



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**EIGHTH ASSEMBLY**

**29 NOVEMBER 2012**

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**Thursday, 29 November 2012**

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

**Mr Bryce Courtenay AM**  
**Mrs Rhonda Obad OAM**  
**Condolence statement by Speaker**

**MADAM SPEAKER** (Mrs Dunne): I would like to inform members that on Friday, 23 November 2012 Canberra lost Bryce Courtenay AM. From truly extraordinary beginnings he emerged as one of our country's best known and best loved authors. Bryce was known for his passion, enthusiasm and generosity, which extended to the Canberra community, where he settled in 2012. He will be remembered for his powerful personal message and the encouragement he gave to others to pursue their dreams.

I also advise members of the death of Mrs Rhonda Obad OAM, who, after the death of her son, dedicated her life to improving the lives of young homeless men in Canberra through the establishment of Tony's Place. Mrs Obad was awarded the OAM last year.

As an expression of condolence and deepest sympathy to their families, friends and colleagues at this time, I invite all members to rise in their places.

*Members standing in their places—*

**MADAM SPEAKER:** I thank members.

**Financial Management Amendment Bill 2012 (No 2)**

**Mr Barr**, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (10.01): I move:

That this bill be agreed to in principle.

Today I table the Financial Management Amendment Bill 2012 (No 2). The bill amends the Financial Management Act 1996 to strengthen the process around ACT government agency performance criteria. The ACT government performance management framework measures government services against performance criteria. This bill is part of work undertaken by Treasury to ensure that the processes accompanying the performance management framework are robust and transparent.

Under the framework agencies review and if necessary amend their performance criteria. An example of when agencies amend their performance criteria is as a consequence of administrative arrangement changes. Currently, under section 19D of the FMA, when an agency amends its criteria the responsible minister is authorised to approve the amendment.

This bill will strengthen the processes by amending the FMA to include the Treasurer in the approval process for instruments that amend performance criteria. This bill will work in concert with the comprehensive guidelines which have been issued by Treasury on the requirements of section 19D instruments.

Including the Treasurer in subsection (2) means the notifiable instrument under section 19D(5) is only made if signed by both the responsible minister and the Treasurer. Further changes have been made to section 19D(3) as a consequence of the change in subsection (2). I commend this bill to the Assembly.

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

## **Crimes Legislation Amendment Bill 2012 (No 2)**

**Mr Corbell**, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.05): I move:

That this bill be agreed to in principle.

The Crimes Legislation Amendment Bill 2012 was introduced into the previous Assembly on 10 May. However, as the government moved into the caretaker period and the Assembly adjourned, this bill was not debated and consequently lapsed. I now re-present the bill as the Crimes Legislation Amendment Bill 2012 (No 2). The bill will improve the operation of the criminal justice system in the ACT. The bill is the result of a number of concerns that key justice stakeholders, in particular the Director of Public Prosecutions, ACT Policing and the ACT Supreme Court, have brought to my attention.

The bill will make important amendments in a number of key areas of criminal justice. I provided a full outline of the amendments when I introduced the bill in May this year. In summary, the bill provides two new sexual offences of sexual intercourse and act of indecency with a 16 or 17-year-old in special care. The bill continues the important work of the government's sexual assault reform program. It does this by extending the class of people for whom pre-recorded police interviews can be admitted as evidence and allows the audiovisual evidence of victims in sexual offences to be recorded and played at any related hearing, such as a retrial, to provide greater protections for vulnerable witnesses in sexual and violent offence matters.

The bill amends the definitions of “vagina” and “sexual intercourse” to ensure that the ACT’s approach to sexual offences is contemporary and consistent with the approach in other jurisdictions. Amendments in this bill provide that a court must allow a victim impact statement to be read aloud where the maker of the statement wishes and where a person would be entitled to provide evidence by audiovisual link in a sexual or violent offence proceeding. That person can also provide a victim impact statement by audiovisual link in the same proceeding.

A number of amendments are made to the operation of serious drug offences as well as creating a new offence of possessing a tablet press. The bill will also enable courts to better consider an offender’s engagement with alcohol and drug treatment and referral services at sentencing.

This bill provides tangible benefits for justice stakeholders, the operation of the ACT’s criminal justice system and the wider ACT community. I commend the bill to the Assembly.

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

## **Directors Liability Legislation Amendment Bill 2012**

**Mr Corbell**, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.08): I move:

That this bill be agreed to in principle.

The Directors Liability Legislation Amendment Bill 2012 amends a range of ACT laws to ensure that company director liability is appropriately cast. These amendments are part of a package of 27 deregulation priorities agreed to by the ACT government under the seamless national economy national partnership agreement made by the Council of Australian Governments in 2008. The seamless national economy reforms aim to promote competition, boost productivity, improve labour mobility and reduce business compliance costs by removing unnecessary or inconsistent regulation. These amendments to directors’ liability provisions in the ACT will achieve a nationally consistent and principled approach to the imposition of personal criminal liability of company directors and other corporate officers for corporate fault.

COAG has developed an agreed set of principles and guidelines for directors’ liability. These principles were used by each jurisdiction to conduct a thorough audit of their respective statute books. The ACT’s audit was completed and provided to the Prime Minister in June this year. This bill represents the results of that audit. The uniform principles and guidelines agreed to by all jurisdictions will be followed by legislative drafters in the future to ensure consistency is maintained going forward.

The amendments in this bill do not affect direct or “accessory” liability of company directors. Company directors who are directly involved in the commission of an offence or play an accessorial role should be accountable and will continue to be criminally liable. This bill is instead focused on deemed liability provisions—that is, provisions which impose personal criminal liability on company directors as a consequence of their company, usually an employee, breaking the law.

Deemed liability is kept where there are compelling public policy reasons for doing so. Liability of the corporation is not likely on its own to sufficiently promote compliance and it is reasonable in all the circumstances for the director to be liable having regard to factors such as clarity of obligations, capacity to influence conduct of the corporation and whether reasonable steps can be taken to ensure the corporation’s compliance.

For instance, deemed liability will be kept where an offence provision is aimed at deterring serious public harm or where deemed liability of a company director is a core part of the legislative scheme and promotes compliance in areas such as public health, safety and the environment.

These reforms will reduce red tape for businesses and will better assist company directors to understand their obligations and liabilities under laws which will be more consistent across jurisdictions. I commend this bill to the Assembly.

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

## **Disability Services Amendment Bill 2012 (No 2)**

**Ms Burch**, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

**MS BURCH** (Brindabella—Minister for Education and Training, Minister for Disability, Children and Young People, Minister for the Arts, Minister for Women, Minister for Multicultural Affairs and Minister for Racing and Gaming) (10.12): I move:

That this bill be agreed to in principle.

I am pleased to present the Disability Services Amendment Bill 2012 (No 2), which amends the Disability Services Act 1991. The Disability Services Amendment Bill (No 1) was tabled in the Legislative Assembly on 10 May 2012 and lapsed at the end of the Seventh Legislative Assembly. I now reintroduce the bill. The bill complements and builds upon existing legislation, allowing the Minister for Disability, Children and Young People to approve disability service standards and establish regulation making powers.

This government is committed to delivering and funding good quality services for people with disability in the ACT. By moving the standards from a contract and policy matter to a legislative platform and by allowing for ministerial approval of disability service standards and the establishment of regulations, the protection of people with disability will be further enhanced. This is particularly relevant as we progress towards the commencement of the national disability insurance scheme.

This bill is necessary as it will amend the provision in the Official Visitor Act 2012 which states that the Minister for Disability, Children and Young People may make standards about services provided to people with a disability but commences on 1 March 2014, 15 months after the expected finalisation of the review of the national disability standards.

I will now outline the amendments this bill seeks to make. The section 11 amendment relating to disability service standards allows the Minister for Disability, Children and Young People to approve standards related to the provision of services for people with disability and the approval may apply, adopt or incorporate an instrument as in force from time to time.

The section 12 amendment relates to the regulation making power and states that the executive may make regulations for this act. A regulation may make provision in relation to standards in areas such as the need for entities to comply with the standards, performance measures for measuring compliance with the standards, the monitoring of compliance with the standards, the enforcement of compliance with the standards and the consequences of failing to comply with the standards.

The section 4 amendment sets out that the Minister for Disability, Children and Young People will not approve a grant unless the minister is satisfied that the relevant standards will be complied with. The Human Rights Commission Act 2005 will be amended to state in section 40(b)(va) that a person may complain to the commission if a service provider acts inconsistently with a standard approved in terms of the new section 11. I commend the bill to the Assembly.

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

## **Children and Young People Amendment Bill 2012 (No 2)**

**Ms Burch**, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

**MS BURCH** (Brindabella—Minister for Education and Training, Minister for Disability, Children and Young People, Minister for the Arts, Minister for Women, Minister for Multicultural Affairs and Minister for Racing and Gaming) (10.15): I move:

That this bill be agreed to in principle.

In the Seventh Assembly in May 2012 I tabled the Children and Young People Amendment Bill 2012. Unfortunately, the bill has lapsed. I am now tabling the bill again, which makes minor amendments to the Children and Young People Act 2008 to improve the administration and interpretation of the act and the provision of services to children, young people and their families.

Two amendments in this bill stem from the ACT government's response to the Human Rights Commission Review of the ACT Youth Justice System. The Human Rights Commission made 224 recommendations to ensure a quality youth justice system in the ACT.

To date the government and the Youth Justice Implementation Taskforce have been working to implement these recommendations and continue to do so. The government is committed to ensuring the ACT has a high performing and effective youth justice system, the Bimberi Youth Detention Centre.

It is our aim to have a system that will have a strong focus on early intervention, prevention, therapeutic programming and diversion. Importantly, the youth justice system and places of detention must comply with human rights standards and practices.

Following the Human Rights Commission review, the government announced a blueprint for youth justice in the ACT which was released in August of this year. The blueprint drives reform to the ACT youth justice system for the next 10 years and aims to deliver significant long-term outcomes in reducing the number of children and young people engaged in or at risk of offending; ensuring children, young people and their families receive the support and assistance they need; and that the ACT is a safer and better place to live.

The government recognises that an important part of maintaining a high performing and effective youth justice system is ensuring that the legislative framework promotes the best interests and rights of children and young people. This principle underpins the blueprint. This includes making sure that the powers of administrative agencies, such as the Bimberi Youth Justice Centre, are appropriate and based on the human rights framework encompassed in the ACT Human Rights Act.

This is why the government agreed with the Human Rights Commission's recommendation to consider legislative change and the two recommendations addressed in this bill were identified as priorities.

Firstly, the government's bill addresses the Human Rights Commission's recommendation regarding the use of force under section 223 of the Children and Young People Act. The commission recommended that the government amend the Children and Young People Act, policy and procedures to require a doctor or nurse to be notified as a matter of course every time force is used, rather than providing the young person with the option to see a doctor or nurse after the event.

The government agreed with the intent of this recommendation while drawing a distinction between unplanned use of force—for example, when used in response to an escalating or dangerous situation—and the planned use of force such as during an escort to court or an appointment out of the detention place.

The proposed amendment will strengthen the statutory requirement to report the use of force to a doctor or nurse, except for planned use of force for escort purposes outside of the Bimberi Youth Justice Centre when this is determined to be necessary, such as when the young person is a flight risk.

While the amendment does not require notification as a matter of course for this type of use of force, the young person retains the option to see a doctor or nurse after the event. All other events that may require the use of force during an escort will continue to be reported. In addition, use of force within the Bimberi Youth Justice Centre would be reported.

The amendment maintains current requirements around the use of force including that the circumstances are sufficiently serious to justify the use of force, ensuring that the kind of restraint is appropriate in the circumstances and the restraint is used appropriately in the circumstances.

Madam Speaker, I note that the scrutiny of bills committee considered the bill in May of this year. In its report No 53, the committee raised a concern in relation to use of force provisions contained in the bill. I propose to amend clause 4 managing use of force to address concerns raised by the committee. These amendments will be done before the bill is debated early next year.

Secondly, the concerns raised relating to the use of strip searches and body searches to maintain good order at a youth detention place are also addressed in the amendment bill. As it currently stands, strip searching of young detainees can only be undertaken when the director-general suspects on reasonable grounds that the young detainee has an item concealed that is prohibited, or that poses a risk to personal safety, or to ensure the security or good order at a detention place as outlined in section 258 of the Children and Young People Act.

Currently, body searches of young detainees can only be undertaken when the director-general reasonably suspects the young detainee has ingested or inserted something that may be harmful to themselves, or that the young detainee has a prohibited item concealed in their body that may be, and poses, a substantial risk to security at the centre or good order at the youth detention place as outlined in section 264 of the Children and Young People Act.

The use of strip searches was considered by the Human Rights Commission as part of its review of the ACT youth justice system. Given the impact that strip searches have on young people, especially young people who have been the subject of abuse or trauma, the commission recommended the removal of good order as it applies to strip searches. The government has agreed with this recommendation.

The proposed amendments will remove references to good order being a basis to conduct a strip search. Further, the government has also extended this amendment to the removal of good order as a reason for body searches under the Children and Young People Act. These amendments protect the rights and interests of children and young people by limiting the grounds on which a strip search and body search can take place.

Aside from acting on two key recommendations of the Human Rights Commission's Youth Justice Review, this bill also addresses the issue of revoking general parental authorities for foster carers and residential care services when they no longer provide or intend to provide care to children and young people.

Sections 519 and 520 of the Children and Young People Act enable the director-general to authorise foster carers and residential care services to exercise daily care or long-term parental responsibilities for any child or young person for whom the director-general has daily or long-term parental responsibility. Sections 523 and 524 enable the director-general to revoke a carer's authorisation when carers have failed to perform their responsibilities or where the person has sought to have the authority revoked.

The act does not include a provision enabling the director-general to revoke the authority when the carer or entity is no longer available to provide care or where the carer or entity has not provided care during a period of time. Without the capacity to revoke such authorities, carers and entities remain authorised when no longer providing or intending to provide care to children and young people.

The amendment addresses this issue by incorporating additional criteria to apply to the revoking of foster carers and residential care services where they are no longer available to provide care or have not provided regular authorised care for a child during the past 12 months.

This new provision would not prohibit a carer or entity from applying to become a carer at a later time and the process to revoke a parent's authorisation remains the same. It still remains that procedural fairness and natural justice provisions of the Children and Young People Act must be followed.

Madam Speaker, I would like to advise the Assembly that I propose to amend clause 8, revocation of foster carer's authorisation, to make clear that the ground for revoking a carer's authorisation is because the carer has not acted as a foster carer in the previous 12 months and is no longer willing or able to act as a foster carer, or that the foster carer has moved and reasonable efforts to locate the carer have been unsuccessful.

The final amendment relates to the Children and Young People Death Review Committee. Last year the Legislative Assembly passed the Children and Young People (Death Review) Amendment Bill 2010, which established the Children and Young People's Death Committee. The committee has a number of important functions, including to help prevent or reduce the likelihood of the death of children and young people. The committee is required to maintain a register of deaths of children and young people.

