar buyback scheme, this does not provide the same security as a feed-in tariff and it is not accessible by businesses. Renewables are fast approaching grid parity, but we are not there yet, so it is important that incentives such as feed-in tariffs are continued, to encourage renewable energy uptake. It may well be that they come in a different form, certainly at a far reduced cost, but nonetheless we need to continue to drive that innovation forward.

Finally, when it comes to climate policy, we note that a mitigation pathway for meeting our 40 per cent reduction target is still to be finalised. The Greens have been pushing for this to happen sooner, so that funding could start to flow in this year's budget. The longer we delay rolling out this plan the greater the challenge we will face. The Greens keenly await the announcement of weathering the change 2 and will be working hard to ensure that funds are appropriately earmarked to get us to our 40 per cent target.

I turn to some biodiversity issues. There are uncertainties around pest management funding. There is a lack of sufficient and ongoing funding for weeds in this year's budget. Weeds are a longstanding issue in the ACT, and the indications from various climate and environmental projections are that they are only going to become more intractable unless ongoing and consistent funding is dedicated to their management.

We are not satisfied that funding for rabbit control is sufficient. In an investigation into the Canberra nature park, the environment commissioner found that at least \$200,000 annually was needed and that an additional \$125,000 was needed to develop a management plan specifically for rabbits. This is well above what currently exists in the budget. These are particularly important issues, because if we go back a couple of years we know the commissioner for the environment identified a number of threats to Canberra's grasslands, in particular, and I think similar issues arise for the woodlands. The commissioner identified a whole series of threats. They did include kangaroos, but they also included weeds and rabbits. To see that both weeds and rabbits, particularly, are not being addressed in the budget with the vigour that they should be is of concern, particularly as we continue to undertake the cull of kangaroos.

When it comes to protecting threatened species, last year's commitment of \$300,000 over three years for conserving threatened species and communities is a good start, but all the indications are that this is not enough. Each of the past six state of the environment reports have seen an increase in the number of threatened species in the ACT. While Mr Seselja selectively quotes one, we know that these issues are long-term trends and that the sizeable increase in our urban footprint is driving this issue when it comes to threatened species.

It is critical that we recognise the impact that urban growth has on our natural biota and fund its protection accordingly. We should not simply be investing hundreds of thousands in offsets, as this year's budget has, especially when we still have no formalised ACT offsets policy. I think it might be in the same cabinet as the review of the Nature Conservation Act, but I guess at some point we will actually see those documents come to fruition.

When it comes to water conservation and management, additional funding for parks, conservation and land was expected in this year's budget and is urgently needed to address fire management, erosion, pest management and illegal activities on the lower Cotter Dam. However, this has not been allocated. This resourcing is critical for protecting the water quality of the enlarged Cotter Dam.

Whilst \$750,000 to clean up waterways following storms has been allocated this year, the budget has not made any significant investment in the forward-looking integrated approach to water management that our watercourses and catchments need. Ongoing funding for weed management in Lake Burley Griffin is needed, and there is a pronounced absence of support for community groups to monitor and maintain our waterways. The Greens are committed to protecting the health of our precious water resources, which is why we recently announced our healthy lakes and waterways package.

Whilst funding has been allocated until 2013-14 for the completion of the inner north wetlands, no further funding has been allocated for the continued rollout of wetlands. This is worrying given the many benefits that these projects have already delivered, such as water quality improvements, water savings, flood management and increased local biodiversity. We will continue to push for this important work to occur.

In conclusion, whilst this budget maintains some crucially important measures and delivers some important new funding, the scale of commitment is less than we would have hoped for. *(Second speaking period taken.)* As I say, when it comes to environmental issues, the scale of commitment, even taking into account the tight financial circumstances we find ourselves in, is less than we would have hoped for.

The ACT needs smarter investment in measures to boost renewable energy, expand energy, increase energy literacy and ensure energy equity. We need to better protect our natural assets, our lakes, reserves, parks and watercourses, rather than leaving them prey to the pressures of urban sprawl, introduced species and climate change. The further we delay environmental and climate action, the more it will cost us in the future, socially, ecologically and economically. Environmental investment cannot and should not be seen as peripheral to the main business of this city. That is the very fundamental reason why we need to make the investment in a timely manner.

We look forward to continuing to pursue these issues, both through the campaign and in the next Assembly.

MS BRESNAN (Brindabella) (11.13): I will speak briefly to transport planning, a part of the directorate. The Greens are pleased to see the continuation of work on developing Adelaide Avenue bus stops to take advantage of the popular Blue Rapid route. If it is done right, this change has the potential to give a significant number of people better access to public transport services.

I will also comment on the planning of transport into the new Molonglo suburbs. The budget contains \$250,000 for the extension of John Gorton Drive to the Molonglo stage 2 development. We would like to see the design of this road allow for public

transport priority and for public transport services to commence early into Molonglo. My understanding is that John Gorton Drive currently will allow for the possibility of a future upgrade for public transport priority but will not include it from the start.

As the Greens have argued a number of times, it is very important to provide quality public transport services to new developments early. To quote a study on long-term planning of Melbourne, residents in new developments should have early, timely access to public transport in order to establish long-term sustainable travel patterns and to reduce car dependency. This is a well-understood principle that the ACT has not put into practice. As the Greens have said numerous times, it does not have to be a fixed route. Flexible transport services or demand response of transport is an option for new development areas. It also assists the government to gather data they can use to plan for future fixed routes.

I note that this budget announced the creation of an office in the LDA to assist with managing the proposed future development on the Northbourne Avenue corridor. Many questions still remain about this project, such as whether and when this office will become an independent office, which mode choice the government will pursue and what the timing is. I ask the minister to make all the relevant information public. In the estimates hearing the minister referred to different options for developing Northbourne Avenue, including options that have not yet been released. This included a cheaper option that involves utilising the existing traffic plan in Northbourne Avenue for rapid mass transit. The minister said in estimates that this detail would be released later at the same time as further costing details are released. I hope this occurs.

We have learned recently that the government has also made a bid to Infrastructure Australia for a detailed study on Northbourne Avenue, a bid that is contingent on the federal government paying half the money. I would appreciate it if the government could provide further detail about what further design work is still required on Northbourne and what is the way forward if the federal government does not pay half the money. I am also interested in why the bid was not for design work on an ACT-wide plan, because obviously any northern rapid transit line needs to be part of a growing ACT-wide network. If the government pursues mass transit on Northbourne, how will that become part of a Canberra-wide mass transit system to include other key areas such as Woden, Tuggeranong, Belconnen and the new suburb of Molonglo? These are all very important questions and critical to the future of Canberra in terms of how our transport system will develop into the future.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (11.17): The Environment and Sustainable Development Directorate is a wide-ranging directorate and it is bedding down following the change in administrative arrangements following the election of Ms Gallagher as Chief Minister. The portfolio now encompasses transport planning, land use and strategic planning, environment protection, environmental policy, climate change policy, energy, water and a range of other important functions, including those of the Conservator of Flora and Fauna. Tonight I want to address a range of issues in the appropriation bill and respond to some of the comments made by other members.

The first point to be made is that we hear the critique from Mr Seselja about how he believes, wrongly, that environmental outcomes are going backwards under the Labor-Greens agreement. These comments demonstrate a gross failure to read and understand the context in which the environment commissioner's reports are prepared. They necessarily look backwards at results that are achieved often a couple of years behind where we are now. As a result, the commissioner makes recommendations on data sets that do not capture the most contemporary outcomes in terms of environment protection or improvements in sustainability.

It is the case that, as our city continues to grow, issues around consumption and issues around land use and waste are some of the most difficult issues for the city to face. But it has been this Labor government that has put in place a range of measures to tackle these challenges.

The first and most obvious response is in relation to waste. Waste policy now has a comprehensive framework for delivering further improvements in resource recovery. We have identified that the next steps that need to be taken in terms of resource recovery are reducing the amount of organic waste going to landfill. I was interested in Mr Seselja's assertion that the Liberal Party will adopt measures that are cost efficient and achieve practical outcomes. Well, if that is his position, I look forward to the Liberals confirming their abandonment of the third green bin policy, because they would know, if they had read the regulatory impact assessment on different options for capturing organic waste, that a third bin is more expensive and captures less organic waste than the alternative that has been adopted by the government—that is a materials recovery facility for organic waste. That captures twice the amount of organic waste as a third bin and at less cost.

So if the Liberals' position truly is that they are interested in practical measures that are cost efficient and achieve the greatest gain, then I look forward to them abandoning their previous policy positions that have supported the implementation of a green bin. They should know that the regulatory impact assessments and the cost-benefit analyses undertaken by this government confirm that such a policy is expensive and not as efficient as alternatives.

Of course, Mr Seselja in his critique of Labor and the Greens provides no policy alternative. Indeed the overwhelming theme of Mr Seselja as the shadow minister for the environment has been to oppose every measure brought to this place to try and improve sustainability and environmental outcomes. He has opposed legislation that provides for energy efficiency in households. He has opposed legislation that will deliver energy savings in households and an average saving on household electricity bills of over \$300 a year. That is his record as a shadow environment minister—opposing measures that will cut greenhouse gas emissions by over three-quarters of a million tonnes and save households \$300 a year off their electricity bills. He and his colleagues have opposed those measures. He has opposed legislation that establishes Canberra as a leading adopter of renewable energy, even though his party went to the last election with a commitment to build a large-scale solar farm for the ACT. He says one thing at the election and then he does a complete U-turn when he comes into this place and becomes the shadow minister for the environment.

Responding to some of the issues raised by Mr Rattenbury, he is critical of the government's so-called failure to support rooftop PV. Of course, rooftop PV continues to be installed in the ACT, even after the full subscription of the medium and micro feed-in tariff schemes. Mr Rattenbury should know that, in the last 12 months, an additional two megawatts of rooftop solar has been installed. Those two megawatts are not installations that are supported by a feed-in tariff. We see continuing investment in rooftop solar here in the ACT. That is a very, very pleasing development. Of course, it highlights the increasing cost competitiveness of rooftop PV, the dramatic reduction in prices driven by the upscaling of the manufacturing of PV in countries such as China and their increasing domination of the PV market. We see very important uptakes of renewable energy here in the city. Of course, the government is finalising right now the results of our first auction for large-scale solar, and I expect to make announcements on that matter in the coming weeks.