The government has realised that section 727(4) of the Children and Young People Act is not consistent with the same clause contained in the explanatory statement attached to the 2010 amendment bill. This provision relates to when information about the causes or circumstances of the death of the child or young person can be placed on the register of deaths.

The proposed amendment makes clear that any coronial inquest or review by the territory must have ended before any information can be placed on the register of deaths. This ensures that the Children and Young People Death Review Committee is the last mechanism of review once all other processes have been completed. This amendment is consistent with the explanatory statement attached to the 2010 amendment bill.

Madam Speaker, the Children and Young People Amendment Bill is an important step by the ACT government to improve the administration and interpretation of the Children and Young People Act, supporting vulnerable children and young people, and ensuring a high performing and effective youth justice system in the ACT.

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

## **Racing Amendment Bill 2012**

**Ms Burch**, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

**MS BURCH** (Brindabella—Minister for Education and Training, Minister for Disability, Children and Young People, Minister for the Arts, Minister for Women, Minister for Multicultural Affairs and Minister for Racing and Gaming) (10.27): I move:

That this bill be agreed to in principle.

I present the Racing Amendment Bill 2012, which introduces a number of changes to the Racing Act 1999 and the Racing (Race Field Information) Regulation 2010. The bill I present today changes the existing race field information charge scheme. The changes enable the racing clubs to directly set and collect race field information charges from wagering operators whilst also ensuring the integrity of the scheme is maintained.

The local racing industry continues to be in a difficult competitive position, facing challenges that include its small scale, regional rather than metropolitan status, and lack of bargaining power with regard to broadcasting. In 2010, the existing funding arrangements were changed to provide a fixed level of funding to the industry through the budget. The move resulted in an increase in funding in real terms.

The change coincided with the introduction of the race field information legislation. With the exception of the Northern Territory, all of the racing jurisdictions impose a payment for the use of race field information. These product payments are enacted through race field legislation and apply to wagering operators using race field information in their business activities.

In New South Wales, the introduction of similar legislation resulted in Federal Court proceedings with operators challenging the way payments were calculated. The model is based upon a 1.5 per cent of turnover, as opposed to the gross revenue model currently in use in the ACT.

In March of this year, the High Court found in favour of the New South Wales authorities thus enabling a fee to be charged on assessable turnover. Following the High Court decision, Victoria and Queensland both announced a move to the turnover model based on 1.5 per cent, similar to that prevailing in New South Wales, with increased percentages during major carnivals.

The government, in its earlier response to the Independent Competition and Regulatory Commission investigation into the ACT racing industry, agreed to urgently assess the need for amendments to the current scheme in light of the recent High Court decision and subsequent submissions from the industry with regard to other jurisdictions' approaches in the area to ensure that the territory maintains an appropriate and adequate payments scheme.

The proposed amendments will allow three controlling bodies—the thoroughbred racing, the harness racing and the greyhound racing clubs—to directly set and collect race field information charges from wagering operators. How the quantum is set for race field information charges will be at the discretion of the controlling body.

The new arrangements mean that the ACT Gambling and Racing Commission will no longer play a direct role in the administration of the race field information charge scheme. However, the proposed amendments do not affect the commission's current broader responsibilities in upholding the integrity of the system through the licensing of wagering operators in the ACT.

Whilst the changes seek to reflect best practice of similar legislation in Victoria, and particularly in New South Wales, the government wishes to maintain the integrity of the scheme and to ensure the new arrangements are appropriately supported throughout the transition period.

As a result, whilst the approval of entities and the setting and the notification of fees and relevant thresholds will become the responsibility of the controlling bodies from the date of commencement of the amendments, existing arrangements with the Gambling and Racing Commission in terms of assessing the liability of approved entities and the payment to the racing clubs of fees collected will remain in place as long as necessary to wrap up all activity relating to the current financial year.

I am confident that these changes will help to support the racing industry now and into the future, giving the controlling bodies the flexibility to maintain a race field information charge scheme that is relevant to the local conditions. It is the government's intention that this bill be debated in the February sitting for commencement on 1 March 2013. With the caretaker period, it has not been possible to consult the sector at the level of detail that would normally occur, though I do know that the racing clubs are very supportive of the bill's objectives.

I will therefore be encouraging all interested parties to closely consider the details of the bill and provide any feedback to the government prior to its debate in February next year. I commend the bill to the Assembly.

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

## **Public Unleased Land Bill 2012**

**Mr Rattenbury**, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

**MR RATTENBURY** (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing) (10.32): I move:

That this bill be agreed to in principle.

I am pleased to reintroduce the Public Unleased Land Bill 2012 to the Assembly, which was introduced—as the Public Unleased Land Bill 2011—by the Chief Minister in December 2011, but which lapsed on the polling day for the 2012 election.

The Public Unleased Land Bill modernises the Roads and Public Places Act 1937, and seeks to improve the framework for regulating public unleased land in the territory. This improved framework is reflected in the change of name of the legislation.

The Roads and Public Places Act created a permit system for the use of public land. Throughout the act's 75-year history, this permit system has been amended to the point where both businesses using public land and those public officials administering its use have agreed it has become unwieldy.

A major issue with the permit system created by the Roads and Public Places Act is that events and activities are, by themselves, not licensed to be held on public unleased land. Rather, event managers are licensed to place "objects" on public land. This has created a somewhat convoluted and confusing situation where, for example, event managers are not licensed to conduct a major festival but must be licensed to place the physical infrastructure—such as marquees, stalls and rubbish bins—on public land. With over 4,000 events being held on public land each year, this "objects" permit system has become administratively cumbersome and confusing to applicants.

The Public Unleased Land Bill addresses these issues and creates a more modern and responsive permit system to authorise the use of public unleased land. This will provide greater assurance to applicants in formalising their use of public unleased land, reduce red tape for businesses and facilitate the use of public spaces.

The Public Unleased Land Bill authorises the use of public land by a person or business for an activity or event, rather than merely the placement of objects. These activities can range from placing a sandwich board on a footpath outside a shop to major events such as the Multicultural Festival.

It is important to note, however, that the issuing of a permit to use public unleased land does not automatically mean that an event or activity has been “approved” by the territory. There are other legislative requirements that must be taken into consideration when dealing with events, particularly large events, and I wish to emphasise the point that permits merely authorise the use of land.

The bill introduces further amendments to the regulation of public land to assist business. A major reform for which business owners have been asking is the ability to transfer existing permits with the sale of their business—for example, the sale of a cafe with outdoor eating space or display of goods such as motor vehicles on a verge.

With the passage of this legislation, a permit will be able to be transferred upon the sale of a business by application by the permit holder. The bill will also provide greater certainty for businesses by allowing them to apply to have their permit for the use of public unleased land extended to two years from the current 12-month term, reducing the red tape of having to renew permits annually.

In addition, this bill controls the activities that can be undertaken in public places and the conditions under which the activities can occur. The bill balances the competing pressures on public land, while ensuring that both safety and amenity are maintained and the fair use of public land by all Canberrans.

The reforms in this bill also authorise the issuing of permits and approvals for the exclusive use by a permit holder; that is, permits that exclude all other people from use of a public space while the permit holder is using it. It is envisaged that these permits will be issued for events such as weddings or private parties, and will encourage greater use of Canberra’s parks and public spaces for such ceremonies and events.

The permit system will work to ensure that unleased land remains undamaged and protected from unauthorised interference, so that it can be enjoyed and accessed appropriately by everyone in the community. It also ensures that activities are undertaken safely and with minimal interference to other people.

Of course, most activities on public land will not require a permit at all. It is only for those uses or activities that somehow exclude other members of the public from their use or enjoyment of a space that will require a permit. While the bill will revamp the

current permit and approval systems facilitating the use of public unleased land, it will also help to ensure that the amenity and natural value of public spaces is not diminished.

Other amendments proposed to the permit system by the Public Unleased Land Bill include: increased discretion for a decision maker to refuse to renew a permit—for example, where public safety concerns have arisen during the permit period, and updated enforcement powers for authorised officers.

The bill also creates the capacity for the territory to seek financial assurance in the form of a bond from permit holders, in order to mitigate any potential damage to public land. It is anticipated that these will only be required for larger events and importantly they should not impact on the ability of charities and other community based organisations to hold events on public land. As I said earlier, one of the objects of the bill is to encourage the use of public land.

In reintroducing this bill some small changes have been made from the 2011 version to address some concerns raised by the scrutiny of bills committee. The changes are relatively minor but do address some important concerns about the scope of various provisions and the nature of the powers delegated to decision makers. The changes also clarify that the territory is liable for damage when private land is used to build a temporary public road and makes some further decisions open to review by the administrative tribunal, ACAT.

One area of concern was the scope of the definition concerning the use of public land. It is important to stress that this bill is about the effective regulation of public land to ensure that everyone has access to a safe and amenable environment and that we have a scheme in place that encourages people to use public land and enjoy public places across the city.

To address this concern a disallowable instrument making power has been included so that the scope of “use” can be clarified should the need arise.

The Public Unleased Land Bill seeks to ensure a practical and orderly approach to the issuing of permits while maintaining the rights of the community to use public spaces. I am confident that this reintroduced bill will ensure a modern and effective regulatory system for dealing with the many uses of public unleased land demanded by the ACT community. I commend this bill to the Assembly.

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

## **Aboriginal and Torres Strait Islander Elected Body Amendment Bill 2012 (No 2)**

**Mr Rattenbury**, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

**MR RATTENBURY** (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing) (10.40): I move:

That this bill be agreed to in principle.

I am pleased today to table the Aboriginal and Torres Strait Islander Elected Body Amendment Bill 2012 (No 2). The bill was tabled in the Legislative Assembly on 3 May 2012 and lapsed at the end of the Seventh Legislative Assembly. I now reintroduce the bill, and I would like to acknowledge the work of Dr Bourke in the previous Assembly to bring this matter forward to the Assembly. It is a matter that was raised with him and it has significant importance to the elected body.

The Aboriginal and Torres Strait Islander Elected Body Act 2008 is watershed legislation, for not only the ACT but the rest of Australia. It was the important next step following our apology to Aboriginal and Torres Strait Islander people in the ACT in the ongoing journey of reconciliation between Aboriginal and Torres Strait Islander people and non Aboriginal and Torres Strait Islander people.

In the four years since the Aboriginal and Torres Strait Islander Elected Body has been in existence, the elected body has achieved a number of significant milestones. The elected body was a major stakeholder and driving force in the creation of the ACT employment strategy for Aboriginal and Torres Strait Islander people, which was launched in 2011. This was the crystallisation of the ACT government's commitment to provide Aboriginal and Torres Strait Islander peoples with the opportunity to participate fully in the ACT community through economic freedom.

The Aboriginal and Torres Strait Islander Elected Body also championed the ACT Aboriginal and Torres Strait Islander justice agreement, which was a landmark example of citizen-centric government and was signed by the Attorney-General and the chair of the elected body on 28 September 2010. The elected body continue to well represent the interests of their communities to the ACT government.

Following the last Aboriginal and Torres Strait Islander Elected Body election, held between 11 April 2011 and 18 May 2011, the Office of Multicultural, Aboriginal and Torres Strait Islander Affairs received feedback from stakeholders which included recommendations for the growth and improvement of the act and the election process itself.

The Aboriginal and Torres Strait Islander Elected Body met with ministers on 2 August 2011 and discussed amendments to the elected body act. These amendments recommended an increase in the campaign period available for nominees for positions on the elected body.

Elected body members stated they wanted an opportunity to more fully engage with the Aboriginal and Torres Strait Islander communities during the campaign period in the ACT, so that they could share their message about why they should be elected but also to listen to the message of community members on matters most important to them. We can all agree this is the essence of what true community representation is.

Members of the ACT Aboriginal and Torres Strait Islander communities suggested that the elected body elections could be moved to capitalise on NAIDOC Week. It was suggested, as NAIDOC Week is a time when the Aboriginal and Torres Strait Islander peoples come together to celebrate their culture and recognise their contributions in various fields, it would be a good and fitting opportunity for Aboriginal and Torres Strait Islander peoples to think about who would best represent them and promote the issues which affect them.

It was also recognised that capitalising on NAIDOC Week would be an efficient way of expending funding and resources used to promote the Aboriginal and Torres Strait Islander Elected Body, the elections and NAIDOC Week, as well as more effectively reaching the target community and building sustained community engagement.

Elections ACT made recommendations on the effectiveness of the election process which further supported the recommendations we received from the elected body and the Aboriginal and Torres Strait Islander communities regarding capitalising on NAIDOC Week and increasing the campaign period for candidates.

Elections ACT suggested the increase of the campaign period for candidates would build engagement for the elections by allowing candidates more time to access the community and reach eligible electors who may otherwise not be exposed to the elections through existing communication channels. This same rationale supported the move to coincide the elected body elections with NAIDOC Week.

Elections ACT made a number of technical amendments which will bring clarity and consistency to the Aboriginal and Torres Strait Islander Elected Body Act 2008. The clarification of definitions and fine-tuning of terminology has been recommended to ensure the act displays continual growth and relevance to the ACT context and the communities it serves.

In closing, I believe the changes recommended in the Aboriginal and Torres Strait Islander Elected Body Amendment Bill 2012 (No 2) recognise the expertise of our elected body and of our Aboriginal and Torres Strait Islander communities and reflect the growth and improvement they want in the legislation, which is designed to help these communities progress towards achievement and success. I commend the bill to the Assembly.

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

## **Justice and Community Safety—Standing Committee Scrutiny report 1**

**MR HANSON** (Molonglo): I present the following report:

Justice and Community Safety (Legislative Scrutiny Role)—Standing Committee—Scrutiny Report 1, dated 29 November 2012, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR HANSON:** Scrutiny report 1 contains the committee's comments on three bills, 59 pieces of subordinate legislation and one regulatory impact statement. I commend the report to the Assembly.

### Assembly sittings 2013

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.46): I move:

That, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 2013:

February	12	13	14
	26	27	28
March	19	20	21
April	9	10	11
May	7	8	9
	14	15	16
June	4	5	6
August	6	7	8
	13	14	15
September	17	18	19
October	22	23	24
	29	30	31
November	26	27	28

Today I am outlining to the Assembly the government's proposal for the sitting calendar for the forthcoming calendar year. The sitting calendar provides for 13 sitting weeks, which is the long-term average of sitting weeks in this place. In addition the government proposes and would highlight to members that the budget sitting will occur in the sitting week proposed for June—that is, 4 to 6 June—with the estimates committee hearing process to occur following that period.

I note the comments from my acting counterpart, Mr Hanson, in relation to when the estimates committee should commence its hearings. Whilst this is not a formal part of the resolution of the Assembly today, I can indicate to members that it is the government's view that estimates should commence on the Wednesday following the budget sittings. That would provide a full week from the day on which the budget is presented before the estimates committee commences its hearings.

Of course, these days in relation to the sittings of estimates committees are provided for guidance. They are not part of the formal resolution of this place and are provided for guidance for planning purposes only. Obviously, when the estimates committee meets and when it starts to conduct its hearings is a matter for the committee itself, once it is formed.

With that, I commend the proposed sitting calendar to the Assembly.

**MR COE** (Ginninderra) (10.48): The opposition is, as has already been flagged, disappointed that we are only sitting for 13 weeks next year. In the past we have said that 14 weeks was inappropriate. To go backwards from that we think is a sorry state of the Assembly and is, in effect, an indication that this government are treating it like a majority government—that this reeks of the days of 2004 to 2008 when the government had the numbers on the floor and simply commanded whatever they wished without due consultation. The fact that we are going down to 13 weeks, the fact that we are taking longer lunches and the fact that Wednesday evening sittings seem to be being abandoned we think is very disappointing. This is indicative of a government that is tired, it is indicative of a government that is arrogant and it is indicative of a government that is treating it like a majority government.

**MR RATTENBURY** (Molonglo) (10.49): I will be supporting this motion. I think that Mr Coe's comments do not reflect the true nature of the work of the Assembly. A large amount of business of this place goes on outside the chamber, and I think all members know that. I think that there is a convenient perspective being put by Mr Coe to make a political point rather than a real one.

I actually took the time to look at the ACT Assembly's annual report for 2011-12 and I note that last year there were a total of 333 meetings of committees. I think all members in this place know that the committees do an enormous amount of work. They do the preparation on the bills and they look at issues in some detail. I think that anybody who says the only work the Assembly does is on the sitting days in each year is simply not reflecting on the true work of the Assembly.

As part of those committee meetings, of course, there are two weeks of estimates hearings. They are certainly very detailed processes of scrutiny, and they are far more extensive than you see in many other parliaments. Next year, of course, we will have annual report hearings as well, because they have been deferred from this year.

I think the comments about longer lunches are simply disingenuous. The Liberal Party well know that through the course of the last term this matter was discussed a number of times in the administration and procedure committee, and there was an acknowledgement across all the political lines that previously the two-hour lunch break had been far more convenient. It allowed members to get out of the building and go to community events during the lunch break. It allowed members to undertake their necessary media commitments, and we all know that they take place at that time of day.

I think it is a bit rich to come in here, having all last term said, “Actually, we think we should go back to the two-hour lunch break,” and now just make a cheap political point because it suits their current political narrative. I think we can do a little better.

**MR HANSON** (Molonglo) (10.52): As the manager of government business alluded to, I was at the original meeting when this was discussed, and I expressed on behalf of the opposition our concern with the sitting pattern as it is proposed, both the proposed dates for estimates—and I will deal with that issue first—and the fact that it only contains 13 weeks.

In regard to the sitting dates for estimates, it is only a guide. To have it in the week following the budget sitting, which is a very busy week, it does not necessarily leave time for the committee and the opposition to properly engage with the community. For community groups, who are often the first people to appear before an estimates committee, it does not necessarily give them the time to absorb all the details contained within the budget.

Obviously the government have had all the lead-up through their processes to discuss it in some detail. Certainly it is a matter for the committee to determine what those dates are, but I foreshadow that from the opposition’s point of view normally more time would be given—certainly a week free following the full sitting week, so it would probably be the week after. That is certainly a matter for the committee. Any vote today, whether we vote for or against various matters, should not indicate that the opposition gives agreement to that draft proposal.

When it comes to the sittings, Mr Rattenbury just said that this is all about cheap political point scoring and so on. But we now have a minister whose first acts in this place as part of the government seem to be longer lunches, shorter sittings on a Wednesday to curtail important business from non-executive members, and to have less sittings.

It is incongruous that we have a government and a Greens party who are advocating more members in this place, saying how busy they are as ministers, and the government is saying that they are going to be looking at increasing the size of the executive, which has some merit, that we need 25 members, or we need whatever the number is—certainly the Chief Minister is advocating 25 members—but at the same time they are reducing the amount of work that we do. I do not understand that.

Some of their actions the other day when it came to committees reduced the amount of scrutiny of this place. Why is it that this government are trying to curtail it? There are two logical explanations. Firstly, they are lazy. That could be quite a plausible explanation—that they have better things to do. Perhaps they want to duck away for drinks before the parliament rises. Maybe that is part of it—that they want to sit less because it interferes with their social engagements. That certainly is a plausible explanation and is one that perhaps has some relevance given the events of yesterday.

Perhaps what this is about is further restricting the ability of the opposition to perform its very important role of scrutiny of the government. There is no question that the

motions that are moved in this place, the MPIs, the questions that we ask, are all important mechanisms for supporting the community and working on behalf of the community to interrogate, to investigate and to hold this government to account.

I indicate that I support the words of Mr Coe that this is a curtailing of the opposition's ability to perform its role as an opposition. I think that that is the motive of this government, and I think that is disappointing.

**MR SESELJA** (Brindabella—Leader of the Opposition) (10.56): I rise to do a couple of things. One is to endorse what Mr Coe and Mr Hanson have had to say. We certainly do believe that 13 weeks is not enough, particularly given the indications from the government that we will not be sitting late now on Wednesdays. So effectively, on this sitting calendar, with 13 sitting weeks, with longer lunches and with no late sittings on Wednesday, we have significantly less sitting hours than we have had in the past. It seems to be a deliberate strategy from this government. I think that we can read into that that they are trying to avoid scrutiny at every turn.

We have two or three particularly important roles as members of the Assembly—to serve our community, to be out there and be hearing from our community, developing policies, but being in this chamber is one of the critical duties of elected representatives. And to do it for only 39 days a year from 10 until 6, with a two-hour lunch break, we think is pretty thin when it comes to the ability to really debate some of the issues of the day.

As others have noted, we do not have the logistical issues of convening a parliament that, say, Queensland or Western Australia have in bringing people from a long way away. It is not a burden for people to get to parliament here in the ACT. Everyone lives within 20 minutes or so of this place. So it is not a big deal for us to come here. We believe that 39 sitting days out of 365 for six hours of sitting now is simply not enough.

I have circulated—I think it has been circulated or it is about to be circulated—an amendment to Mr Corbell's motion. It is a simple one. It would simply add a couple of weeks to the sitting calendar and, we think, restore it to a more reasonable amount. That would be 24, 25 and 26 September and 19, 20 and 21 November, which would be added.

I move the amendment that has been circulated in my name:

That the following days be added to the 2013 sitting calendar:

**September** 24 25 26

**November** 19 20 21

I commend that amendment to members. It would simply add two weeks. It would not be a major burden for the Assembly to sit for 15 weeks, to take it up to 45 sitting days out of 365. That is 45 sitting days from 10 until 6 with a two-hour lunch break. That is not a great burden.

We believe the community expects that we will have the opportunity to hold the government to account, to vigorously debate legislation. Sometimes legislation takes some time to debate, and we should not be curtailing that. We should have the ability to really slug it out on the floor of the chamber, to put our views, to move amendments and to do all the things that are needed.

Private members' day is very important to us as well. Much is achieved on private members' day. We have seen some significant pieces of legislation in the last Assembly that have been driven out of private members' day. We think of things like the random roadside drug testing. That came out of private members' day. I refer to the cost of living statement which now is included in the budget. These are all important outcomes that have come from private members' day. We do not believe they should be curtailed.

This very simple amendment is to add two weeks, an extra six sitting days. Forty-five sitting days would probably still put us at about the lowest number of sitting days of any parliament in Australia, but we believe it would be more reasonable, and I look forward to the support of members.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.00): The government will not be supporting Mr Seselja's amendment. This is a disingenuous argument from those opposite. We hear it in every term after they have lost an election. We heard it in 2008 when they lost the election; we heard it in 2004 when they lost the election; we heard it in 2001 when they lost the election: "We want to work harder than you guys. We want to be the ones who are here longer because we have to prove in some macho way that we are harder working."

They are so interesting in holding the government to account and so interested in working harder that they left it until 24 hours before the sitting of this place to even get around to working out who their shadow ministers were. That is how serious and hard working they are. He had weeks; he had nearly a month.

**MADAM SPEAKER:** Relevance, Mr Corbell.

**MR CORBELL:** Madam Speaker, Mr Seselja did raise the issue about who was working harder and I am simply replying to that comment.

The issue here is that the long-term average for sitting weeks in this place is 13 weeks, and that is exactly what is being suggested here today. It is a completely disingenuous argument to suggest that the only time members in this place work is when the Assembly is sitting. That might be the way the opposition work. It might be the case; in fact I think it is pretty sure that it is the case, that when the Assembly is not sitting Mr Seselja and his team do not do any work. But I can assure you, Madam Speaker, that the government and my backbench colleagues are working very hard when the Assembly is not sitting. There are committees to be attended to, there is the work of

the executive to be attended to each and every day. Whilst Mr Seselja seems to think that if there is not a sitting day he does not have to go to work, that is not the case for those on this side of the Assembly.

This is an entirely reasonable sitting calendar. It is the long-term average of sitting weeks that this place has had for an extended period of time and it is an adequate and reasonable period of time for the Assembly to conduct its business.

**MR SMYTH** (Brindabella) (11.03): I have just been checking the *Hansard*. Mr Corbell may have inadvertently misled the Assembly. He claimed that after each election, 2001, 2004, 2008 and 2012, amendments were moved to seek—

**Mr Gentleman**: On a point of order, Madam Speaker, Mr Smyth is indicating that Minister Corbell misled the Assembly.

**MADAM SPEAKER**: There is no point of order. I was listening very carefully. Mr Smyth said that Mr Corbell may have misled the Assembly and I presumed that he was going on to demonstrate why he thought it was possible that Mr Corbell may have done that. Then Mr Corbell can deal with it if Mr Smyth mounts a case.

**MR SMYTH**: Upon consulting the *Hansard*, when the sitting pattern was set for 2002 Mr Wood moved the motion for the sitting pattern. Mr Wood spoke to it. Ms Tucker checked some dates and wanted to omit 17, 18, 19 and substitute 27, 28, 29 August. Mr Cornwell asked why. Ms Tucker explained. That amendment was agreed to and the motion, as amended, was agreed to. So there was certainly no attempt by the Liberal Party after the 2001 election to add extra sitting weeks. It was an incredibly short debate. I might go and check 2004 as well, but perhaps Mr Corbell, because I know he is a stickler for these things, will now stand and apologise to the Assembly and withdraw his comment.

Question put:

That **Mr Seselja's** amendment be agreed to.

The Assembly voted—

Ayes 8		Noes 9	
Mr Coe	Mr Seselja	Mr Barr	Ms Gallagher
Mr Doszpot	Mr Smyth	Ms Berry	Mr Gentleman
Mrs Dunne	Mr Wall	Dr Bourke	Ms Porter
Mr Hanson		Ms Burch	Mr Rattenbury
Mrs Jones		Mr Corbell	

Question so resolved in the negative.

Motion agreed to.

## Leave of absence

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

That leave of absence be granted for all members for the period 30 November 2012 to 11 February 2013.

## Standing 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 the adjournment debate for this sitting continuing past 30 minutes.

## Executive business—precedence

*Ordered that executive business be called on.*

## Standing orders—suspension

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.09): I move:

That:

- (1) so much of the standing orders be suspended as would prevent Executive Business orders of the day Nos. 2 and 3, relating to the Gaming Machine Amendment Bill 2012 and the Road Transport (Third-Party Insurance) Amendment Bill 2012, being called on and debated and agreed to this day; and
- (2) that standing order 136 be suspended so as to allow consideration of the Road Transport (Third-Party Insurance) Amendment Bill 2012.

I will speak quickly to this procedural motion. Obviously, given that this is the first sitting of the Assembly following the election, debate on bills this week requires the suspension of standing orders. The bills that the government proposes to debate today are the Gaming Machine Amendment Bill and the Road Transport (Third-Party Insurance) Amendment Bill. Both of these bills are relatively minor and technical in nature but do have time pressures associated with them that would necessitate their consideration and potential passage today.

The government is now not proposing to proceed with the Health (National Health Funding Pool and Administration) Bill pending further advice from the Health Directorate as to whether further changes are required to that bill.

The government is proposing to suspend standing order 136 in relation to the Road Transport (Third-Party Insurance) Amendment Bill. This is the same-question rule and relates to an identified error in the Road Transport (Third-Party Insurance) Bill as a result of amendments made by the Assembly in the last term of the Assembly, and to put the question beyond doubt standing order 136 should be suspended.

**MR HANSON** (Molonglo) (11.12): I rise to speak about the Health (National Health Funding Pool and Administration) Bill 2012, which has now been pulled and is not going to be debated today. I would like to seek further explanation. Maybe the health minister can provide that. But we have gone through a process now where this bill was tabled in the last Assembly, I received a briefing on that on 8 August and we were told that this was desperately urgent, that it needed to be done to conform with what had been agreed to at COAG and that if it was not agreed to in a great rush we would not be getting money through the reforms. Then we were due to be debating it in the last Assembly and it just never happened.

We have now found ourselves back at this new Assembly and again we are told it is massively urgent. We get told that it is going to be put on for debate and then again it gets pulled. Certainly we were advised—and I cannot recall the details of the briefing notes because I do not have them in front of me—that if this does not get debated we do not get the money and that we have got to get it done soon. It has now been pulled twice. So the questions I have are: why on earth is it that we keep bringing this on and taking it off? What on earth is going on within the Health Directorate to cause that? It does not give me confidence that this is a piece of legislation that has been dealt with well within the directorate.

Secondly, what is the cut-off date that this has got to be agreed to by this Assembly to ensure that we get the funding? I do not want to be agreeing essentially to the minister not bringing it on today if the consequence of that is that we do not get the money that we were due to get through these reforms. I would seek perhaps that the minister get up and give a full explanation of what is going on within her department, what is going on with this piece of legislation and what are the consequences of not having this piece of legislation agreed to by the Assembly today.

**MR SESELJA** (Brindabella—Leader of the Opposition) (11.14): Madam Speaker, I—

**Ms Gallagher:** We are dealing with suspension of standing orders.

**MR SESELJA:** We are dealing with suspension of standing orders, and the reason for it is the urgency of these bills, so it is a very legitimate thing for Mr Hanson to ask the question, “Are we being told the truth about urgency or are we being spun a line?” because we have been told several times it is urgent or we would lose funding and now we are told that it is not urgent. If that is the case with the health bill, who knows with the other two bills we are being asked to suspend, in terms of the information that is being given? So it is perfectly legitimate for Mr Hanson to ask, and for the parliament, before we vote on this, to get an explanation for the changing nature of

urgency. If it is urgent and we are going to lose funding, it should be debated. That is what we were told several times; now it is no longer the case. Is the urgency in relation to the other bills also not really urgent? Is it just convenient?