Turning to some other elements of the budget, it is focused on continuing to improve the government's own emissions profile. Achieving carbon neutral operations for the ACT government is a very important commitment. There is \$5 million for the carbon neutral government fund, allowing government agencies to invest in a range of measures around energy efficiency and so on that will allow government agencies to reduce or moderate their electricity bills and at the same time reduce greenhouse gas emissions. The use of the revolving loan facility is a very effective mechanism at facilitating capital upgrades in energy efficiency and similar measures by allowing the dividend to be paid to the agency implementing the measures and then the principal repaid to government agencies. The government is continuing to invest in an important range of measures around energy efficiency, as I have already mentioned.

There are important grants for the Heart Foundation—\$485,000 to support the healthy active living principles across the ACT. That is a great initiative on the part of the Heart Foundation and one the government is very pleased to be supporting. But we are supporting a range of practical environmental measures in addition to the one I have just mentioned. There is \$101,000 for the northern corroboree frog captive breeding program, maintaining a very important captive breeding program for the endangered northern corroboree frog. The government is building on ecological research into kangaroo management in the ACT, providing close to \$250,000 for that important investment. And as we approach our centenary and recognise that Canberra has a unique legacy as one of the few truly planned cities of the 20th century, there is funding to the Planning Institute of Australia to hold its annual national congress here in the planned national capital of Australia in its centenary year.

I note Mr Rattenbury's critique of the urban wetlands projects and his regret that funding has not continued for more of these projects. I encourage Mr Rattenbury and his colleagues to read carefully the ICRC report into the use of non-potable water sources and the cost effectiveness of those measures. There is no doubt that urban wetlands provide a range of benefits, including environmental benefits and water quality control benefits, and the government will continue to consider urban wetlands in that context. But we are also conscious of the fact that, when it comes to their use for the recycling of non-potable water for irrigation purposes, the ICRC has recommended very clearly that the inner north project should be trialled before more

wetlands are built for the purpose of non-potable supply. The government has accepted that recommendation, and we will be trialling the inner north project before proceeding with further wetlands for the purposes of irrigation of non-potable water.

The government continues to support a range of practical programs around recycling. The ACTSmart business and office programs now see more than 26,500 Canberrans participating in the programs. We are seeing significant uptake by the commercial sector in these recycling programs, and I am sure Mr Smyth and Mr Seselja will both be interested to learn that the Tuggeranong Hyperdome is the first large-scale shopping centre in the ACT to adopt the ACTSmart business and office programs when it comes to recycling in that retail space. That includes recycling in the food court and recycling in individual businesses in the centre. They are diverting significant amounts of waste from landfill because of their participation in this Labor government's ACTSmart office and business programs. It is great to see the Tuggeranong Hyperdome on board, and we will be using that example to encourage other large shopping centres in the ACT to join as well. We know large volumes of waste in our shopping centres are still going to landfill that can be diverted and recycled.

It would be remiss of me not to mention the ACTSmart outreach program, which is assisting low income renters to improve energy efficiency in their homes. We have provided funding of \$8 million over four years until 2014-15 for this program. This has delivered very successful results. We are seeing significant savings in low income households' electricity bills and other energy bills because of our support for those low income family households to see their fridges replaced, their expensive washing machines replaced, better window treatments installed and better draught sealing installed. It is all about improving the energy efficiency of their dwellings, reducing their energy costs and saving money on their electricity bills, recognising that low income households are the most vulnerable to movements in prices on utilities. That is where this Labor government is focusing its efforts. The government will have more to say about the results of this program in the coming weeks.

Turning finally to the planning and transport planning activities in the Environment and Sustainable Development Directorate, an important focus of ESDD is the strategic planning to manage growth for the future of the city. The master planning program has proven to be highly successful in achieving strong levels of community consensus around how key centres and corridors will develop over time as the city continues to grow. We have seen great success with our master planning exercises at Kambah, Erindale, Kingston and Dickson. We are seeing the results follow through from the government's strategic planning with agreed outcomes on how development, for example, will occur in Dickson, then following through with land releases to provide greater retail choices for residents and improving public realm. There is a new urban park, for example, in Dickson as a result of the master planning exercise for Dickson now being gazetted and zoned through a change to the territory plan. These are important outcomes from the master planning processes. Of course, work is ongoing at the Weston group centre, Oaks Estate and Pialligo. These are very important investments in strategic planning for the future of our city.

The government are also continuing at a macro level with important reforms in relation to transport planning. Ms Bresnan mentioned the Gungahlin to city corridor work. This is a particularly important body of work for the Labor government, and the detailed analyses we are undertaking are giving us a very clear picture of the benefits, costs, risks and other issues we need to address to provide rapid transit services along this corridor. We will continue with that work and provide further updates to the community. I commend the Environment and Sustainable Development Directorate budget to the Assembly.

MR SESELJA (Molonglo—Leader of the Opposition) (11.31): I did want to say a couple of things to respond to Mr Corbell. I did want to commend the Tuggeranong Hyperdome for showing responsibility and leadership in the ACTSmart program. I think that is a very good thing. We would like to see more of our businesses doing that. I know that many businesses in the ACT work very hard to recycle, to be environmentally conscious, environmentally sustainable, and I commend them when they do that. So I join Mr Corbell in commending them for doing that.

I think that those are the kinds of things that we would like to see more of. This is the point that I was making earlier. Mr Corbell was very defensive when he was talking about the state of the environment report. He was saying, “Don’t take it too seriously; it is looking backwards; it is looking backwards over the last five years,” which, coincidentally, is about half the time that Labor has been in office and covers the entirety of the time of this Labor-Greens alliance. So I do not think we should be as dismissive.

I think that perhaps Mr Corbell is being dismissive of this particular report because it is not very good for this government. I think that he is pretending that, because it is really stuff that happened years ago, when, coincidentally, they were in government, it is not relevant. But it is relevant. It is a report card and it is the best report card we have on the environment. I think that we should take it seriously. Dismissing it is an obvious ploy to try to pretend that it does not matter. It is a ploy to try to hide the embarrassment of the government which has seen the environment go backwards over the last few years.

The point I would make, and the reason I highlight the good work being done by Tuggeranong Hyperdome, is that those kinds of—

Mr Corbell: No, I was doing that, actually.

MR SESELJA: Mr Corbell says he is doing that.

MR ASSISTANT SPEAKER (Mr Hargreaves): It is getting late. Let us have a conversation through the chair, may we.

MR SESELJA: Thank you, Mr Assistant Speaker, and I do thank Mr Corbell. He did highlight the good work that is being done by the Tuggeranong Hyperdome, and I was happy to commend them. But the point is that more work should be done at that practical level and if this government did not waste money and time on all sorts of

other things, then there would be more practical environmental solutions and the environment would be doing better than it is right now. That is the point we make. They have not invested enough in these practical solutions. They have invested too much time and energy into tokenism, and that does not help the environment.

Plastic bag bans do not help the environment. We heard from the local EPA about their thoughts on the impact of plastic bags on our environment. We have seen the evidence overseas from the British EPA and others. So let us focus on the practical. Let us actually agree that investing money in improving our environment, cleaning our waterways, is a good thing.

On this, I would take the opportunity to commend Mr Smyth for his work on the environment in recent times—the local environment in Chisholm, protecting open space in Chisholm, when the government is doing its best to take it away. I think that is a great outcome for the people of Chisholm.

Mr Corbell: Who zoned it for development, Zed?

MR SESELJA: He is very sensitive. They cannot just accept that Mr Smyth did a good job. The reasonable thing to do here would be for Mr Corbell to say “well done”.

MR ASSISTANT SPEAKER: Order, members. Just a minute. Minister, would you please try to contain yourself, baited as you may be? Mr Seselja, there are not enough people in the chamber for you to need to raise your voice. So please bring your voice down. We can all hear you. There is no need to get excited. Please continue.

MR SESELJA: I am having to go over the interjections, Mr Assistant Speaker.

MR ASSISTANT SPEAKER: No you do not need to go over the interjections, Mr Seselja. Your name is on this list. Do not make my day. I am better than Clint Eastwood.

Mr Hanson: On a point of order.

MR ASSISTANT SPEAKER: Mr Hanson, on a point of order, go.

Mr Hanson: Mr Corbell was repeatedly interjecting. Based on the warnings that have been given to opposition members over the course of this week, could you perhaps provide an explanation how it is that when Mr Corbell is interjecting to such a point that Mr Seselja has to raise his voice to be heard, it is then Mr Seselja who is threatened with a warning rather than Mr Corbell? Could you please illuminate?

MR ASSISTANT SPEAKER: Yes I can, Mr Hanson. Thank you very much for the invitation. I have been observant of the behaviour today and yesterday and those in the opposition have outshouted Mr Corbell by at least 10 decibels to one. So far you guys are behind; so I suggest that you just keep it to yourself. Mr Seselja, you have the floor.

MR SESELJA: Thank you very much, Mr Assistant Speaker, for your ruling. I just finish up by being able to finally commend Mr Smyth, in his presence, for the wonderful work he does for the people of the Tuggeranong Valley and south Woden in particular. But in this case, for the people of Chisholm and surrounds who do value their open space, Mr Smyth has stood side by side with the community in protecting environmental open space in Chisholm. It does remind me a little that Mr Corbell, of course, promised to have a referendum to protect all of these sites. We are waiting for the referendum. It must be a fourth-term agenda for Mr Corbell. The referendum will be coming soon.

So I would conclude by reiterating that practical environmental solutions are the key. That is how we will get better outcomes. That is what we will support. We will support them from opposition and we will certainly support them when we come into government.

MR ASSISTANT SPEAKER: I remind members that we have three minutes to go on this line.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (11.38): It is probably worth reminding Mr Seselja of a few home truths. He commends Mr Smyth for his efforts in relation to saving land from development but, of course, what he fails to mention is who zoned the land to develop it in the first place. Who changed the territory plan to provide for development on that land? It happened to be a Mr B Smith, Minister for Urban Services, responsible for planning in the Carnell government, who rezoned the land in Chisholm for development. I wonder whether Mr Seselja is out there telling that to the residents of Chisholm. I doubt it. I doubt it very much.