We are asked to suspend the standing order. The standing order is there for a reason, so that we have time to consider pieces of legislation after they are introduced. It should not be used simply for the government's convenience and we certainly should not be spun a line by the government which they can conveniently change when circumstances change, when they change their mind or when they need to make further amendments.

So we do seek an explanation; otherwise we would certainly vote no to the suspension of standing orders, because we simply cannot believe what the government is telling us.

**MR RATTENBURY** (Molonglo) (11.16): I simply want to observe that I think the suspension of standing orders is relevant for the two bills. I think there is a fair explanation for those, but I think Mr Hanson has raised a fair point: this is the first notice the Assembly has had that the health bill would not be debated this morning. I would be quite happy to grant the Chief Minister leave to provide an explanation. I think it is a separate matter from the suspension of standing orders. I think we need to deal with standing orders for these two bills, but I would be more than supportive of the Chief Minister being granted leave to give us a brief explanation on the health bill.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.17), in reply: Turning to the issue of the Health (National Health Funding Pool and Administration) Bill, I would draw to the Assembly's attention the fact that the scrutiny committee in its report this morning has provided no comment in relation to the Gaming Machine Amendment Bill or the Road Transport Bill but has provided comment in relation to the Health (National Health Funding Pool and Administration) Bill. Given those comments—

**Ms Gallagher:** This morning.

**MR CORBELL:** which were received this morning, and given other advice that the Minister for Health has also received, it is prudent not to proceed with debate on the bill today. It is a government bill and the government, as is the case with any member's bill—

*Members interjecting—*

**MADAM SPEAKER:** Order, members!

**MR CORBELL:** It is the well-accepted convention in this place that the proponent of the bill, whether it is a minister or whether it is a private member, has the initiative as to whether or not a bill is debated. That is exactly what we are doing this morning and I have provided an explanation in relation to the bill.

In relation to the other two bills, the government would welcome the support of the Assembly to allow those other two bills to be brought on for debate and dealt with today.

**Mr Hanson:** I seek leave to speak again.

**MADAM SPEAKER:** You really cannot, Mr Hanson. Mr Corbell has closed the debate.

*A call of the Assembly having commenced—*

*Members interjecting—*

**MADAM SPEAKER:** Order! Some conversation as the bells are being rung is fine, but continuing a debate across the chamber is not acceptable. And when I call you to order I expect you to come to order.

Question put:

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

The Assembly voted—

Ayes 9		Noes 8	
Mr Barr	Ms Gallagher	Mr Coe	Mr Seselja
Ms Berry	Mr Gentleman	Mr Doszpot	Mr Smyth
Dr Bourke	Ms Porter	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	
Mr Corbell		Mrs Jones	

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

### **Standing orders—suspension**

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

That so much of the standing orders be suspended as would allow the Chief Minister to explain the change in the status of the urgency of the Health (National Health Funding Pool and Administration) Bill 2012 (No 2) and the inconsistent advice received by the Opposition.

**MADAM SPEAKER:** Standing orders have been suspended, Chief Minister, to allow you to make a statement. Do you wish to make a statement?

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (11.22): Thank you, Madam Speaker, and I welcome the opportunity to discuss the Health (National Health

Funding Pool and Administration) Bill 2012 (No 2). The bill will not be debated this morning. There are some further issues that have been brought to my attention, including through the scrutiny report.

I was advised late yesterday around the possibility for a minor amendment in accordance with the standing orders that were passed by this place during the week that did not allow for circulation within 24 hours. So I am abiding by the arrangements that have been put in in this place.

In terms of the allegations raised by the opposition that without this bill there would be no funding flow, that is not correct. I would be extremely surprised if any official had said that. The new arrangements came into place in July. I dealt with this issue in my presentation speech and we have been having ongoing discussions about the passage of this bill.

It was urgent in the sense that it is preferable to have it in place by the end of the year, but it is not—with the amendment that needs to be passed, and in accordance with the standing orders established by this place, it will be dealt with in February. It will have no material impact other than it would be preferable. The commonwealth parliament would like this to be passed this year. In the ACT parliament, which is where it has got to be passed in accordance with the procedures set out by members in this place, that is not going to be able to be achievable. So we must move to February, and we will pass it in February in accordance with the standing orders.

But, Mr Hanson, I would be very surprised whether you can come up with any evidence to say that without the passage of this bill that funding would not flow. The new funding arrangements that will come in in 2014-15 will require these arrangements to be put in place. Other jurisdictions have moved that way. It would have been preferable to have it passed but in accordance with the standing orders, that cannot be delivered as agreed while providing members with 24 hours notice for the amendment which needs to be circulated.

**Mr Hanson:** Madam Speaker, I seek leave to make a brief comment.

Leave not granted.

## **Standing orders—suspension**

Motion (by **Mr Seselja**) put:

That so much of the standing orders be suspended as would enable Mr Hanson and other Members to respond to Ms Gallagher's statement.

*A call of the Assembly having commenced—*

*Mr Corbell interjecting—*

**MADAM SPEAKER:** The division is called for. Mr Corbell, your job is not to lobby members on their vote while the division is being called.

The Assembly voted—

Ayes 9

Noes 8

Mr Coe	Mr Rattenbury	Mr Barr	Ms Gallagher
Mr Doszpot	Mr Seselja	Ms Berry	Mr Gentleman
Mrs Dunne	Mr Smyth	Dr Bourke	Ms Porter
Mr Hanson	Mr Wall	Ms Burch	
Mrs Jones		Mr Corbell	

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

**MADAM SPEAKER:** I call Mr Hanson to make a statement.

**MR HANSON** (Molonglo) (11.26): There are a number of matters to be discussed here. Firstly, I would like to talk to the matter of urgency. It is unusual in this place that the opposition be put in the position where it is being asked to consider legislation in a period of a day or two. I certainly know that in the case of the two bills that we are going to consider today, there is consultation that has not occurred because of the urgency requirement.

So when the government asked us to deal with the matter urgently, there are consequences to that. There will be less engagement with the community. There will be less time to consider. It puts at risk the probity with which we can deal with those matters. So it is an important matter and it should be treated judiciously by the government. There should be an important reason why we are actually dealing with the matter urgently. It is not trivial. It has some impact.

In this case, the impact explained to the opposition, and it is contained in the bill, is the need to set up this arrangement so that we can get the funding from the federal government. I will read from my notes that I put together: “This funding pool is required to receive federal funding for hospital services under nation health and hospital reforms. This establishes the pool, an administrator of the pool, a state managed fund and miscellaneous provisions such as performance audit.”

So essentially this legislation that we were going to be debating, as it was put to me and as I understand it, is required to establish these mechanisms so that we can receive the funding. That was the rationale that was put together by the government. That is why we need to debate it urgently, because if there is another reason to debate it urgently, that has not been put to me. Certainly, the minister was unable today to articulate a reason why it was urgent.

The reason it is urgent is so we can start getting the money. It would appear that the government is now saying that it does not matter. It is not urgent. We can do this in February. So we have a situation where we were asked to do it urgently in the last Assembly and that did not happen. We were asked to do it urgently this week and that did not happen. Now the minister is saying it is not urgent at all; we can worry about it in February.

So it does lend itself to a lack of credibility of the government then when they are going to be putting legislation before this place, demanding that it be treated urgently, and then saying no when it does not suit them, that it is not urgent.

The reason that the government has given today that they have pulled it essentially is to do with the scrutiny report. The reason that Mr Corbell has given is false. It is fictitious. Let me explain why. The scrutiny report that was provided to day is actually the same scrutiny report that was provided to the government in August last year. It says so in the scrutiny report. It actually refers to a link. It says that it is the same scrutiny report. It says, "There is the link; go to the scrutiny report of the Seventh Assembly."

That scrutiny report was provided on 13 August and the government responded to the committee report on 20 August. So the government has had that scrutiny report. They have dealt with it. They have responded. Now they are saying, "Because of the scrutiny report we cannot debate this legislation today."

Clearly, that is not credible. Clearly, that is not true. Clearly, they are coming with fictitious reasons as to why they are withdrawing the legislation from being debated. So the question remains: why was it urgent? Why was it to be debated urgently and why is it no longer urgent? What on earth is going on within the Health Directorate? Essentially, Mr Corbell has come out with false reasons. What are the real reasons?

I think it was a reasonable thing to ask those questions today because as a result of this debate, as a result of this fiasco and the inability for the health minister to explain what is going on within her directorate and explain what is going on with this legislation, it is reasonable that the opposition be very sceptical and I think also the crossbench member of the executive be very sceptical when we are asked to deal with something urgently.

If the government is going to change their story to suit essentially just the matter of pleading and putting things on urgently at a whim and come up what have been proved to date as fictitious reasons, false reasons, essentially trying to hoodwink this Assembly into believing something and be caught out doing it, then I flag that this opposition I think would be very sceptical when it is being asked to deal with things urgently.

**MR SESELJA** (Brindabella—Leader of the Opposition) (11.31): I thank members for the suspension.

**Mr Rattenbury**: I think the motion actually called for Mr Hanson to be allowed to talk.

**MADAM SPEAKER**: No, the motion called for Mr Hanson and other members to be allowed to speak.

**MR SESELJA**: I will not speak for long but I do note just a couple of things and make a couple of points in addition to what Mr Hanson had to say. Firstly, I note the

lack of courtesy of the health minister. Having asked for urgency then having pulled back on that urgency, not to even sit here and listen to what Mr Hanson had to say I think shows a lack of courtesy.

But what we heard from the health minister was that in fact this was never urgent. She said that it was “preferable”. That was the word she used. She said that it was preferable that this happen. That is not a reason for urgency. So the reason we were given was a false one and that is very disappointing because we do have to take at face value some of what the government tells us on these things.

When they say that we have these urgent bills, these are the reasons, we are often not in a position to know whether or not they are telling the truth. We have to take at face value that they are in fact giving us correct information. In this case, they were not. If they are giving us false information on this, I think that that will undermine every request for urgency and every piece of information the government gives us where they say: “This is what the department has advised us. This is needed. This is what is happening at COAG.” If in future we are going to suspend standing orders so that legislation can be debated urgently, it is incumbent upon the government to be honest and to be truthful about what has happened.

I will just make another couple of brief points on this as well. The other reason given by the health minister was the new regime. I would simply make two points about that new regime. We did make the point that it would not help for the workability of the Assembly to have a 24-hour rule on amendments. We have been proven correct on day 3 because Ms Gallagher has now said that a bill that was deemed urgent will now not be debated for a couple of months because of an arbitrary rule that says you have to have 24-hours notice for amendments. I think the case we made has been proven.

The other point that I would make, though, is that we are talking about a suspension of standing orders. So if it was that important, if it was that urgent, we are suspending standing orders so that the ordinary course between introduction and debate does not occur. Likewise, that could occur for amendments also, Madam Speaker. So there is an absurdity to it.

Just finally, we need to know that what the government is telling us on these matters is true. It has been proven in this case that it was not. I think that is very disappointing and it will certainly colour future negotiations.

*Ordered that order of the day No 1, executive business, be postponed until a later hour this day.*

## **Road Transport (Third-Party Insurance) Amendment Bill 2012**

Debate resumed from 27 November 2012, on motion by **Mr Barr**:

That this bill be agreed to in principle.

**MR SMYTH** (Brindabella) (11.35): The opposition will be supporting this bill. This bill fixes up a number of inconsistencies that have arisen as a consequence of the last day of debate on the original bill. I think members will remember that it was quite an exciting event. We suspended discussions and all sorts of things were going on.

One of the inconsistencies that now exists is that the government had originally put in 28 calendar days for the period for which people could accept early payments. The Greens had moved an amendment to make it 30 working days. Apparently, both numbers still exist in the bill; so that inconsistency needs to be addressed. There are also some issues over the guidelines which give power over the payment of these early payments for people so that they can access health care.

I have consulted with the groups affected as best I could in the short time available. I have spoken to the Law Society and to the NRMA. I was not able to speak with a couple of others that I think probably would approve. But on the briefing that I have had, and I thank the Treasurer for arranging that, it seems reasonable to proceed with these amendments today.

There is another provision, which is perhaps one of the more important ones. The transition provisions allow the cases that were in existence previously to these amendments to continue under the old scheme as the transition provision was accidentally amended out of the bill as well; so that is re-inserted in this case. That said, the opposition is happy to support the bill today.

**MR RATTENBURY** (Molonglo) (11.37): The Greens will be supporting this bill. We believe that it provides a number of small technical amendments to correct errors that were made in the debate in the previous term. On that basis, it is a very simple and straightforward bill.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (11.37): I thank the opposition and Mr Rattenbury for their support of the bill. I do note that the reason we are having to do this is that there were some amendments made up in a hurry during the debate at the time. If we are looking for an illustration of why taking some time around amendments is often a good thing, this is a very good example of that.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Gaming Machine Amendment Bill 2012**

Debate resumed from 27 November 2012, on motion by **Ms Burch**:

That this bill be agreed to in principle.

**MR SMYTH** (Brindabella) (11.38): The Canberra Liberals will be supporting this bill today. Apparently it may well have been my fault in the drafting of some of the

amendments I made that we have actually modified an incorrect section. So rather than increasing the number of machines whereby a club can have no limit on ATM withdrawals, we actually amended the section that would allow the number of machines that can be transferred without an impact statement being done. I thank members for their assistance in correcting what would appear to be my mistake. With that, we would support the bill.

**MR RATTENBURY** (Molonglo) (11.39): I welcome Mr Smyth's honest assessment of why we are here today. On the one hand this is a simple bill to repair a straightforward mistake, as Mr Smyth has noted. That mistake we believe came about because of the government's change of policy during the passage of the bill. There are some different interpretations around. We do not agree with that change. I think that is the important point here.

The bill effectively has two parts. The first is that it will reduce the threshold for a social impact assessment, and we agree with that. As members will recall from the debate, the Greens previously opposed the bill that we are now amending on the basis that it effectively allowed poker machine licence holders to maximise the use of their machines, with no mechanism to reduce the prevalence of the machines, and that the introduction of the ATM limit, whilst a good move that we supported, did not offset the overall negative impact of the changes in the bill.

The Greens are concerned that the transfer scheme will allow for the creeping shift of machines to the detriment of local communities and people who suffer from a gambling addiction. For this reason the Greens will support the first amendment because we think that the commissioner should be fully assessing machine transfers and reducing the number of machines to trigger that assessment and is a good thing.

In relation to the second amendment, the Greens do not believe that we should ever be winding back harm minimisation measures. The Greens' view is that every poker machine licence holder should be subject to the ATM withdrawal cap and there should be no exemptions. We certainly cannot agree to the increase to an exemption for 20 machines.

Restricting access to cash in venues is seen as an important harm minimisation measure. In fact, in Victoria there is a total prohibition on ATMs in poker machine venues. The Productivity Commission report said that "imposing a \$250 daily cash withdrawal limit in gaming venues would help some problem gamblers". It seems from evidence considered by that inquiry that it is in fact typically the more seriously affected problem gamblers that this measure helps.

The 2006 New South Wales prevalence study revealed that the problem gambling group was nearly nine times as likely to use ATMs to withdraw money for gambling compared with gaming machine players overall. Even Clubs Australia in their submission to the Productivity Commission inquiry said, "Easy, proximate access to cash may exacerbate the amount lost in a particular gambling session."

The Greens have consistently argued that we should be doing everything we can to combat problem gambling. Winding back what is recognised as an effective harm

minimisation measure is a bad outcome. Common sense tells us that a problem gambler only needs one poker machine to lose all their money and the idea that we should not be doing something to help limit the losses of those who gamble in smaller venues I simply cannot agree with.

The prevalence of problem gambling in Canberra is well known thanks to the prevalence study undertaken about two years ago. We know that there is a real problem in our community and that it extends beyond those individuals themselves. It affects their family, friends and work colleagues as well. Problem gambling is a very complicated issue and it will need a whole range of measures put in place to address it and reduce the harms that it causes. Winding back on one of the few measures that we have in place is the wrong move and the Greens will not support it.

**MS BURCH** (Brindabella—Minister for Education and Training, Minister for Disability, Children and Young People, Minister for the Arts, Minister for Women, Minister for Multicultural Affairs and Minister for Racing and Gaming) (11.42), in reply: The Gaming Machine Amendment Bill 2012 addresses an error that was introduced during the debate on the Gaming Machine Amendment Bill in the Legislative Assembly on 23 August this year. Just in case we have not picked it up, it was an error introduced by Mr Smyth—so thank you for being so candid about that.

This bill was introduced in the Legislative Assembly on 27 November 2012. An error in amendment 18, regarding the definition of small-scale relocation amendments, in effect provides that the Gambling and Racing Commission will have discretion to not require a full social impact assessment or a social impact statement for proposals to move up to 20 machines, rather than the 10 that was intended.

The error in amendment 29, regarding the number of machines a licensee may operate before being subject to the ATM withdrawal limit, in effect provides that the limit does not apply to a licensed premise if the licence authorises the operation of 10 or less gaming machines, rather than 20 or less machines as intended.

It is clear that the amendment was intended to ensure that the ATM withdrawal limit did not apply to smaller gaming venues. This bill puts in place the arrangements to which the Assembly had agreed during debate. I thank the Assembly for dealing with this matter in such a quick manner.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clauses 1 to 4, by leave, taken together and agreed to.

Clause 5.

**MR RATTENBURY** (Molonglo) (11.44): As I mentioned earlier, I will be opposing this clause.

Question put:

That clause 5 be agreed to.

The Assembly voted—

Ayes 16

Noes 1

Mr Barr	Ms Gallagher	Mr Rattenbury
Ms Berry	Mr Gentleman	
Dr Bourke	Mr Hanson	
Ms Burch	Mrs Jones	
Mr Coe	Ms Porter	
Mr Corbell	Mr Seselja	
Mr Doszpot	Mr Smyth	
Mrs Dunne	Mr Wall	

Question so resolved in the affirmative.

Title agreed to.

Bill agreed to.

**Sitting suspended from 11.49 am to 2.30 pm.**

## **Questions without notice**

### **Taxation—reform**

**MR SESELJA:** My question is to the Chief Minister. Chief Minister, you stated during the election campaign that your tax changes to household rates to abolish stamp duty would equate to the cost of a cup of coffee per week. Chief Minister, assuming a \$4 cup of coffee per household per week, that would generate around \$30 million per annum. Do you stand by your statement that these reforms and abolishing stamp duty will cost households just a cup of coffee per week?

**MS GALLAGHER:** I do not recall using the term “cup of coffee per week”. I am happy to be corrected on that, but seriously I do not recall using that term.

**MADAM SPEAKER:** A supplementary question, Leader of the Opposition.

**MR SESELJA:** Minister, how many more cups of coffee per week will be needed to make up the at least one quarter of a billion dollars in stamp duty that is still not replaced?

**MS GALLAGHER:** I do not use the term “cup of coffee”. I do not drink coffee. Seriously, I do not recall using that terminology at all. In relation to the very important issue of tax reform, the government will continue the steps that we have put in place to make sure that our taxes, our revenue that we raise to fund important services across the ACT is sustainable in the long run, is efficient and is equitable—

more equitable than it is at the moment. We will continue that work. It is important work in terms of the future of this city. It is very important for the continuation of the higher quality services that we provide and that we will announce—and members will see that—in the annual budget process.

**MR SMYTH:** Supplementary question, Madam Speaker.

**MADAM SPEAKER:** Supplementary question, Mr Smyth.

**MR SMYTH:** Chief Minister, when will stamp duty be abolished?

**MS GALLAGHER:** The timetable that we have outlined is a progression to reduce stamp duty over 20 years.

**MADAM SPEAKER:** A supplementary question, Mr Smyth.

**MR SMYTH:** Chief Minister, what will be the average rates bill per household once the tax change is fully implemented?

**MS GALLAGHER:** As those changes, beyond the changes that we have already announced, are announced, that detail will be provided.

### **Hospitals—funding**

**MR HANSON:** My question is to the Minister for Health. Minister, on 15 October 2012 you announced that a re-elected Labor government would allocate \$250 million to continue the health infrastructure program, including the new subacute hospital. Minister, how much of that \$280 million is allocated to the subacute hospital?

**MS GALLAGHER:** You are referring to the \$250 million or \$280 million?

**Mr Hanson:** 250 or 280—you tell me the correct amount. As I have got it, it is 250—

**MS GALLAGHER:** Through you, Madam Speaker, Mr Hanson asks me about a \$280 million figure. I do not recall that being Labor Party policy. We made some announcements about \$250 million being allocated to a range of projects and we listed the subacute hospital as one of those projects.

We are going through some of the final work that needs to be done around the proposed financing model of that hospital. Once that work is completed we would then look at how much needs to be allocated for the next stage.

**MADAM SPEAKER:** A supplementary question, Mr Hanson.

**MR HANSON:** Minister, how can we believe you are 100 per cent committed to the new subacute hospital when your policy statement said you will be exploring delivery models such as potential partnerships with industry?

**MS GALLAGHER:** The subacute hospital is an agreement I have reached with the University of Canberra. We had signed a heads of agreement between the government—at that time it was prior to caretaker—but now that we are in the position again, that heads of agreement continues. That is the level of commitment I bring to this project. This is a project I have started; it is a project I will complete. But, yes, we are going through, as all projects need to, the due diligence stage, including looking at different financing options for that project—whether it is design, construct, own, build or whether it is a private sector partnership. All of that is being examined. That work has not been completed at this time, but I expect we will be taking some decisions in the next budget.

**MADAM SPEAKER:** A supplementary question, Mr Seselja.

**MR SESELJA:** Minister, will the subacute hospital be another over-promised, underfunded and delayed piece of infrastructure that is symbolic of your government?

**MS GALLAGHER:** The subacute hospital will be a very important part of the health infrastructure program. It is a very important component of the reform of the health system in terms of ensuring that we have an adequate and appropriate focus on subacute care. It is a significant project to construct a hospital. We will bring to that project all the resources required to deliver that project to the highest possible standard. And that really is focusing on the patient care that will be delivered, the connections with the university and the opportunities for students, including research opportunities that will be generated by that project. I would just say too that it was incredibly flattering to have the Liberals copy yet another part of my health policy that I took to the election.

**MR SMYTH:** A supplementary question, Madam Speaker.

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

**MR SMYTH:** Minister, given that the estimated cost of the subacute hospital alone is a minimum of \$280 million, where is the remainder of the funding for the health infrastructure that you are promising coming from?

**MS GALLAGHER:** We have made commitments of \$250 million over the next four years, I think.

*Mr Hanson interjecting—*

**MS GALLAGHER:** I believe even the Liberals' copying of my policy had their model of the subacute hospital starting towards the end of, if not in, the next electoral term. There is four years to roll out a number of health projects. We have indicated that the project will be commenced during this election cycle, but it will not be completed by then.

**Employment—policy**

**DR BOURKE:** My question is to the Treasurer. Can the Treasurer outline what the government is doing to protect and help create jobs in both the public and private sectors in the territory?

**MR BARR:** I thank Dr Bourke for his question. The government certainly understands the importance of ensuring that our economy continues to grow and that it continues to prosper, and we recognise the particular importance of ensuring that we are protecting and creating jobs in our city. Since we have been elected we have worked hard to create local jobs, and it has paid off. Canberrans enjoy the lowest unemployment rate in the country at 4.1 per cent and in October of this year 208,200 Canberrans were in work, which is a new record for people in employment in our city.

Our near-\$800 million infrastructure program is building facilities across the territory that are not only creating thousands of construction jobs but also bringing health and education jobs into various parts of the city as new schools and health facilities are built.

Our cut to payroll tax has seen private businesses able to employ more people before hitting the payroll tax threshold. As I have mentioned before, we now have the most competitive payroll tax regime in the country for small and medium sized businesses. In fact it is the most competitive payroll tax system for businesses up to a payroll of \$4.7 million.

We cannot take the current situation for granted, though. The government knows that we must continue to support and boost growth, innovation and investment right across the territory. We will continue to enhance services to the community and support jobs in priority growth areas, particularly in health. We will not slash and burn the public service as we return the budget to surplus. In fact we will grow the overall number of public servants in line with an increase in the services that we deliver to the community.

The government also remains committed to creating a great environment for private investment and for that investment to generate more jobs, and it will continue to invest in public infrastructure projects, supporting the jobs of the nearly 16,000 Canberrans who work in the construction industry. We will continue to support apprentices through funding for the CIT and other vocational education programs. It is the same CIT, I would note, that the Canberra Liberals left out when creating their education and training policy.

We will continue to take an active role in providing the right policy settings and providing the right tax reforms to ensure that small and medium sized businesses are able to grow over the next four years.

**MADAM SPEAKER:** A supplementary question, Dr Bourke.

**DR BOURKE:** In relation to the policies, Treasurer, and vision that you have just outlined, would you please advise specific steps that the government has taken in this regard to date and will into the future?

**MR BARR:** In April of this year I released the business development strategy—growth, diversification and jobs—that makes it easier to do business in Canberra, and it included cuts to payroll tax. This reform is seeing businesses able to employ more people than before, but we know there is more work to do. So I am pleased to say that the government is committed to making further cuts to payroll tax by raising the payroll tax threshold from \$1.75 million to \$2 million during this term of government.

We also recognise the important role the public sector plays, and that is why we have committed to our strategy of supporting quality public services. Growth in the public service will be measured and responsible over this term of government, and it will be affordable. We have a particular focus on increasing our whole-of-government graduate intake by 10 per cent a year for the next four years to recruit the next generation of public sector leaders.

We will also increase our trainee and apprenticeship intake by at least 10 per cent a year, and we will boost staff in areas of particular frontline service delivery priority. An example of this is an additional 13 doctors, 99 nurses and 12 allied health and support staff to be employed over the next four years.

**MADAM SPEAKER:** A supplementary question, Mr Gentleman.

**MR GENTLEMAN:** Can the Treasurer advise members on other policies that the government is implementing to promote and encourage business investment in the ACT, therefore supporting jobs?

**MR BARR:** Innovation is clearly the foundation for our city's economic growth and for our ongoing competitiveness, and we are very committed to positioning our city as an innovation hub. That is why the 2012-13 budget included a \$20 million investment in innovative programs to further boost the city's private sector. To outline just a few of those initiatives, they included the expansion of the innovation connect program to further support early stage business innovation, to provide new funding for clean technology and sustainability oriented companies and for major proposals on new innovation infrastructure, and also to create the global connect program to act as a single portal for the various trade development activities that the ACT government undertakes.

The government has also provided funding for a new Canberra brand which will be launched at the end of our centenary year. One aspect of this brand is around ensuring our city is a more attractive place for business investment, to make it easier for businesses to move through the process and set up and expand their operations here. We seek to do that through establishing a new business leverage unit within the Economic Development Directorate.

Members may also be aware that the growth, diversification and jobs strategy foreshadowed a buy local social media campaign, and I am pleased to inform the Assembly that this will be announced early in our centenary year and will assist small businesses in using social media to more effectively market themselves to the Canberra community.

**MADAM SPEAKER:** A supplementary question, Mr Wall.

**MR WALL:** Minister, if all is as well as you say, why has business confidence in the territory fallen 31 per cent in the last quarter, putting the territory now below the national average?

**MR BARR:** There was very great concern, I understand, at the prospect of a Liberal government in the ACT. That, combined with the thought of 20,000 job cuts coming from a federal Liberal government, certainly had an impact on confidence in some sections of the business community. Madam Speaker, I think you see in the commentary from those responsible for this particular survey that there is certainly some concern about sales into the future.

My response to the member would be that the single most important thing that this government can do to ensure that there is ongoing confidence and viability in the territory economy is to ensure that Canberrans have the opportunities for jobs. And the worst thing that can happen to this city is that if 20,000 of those 208,000 jobs are ripped out of our economy, we will go into recession. It will confirm again what Canberrans know—that the Liberal Party is the party of recession in this city.

### **Canberra Hospital—alleged bullying**

**MRS JONES:** My question is to the Minister for Health. In the last Assembly you refused to release the review into bullying in obstetrics and you also refused to release staff culture surveys. The executive who doctored data in ED claimed she did so out of fear but you said that she was wrong. Minister, please outline for the Canberra community why you are so worried about them knowing what the ACT Health staff think?

**MS GALLAGHER:** I am not.

**MADAM SPEAKER:** A supplementary question, Mrs Jones.

**MRS JONES:** Minister, when staff do say how they are feeling, like the staff member at the centre of the ED manipulation scandal, why do you state that they must not be telling the truth?

**MS GALLAGHER:** I have not.

**MADAM SPEAKER:** A supplementary question, Mr Hanson.

**MR HANSON:** Minister, when ACT Health staff have negative feedback to make publicly, such as the obstetrics doctors complaining about bullying in 2010, why did you accuse them of not telling the truth?

**MS GALLAGHER:** These matters have been fully explored in the last Assembly. I meet staff all the time. I hear positive and negative feedback. In fact, if there is one directorate where staff feel more than able to inform ministers and senior executives about how they are feeling at work, it is in the Health Directorate, and I welcome that, as does the director-general, which is why she got rousing applause when ACT Health got such a positive accreditation report about a week ago from an auditorium and a staff cafeteria packed with staff keen to hear about their organisation and the input they have had into it.

**MADAM SPEAKER:** A supplementary question, Mr Hanson.

**MR HANSON:** Minister, why are you hiding the views of ACT Health staff from the Canberra community through the staff culture survey?

**MS GALLAGHER:** I am not hiding anything.

## Visitor

**MADAM SPEAKER:** Before I give Mr Wall the call, I acknowledge the presence in the gallery of former member and minister, Mr Hargreaves. Welcome back to the Assembly.