The other point that is worth making, of course, is that Mr Seselja professes his great concern and interest in infrastructure reform, infrastructure Canberra. That is a very important policy for him, one of the utmost importance and urgency. If it was of such importance and such urgency, why is it that he introduced his infrastructure Canberra bill back in November 2010 and has not yet brought that bill on for debate in this place? Thirty-two individual private members' days have elapsed and Mr Seselja has not yet brought that bill on for debate. Where is his courage? Where is the courage of his convictions?

Mr Seselja and Mr Hanson interjecting—

MR ASSISTANT SPEAKER: Mr Seselja, Mr Hanson, you are on the list.

MR CORBELL: Where is his so-called professed commitment to infrastructure reform? He has a bill. He has a bill on the table. It has been on the table since November 2010 and he has shown no capacity, interest or willingness to put it to a vote or even allow debate on his bill in this place.

Mr Hanson: I am making a point of order, Mr Assistant Speaker.

MR ASSISTANT SPEAKER: I know, Mr Hanson. Please bear with me. Mr Corbell, please resume your seat. Mr Hanson, please resume your seat. The time allotted for the debate on this particular part of the budget has now expired. I propose to put the question, because the debate for this part of the appropriation bill has expired. If you want to make a point of order, Mr Hanson, you can feel free to do so, but it will have no effect. The floor is yours if you want it.

Mr Hanson: I will make my point of order, because I was standing up for a couple of minutes while you were refusing to acknowledge me and telling me to sit down, which is not in accordance with the standing orders. But, again, I highlight the inconsistency, Mr Assistant Speaker. Mr Corbell was shouting. Previously when Mr Seselja had to raise his voice, you warned him.

Mr Corbell: What is the point of order?

Mr Hanson: I am asking a question on your rulings.

MR ASSISTANT SPEAKER: Thank you.

Mr Hanson: Why is it that you ignore Mr Corbell when he is shouting and when I stand up to make a point of order, you sit me down; whereas with Mr Seselja, when he has to raise his voice, you threaten to warn him? I do not understand.

MR ASSISTANT SPEAKER: I hear you. Thank you very much, Mr Hanson. I am quite happy to address your point. Firstly, you did not stand there for a couple of minutes. You were up for no more than 15 seconds. The second point that I make to you is that I saw that the time for the closure of debate on this particular item was imminent, and I was about to call the minister to cease his deliberations on this matter because the time had concluded. It was my call that it would do nothing more than waste the Assembly's time. And I was proved to be correct. Thank you very much, Mr Hanson. I hope that satisfies your view. I have given you my reasons for it. If you wish to dissent from that, please feel free to do so, otherwise we will proceed.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.14—Community Services Directorate—\$229,199,000 (net cost of outputs), \$30,993,000 (capital injection) and \$41,658,000 (payments on behalf of the territory), totalling \$301,850,000.

MR ASSISTANT SPEAKER: Does anybody wish to adjourn the debate or perhaps adjourn the house? If I put the question, there will be no debate on community services. Please, members, understand that.

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

Adjournment

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

That the Assembly do now adjourn.

St Mary MacKillop College

MR SESELJA (Molonglo—Leader of the Opposition) (11.44): Mr Speaker, it is my absolute pleasure to pay tribute to a much-loved servant of Catholic education, particularly St Mary MacKillop college, in Maria Philpot. I will read from the Catholic Education Office *Bulletin*, which pays tribute to Mrs Philpot:

On Friday 13 April, St Mary MacKillop College said farewell to ... Mrs Maria Philpot.

Mrs Philpot graced the offices of MacKillop's Wanniasa Campus as a staff member for the final time, retiring at the end of Term 1 after 34 years of dedicated service.

In 1978, Mrs Philpot became a foundation staff member of Padua High School, working in roles as School Bursar, Principal's Secretary, and finally as Student Receptionist, where she quickly developed an affinity with the student body. Many ex-students have often asked ... whether Mrs Philpot was still working at MacKillop, such is her status within the MacKillop community. But sadly, the answer will no longer be, 'yes'.

Maria had been the one permanent fixture at a school that has seen several Principals, hundreds of staff members, and thousands (and thousands) of students pass through its walls. She even witnessed several name changes to the school—firstly when Padua amalgamated with St Peter's in Isabella to become MacKillop Catholic College, and secondly when the school was renamed to St Mary MacKillop College after the canonisation of its patron.

So long was her stint at MacKillop that she had even seen ex-students send their very own children to MacKillop.

College Captain, Tyler Friend, thanked Mrs Philpot for her many years of service. "We all wish her well in the next step of her journey," he said.

"She had the respect of all the students, was one of the first people you'd see in the morning, and one of the last you'd see when you left in the afternoon. The students will miss her a lot—Mrs Philpot is MacKillop, and it just won't be the same without her."

Maria's service to the many students and their families, her warm but no-nonsense style, fabled efficiency, loyalty, and quiet dignity that has brought comfort to many, will not be forgotten.

That was written by Michael Lee, the principal of St Mary MacKillop college. I can only endorse those words. I have known Mrs Philpot for many years, having attended Padua and St Peter's. I have had the opportunity of returning and seeing her in recent times and having a great chat. She is always great company. She always asked about the parents and she has been a real institution. I pay tribute to her.

I would also like to briefly make mention of St Mary MacKillop college in another way. I had the great honour in recent weeks of attending St Mary MacKillop for their

awards ceremony. I had the opportunity to hand out awards to many of the students at the Isabella campus. Michael Lee, Sandra Darley and Michelle Marks, as principal, senior campus head and deputy principal, gave me a wonderful welcome, as did the school captains and the entire school community. They do a wonderful job. They always give us a wonderful, warm welcome. They give all sides of politics a warm welcome when they are there, I know. I always feel a great sense of welcome, coming there to my old school.

I would like to pay tribute to the students. I think that they conducted themselves brilliantly. There are a couple of students, including the school captain, who received significant awards presented to them by ADFA for leadership. I understand both of those individuals are hoping to go on and be pilots in the pilot training program; I wish them very well in that endeavour.

It is a fantastic school community. Michael Lee does a great job. All of the teaching staff do a fantastic job. I look forward to my next opportunity to attend St Mary MacKillop Catholic college.

Community health services

MR HANSON (Molonglo) (11.47): I rise tonight to pay respect to a number of fantastic community health organisations who do great work in our community and who it has been my great privilege to be associated with over the last four years.

The first I would like to mention is Gift of Life and its president, David O'Leary. I think many of us would have participated in the Gift of Life DonateLife walk around the lake. It is the peak body for organ donation awareness in the Australian Capital Territory and surrounding districts.

Next I go to headspace ACT, and Nicole Hubbard and Lisa Kelly. I would recommend to anyone that they should visit that organisation for the great work that they do in providing support, information and assistance to young people aged 12 to 25 who are experiencing emotional and mental health issues.

Next is the Health Care Consumers Association. Darlene Cox and a whole swathe of people are associated with that organisation, including Suzanne Eastwood and Russell McGowan. They do great work as a peak body for consumer advocacy for health in the ACT.

I acknowledge the newly appointed president of the Heart Foundation, Andrew Caudle; the CEO, Tony Stubbs; and member Bill Caddey. They are a peak organisation. They do a lot of work in the area of cardiovascular disease. I had the great fortune—I am not sure if it was fortune or misfortune—of running a half marathon to raise money for the Heart Foundation with Tony back in 2009.

I go to the Juvenile Diabetes Research Foundation. Stan Platis is very active with that organisation, raising funds; it is the world's largest charitable supporter of type 1 diabetes research.

I go to Menslink. I would like to pay my respects to Martin Fisk, the chief executive, and to the chairman of the board, Peter Clarke, for the work that they do. They meet the community's requirements in improving awareness of the needs of young men and their families in our community.

I go to the Mental Health Community Coalition. I thank Angie Ingram, Ian Rentsch and Simon Viereck for the work that they do representing the not-for-profit mental health sector in the ACT. And I thank Mental Illness Education ACT, Steve Druitt and Pam Boyer, for the education that they do in our community about mental illness.

I go to Nexus Human Services. Lisa McPherson and the other staff there, Ivette Cortes, Rebekah Izzard, Nicholas Palm and Sachin Titre, assist people with mental illness to obtain and gain employment.

OzHelp is a great organisation, with Tony Holland and also Karen Etheredge and Brenton Tainsh. It is a not-for-profit, community-based mental health support organisation with a focus on suicide prevention in industry workplaces.

I go to the Palliative Care Society, as it was known, now Palliative Care ACT, and Mr David Lawrence, their president, and Bernie Ayers, as well. I think we are all aware of the great work that they do with palliative care and would be aware of the work that they did fighting to save Clare Holland House.

Going to PANDSI, to Dr Marian Currie and Polly McIntyre, I visited them just recently out in Holder. Their aim is to empower people affected by maternal depression, through advocacy support and education.

I go to the Prostate Cancer Support Group and its president, Peter Daley; facilitator, Jim Clough; and John Lucas. I think we have all participated in the barbecue that they hold at King O'Malley's every year. I look forward to the barbecue this year in September, this time supported by the Greens.

I go to the Public Health Association of Australia and Mr Michael Moore. Certainly Mr Moore and I have had disagreements over a number of issues, but I recognise the great work they do in promoting the public health debate in Australia, particularly here in the ACT.

To the Sarah-Grace Sarcoma Foundation and Grace Moshi—I had the great honour of speaking at the John Curtin School of Medical Research last evening at one of their fundraising events. They are advocating for increased research to find better therapies for patients with sarcomas, an insidious disease.

Sexual Health and Family Planning—(*Time expired*)

Dr Toni Medcalf
Professor Marjan Kljakovic

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (11.53): I rise just briefly tonight unfortunately to

talk about two further health professionals who have passed away recently. This has been a very difficult year for many people who work at Canberra Hospital, with the tragic accident of Linda Cox and the subsequent death of Dr Damian McMahon.