## Questions without notice Government—infrastructure projects

**MR WALL:** My question is to the Chief Minister. Chief Minister, soon after prisoners arrived at the AMC you had to have a review into the failures of the prison. Now, shortly after the opening of the women and children's hospital, you have to have a review into the failures of the hospital. What other infrastructure projects will you be forced, during the current term of the Assembly, to have a review into because of your government's failure to deliver infrastructure on time and on budget?

**Mr Corbell:** On a point of order, the question is hypothetical: what reviews will you have to undertake in the future? It is a hypothetical question, Madam Speaker.

**Mr Seselja:** On the point of order, Madam Speaker, if the test for hypothetical is anything that may happen in future then many, many questions would have been ruled out of order. The Speaker has consistently ruled on this, that those questions have not been ruled as hypothetical and have not been ruled out of order.

**MADAM SPEAKER:** On the point of order, I think that there is a fair amount of precedent for questions that border on the hypothetical, certainly in the last Assembly, being in order. It is something that when members are compiling questions they should have in mind, but on this occasion I will allow the question. Chief Minister.

**MS GALLAGHER:** I am happy to answer the question, but could the member repeat the question? I think the question was: how many reviews—not what the reviews are into but how many.

**MADAM SPEAKER:** Would you like to repeat the question, Mr Wall?

**Mr Wall:** The second part of the question, Chief Minister, was: what other infrastructure projects will you be forced, during the current term of the Assembly, to have a review into because of your government's failure to deliver infrastructure on time and on budget?

**MS GALLAGHER:** I do find myself at a bit of a disadvantage to answer that, but I would like to correct the preamble to the question which said that we were doing a review into the failures of the women's and children's hospital. We are not doing that. We are reviewing the model of care.

*Mr Hanson interjecting—*

**MS GALLAGHER:** Madam Speaker, the review that I commissioned is into the model of care at the women's and children's hospital which, for those opposite, is how you provide care to patients—how nurses, how midwives, how doctors provide care to patients. That is what is under review. As to the second part of the question, I do not feel that I am in a position to answer that.

**MR WALL:** Supplementary—

**MADAM SPEAKER:** Supplementary question, Mr Wall.

**MR WALL:** Chief Minister, are directorates now meant to accommodate in their budget for future infrastructure projects contingency for reviews into their failure?

**MS GALLAGHER:** I would say that we do expect agencies to have capacity for review of their services and for major projects. I would not take the negative view that the Liberal opposition will continue to take that it is around failures. It is good practice in any organisation to review what services you are providing, how you are providing them and, particularly for new services, whether those services are meeting the needs of the community. So built into certainly the provision of new services within the health system there is the capacity to review those, based on wanting to see whether what you set out to do is what you achieved and, if it is not, whether you need to change that.

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

**MADAM SPEAKER:** Supplementary question, Mr Coe.

**MR COE:** Chief Minister, how many more birthing suites could have been opened in the hospital if you had not had to spend so much money on reviews?

**MS GALLAGHER:** I do not know, again, that that is a fair comparison. One, the review in terms of commissioning the independent advice, which would come at a cost, has not started. So I cannot give you a figure. As to whether you could equate that to a capital cost of the construction of another birth suite and then the recurrent cost of the nurses and doctors that go along with that, I could certainly say that the review will come nowhere near the operations of additional birth suites.

The birth suites once stage 2 is complete, and the maternity services move back into the stage 2 of the building, will provide the level of birth coverage that will be provided at the Canberra Hospital for years to come. Additional capacity, if it is required, will happen on the north side of Canberra at Calvary Public Hospital and we have the full support of the Little Company of Mary Health Care to deliver that additional capacity.

**MADAM SPEAKER:** A supplementary question, Mr Coe.

**MR COE:** Why will you not conduct an independent review into the fiasco at the Centenary hospital?

**MS GALLAGHER:** There is no fiasco at the women's and children's hospital. We have just had the surveyors through, and they have commented on the building, which includes more than the maternity services. It includes a state-of-the-art neonatal intensive care service and it includes Ronald McDonald House—the first Ronald McDonald House anywhere in Australia to actually be accommodated within a women's and children's hospital. It is state of the art, and the comment back from them was that it is simply stunning and that they have not seen facilities like this in a public hospital. And for you lot to continue to talk it down and try to demean it is outrageous. It is what we expect from you. Mr Hanson could not even be bothered to come to the opening. The shadow minister for health could not even find it in himself to come and see what has been achieved. And yes, there are issues that need to be addressed. I have never said there are not, right across the health system.

**Mr Seselja:** It is falling apart.

**MS GALLAGHER:** It is not falling apart, Mr Seselja—with a smile on your face. How excited you are to say that—the thought that that might be falling apart, and then they could come in here and talk down the women's and children's hospital. Oh, what a great opportunity that is for the Liberal Party! Serious work goes on at the women's and children's. I am proud of it. I am the one that decided to build a women's and children's hospital in this city. I am the one that got the money for it. I am the one that has delivered the project, and women and children, babies, the neonates that come from outside Canberra, that come and have their lives saved every single day in that hospital—

**Mr Hanson:** Twenty million.

**MS GALLAGHER:** Every single day that happens, Mr Hanson, in superb facilities where parents can sit by their triplets and their twins, as their lives are saved, as

operations are done that save their lives. And do you know why? It is because of the investments that we made, Mr Hanson, with no help from you but sniping and whining from the sideline. (*Time expired.*)

### **Crime—statistics**

**MR GENTLEMAN:** My question is to the Attorney-General. Attorney-General, the ACT criminal justice statistical profile tabled earlier this week shows decreases in a range of crimes across the ACT. This is a very positive result for the ACT. Can you outline the areas in which the crime rate has decreased?

**MR CORBELL:** I thank Mr Gentleman for his question. The September quarter Canberra crime report card shows a continuing decrease in several serious crime types in the ACT, including assaults, robberies and weapons offences. I am very pleased to say that, thanks to the hard and dedicated work of ACT Policing, in concert with ACT government agencies, this is ensuring that Canberra remains a safe place and that we are getting great results when it comes to community safety.

The protocol indicates a consistent decrease across a range of reported property and personal offences in the ACT for the 12 months from September the previous year to September 2012. Year after year there continue to be decreases in burglaries and break and enters, weapons offences, property damage, assaults and robbery offences. In the past 12 months there have been across-the-board decreases in burglary and break and enter offences, which have decreased by 12 per cent, with 2,605 offences in the 12 months to September 2012 compared to 2,954 offences in the 12 months to September 2011; that is, 349 fewer instances of break and enter occurring in our city.

When it comes to property damage, we have seen a 22 per cent decrease, with 5,496 offences in the 12 months to September this year compared to over 7,000, in fact 7,022, offences in the 12 months to September 2011; that is, 1,526 fewer instances of property damage in our city over the last 12 months.

When it comes to assaults, including acts intended to cause injury, these have decreased by 12 per cent, with 2,247 offences in the 12 months to September 2012 compared to 2,556 offences committed in the 12 months to September 2011—309 fewer assaults in our city. That is great news for personal safety in our city.

Weapons offences are down also, by seven per cent, and robbery has decreased by nine per cent, with 236 offences in the 12 months to September this year compared to 260 offences in the 12 months to September 2011.

All of these figures show that under this Labor government Canberra is becoming a safer and safer city—fewer break and enters, fewer stolen motor vehicles, fewer assaults, fewer instances of property damage because of the investment this Labor government has made in our police, in the laws that support them and in our strategies to drive down the level of crime in our city—confirming once again that our city is one of the safest places in Australia to live.

**MADAM SPEAKER:** A supplementary question, Mr Gentleman.

**MR GENTLEMAN:** Minister, are you able to outline for the Assembly what steps the ACT government has taken that have contributed to this result?

**MR CORBELL:** These consistent reductions in crime are the result of a dedicated strategic and proactive effort on the part of ACT Policing, and I extend to them my thanks and congratulations on behalf of the government for the dedicated work officers of ACT Policing do every day. But I also recognise that they do this in partnership with a range of ACT government agencies.

The decreases in assault offences, for example, over the past 12 months can be seen in part as a result of the Labor government's efforts to reform our liquor licensing legislation to encourage safer and more responsible drinking practices. As a part of these reforms, there has been greater engagement with licensees and the community to increase our community's understanding of the causes and precursors of alcohol-related harm.

Also contributing to this downward trend is ACT Policing's partnership with the Foundation for Alcohol Research and Education. This partnership aims to help reduce the number of alcohol-related acts of violence in public places. The review is currently evaluating the impact of risk-based licensing on alcohol-related violence in the ACT. Of course, those opposite continue to maintain what would almost appear to be an in-principle objection to risk-based licensing when you look at their actual detailed critique, but it is the case that risk-based licensing is making our city safer, and that is a good thing for our community.

There are many factors that can contribute to the quarterly decreases in property crime, particularly the efforts of ACT Policing's initiative for the property crime targeting team using aggressive crime targeting strategies to target recidivist offenders, enforce bail conditions and target ongoing activity. But also the work of our property crime reduction strategy is making a difference.

**MADAM SPEAKER:** Supplementary question, Mr Seselja.

**MR SESELJA:** Minister, how many of the crimes in question during the period occurred when offenders were out on bail, and how many of those offences were violent offences?

**MR CORBELL:** I think it would be fair to say that any assault is a violent offence and I would have thought that would have been obvious. In relation to the issue of bail, there would be no doubt that some of these offences were committed by people who were on bail, and it may be the case that there would be others who were not on bail.

**MADAM SPEAKER:** Supplementary question, Ms Porter.

**MS PORTER:** Minister, the ACT criminal justice statistical profile also shows lower rates of youth detention in the ACT. Can you outline for the Assembly what this reduction was, in particular in reference to Indigenous young people?

**MR CORBELL:** I thank Ms Porter for her question and her ongoing interest in the cause and the concerns of young people involved in the criminal justice system, particularly young Indigenous people. Alongside the strong downward crime trend that I have just outlined, the statistical profile released earlier this week also shows lower rates of youth detention, with an 18 per cent decrease for all young people remanded or committed to Bimberi in the September 2012 quarter compared to the previous June quarter. This is an area that has seen significant decreases, with the incidence of young Aboriginal and Torres Strait Islander people remanded at Bimberi declining.

This, of course, has been a key focus of the Labor government. We are encouraged to see that the latest quarterly figures show the numbers of Aboriginal and Torres Strait young people remanded or committed to Bimberi has dropped by 71 per cent. It is down from 17 remands and committals in the June 2012 quarter to five in September 2012.

This is because of a focused effort on the part of all agencies across government to engage with and to provide further support to Aboriginal and Torres Strait Islander people and it means that we see less incarceration of young people in our justice system and in particular in Bimberi.

Of course, this has been achieved through the ongoing implementation of the Aboriginal and Torres Strait Islander justice agreement. The agreement, which was tabled in the Assembly earlier this year, took stock of our success and also identified further areas for improvement.

We continue to build on these measures through activities such as the establishment of the Aboriginal and Torres Strait Islander programs and services committee to coordinate service delivery with the local Indigenous community, the commencement of the ATSI family engagement officer position and the after-hours bail support service. (*Time expired.*)

### **Centenary Hospital for Women and Children—facilities**

**MR COE:** My question is to the Minister for Health. During estimates hearings on 21 June, the Director-General of the Health Directorate stated that some facilities within the women and children's hospital were temporary. You then corrected the director-general and stated that they were not temporary but just located for a short period of time in a location at which they were not remaining permanently. Minister, can you provide a definition of "temporary" as you understand it, for the use of health department officials during future public hearings?

**MS GALLAGHER:** Well, ha, ha, ha! Well done, Alistair, for trying to take the funny question.

**MADAM SPEAKER:** Chief Minister, standing order 42.

**MS GALLAGHER:** Seriously, Madam Speaker, for a definition of “temporary”, I would direct the member to a dictionary. It may be that he does not have his computer with him. It is quite easy to look up. In relation to the *Hansard*, before I comment on it I would want to check the *Hansard*. I have not read it since around 22 or 23 June. The point I was probably trying to make was that they are not temporary services in the sense that they will not continue; they will continue in a different location once the full hospital is open.

**MADAM SPEAKER:** A supplementary question, Mr Coe.

**MR COE:** Minister, are there any other words of which the Health Directorate should be informed that you have a different definition to them?

**MS GALLAGHER:** I am not sure I can add anything to the question. I think Mr Coe is trying to be funny.

**MR HANSON:** Supplementary—

**MADAM SPEAKER:** Supplementary question, Mr Hanson.

**MR HANSON:** Minister, how would you define the shortened period of time new mothers now get to spend in birthing suites in the women’s and children’s hospital.

**MS GALLAGHER:** As Mr Hanson knows, the model of care was determined and consulted over in the lead-up to the opening of stage 1 of the new women’s and children’s hospital. As part of it, for healthy women with healthy babies and who have had a straightforward birth where there have been no complications, the model of care sets a minimum of six hours as the minimum time someone should stay in hospital, with a view to having people out of hospital within 24 hours.

There are many women who actually like that model of care. I have had two complaints that I am aware of where women have said they felt rushed to leave the hospital. We are currently examining whether that model of care is going to meet everybody’s needs.

**MADAM SPEAKER:** A supplementary question, Mr Hanson.

**MR HANSON:** Is your avoidance of the word “temporary” just your attempt to hide the fact that facilities were just not finished on time.

**MS GALLAGHER:** Stage 1 was completed, I think, in early August. It was always the case that stage 2 would open about 12 months after stage 1.

**Mr Hanson:** No, it wasn’t.

**MS GALLAGHER:** It was, Mr Hanson.

**Mr Hanson:** No, it wasn’t.

**MS GALLAGHER:** It was, Mr Hanson, because there is no other way to build the hospital. What it meant—and I do not know what you do not understand about this—is that the old maternity hospital moved into the new hospital, and in order to have the whole hospital built, the old maternity hospital had to be essentially destroyed, which it has been now. It is a vacant block. So we then move to the second stage of the building. It could not have been delivered any other way whilst maintaining continuity of service. That is the way hospitals on brownfield development sites are done. It was always the intention that there would be about a 12-month period of construction of stage 2.

### **Disability services—housing**

**MS BERRY:** My question is to the minister for disability. Can the minister inform the Assembly what new and innovative models of disability accommodation are underway in the ACT and what support is the government providing to establish these models?

**MS BURCH:** I thank Ms Berry for her question. The ACT government believes that people living with a disability should have every chance to achieve their full potential as valued and equal members of our community. Since 2001, funding for the disability sector has more than doubled, and the ACT Labor government will now invest a further \$15 million to increase support for people with a disability, their families and carers.

The cornerstone of this investment is the creation of innovative accommodation models for people with a disability. On 13 September this year I was delighted to announce, jointly with prominent Canberra businessman Mr Glenn Keys, a new model called Project Independence. This will offer unique accommodation for people with a disability in the ACT.