Following on from those tragic circumstances, it is with enormous regret that I rise tonight to pay my respects to Dr Toni Medcalf, a doctor who worked at Canberra Hospital, who passed away unexpectedly on 6 August 2012, and to pay tribute to her valued contribution to our local health system. I also offer my sympathies and those of the ACT government to Dr Medcalf's husband, Brian, her children, Matt, Carys, Tim and Lachlan, and the extended families, friends and colleagues.

Many, many people knew and admired Dr Medcalf as a passionate doctor. Her family and friends knew the woman behind the doctor, though—the elite triathlete and sportswoman, the keen skier and an outstanding community member who threw herself into all endeavours with great commitment and excitement.

Dr Medcalf worked at the Canberra Hospital from 2005 as an emergency registrar, but she also included stints of work at Calvary hospital, paediatrics at Canberra Hospital and the neonatal intensive care unit. She had previously been a rural GP, as well as co-director of the emergency department and the director of medical services at Dubbo Base Hospital.

Dr Medcalf had a passion for life and medicine and was particularly devoted to paediatrics. She was a driving force behind the Canberra Hospital and health services paediatric education. She was a national leader in paediatric life support education and was a board member of the Advanced Paediatric Life Support. This organisation exists to promote excellence in emergency care of ill and injured children through the provision of high quality contemporary education programs for health professionals. Dr Medcalf embodied the APLS values of support, integrity, respect, inclusiveness and commitment.

I am told her passion for work was infectious. She was a wonderful inspiration to those lucky enough to work alongside her in a professional capacity—students as well as colleagues.

My thoughts go to the staff of the Health Directorate, in particular those from the emergency department, paediatrics and the neonatal intensive care unit, who have lost a passionate friend who will be best remembered by her colleagues for her delightful smile, her sense of humour and her unwavering commitment to bettering the lives of all she met.

To Dr Medcalf's family, who are grieving at this point, your wife and mother's work will not be forgotten. Her legacy will continue and will be protected and respected by her many colleagues and friends who work at Canberra Hospital. A scholarship program has been created to remember Dr Medcalf and her commitment, particularly in the area of paediatric life support. It has been a tough year for employees at Canberra Hospital with the unexpected and early deaths of trusted, valued and respected members of staff. Dr Medcalf was one of those and she will be remembered.

I also, unfortunately, have to pay my respects to Professor Marjan Kljakovic, who was Professor of General Practice at ANU Medical School and Director of the Academic Unit of General Practice within the ACT Health Directorate. He passed away on 14 August in St Vincent's Hospital, Sydney, having suffered a devastating heart attack 16 days earlier. I extend my sincere condolences to his partner, Sarah, to Marian, Tomas and Moja Kljakovic and to Marko and all his family and many friends.

Marjan came to Canberra to take up the professor of general practice role in 2005 with a long history of balancing academic work with clinical general practice. His research interests were in the area of health informatics, evidence-based medicine and the philosophy of medicine. He quickly established a reputation in Australia as an enthusiastic GP who promoted the role of the expert generalist broadly and sincerely. He was instrumental in the establishment of PracNET, the ACT and southern New South Wales general practice research network, which is highly regarded around the country as illustrative of how GPs can cooperate to produce quality, clinically relevant primary care research. He promoted the ACT and region as a model of how teaching and research activities can be integrated into a GP setting. He advocated for the importance of the role of GP supervisors to promote the best GP education for our medical students and junior doctors.

He lived life to the full. He loved his work and loved to engage in debate and discussion. He was proud of his Kiwi roots and cheered for the All Blacks. He had a booming voice and a larger than life presence, which were matched by a wonderful capacity to laugh at himself. He will be greatly missed—another local health professional who passed away unexpectedly and well before his time. (*Time expired.*)

Planning—Chisholm

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) (11.58): I rise just to make a few brief comments on this evening's interesting discussion we had. Just before we moved to the adjournment debate, we had some discussions with Mr Seselja on what is referred to as Chisholm park, a block of land on the corner of Heagney and Deamer crescents. Mr Seselja and the Canberra Liberals, and Mr Smyth in particular, take great pride on saving this block of land and retaining it as an open space for the community.

But let us be very clear here. It was the Canberra Liberals, under the penmanship of Brendan Smyth and his colleagues when they were in government, that actually took that land from the community, designated it and put it on the residential land release program. His view was that there should be a mix of residences and shops on that land. Far from Mr Smyth saving a block of open space for the Chisholm community, Mr Smyth should be damned for actually bringing that open space onto the land release program at the beginning. I find it quite extraordinary that Mr Smyth, in this place, in his aspirations to get on this side of the chamber, is actually unpicking the work that he did the last time he had the privilege of, and the Canberra community had the disservice of, being on this side of the fence.

So let us be very clear. I am quite happy to come back tomorrow with the cabinet papers that prove without doubt that the Canberra Liberals actually were the ones that put that block on the corner of Heagney and Deamer crescents on the land release program.

The other thing I noticed during this evening's discussions was that those opposite got very excited when they had an audience. There was some sub-branch of the Canberra Liberals here. Mr Seselja was talking. I cannot remember what the subject was, but what drew my attention was his reference to a Brindabella candidate, Nicole Lawder. He named her and he spoke highly of her.

I know that this candidate is the CEO of Homelessness Australia and I also know that the mission statement of Homelessness Australia is to promote national policy and action to reduce homelessness and its impact on the diverse range of people it affects. If you click on the definition of "homelessness" and then go to the bottom of that page, it has a link to and asks for donations. It states:

Donate to some of our larger organisation members or seek out a smaller organisation nearer to you ...

They list as very worthy organisations Mission Australia, St Vincent de Paul and the Salvation Army.

What brought my attention to this was that the Salvation Army has established a youth homelessness cluster in the Belconnen region that is working exceptionally well. The Salvation Army, through Housing ACT, is looking to establish a youth homelessness cluster in the suburb of Chisholm. That again seems to be a focus of those opposite tonight.

A letter has been distributed publicly. I brought it to Mr Smyth's attention. His name is on RiotAct. I brought that to Mr Smyth's attention. Those comments said that Mr Smyth is actively opposing the development of a youth homelessness cluster. I find that extraordinary. Here he was spruiking the benefits of having such solid candidates, with such good social policy, working for the community. Mr Smyth has said to me that was not what he said, that was what they think he said, but at the same time he has not resolved his position one way or another.

I support the Salvation Army in all the work they do and I think our homeless youth deserve the best opportunity that they can get. The work that the Salvos do is extraordinary. I call on the Canberra Liberals—again as I have said here, they consider homelessness to be negotiable, a second-rate bit of policy—to stand here and say that they support the social enterprise of the Salvation Army, that they support the notion of supporting our youth who need homelessness services.

In the absence of that, I can only think that Mr Smyth and the Canberra Liberals dismiss the issue of homelessness, dismiss the issue of supporting our youth across Canberra and the endeavours of the Salvation Army.

Friday, 24 August 2012

Canberra Gang Show

MR COE (Ginninderra) (12.03 am): Tonight I acknowledge the organisers, production team and performers who took part in the 2012 Canberra Gang Show, which ran between 14 and 22 July. I and some of my colleagues attended the performance titled “Get Lost” at the Erindale Theatre. This year marks the 45th year of the performance in Canberra and featured a team of over 80 cast and 70 crew, who are predominately young people. They put together an amazing show, which has been an activity of the ACT Scout Association and the New South Wales-ACT Guides since 1966.

I understand that every night somewhere in the world a Gang Show is performed. The Gang Show concert started in London in 1932 and was intended as a fundraising event for the London Scout movement. I have read that Lord Baden-Powell, the father of scouting, was very impressed by the performance put on that very first year and realised what a valuable experience the performing arts could provide to young people. So the concept grew, along with scouting, across the world.

The Canberra Gang Show is made up of four sections, with several teams and management. The four teams include the production, technical, support and management teams. The management team is made up of the producer, Phil Oldfield; the assistant producer, Mark Slattery; the director, Evan Long; the technical director, Richard Surkus; the business director, Matt Mason; the finance manager, Greg Buffington; the marketing manager, Julie Long; the fundraising manager, Caroline Sund; the administration manager, Robyn Oldfield; the personnel manager, Doug Cawley; and the guide liaison, Tammy Hackett. I commend to the Assembly the 2012 Canberra Gang Show and all who were associated.

Question resolved in the affirmative.

The Assembly adjourned at 12.04 am (Friday).

Schedules of amendments

Schedule 1

Gaming Machine Amendment Bill 2011

Amendments moved by the Minister for Gaming and Racing

1

Clause 2

Page 2, line 4—

omit clause 2, substitute

2

Commencement

- (1) This Act (other than sections 13 and 14) commences on 1 January 2013.
- (2) Sections 13 and 14 commence on a day fixed by the Minister by written notice.
- (3) If sections 13 and 14 have not commenced within 12 months beginning on their notification day, they automatically commence on the first day after that period.
- (4) The Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to sections 13 and 14.

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 Legislation Act, s 77 (1)).

2

Clause 4

Page 3, line 2—

omit clause 4, substitute

4

Applications to be dealt with in order of receipt Section 10 (1)

substitute

- (1) This section applies to initial licence applications.

3

Proposed new clause 4A

Page 3, line 4—

insert

4A

New section 10A

in division 2.2, insert

10A

Initial licence applications—eligibility

A person may make an initial licence application only if the person—

- (a) is not a club; or
- (b) is a club and does not already hold a licence.

4

Proposed new clause 4B**Page 3, line 4—***insert***4B Section 11 heading***substitute***11 Initial licence applications—contents**

5

Proposed new clause 4C**Page 3, line 4—***insert***4C Issue of licences
Section 12 (2) (d)***omit*

allowed)

substitute

allowed in ACT)

6

Clause 6**Page 3, line 16—***omit clause 6, substitute***6 No available gaming machines
Section 17 (1)***omit*

applicant for an initial licence

substitute

initial licence application

7

Proposed new clauses 6A to 6D**Page 3, line 18—***insert***6A Section 17 (1) (a)***substitute*

(a) there are no gaming machines in the pool of available gaming machines; and

6B Section 17 (1), note*substitute**Note* **Pool of available gaming machines**—see s 36A.**6C Section 17 (2) (a)***substitute*

(a) tell the applicant that there are no gaming machines in the pool of available gaming machines; and

6D Section 17 (2) (b) (i)*substitute*

- (i) there are gaming machines in the pool of available gaming machines; or

8

Clause 7

Page 3, line 19—

omit clause 7, substitute

**7 Social impact assessment
Section 18 (1) and note**

substitute

- (1) A social impact assessment for an application is a written assessment of the likely economic and social impact of the operation of gaming machines—
- (a) for an initial licence application—under the proposed licence; or
 - (b) for a licence amendment application—under the licence as proposed to be amended; or
 - (c) for an application for an in-principle approval—under the proposed in-principle approval; or
 - (d) for an application for amendment of an in-principle approval—under the in-principle approval as proposed to be amended.

Note A social impact assessment is required for:

- an initial licence application (see s 11 (2) (a))
- some licence amendment applications (see s 23 (1) and s 26AA (2))
- an application for an in-principle approval (see s 38E, which requires applications to comply with s 11 or s 23)
- some applications for amendment of in-principle approvals (see s 38M).

9

Proposed new clause 7A

Page 3, line 24—

insert

**7A Publication of social impact assessments by applicant
Section 19 (1)**

omit

licence or amendment of a licence

substitute

licence, amendment of a licence, in-principle approval or amendment of in-principle approval

10

Proposed new clause 7B

Page 3, line 24—

insert

7B Section 19 (5)

substitute

- (5) The applicant must—
- (a) on or before the day the advertisement is published, place a sign (the **information sign**) containing information about the application in a prominent position—
 - (i) for a licence application or licence amendment application—outside each public entrance to the premises to which the application relates; or
 - (ii) for an application for an in-principle approval or amendment of in-principle approval—on the land at the address to which the approval applies; and
 - (b) ensure that the sign stays there for the 6 week comment period.
- (5A) However, an applicant for an in-principle approval need not comply with subsection (5) if it would be impractical to do so.

Examples—impractical to place sign at address

- 1 there is no road access to the address
- 2 building work is being carried out at the address

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

11

Proposed new clause 7C

Page 3, line 24—

insert

7C Eligibility of individuals
Section 20 (3) (d) (i), new note

insert

Note **Licence** is defined in s 56 and includes:

- in-principle approval
- authorisation to conduct a linked jackpot arrangement
- multi user permit.

12

Clause 8

Proposed new section 22 (e)

Page 4, line 15—

omit proposed new section 22 (e), substitute

- (e) if the licensee is a club and holds more than 1 licence—decrease the number of gaming machines allowed under 1 or more licences by a total of not more than the relevant number of machines and increase the number of machines allowed under 1 other licence by the same number, to enable the licensee to relocate the gaming machines (a **small scale machine relocation amendment**); or
- (ea) if the licensee is a club and holds more than 1 licence—decrease the number of gaming machines allowed under 1 or more licences by a total of more than the relevant number of

machines and increase the number of machines allowed under 1 other licence by the same number, to enable the licensee to relocate the gaming machines (a ***large scale machine relocation amendment***); or

13

Clause 8

Proposed new section 22 (2)

Page 5, line 13—

insert

(2) In this section:

relevant number of machines, for a small scale machine relocation amendment or a large scale machine relocation amendment, means the smaller of the following number of machines:

- (a) 10;
- (b) 10% of the number of machines authorised to be operated under a licence at the licensed premises to which the machines are to be relocated (rounded down to the nearest whole number).

14

Clause 8

Proposed new section 23 (1) (g) (ii) (B)

Page 6, line 6—

omit proposed new section 23 (1) (g) (ii) (B), substitute

- (B) a plan of the new venue, showing the proposed gaming area; and

15

Clause 8

Proposed new section 23 (1) (ga)

Page 6, line 11—

insert

(ga) for a small scale machine relocation amendment—

- (i) state the number of machines to be relocated; and
- (ii) be accompanied by a plan of the licensed premises showing where the gaming machines are to be relocated; and

16

Clause 8

Proposed new section 23 (1) (h)

Page 6, line 12—

omit

machine relocation amendment

substitute

large scale machine relocation amendment

17

Clause 8

Proposed new section 23 (2) (a) and (b)

Page 7, line 22—

omit
 particular
substitute
 stated

18

Clause 8

Proposed new section 26 (2A) and (2B)

Page 9, line 11—

insert

- (2A) Also, the commission may amend the licence to allow the licensee to temporarily store not more than 10% of the machines authorised under the licence, for not longer than 12 months, if satisfied that no machines under the licence have been stored under this subsection in the 12 months preceding the application.
- (2B) Subsection (2A) and this subsection expire 3 years after the day this subsection commences.

19

Clause 8

Proposed new section 26A (2) (a)

Page 9, line 20—

omit
 the new venue
substitute
 both the new venue and the proposed gaming area

20

Clause 8

Proposed new section 26AA

Page 10, line 18—

insert

26AA Licence amendment decision—small scale machine relocation amendment

- (1) This section applies if a licensee applies for a small scale machine relocation amendment under section 22 (e).
- (2) If the commission is concerned that there may be a significant social impact if the licences are amended as proposed in the application, the commission may, by notice in writing to the applicant, require the applicant to provide—
 - (a) a social impact statement for the application; or
 - (b) a social impact assessment for the application.

Examples—concern about possible significant social impact because of licence amendment

- 1 concern that the harm minimisation strategies for the premises may not be sufficient to deal with the increased number of machines at the premises, potentially causing risk to patrons and people in the local community
- 2 concern that multiple previous small scale machine relocations to the premises may have resulted in a significant increase in the number of machines at the premises, with possible consequential negative social impact

3 concern that the local community may be particularly vulnerable to problem gambling, and increasing the number of machines at the premises may have a detrimental effect on people in the local community

4 concern that the relocation may result in the number of machines in the area being significantly higher than other comparable areas, with possible consequential negative social impact

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) If a social impact statement or social impact assessment is required under subsection (2), the commission must not decide the application until—
 - (a) for a social impact statement—the applicant provides the statement; or
 - (b) for a social impact assessment—the 6-week comment period under section 19 (Publication of social impact assessments by applicant) has ended.
- (4) The commission must amend the licences in accordance with the application if satisfied that—
 - (a) the size and layout of the premises where the gaming machines are to be relocated is suitable for the operation of the machines that would be allowed under the licence; and
 - (b) if a social impact statement is required under subsection (2)—amendment of the licences in accordance with the application is appropriate, considering—
 - (i) the application; and
 - (ii) the social impact statement; and
 - (c) if a social impact assessment is required under subsection (2)—amendment of the licences in accordance with the application is appropriate, considering—
 - (i) the application; and
 - (ii) the social impact assessment; and
 - (iii) each submission made about the social impact assessment within the 6-week comment period under section 19.
- (5) However, if the commission is not satisfied under subsection (4) in relation to the number of machines stated in the application, but would be satisfied in relation to fewer machines, the commission may amend the licences to relocate fewer machines.
- (6) In this section—

social impact statement, for a small scale machine relocation amendment application means a written assessment of the likely economic and social impact of the operation of gaming machines under the licences as proposed to be amended that—

 - (a) satisfies the requirements prescribed by regulation; and
 - (b) addresses the matters prescribed by regulation; and
 - (c) includes the information prescribed by regulation.

21

Clause 8

Proposed new section 26B heading

Page 10, line 19—

omit the heading, substitute

26B

Licence amendment decision—large scale machine relocation amendment

22

Clause 8

Proposed new section 26B (1)

Page 10, line 21—

omit proposed new section 26B (1), substitute

- (1) This section applies if a licensee applies for a large scale machine relocation amendment under section 22 (ea).

23

Clause 11

Page 14, line 18—

[oppose the clause]

24

Proposed new clause 11A

Page 14, line 21—

*insert***11A Section 32 (2) (b)***omit*

statement

substitute

assessment

25

Clause 12

Proposed new section 34A

Page 15, line 3—

omit proposed new section 34A, substitute

34A

Intention to reduce maximum number of gaming machines to 4 000, then maintain per capita ratio

- (1) It is the intention of the Legislative Assembly that the maximum number of gaming machines allowed on all licensed premises in the ACT be reduced to 4 000 as gaming machines are surrendered or cancelled over time, while keeping a pool of up to 150 available gaming machines (see s 35).
- (2) After the number of gaming machines has been reduced to 4 000, the maximum number of gaming machines allowed on all licensed premises in the ACT is to be maintained at a per capita ratio (to be decided in accordance with section 36) so that the maximum number changes as the population of the Territory changes (see s 36).

26

Clause 12**Proposed new section 35 (1), definition of *number cancelled*****Page 15, line 15—***omit*

2012

substitute

2013

27

Clause 12**Proposed new section 35 (1), definition of *number surrendered*****Page 15, line 17—***omit*

2012

substitute

2013

28

Clause 12**Proposed new section 35 (1), definition of *starting number*****Page 15, line 20—***omit*

2011

substitute

2012

29

Clause 12**Proposed new section 35 (1A)****Page 15, line 20—***insert*

(1A) However, when a machine is surrendered or cancelled, the maximum number is reduced under subsection (1)—

- (a) only if the surrender or cancellation would result in the pool of available gaming machines containing more than 150 gaming machines; and
- (b) if the pool would contain more than 150 gaming machines—only by the number that would reduce the number of gaming machines in the pool to 150.

Examples

- 1 On 1 April, the maximum number is 5 000 and there are 20 machines in the pool. On 2 April, 100 machines are surrendered. The maximum number is not reduced and there are now 120 machines in the pool.
- 2 On 1 June, the maximum number is 5 000 and there are 120 machines in the pool. On 2 June, 50 machines are surrendered. The maximum number is reduced to 4 980, keeping 150 machines in the pool.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

30

Clause 12**Proposed new section 36 (ab)****Page 17, line 20—***insert*

- (ab) as part of the review, recommend a per capita ratio to be used to work out the maximum number of gaming machines to be allowed on all licensed premises in the ACT in the future; and

31

Clause 12**Proposed new section 36 (b)****Page 17, line 21—***omit proposed new section 36 (b), substitute*

- (b) present a report of the review (including the recommended per capita ratio) to the Legislative Assembly within 6 months after the day the review is started.