The project will construct three specially designed Canberra share houses at a cost of \$3 million. This unique social housing model will allow people with an intellectual disability and low support needs to purchase equity in their homes. The project will achieve individualised support chosen by the people who live there. Land has been identified in Harrison, Latham and Phillip as possible sites for Project Independence.

Disability ACT and Housing ACT are working with Project Independence around the planning, design, governance and service model. Project Independence builds on features that underpin the national disability insurance scheme by extending greater levels of support for people with a disability and their families.

Labor is also putting in place more accommodation for people with a disability that we announced during the election. We will build and service two six-bedroom houses that provide accommodation for disability tenants with relatively low support needs, a project that has a value of around \$3 million.

We will begin replacing Canberra's disability respite properties, a very worthwhile investment of around \$4 million. The first two sites—one for adults and one for

children—will replace the Hughes and Kese properties. These projects are in addition to the more than \$7 million that the ACT government has committed to the intentional community in Phillip. The intentional community will support people with a disability to live independently in the community. This housing initiative will develop a supportive community through a 25-unit public housing development. Initially there will be three young adults with a disability moving in there.

The remainder of the homes are being offered to public housing tenants. Tenants are being chosen, through an expression of interest process, because they are committed to the creation of a supportive and inclusive community for people with a disability. Along with the informal support provided by these tenants, the three young people involved will also receive formal support through funded disability support packages.

These models, particularly Project Independence, will make a big difference to the lives of people living with a disability here in the ACT.

**MADAM SPEAKER:** A supplementary question, Ms Berry.

**MS BERRY:** Minister, how do these models of accommodation differ from existing types of disability accommodation currently available in the ACT?

**MS BURCH:** Project Independence is indeed unique. It will provide long-term certainty in a loan-licence tenure similar to affordable housing in retirement homes when individuals buy equity in their home. People will be able to purchase a licence to where they live and, if they choose, sell that licence at a later stage for some return.

The licence will provide a right to occupy a room as well as provide access to common areas and grounds. A predetermined purchase price for the licence can be paid outright or funded in part by a loan. It is expected the licence fee and loan repayment will be calculated as a portion of the resident's income, such as a disability pension.

Project Independence differs from other models as it will involve social business models, that is, both commercial and self-funding, and the aim is to generate revenue to develop more social housing for people with a disability. Project Independence aims to generate sufficient revenue from each development to allow further housing developments to be built in the future.

Earlier this year, Carers ACT held a forum “what carers want”, and this forum identified supported accommodation was a priority. Project Independence goes to that priority. In response to what carers want, I note that the Canberra Liberals, through you, Mrs Dunne, would be releasing their community services policy. But they have not, and the Canberra Liberals have no policy to enhance supported accommodation, unlike the Labor government who has now committed absolutely to unique projects such as Project Independence and the intentional community at Phillip.

**MADAM SPEAKER:** A supplementary question, Ms Porter.

**MS PORTER:** Minister, what other new measures will the government be putting in place to assist people with disability in the ACT?

**MS BURCH:** I thank Ms Porter for her question. The government has committed to deliver a \$15 million increase in support for people with a disability, their families and carers. These key initiatives include additional support for school leavers with a disability, a commitment of an extra \$5,000 per person annually; \$1½ million for a payroll tax concessions for businesses that employ school leavers with a disability; \$1.6 million to continue the therapy assistants in schools program; an extra \$400,000 for Carers ACT, the peak advocacy group for carers in the ACT, to help carers maintain their personal wellbeing; and an electronic taxi smart card system for people with a disability who rely on taxi services, replacing the existing paper-based system.

The ACT Labor government is committed to supporting people with a disability, their families and carers, and we do this by delivering all of the commitments we made in the most recent election. It is worth noting that that is in stark contrast to other parties in this chamber.

**MADAM SPEAKER:** Supplementary question, Mr Hanson.

**MR HANSON:** Minister, how many people with a disability are provided with housing support by the ACT government, and what is the total funding provided by the ACT government for housing support for people with a disability?

**MS BURCH:** Supported accommodation here in Canberra is provided between the government and the community sector, the non-government sector, and I think in the main it is the non-government sector that provides supported accommodation. There are a number of agencies in town that provide that very useful service. I think we have about 50 properties with about 130 residents in our accommodation, but between our supported accommodation and respite there are over 350 people that are supported in supported accommodation.

### **Minister for Education and Training—statements**

**MR DOSZPOT:** My question is to the Minister for Education and Training. Minister, on 2CC on 30 September 2010 you stated that “89 is not 100 per cent” and “60 may be a number”. Minister, how do you explain to students in ACT schools that 89 is not 100 per cent?

**MS BURCH:** I have no faith in Mr Doszpot’s recollection of something I said in 2010, so he can table the full transcript and I will consider that. I have just answered that question. That is a nonsense question.

**MADAM SPEAKER:** On your answer to the question, I will draw your attention, Minister Burch, to the comments that I made yesterday—that I think you should be very careful when you speak not to impugn people’s honesty.

**Ms Burch:** On a point of order—

**MADAM SPEAKER:** No. Let me finish.

**Ms Burch:** We heard the words “being dishonest” thrown across that side of the room all morning this morning.

**MADAM SPEAKER:** Sit down, Mrs Burch! Sit down. I was speaking. I made some comments yesterday and I asked people not to impugn people’s character and impugn people’s honesty and to keep that in mind when people are speaking in this place. I would just draw your attention to comments like, “I don’t hold any”—the words that you used that said that you did not particularly believe what Mr Doszpot said. They come very close to that and I think that all members—I think there have been other instances of that today—need to be very careful about impugning people’s character.

**Mr Corbell:** Madam Speaker, if I may, on your ruling or guidance.

**MADAM SPEAKER:** I did not make a ruling.

**Mr Corbell:** On your comments, if I may—

**MADAM SPEAKER:** On my comments, yes.

**Mr Corbell:** Thank you, Madam Speaker. We welcome your assurances in relation to the matter of impugning people’s character and I trust that this is a matter that you will observe across all members in this place.

**MADAM SPEAKER:** Mr Corbell, I would be very careful about impugning the impartiality of the chair as you did. Supplementary question, Mr Doszpot.

**MR DOSZPOT:** Minister, can you confirm that 60 is in fact the number?

**MS BURCH:** It is a number, and if Mr Doszpot had some questions about that, then perhaps he should go to one of the ACT schools. They have the highest rating of literacy and numeracy in the nation.

**MADAM SPEAKER:** Mr Gentleman, a supplementary question.

**MR GENTLEMAN:** Minister, can you advise us of the educational benefits of the new CIT campus in Tuggeranong for my constituents in Brindabella?

**MADAM SPEAKER:** The supplementary is out of order; it does not relate in any way to the original question or matters which have arisen in answer to the question. A supplementary question, Mr Smyth.

**MR SMYTH:** Minister, how do you expect teachers in ACT schools to respect you as a minister for education when you have such a poor understanding of mathematics?

**Mr Corbell:** On a point of order, Madam Speaker, I ask you to rule on whether there was any imputation on Ms Burch in terms of her capability or some other suggestion that she in some way does not know that 60 is a number. This is an imputation or, at the very best, perhaps, an ironical expression, Madam Speaker, and I would ask you to rule on it.

**MADAM SPEAKER:** I think I did touch on some of these issues about language yesterday, as to what is offensive and disorderly language. My understanding is that they are imputations of improper motives, and I do not believe that Mr Smyth's question implied improper motives. I think he was asking about the minister's capacity at mathematics, which is not an improper motive. It may be sailing close to the wind but I do not believe that it is an imputation of improper motives.

**Mr Corbell:** Thank you, Madam Speaker. On that matter then, is it relevant to Ms Burch's ministerial responsibilities as outlined in the administrative orders?

**MADAM SPEAKER:** On the subject that Ms Burch is the minister for education, and I think Mr Smyth's question was how could people in the education community respect her as education minister, I think that it is relevant to her ministerial responsibilities.

**MS BURCH:** I am quite happy to answer the question and to inform those opposite that I have been greeted very warmly and the sector is looking forward to me being the minister for education. I have met the school leaders and I have met—

**Mr Hanson:** I bet they are.

**MS BURCH:** They are seriously welcoming me as the minister. What is an embarrassment, and what they have said to me, is how can someone go to the election with an education commitment that forgets a key sector of our education and training portfolio, and that is the CIT. So the only embarrassment in this room is Steve Doszpot, who held the portfolio for four years and could not even remember to put it in his budget.

### **Government—directorates**

**MR SMYTH:** My question is to the Chief Minister. During question time on Tuesday you were asked when you had decided to amalgamate the Treasury and CMD and whether there would be job losses. You stated you made the decision "prior to the announcement being made." Chief Minister, given that your previous statements to the community include, "There will be no school closures," when you closed 23 schools and, "All our health plans are on the table," when they clearly were not, how do you expect the community to reach any other conclusion than that your statement was deliberately evasive and tricky, that you had made this decision before the election and, once again, you had not told the community your real plans?

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

**MADAM SPEAKER:** Yes, Mr Corbell.

**Mr Corbell:** I would ask your guidance, Madam Speaker, in relation to the question Mr Smyth asked and the fact that it raises a series of arguments. It is one thing to ask a question with a factual statement; it is another to lace the question with argument, which is exactly what Mr Smyth has just done. I would ask you to rule on whether it is in order.

**MADAM SPEAKER:** Mr Smyth, could you repeat the question, please.

**Mr Seselja:** Sorry, just before he does, Madam Speaker, if I may, going again to the precedents in this place in relation to questions, is Mr Corbell really arguing that there is never any sense of argument in any question that is put to a minister? All questions in one form or another have some form of argument in them and some form of proposition that is put to a minister. If questions are going to be ruled out of order on the basis that they put forward an argument, that will be ridiculous and would put an unreasonable restraint on questions to ministers.

**MADAM SPEAKER:** Mr Smyth, could you repeat the question, please.

**Mr Corbell:** Madam Speaker—

**MADAM SPEAKER:** Sorry, could you sit down, please. Could you repeat the question, please, Mr Smyth.

**MR SMYTH:** Do you want it all or just the last paragraph? Why do I not read it all?

Chief Minister, during question time on Tuesday you were asked when you had decided to amalgamate Treasury and the Chief Minister's department and whether there would be job losses. You stated that you made the decision "prior to the announcement being made." Chief Minister, given that your previous statements to the community include, "There will be no school closures," when you closed 23 schools and, "All our health plans are on the table," when they clearly were not, how do you expect the community to reach any other conclusion than that your statement was deliberately evasive and tricky, that you had made this decision before the election and, once again, you had not told the community your real plans?

**MADAM SPEAKER:** I cannot see that there are arguments in there. There are statements. However, I would, in the spirit of being as impartial as I can, call upon Mr Smyth to consider changing the language where you used the words "tricky" and something else.

**MR SMYTH:** "Tricky" and "evasive".

**MADAM SPEAKER:** I think that "tricky" and "evasive" come close to impugning people's character, and I would ask you to rephrase the question.

*Mr Smyth interjecting—*

**MADAM SPEAKER:** Sorry, no, you need to rephrase the question, Mr Smyth.

**MR SMYTH:** Chief Minister, how do you expect the community to reach any other conclusion than that your statement was deliberately withholding the full story that you had made the decision before the election and, once again, you had not told the community your real plans?

**MS GALLAGHER:** I must say I do not imagine one vote would have been changed if there was discussion about the administration of whether 100 Treasury officers sat on one level of Nara house or another level of Nara House. It is normally the prerogative of the Chief Minister—and I do note the pain that has been rushing across the chamber over question time today of losing yet another election. Mr Smyth, how many is it now for you? Five?

**MADAM SPEAKER:** Relevance, Chief Minister.

**MS GALLAGHER:** Well, it goes to the question, Madam Speaker—

**MADAM SPEAKER:** No, it does not go to the question.

**MS GALLAGHER:** Well, question time today has become derisory. The questions are derisory; they do not warrant the respect of ministers in answering them—

**Mr Seselja:** A point of order, Madam Speaker—

**MS GALLAGHER:** —and we are doing our best.

**MADAM SPEAKER:** A point of order.

**Mr Seselja:** The minister can have the opportunity at the end of question time to raise issues. She is asked to answer a question and to be directly relevant. She is being nowhere near relevant, and I would ask you to ask her to be directly relevant or sit her down.

**MADAM SPEAKER:** Chief Minister, the standing orders require you to be directly relevant. The question was about the amalgamation of CMD with Treasury. Would you answer the question, please.

**MS GALLAGHER:** Yes, thank you, Madam Speaker, I will answer the question. It is the prerogative of a re-elected Chief Minister to have a look at how the administrative arrangements work. I acknowledge that Mr Smyth has not been in the position of being Chief Minister, so he may not be aware that when you win an election you get some choices in front of you. You get some choices about who will be your ministers, what the portfolios are going to look like and what is the best way to structure your administrative arrangements.

So following the successful re-election of this government with the support of Mr Rattenbury, I sat down to a range of different decisions that had to be taken. One of those was about the efficient administration of the ACT public service. I made that decision. I have announced that decision. The decision has been implemented, and I have answered all your questions, Mr Smyth, fully and truthfully, and they are all on the record.

**MADAM SPEAKER:** Supplementary question, Mr Smyth.

**MR SMYTH:** Chief Minister, how do you explain to the community your repeated statements—

**Mr Corbell:** Point of order.

**MR SMYTH:** to one effect that are then followed by actions of your government—

**MADAM SPEAKER:** Sorry, Mr Smyth; just hang on a second.

**Mr Corbell:** Point of order: no preamble, Madam Speaker. No preamble.

**MADAM SPEAKER:** “How do you explain” is not a preamble.

**Mr Seselja:** Madam Speaker, on the point of order, I would ask you to either make a ruling or take note of the fact that Mr Corbell is now engaging in vexatious points of order. He is doing it to disrupt questions in question time. There was clearly no preamble there and yet he interrupted Mr Smyth as he is asking his question. I would ask you to ask Mr Corbell to stop the vexatious interruptions. If he does not have a genuine point of order, he should stay in his seat.

**MADAM SPEAKER:** There is no point of order. A question that begins with an interrogative pronoun does not have a preamble. Mr Smyth, would you like to start the question again because I have forgotten what it was.

**MR SMYTH:** Thank you, Madam Speaker. My supplementary question is to the Chief Minister. How do you explain to the community your repeated statements to one effect that are then followed by actions of your government that are completely the opposite?