32

Clause 12**Proposed new section 36A****Page 17, line 22—***insert***36A Meaning of pool of available gaming machines**

- (1) In this Act:

pool of available gaming machines (or ***pool***) means the gaming machines that are available to be—

- (a) reserved under an in-principle approval; or
(b) authorised under a licence.

- (2) The number of gaming machines in the pool is to be worked out as follows:

number in pool = maximum number – number allocated

maximum number means the maximum number of gaming machines allowed on all licensed premises in the ACT under section 35.

number allocated means the total number of gaming machines—

- (a) reserved under in-principle approvals in the ACT; or
(b) authorised under licences in the ACT.

33

Proposed new clause 12A**Page 17, line 22—***insert***12A New part 2A***insert***Part 2A In-principle approvals for licences, venue relocation amendments and new venue amendments****Division 2A.1 Preliminary**

38A Object—pt 2A

The object of this part is to allow a person to obtain authority to, if the in-principle approval is later converted into a licence or amendment, install and operate a number of gaming machines at an address at unleased land before—

- (a) the person acquires an interest in the land or premises at the address; or
- (b) plans are prepared for the premises proposed to be licensed at the address; or
- (c) for a club—the voting members of the club vote in a ballot conducted under the regulation for the club having gaming machines at the address.

38B Definitions

In this Act:

approval-holder means a person who is a holder of an in-principle approval under this part.

in-principle approval means an in-principle approval for a—

- (a) licence; or
- (b) venue relocation amendment of a licence; or
- (c) new venue amendment of a licence.

38C What is an *in-principle approval*?

- (1) An in-principle approval for a licence authorises the approval-holder to, if the approval is later converted into a licence under section 38U—
 - (a) acquire and dispose of the gaming machines reserved under the approval; and
 - (b) install and operate the gaming machines reserved under the approval on the licensed premises in accordance with the licence.
- (2) An in-principle approval for a venue relocation amendment authorises the approval-holder to, if the approval is later converted into a venue relocation amendment under section 38V, relocate to the new venue.
- (3) An in-principle approval for a new venue amendment authorises the approval-holder to, if the approval is later converted into a new venue amendment under section 38W—
 - (a) decrease the number of gaming machines allowed under 1 licence; and
 - (b) move the gaming machines to premises for which a new licence is to be issued.

Note A regular application for a:

- licence may be made under s 11
- venue relocation amendment may be made under s 22 (d)
- new venue amendment may be made under s 22 (f).

Division 2A.1**Applications for in-principle approvals**

38D In-principle approval—applications

- (1) A person may apply for an in-principle approval for a licence only if—
 - (a) the person—
 - (i) is not a club; or
 - (ii) is a club and either—
 - (A) does not hold a licence; or
 - (B) holds only 1 licence; and
 - (b) the land at the address for which the approval is sought is suitable land.
- (2) A licensee may apply for an in-principle approval for a venue relocation amendment, or a new venue amendment, if the land at the address for which the approval is sought is suitable land.
- (3) In this section:
suitable land means land that is—
 - (a) unleased land; and
 - (b) to be leased with a purpose clause permitting use of the land for 1 or more of the following:
 - (i) a club;
 - (ii) a drink establishment;
 - (iii) a hotel;
 - (iv) an indoor entertainment facility;
 - (v) a restaurant.

Note 1 If a form is approved under the Control Act, s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for an application.

38E In-principle approval—contents of applications

- (1) An in-principle approval application—
 - (a) for a licence—
 - (i) must comply with the requirements for an application for a licence under section 11 (1), (2), (3) and (4); but
 - (ii) need not comply with—
 - (A) section 11 (1) (e) in relation to the kind, coin denomination and percentage payout of the gaming machines sought; or
 - (B) section 11 (2) (b) or (3) (d); and
 - (b) for a venue relocation amendment—
 - (i) must comply with the requirements for an application for a venue relocation amendment under section 23 (1) (a), (b), (c), (g) and (2); but
 - (ii) need not comply with section 23 (1) (g) (ii) (B) or (C); and
 - (c) for a new venue amendment—

- (i) must comply with the requirements for an application for a new venue amendment under section 23 (1) (a), (b), (c), (i) and (2); but
- (ii) need not comply with—
 - (A) section 23 (1) (i) (ii) (A) in relation to section 11 (2) (b) or (3) (d); or
 - (B) section 23 (1) (i) (ii) (D).
- (2) The commission need not decide the application if the application is not in accordance with this section.

Division 2A.2 Issue of in-principle approvals

38F In-principle approval decision—licence

- (1) This section applies if the commission receives an application for an in-principle approval for a licence under section 38D (1) (In-principle approval—applications).
- (2) The commission must issue the in-principle approval if—
 - (a) satisfied that, were the application an application for a licence, the commission would issue the licence under section 12 (Issue of licences); and
 - (b) there are enough reservable gaming machines for the approval.

Example—enough machines to reserve number needed

A is issued an in-principle approval for 100 gaming machines at block 10, section 403, Bonner. There are now no gaming machines left in the pool. B applies for an in-principle approval for 80 gaming machines at the same address. The commission may issue the approval to B because 100 machines have already been reserved for that address under A's approval. (Later, whoever gets their approval converted into a licence first will actually get authority to install the gaming machines.)

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) In making a decision under subsection (2) (a), the commission must disregard—
 - (a) section 12 (2) (a) in relation to section 20 (2) (a) (ii) and section 21 (1) (c); and
- Note* Under s 20 (2) (a) (ii) and s 21 (1) (c), a person may only be an **eligible person** if the person holds a general licence or on licence.
- (b) section 12 (2) (b); and
- (c) section 12 (5) (a) and (b).
- (4) However, if there are some, but not enough, reservable gaming machines for the approval, and the commission is satisfied under subsection (2) (a), the commission may issue the in-principle approval in relation to a smaller number of machines.

Note An approval-holder may later apply for an amendment of the in-principle approval to increase the number of machines reserved under the approval under s 38M.

- (5) In this section:
- reservable gaming machine**, for an in-principle approval, means a gaming machine that is—
- (a) in the pool of available gaming machines; or
 - Note* **Pool of available gaming machines**—see s 36A.
 - (b) reserved under another in-principle approval for the same address.

38G In-principle approval decision—licence—no reservable gaming machines

- (1) This section applies to an application for an in-principle approval for a licence if—
 - (a) there are no reservable gaming machines for the approval; and
 - (b) the commission would otherwise have issued an in-principle approval for a licence to the applicant under section 38F.
 - (2) The commission must—
 - (a) tell the applicant that there are no reservable gaming machines for the approval; and
 - (b) give the applicant a certificate (a **certificate of suitability**) stating that the commission would otherwise have issued an in-principle approval for the licence to the applicant and that the number of machines to be reserved for the in-principle approval will be decided when—
 - (i) there are reservable gaming machines for the approval; or
 - (ii) the commission is considering the transfer of an in-principle approval or licence to the applicant under—
 - (A) section 38P (In-principle approval—transfer decision); or
 - (B) section 32 (Transfer of licence).
 - (3) In this section:
- reservable gaming machine**, for an in-principle approval—see section 38F (5).

38H In-principle approval decision—venue relocation amendment

- (1) This section applies if the commission receives an application for an in-principle approval for a venue relocation amendment under section 38D (2) (In-principle approval—applications).
- (2) The commission must issue the in-principle approval if satisfied that, were the application an application for a venue relocation amendment, the commission would make the amendment under section 26A (Licence amendment decision—venue relocation amendment).
- (3) In making a decision under subsection (2), the commission must disregard section 26A (2) (a) and (d).

38I In-principle approval decision—new venue amendment

- (1) This section applies if the commission receives an application for an in-principle approval for a new venue amendment under section 38D (3) (In-principle approval—applications).
- (2) The commission must issue the in-principle approval if satisfied that, were the application an application for a new venue amendment, the commission would make the amendment and issue the new licence under section 26C (Licence amendment decision—new venue amendment).
- (3) In making a decision under subsection (2), the commission must disregard section 26C (2) (a) and (d) and (6) (b) and (c).

38J In-principle approval—form

- (1) An in-principle approval must—
 - (a) be in writing; and
 - (b) state—
 - (i) the name of the approval-holder; and
 - (ii) the address, and block and section number, to which the in-principle approval applies; and
 - (iii) the number and class of gaming machines reserved under the in-principle approval.
- (2) A regulation may prescribe other requirements about the form of an in-principle approval.
- (3) An in-principle approval may include anything else the commission considers relevant.

38K In-principle approval—conditions

- (1) An in-principle approval is subject to the condition that the approval-holder must take reasonable steps, during the term of the approval, to acquire an interest in the land, or premises, at the address to which the in-principle approval applies.
- (2) An in-principle approval is also subject to any other condition—
 - (a) prescribed by regulation; or
 - (b) imposed by the commission when the in-principle approval is issued, extended or amended.

38L In-principle approval—term

- (1) An in-principle approval comes into force on the day when it is issued.
- (2) An in-principle approval expires 3 years after the day when it is issued.

Division 2A.3 Amendment, transfer, extension and surrender of in-principle approvals**38M In-principle approval—amendment**

- (1) An approval-holder may apply to the commission for an amendment only to—
 - (a) increase or decrease the number of gaming machines reserved under the in-principle approval; or

- (b) remove or change a condition on the in-principle approval.

Note 1 If a form is approved under the Control Act, s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for an application.

- (2) The application must—
 - (a) be in writing signed by the approval-holder; and
 - (b) set out the proposed amendment of the licence; and
 - (c) explain why the approval-holder is seeking the amendment; and
 - (d) for an application under subsection (1) (a) to increase the number of machines—be accompanied by a social impact assessment.
- (3) A regulation may require an application to—
 - (a) include stated information; or
 - (b) be accompanied by stated documents.
- (4) The commission need not decide the amendment application if the application is not in accordance with this section.

38N In-principle approval—amendment decision

- (1) This section applies if the commission receives an application to amend an in-principle approval under section 38M.
- (2) The commission must amend the in-principle approval in accordance with the application if satisfied that the commission would issue the in-principle approval, as proposed to be amended, under—
 - (a) for an amendment of an in-principle approval for a licence—section 38F (In-principle approval decision—licence); or
 - (b) for an amendment of an in-principle approval for a venue relocation amendment—section 38H (In-principle approval decision—venue relocation amendment); or
 - (c) for an amendment of an in-principle approval for a new venue amendment—section 38I (In-principle approval decision—new venue amendment).

38O In-principle approval—application to transfer

- (1) An approval-holder may apply to the commission to transfer the in-principle approval to someone else (the *proposed new approval-holder*).
- (2) The application must—
 - (a) be in writing signed by both the approval-holder and the proposed new approval-holder; and
 - (b) state the full name and address of—
 - (i) if the proposed new approval-holder is an individual—the proposed new approval-holder; and
 - (ii) if the proposed new approval-holder is a corporation—each executive officer of the corporation.
- (3) A regulation may require an application to—
 - (a) include stated information; or

(b) be accompanied by stated documents.

- (4) The commission need not decide the application if the application is not in accordance with this section.

Note 1 If a form is approved under the Control Act, s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for an application.

38P In-principle approval—transfer decision

- (1) This section applies if the commission receives an application to transfer an in-principle approval under section 38O.
- (2) The commission must transfer the in-principle approval to the proposed new approval-holder if satisfied that, were the application an application for a licence by the proposed new approval-holder, the commission would issue the licence under section 12 (Issue of licences).
- (3) In making a decision under subsection (2), the commission must disregard section 12 (2) (b) and (5) (a) and (b).

38Q In-principle approval—application for extension

- (1) An approval-holder may apply to the commission to extend the term of an in-principle approval.
- (2) The application must—
- (a) be in writing signed by the approval-holder; and
- (b) explain why the approval-holder is seeking the extension.

Note 1 If a form is approved under the Control Act, s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for an application.

- (3) If an approval-holder applies to extend an in-principle approval under this section, the in-principle approval remains in force until the application is decided.

38R In-principle approval—extension decision

- (1) This section applies if the commission receives an application for extension of an in-principle approval under section 38Q.
- (2) The commission must extend the in-principle approval for a period not longer than 12 months if satisfied that the extension is needed for a good reason.

38S In-principle approval—surrender

An approval-holder may surrender the in-principle approval by giving written notice of the surrender to the commission.

Division 2A.4 Conversion of in-principle approvals

38T Conversion of in-principle approval to licence or amendment—application

- (1) An approval-holder may apply to the commission to have—
- (a) an in-principle approval for a licence converted into a licence; or
- (b) an in-principle approval for a venue relocation amendment converted into a venue relocation amendment; or
- (c) an in-principle approval for a new venue amendment converted into a new venue amendment.

- (2) The application must—
 - (a) be in writing signed by the applicant; and
 - (b) be accompanied by evidence that the approval-holder has acquired an interest in the land, or premises, at the address to which the in-principle approval applies; and
 - (c) for a licence—
 - (i) comply with the requirements for an application for a licence under section 11 (2) (b) and (3) (d); and
 - (ii) state the following information for each reserved gaming machine sought under the application:
 - (A) the kind of machine;
 - (B) the machine's basic stake denomination;
 - (C) the percentage payout for the machine; and
 - (d) for a venue relocation amendment—comply with the requirements for an application for a venue relocation amendment under section 23 (1) (g) (ii) (B) and (C); and
 - (e) for a new venue amendment—comply with the requirements for an application for a new venue amendment under—
 - (i) section 23 (1) (i) (ii) (A) in relation to section 11 (2) (b); and
 - (ii) section 23 (1) (i) (ii) (D).
- (3) A regulation may require an application to—
 - (a) include stated information; or
 - (b) be accompanied by stated documents.
- (4) The commission need not decide the application if the application is not in accordance with this section.

Note 1 If a form is approved under the Control Act, s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for an application.

38U Conversion of in-principle approval to licence—decision

- (1) This section applies if the commission receives an application for conversion of an in-principle approval for a licence into a licence under section 38T.
- (2) The commission must convert the in-principle approval into a licence if satisfied that—
 - (a) the approval-holder has acquired an interest in the land, or premises, at the address to which the in-principle approval applies; and
 - (b) the size and layout of both the premises proposed to be licensed and the proposed gaming area are suitable for the operation of the gaming machines to be authorised under the licence; and
 - (c) if the approval-holder is a club—a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the club having gaming machines; and

- (d) were the application an application for a licence under section 11, the commission would issue the licence under section 12 (Issue of licences).
- (3) If an in-principle approval is converted into a licence under this section, the commission must issue a licence to the applicant in the same terms, and subject to the same conditions, as the in-principle approval.
- (4) However, if the commission is not satisfied under subsection (2) (b) in relation to the kind, basic stake denomination or percentage payout of a machine stated in the application, but would be satisfied in relation to a different kind, basic stake denomination or percentage payout, the commission may convert the approval into a licence authorising a different kind, basic stake denomination or percentage payout for the machine.

38V Conversion of in-principle approval into venue relocation amendment—decision

- (1) This section applies if the commission receives an application for conversion of an in-principle approval for a venue relocation amendment into a venue relocation amendment under section 38T.
- (2) The commission must convert the in-principle approval into the amendment if satisfied that—
 - (a) the approval-holder has acquired an interest in the land, or premises, at the address to which the in-principle approval applies; and
 - (b) the size and layout of both the new venue and the proposed gaming area are suitable for the operation of the gaming machines to be authorised under the licence; and
 - (c) if the approval-holder is a club—a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the club relocating to the new venue; and
 - (d) were the application an application for a venue relocation amendment under section 22 (d), the commission would make the amendment under section 26A (Licence amendment decision—venue relocation amendment).
- (3) If an in-principle approval is converted into a venue relocation amendment under this section, the commission must amend the licence in the way proposed in the in-principle approval.

38W Conversion of in-principle approval into new venue amendment—decision

- (1) This section applies if the commission receives an application for conversion of an in-principle approval for a new venue amendment into a new venue amendment under section 38T.
- (2) The commission must convert the in-principle approval into the amendment if satisfied that—
 - (a) the approval-holder has acquired an interest in the land, or premises, at the address to which the in-principle approval applies; and

- (b) the size and layout of both the new venue and the proposed gaming area are suitable for the operation of the gaming machines to be authorised under the licence; and
 - (c) a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the club having the proposed number of gaming machines at the new venue; and
 - (d) were the application an application for a new venue amendment, the commission would make the amendment and issue the new licence under section 26C (Licence amendment decision—new venue amendment).
- (3) If an in-principle approval is converted into a new venue amendment under this section, the commission must—
- (a) amend the licence in the way proposed in the in-principle approval; and
 - (b) issue a licence to the applicant in the same terms, and subject to the same conditions, as the in-principle approval.

38X Conversion—other in-principle approvals for the land or premises expire

- (1) This section applies if the commission converts an in-principle approval under section 38T, section 38U or section 38V.
- (2) All other in-principle approvals in relation to the land, or premises, to which the in-principle approval applied, expire.
- (3) The commission must tell each approval-holder whose in-principle approval expires under subsection (2) that their in-principle approval has expired.

34

Proposed new clause 12B

Page 17, line 22—

insert

12B Licensee to use gaming machines
Section 51 (2) (c), new example

insert

Example

the commission has granted a temporary storage amendment in relation to the gaming machine

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

35

Proposed new clause 12C

Page 17, line 22—

insert

12C Definitions for pt 4
Section 56, definition of *licence*, new paragraph (aa)

insert

- (aa) in relation to an approval-holder, means the in-principle approval;

Note **Approval-holder** and **in-principle approval**—see s 38B.

36

Proposed new clause 12D

Page 17, line 22—

insert

12D Section 56, definition of licensee

substitute

licensee includes—

- (a) a permit holder under part 8; and
- (b) an approval-holder.

Note **Approval-holder**—see s 38B.

37

Proposed new clause 12E

Page 17, line 22—

insert

**12E Grounds for disciplinary action
New section 57 (2A) and (2B)**

insert

- (2A) In deciding whether an approval-holder is an eligible person under subsection (1) (d) and (e), the commission must disregard section 20 (2) (a) (ii) and section 21 (1) (c).

Note Under s 20 (2) (a) (ii) and s 21 (1) (c), a person may only be an **eligible person** if the person holds a general licence or on licence.

- (2B) Subsection (1) (f) (ii) does not apply to an approval-holder.

38

Clause 14

Proposed new section 153A (1A)

Page 18, line 11—

insert

- (1A) This section does not apply to—
- (a) a portable ATM that is located temporarily at the Canberra Racing Club on a day on which a race is to be conducted; or
 - (b) licensed premises if the licence authorises the operation of 10 or less gaming machines on the premises; or
 - (c) licensed premises if the licence authorises the operation of only class B gaming machines.

39

Clause 15

Schedule 1, proposed new items 3CA to 3CD

Page 19—

insert

3CA	26AA (2) (a)	require social impact statement	licensee
3CB	26AA (2) (b)	require social impact assessment	licensee
3CC	26AA (4)	refuse to amend licences to allow relocation of machines	licensee
3CD	26AA (5)	amend licences to relocate fewer machines than applied for	licensee

40

Proposed new clause 15A**Page 20, line 1—***insert*

15A	Reviewable decisions Schedule 1, new items 6A to 6L
------------	--

insert

6A	38F (2)	refuse application for in-principle approval for licence	applicant
6B	38F (4)	issue in-principle approval for smaller number of machines than applied for	approval-holder
6C	38H	refuse application for in-principle approval for venue relocation amendment	applicant
6D	38I	refuse application for in-principle approval for new venue amendment	applicant
6E	38K	issue in-principle approval subject to condition	approval-holder
6F	38N	refuse to amend in-principle approval	approval-holder
6G	38P	refuse to transfer in-principle approval	approval-holder
6H	38R	refuse to extend in-principle approval	approval-holder
6I	38U (2)	refuse to convert in-principle approval into licence	approval-holder

6J	38U (4)	convert in-principle approval into licence authorising machines different to those applied for	approval-holder
6K	38V	refuse to convert in-principle approval into venue relocation amendment	approval-holder
6L	38W	refuse to convert in-principle approval into new venue amendment	approval-holder

41

Clause 16

Page 20, line 1—

[oppose the clause]

42

Proposed new clause 16A

Page 20, line 2—

*insert***16A Dictionary, new definition of *approval-holder****insert****approval-holder***—see section 38B.

43

Clause 19

Proposed new dictionary definition of *in-principle approval*

Page 20, line 11—

*insert****in-principle approval***—see section 38B.

44

Clause 19

Proposed new dictionary definition of *machine relocation amendment*

Page 20, line 12—

*omit the definition, substitute****large scale machine relocation amendment***—see section 22 (ea).

45

Clause 19

Proposed new dictionary definition of pool of *available gaming machines*

Page 20, line 13—

*insert****pool of available gaming machines*** (or *pool*)—see section 36A.

46

Clause 19

Proposed new dictionary definition of *small scale machine relocation amendment*

Page 20, line 13—

insert

small scale machine relocation amendment—see section 22 (e).

47

Proposed new clause 19A

Page 20, line 17—

insert

19A Dictionary, definition of *proposed gaming area*

omit

application

substitute

initial licence application

48

Proposed new clause 19B

Page 21, line 1—

insert

19B Section 6 heading

substitute

6 Required documents for applications—Act, s 11 (2) (e), s 23 (2) (b), s 31 (2) (c) (ii), s 38M (3) (b) and s 38O (3) (b)

49

Clause 20 heading

Page 21, line 2—

omit the heading, substitute

20 Section 6 (1) (b)

50

Clause 20

Proposed new section 6 (1) (ba)

Page 21, line 7—

omit proposed new section 6 (1) (ba), substitute

(ba) an application for a large scale machine relocation amendment;

51

Proposed new clause 20A

Page 21, line 8—

insert

20A New section 6 (1) (d) and (e)

insert

(d) an application for amendment of an in-principle approval under the Act, section 38M, to increase the number of gaming machines reserved under the approval;

(e) an application to transfer an in-principle approval under the Act, section 38O.

Note This section will also apply to applications for in-principle approvals under the Act, s 38E, because those applications need to comply with the requirements of the Act, s 11 (2) or s 23 (2).

52

Proposed new clause 23A**Page 21, line 23—***insert***23A Section 7, new note***insert*

Note This section will also apply to applications to convert an in-principle approval to—

- (a) a licence under the Act, s 38U, because the commission needs to consider whether it would issue a licence under s 12 (see Act, s 38U (2) (d)); and
- (b) a new venue amendment under the Act, s 38W, because the commission needs to consider whether it would make the amendment and issue the new licence under the Act, s 26C (see Act, s 38W (2) (d)).

53

Proposed new clause 23B**Page 21, line 23—***insert***23B Definitions—pt 3
Section 9, definition of *local community****omit*

statement

substitute

assessment

54

Clause 24**Proposed new definition of *relevant premises*, paragraph (b)****Page 22, line 7—***omit*

machine relocation amendment

substitute

small scale machine relocation amendment or large scale machine relocation amendment

55

Clause 24**Proposed new definition of *relevant premises*, new paragraph (d)****Page 22, line 10—***insert*

- (d) for an application for an in-principle approval or amendment of an in-principle approval—the land at the address to which the approval applies.

56

Proposed new clauses 24A and 24B**Page 22, line 10—***insert***24A Requirements for social impact assessment—Act, s 18 (2) (a)
Section 10 (1)**

omit

licence application or licence amendment application

substitute

licence application, licence amendment application, application for in-principle approval or application for amendment of an in-principle approval

24B Section 10 (2)

omit

proposed licence or the licence as proposed to be amended

substitute

proposed licence, the licence as proposed to be amended, the proposed in-principle approval or the in-principle approval as proposed to be amended

57

Proposed new clause 24C

Page 22, line 10—

insert

**24C Matters to be addressed by social impact assessment—
Act, s 18 (2) (b)
Section 11 (1)**

omit

licence application or licence amendment application

substitute

licence application, licence amendment application, application for in-principle approval or application for amendment of an in-principle approval

58

Proposed new clause 25A

Page 22, line 19—

insert

**25A Information to be given in social impact assessment—Act, s 18
(2) (c)
Section 12 (1)**

omit

licence application or licence amendment application

substitute

licence application, licence amendment application, application for in-principle approval or application for amendment of an in-principle approval

59

Proposed new clause 25B

Page 22, line 19—

insert

25B New part 3A

insert

Part 3A Social impact statements

12A Definitions—pt 3A

In this part:

gaming machine proposal, for a social impact statement—see section 12B (2).

local community, for a social impact statement, means the community within 3km of the premises to which the machines are to be relocated.

12B Requirements for social impact statements— Act, s 26AA (6) (a)

A social impact statement for a small scale machine relocation amendment application must—

- (a) include an objective analysis of the likely economic and social impact of the operation of gaming machines under the licences as proposed to be amended (the ***gaming machine proposal***); and
- (b) objectively identify the positive aspects or benefits of the gaming machine proposal as well as the negative aspects or detriments of the proposal.

12C Matters to be addressed by social impact statements— Act, s 26AA (6) (b)

- (1) A social impact statement for a small scale machine relocation amendment application must address the following matters:
 - (a) the likely impact of the gaming machine proposal on the existing local community, including business activity in the local community;
 - (b) the likely impact of the gaming machine proposal on the local community, taking into account the population profile of people living in the local community, including an analysis of age and average income;
 - (c) the current harm minimisation measures taken by the licensee in relation to gaming machine activity, and the harm minimisation measures proposed to be taken in relation to the gaming machine proposal.
- (2) This section does not limit the matters that may be addressed in a social impact statement.

12D Information to be given in social impact statements— Act, s 26AA (6) (c)

- (1) A social impact statement for a small scale machine relocation amendment application must, to the extent that the information is available to the applicant, include—
 - (a) the number and location of existing gambling outlets in the local community; and
 - (b) the following information for the preceding 3 years:
 - (i) the level of gaming machine activity by—
 - (A) the applicant; and
 - (B) other licensees in the local community;

- (ii) the gaming machine revenue of the applicant;
- (iii) the community contributions of the applicant;
- (iv) the percentage of the gaming machine revenue distributed as community contributions; and
- (c) the following information for the next 3 years if the application were approved:
 - (i) the expected gaming machine activity by the applicant;
 - (ii) the expected gaming machine revenue of the applicant;
 - (iii) the expected community contributions of the applicant;
 - (iv) the percentage of the expected gaming machine revenue expected to be distributed as community contributions.
- (2) This section does not limit the information that may be given in a social impact statement.

60

Clause 26**Proposed new section 14, note, new dot points****Page 23, line 5—***insert*

- s 38U (2) (c)
- s 38V (2) (c)
- s 38W (2) (c).

61

Clause 27**Proposed new note 3, new dot points****Page 23, line 7—***insert*

- community contribution
- in-principle approval (see s 38B)

62

Clause 27**Proposed new note 3, first dot point****Page 23, line 8—***omit the dot point, substitute*

- large scale machine relocation amendment (see s 22 (ea))
- small scale machine relocation amendment (see s 22 (e))

63

Proposed new clause 28**Page 23, line 10—***insert***28 Dictionary, definition of *gaming machine proposal****substitute****gaming machine proposal—***

- (a) for part 3 (Social impact assessments)—see section 10 (2); and
- (b) for part 3A (Social impact statements)—see section 12B (2).

64

Proposed new clause 29**Page 23, line 10—***insert*

29

Dictionary, definition of *local community**substitute****local community*—**

- (a) for part 3 (Social impact assessments)—see section 9; and
- (b) for part 3A (Social impact statements)—see section 12A.

Schedule 2**Gaming Machine Amendment Bill 2011**Amendment moved by Mr Smyth

1

Amendment 13**Proposed new section 22 (2) (a)***omit proposed new section 22 (2) (a), substitute*

- (a) 20;

Schedule 3**Public Interest Disclosure Bill 2012**Amendments moved by Ms Hunter

1

Proposed new clause 9 (3)**Page 7, line 18—***insert*

- (3) Subject to any disallowance or amendment under the Legislation Act, chapter 7, a regulation made for subsection (2) commences—
 - (a) if there is a motion to disallow the regulation and the motion is negated by the Legislative Assembly—on the day after the day the motion is negated; or
 - (b) on the day after the 6th sitting day after the day it is presented to the Legislative Assembly under that chapter; or
 - (c) if the regulation provides for a later date or time of commencement—on that date or at that time.

2

Clause 27 (4)**Page 22, line 15—***omit clause 27 (4), substitute*

- (4) In making a disclosure under this section, the person —
- (a) must disclose sufficient information to show that the conduct is disclosable conduct, but not more than is reasonably necessary to show that the conduct is disclosable conduct; and
 - (b) if a public interest disclosure was made to a person mentioned in section 15—may inform the member of the Legislative Assembly or journalist about the progress and outcome of any investigation

3

Clause 30 (3)

Page 25, line 2—

omit

15

substitute

9

Schedule 4

**Classification (Publications, Films and Computer Games) (Enforcement)
Amendment Bill 2012**

Amendments moved by Mrs Dunne

1

Clause 12

Proposed new section 46 (1), penalty, paragraph (b)

Page 5, line 7—

omit proposed new section 46 (1), penalty, paragraph (b), substitute

- (b) for a computer game classified R 18+ or an unclassified computer game that is subsequently classified R 18+—100 penalty units.

2

Clause 14

Proposed new section 47 (1), penalty, paragraph (ab)

Page 5, line 18—

omit proposed new section 47 (1), penalty, paragraph (ab), substitute

- (ab) for a computer game classified R 18+ or an unclassified computer game that is subsequently classified R 18+—100 penalty units, imprisonment for 6 months or both; or