**MS GALLAGHER:** It is simply not the case. What is it now, Brendan—is it five election losses?

*Mr Smyth interjecting—*

**MADAM SPEAKER:** Mr Smyth! And, Chief Minister, be directly relevant in answering the question.

**MS GALLAGHER:** My record has been judged by the community, Mr Smyth, and I am very happy with that result.

**MADAM SPEAKER:** A supplementary question, Mr Seselja.

**MR SESELJA:** Minister, when was the decision taken?

**MS GALLAGHER:** In the days following receiving the support of Mr Rattenbury.

**MR GENTLEMAN:** A supplementary.

**MADAM SPEAKER:** A supplementary question, Mr Gentleman.

**MR GENTLEMAN:** Minister, can you advise on the benefit to Canberra of the amalgamation of CMD and Treasury?

**MS GALLAGHER:** I thank Mr Gentleman for a very good question, a rare occurrence in this question time.

**Mr Smyth:** There will be no further questions then.

**MS GALLAGHER:** No. We have had good questions. The rarities have been on that side of the chamber. The issue with moving—

**Mr Smyth:** It must be sort of innate.

**MS GALLAGHER:** Mr Smyth, this is actually your question, so you might be interested in the answer. The decision we took around moving—

*Opposition members interjecting—*

**MS GALLAGHER:** No, clearly not. The decision we took—

*Opposition members interjecting—*

**MS GALLAGHER:** Start again, just like a lawnmower trying to get going. The decision we took around moving the policy components of Treasury into the Chief Minister's Department was to bolster the policy capacity across the central agency, without doubling or providing additional resources. The Treasury had some policy capacity. CMCD had policy capacity. They now have policy capacity together. They will be providing advice to both the Treasurer and me. We think, with that combined resource, it will be providing a more efficient and effective use of the resources, the relatively modest resources, that are available to the central administration.

**MADAM SPEAKER:** Before we proceed, Mr Smyth, I heard you interject impugning Ms Gallagher's honesty. I would like you to withdraw.

**Mr Smyth:** I withdraw.

## **Visitor**

**MADAM SPEAKER:** I would like to acknowledge the presence in the gallery of former minister and member, Michael Moore. Welcome to the Assembly.

**Members:** Hear, hear!

## **Questions without notice**

### **Chief Minister—portfolios**

**MS PORTER:** My question is to the Chief Minister. You recently took on the new portfolios of higher education and regional development. Can you explain why you saw the need to create these portfolios?

**MS GALLAGHER:** I thank Ms Porter for the question and for her interest in the matters of regional development and higher education. This again was a decision that I took around some priorities for the next four years across the ACT. I am very strongly of the view that we need to focus on the role of higher education across our economy and across the community, and indeed build up the regional capacity we have as the major service centre of a very large population.

Collectively, at June 2011, the ACT and surrounding south-east New South Wales had an estimated population of 600,000, which is around eight per cent of the combined New South Wales and ACT population. The ACT represents about 60 per cent of the total Australian capital region and over the past decade the population of this region has grown by about 75,000 people. So you can see from those figures that it is incredibly important that we understand our role in the region, that we look for the benefits that can flow to Canberra from being the regional centre, and that we also look at ways to collaborate with our regional partners, including the New South Wales government, the local councils, and including those important councils that are within one hour of the ACT.

We have taken some decisions around that. We signed the New South Wales-ACT memorandum of understanding for regional collaboration with Premier O'Farrell. This will in time—it is only early days; it has been 12 months—commit both governments to a regional approach, in a sense a borderless approach across a number of areas. The most obvious area and perhaps the most developed area is in terms of delivery of our health services, but also importantly looking at economic opportunities, looking at our land use planning and infrastructure, and also looking at the role we play in terms of providing education to numbers of students coming from around the region.

We have also become a full member of the South-East Regional Organisation of Councils, affectionately known as SEROC, which includes the 12 local governments surrounding the ACT. We have never been a member of this organisation before, and I think it is important that the ACT is at the table talking with those mayors around the issues that are challenges for them and also examining opportunities that can come from working together.

In terms of creating a portfolio for higher education, this is a unique development in the ACT. I must say that I have had some very strong feedback from the vice-chancellors about how pleased they are to have higher education recognised. This will be, and increasingly will need to be, a major growth area for our economy. It has the potential to contribute on a number of fronts, not just in terms of allowing our

economy to diversify but also looking at how we are training and encouraging smart people to come and live here and retaining smart people in jobs that are created here, whether it be in research, as an academic or providing some of the services that support the higher education work that is done in this town.

I look forward to rolling up my sleeves and getting involved in both of these portfolios to a much greater degree than has been done in the past.

**MS PORTER:** Madam Speaker, a supplementary.

**MADAM SPEAKER:** A supplementary question, Ms Porter.

**MS PORTER:** What are some of the key building blocks, minister, for the future success of higher education to our regional economy?

**MS GALLAGHER:** We do know that quality higher education, research and innovation are key economic drivers in the territory. We also know that the future ACT economy will require more workers who have high level skills gained through higher education and we also know that research conducted in universities will drive significant innovation in the Canberra region. So we have made some commitments. We made some commitments in the election around study Canberra, focusing on pulling together all of the stakeholders across the higher education community to make sure that we do truly develop Canberra as an education destination not just for local and regional students but for international students and students coming from major capital cities across Australia.

Last week it was great to be at the University of Canberra when the commonwealth government provided \$26 million to the University of Canberra to allow them to continue the structural adjustments they will need to make in the new competitive higher education environment. It is great to see that university getting that support, along with projects like the subacute hospital that really do place that university on some very strong grounds when larger universities obviously have the edge in terms of the infrastructure and the capacity they bring to the competitive environment.

I am also pleased that we will start the discussions with the ANU around the additional support we provide them for the centenary chair in cancer research, to make sure that we can get that project off the ground. I know that the staff at the John Curtin Medical School are very interested in seeing that happen as soon as possible.

The Regional Development Australia committee—the RDAs; I think the ACT one is chaired by Craig Sloan—has acknowledged also through the work it has done that education is a key pillar in its own strategic plan for 2012-13. So, if we can work with the education providers and the RDA—(*Time expired.*)

**MADAM SPEAKER:** A supplementary question, Mr Coe.

**MR COE:** Chief Minister, how do you explain that blocks of land in Queanbeyan can be brought to the market at half the cost of Canberra blocks?

**MADAM SPEAKER:** I presume that Mr Coe is working on the basis that you are now the minister responsible for regional development and is asking you—

**Mr Barr:** It is not supplementary to the—

**MADAM SPEAKER:** There is a supplementary. The original question was about the Chief Minister's role as minister with responsibility for higher education and regional development. The Chief Minister spoke at length about regional development.

**Mr Barr:** So any question on the region?

**Mr Coe:** Madam Speaker, on your ruling, the question was put to the Chief Minister about her new portfolio, including regional development. Her answer included collaboration with the Queanbeyan City Council. Therefore my supplementary is relevant: how can the Queanbeyan City Council bring blocks of land to the market at half the cost of the ACT?

**MADAM SPEAKER:** Chief Minister, I will allow the question.

**Mr Corbell:** Madam Speaker, I ask for guidance on how the Chief Minister can answer a question about the operations of Queanbeyan City Council. She is not responsible for the operations of Queanbeyan City Council.

**MADAM SPEAKER:** I am allowing the question on the basis that when Mr Coe asked the question I immediately, without prompting, made the connection between Mr Coe's supplementary question and the original question. It is within the capacity of the Chief Minister to say that she has no power over how issues are resolved in Queanbeyan, but it is also within her capacity as Minister for Regional Development to contemplate the comparative housing prices, the comparative cost of land across the region.

**MS GALLAGHER:** The original question I was asked, Madam Speaker, was about the creation of the portfolios. But I will say, in the interests of assisting members here today, that whilst I do not have control over New South Wales government charges or Queanbeyan City Council—

**Mr Coe:** You control half the equation.

**MS GALLAGHER:** I think if you do any examination across the board, Mr Coe, of a whole range of fees and charges, there are differences between jurisdictions. But overall, when you measure the amount of revenue raised and the amount of taxes and charges that are brought, and you look at things like the value of the land, and that is all put into the mix, you will see that the ACT actually sits pretty much within the range of all other jurisdictions in terms of the cost of providing services, including land.

**MADAM SPEAKER:** A supplementary question, Dr Bourke.

**DR BOURKE:** Chief Minister, can you advise the Assembly of some of the important relationships and organisations that we will be working with in the future to build on the strength of our regional economy?

**MS GALLAGHER:** Yes, I can work through the important relationships. I would say that this cannot be a one-way discussion. We have a lot of use of ACT government services by New South Wales residents and whilst we will be working on regional collaboration and better planning, it is not a sign that the ACT government is going to not seek commensurate compensation for the services that are provided, particularly when you look at new developments that are being approved on the borders and the impact they potentially have on the infrastructure costs for the ACT.

We have the MOU with the New South Wales government. We are working, in small projects like the cross-border bus service, with the Queanbeyan City Council. We have worked on applications to commonwealth governments for funding in joint proposals between the RDA for southern inland and the RDA for the ACT, with a lot of coordination that goes on in relation to emergency services. We have started up some new services in the health area where I think the greatest opportunity exists for us to provide a truly borderless and seamless health service, if we can get it right.

Relationships are important. The mayors are obviously important. I have been contacted recently by the mayors of Yass and Goulburn who want to engage about some of the pressures on their borders that are becoming more apparent to them. They are wanting to work with us. I will have a meeting, I think already planned, with Mayor Tim Overall to discuss a number of cross-border issues, one of them being transport along Canberra Avenue as a major issue that we need to resolve. Of course the recent announcement by the New South Wales government of the Tralee development certainly raises some concerns for the ACT government. *(Time expired.)*

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

## Paper

**Madam Speaker** presented the following paper:

Legislation Act, pursuant to subsection 228(1)—Schedule of relevant committees to be consulted in relation to appointments made by Ministers to statutory offices, dated 28 November 2012.

## **Australian Health Practitioner Regulation Agency Paper and statement by minister**

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education): For the information of members, I present the following paper:

Australian Health Practitioner Regulation Agency—Annual report 2011/12.

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

Leave granted.

**MS GALLAGHER:** I table the 2011-12 annual report of the Australian Health Practitioner Regulation Agency, known as AHPRA. In accordance with the Health Practitioner Regulation National Law 2009—the national law—as in force in each state and territory, AHPRA is required to submit an annual report for the financial year to the ministerial council by 30 September.

AHPRA's annual report relates to the national registration and accreditation scheme for the period ending 30 June 2012. Its report was released on 1 November. This is the second annual report provided by AHPRA since national registration came into effect on 1 July.

Currently 14 professions are registered nationally. Chiropractic, dental practice, medicine, nursing, midwifery, optometry, osteopathy, pharmacy, physiotherapy, podiatry and psychology commenced national registration from 1 July 2010. Aboriginal and Torres Strait Islander health practice, Chinese medicine, medical radiation practice and occupational therapy joined the scheme from 1 July 2012. As the 2011-12 AHPRA annual report covers the period ending 30 June 2012, it does not include these four recently added professions.

On 30 June 2012 there were over 548,500 health practitioners across 10 professions registered in the national scheme, an increase of 3.47 per cent from the previous year. In 2011-12 AHPRA undertook the largest ever renewal in Australia, with 333,000 nurses and midwives renewing their registration in May 2011, and more than 92 per cent of these renewals were online.

The ACT had 9,601 registered practitioners on 30 June 2012, an increase of 625 or 6.96 per cent from 2011. Across the 10 professions registered on 30 June 2012, the numbers were 56 chiropractor, 350 dental practitioner, 1,784 medicine, 39 midwife, 4,838 nurse, 719 for the dual registration of nursing and midwifery, 71 optometry, 32 osteopathy, 420 pharmacy, 441 physiotherapy, 47 podiatry, and 794 psychology.

The 2011-12 AHPRA annual report includes information relating to AHPRA's performance of its functions, a report from the national boards about the performance of all functions, financial statements and data on health practitioner regulation, including about the profile of practitioners per state and territory and per profession as evidenced by registration data.

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

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (3.46): For the information of members, I present the following paper:

Auditor-General Act—Auditor-General’s Report No. 1/2011—Waiting Lists for Elective Surgery and Medical Treatment—Progress report No 3 on achievements against recommendations, dated August 2012.

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

Leave granted.

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

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

A substantial amount of work and effort has gone into improving access to elective surgery, which is something the Auditor-General’s report did not address—its focus was on the management of elective surgery and the processes.

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

The surgical services task force is provided with regular reports on progress against the Auditor-General’s recommendations, which provides oversight that extends beyond the managers responsible for the delivery of elective surgery.

The reports provide evidence of the improvements that were already in place in 2001 to improve access to elective surgery, as well as those that I have introduced since to improve access to care. Those initiatives include ways of increasing access to surgery by adding capacity to our public hospital system and through arrangements with the private sector.

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

While the overwhelming number of elective surgery procedures continues to be undertaken within the hospitals, we have established partnerships with private providers in the ACT to increase access to care. The partnership provides particular support in those surgical areas where we have the largest number of waiting lists. This includes specialties such as ear, nose and throat surgery, orthopaedics and neurology.

For these specialties we have been able to select groups of long-wait patients that can be safely managed in the private sector, which reduces pressure on our public hospitals and reduces time waiting for care. All in all we have managed over 550 patients through the private provider arrangements since they began last year.

I am thankful to the private providers who have been part of this scheme, which demonstrates the benefits that can be achieved when we work together. We will also continue to work with the commonwealth government to ensure we meet our commitments made under those agreements.

As a nation we had to wait a decade to get a commonwealth government that recognised its obligations to the community to support public hospital services, and for the first time since Federation we have a government through national health reforms that has made a commitment to share the cost of growth in public hospital services.

While significant improvements have been made, I acknowledge there is more to do. There has not been a quick fix, but the efforts put in place over the past two years in particular show that we know how to fix it, that we have the cooperation and partnerships in place and we have the proof that the efforts are working.

Given the significant improvements that have been made to date, we will in future be providing these reports on progress against implementation in the Auditor-General's report as part of the Health Directorate's annual report.

**Mr Hanson:** Mr Assistant Speaker, I ask that the minister move that the report be noted.

**MS GALLAGHER:** I move:

That the report be noted.

**MR HANSON (Molonglo) (3.50):** It is important that I speak to this, particularly for the edification of new members who might, having listened to the minister's spin there, have missed some of the history behind what was a very shabby episode in ACT Health.

In June 2010 this Assembly passed a resolution that the Auditor-General conduct this review, and that resolution came about because it became apparent that what was occurring in the Health Directorate was that people with a classification 1—that is, urgent patients who are meant to be seen within 30 days—were having their classification downgraded inappropriately, without clinical reasons, to make the stats

look better. Essentially that is what was occurring so the minister could come into this place and, although the waiting times for elective surgery were the worst in the nation, were appalling and were double the national average, she could say, "Well, it doesn't matter because category 1s are mostly being seen on time." That was not the case.

When we raised this issue, when we raised the concerns of patients, when we raised the concerns of doctors, the minister denied it. She said this was not happening; she said this was a fabrication. We had the Auditor-General's review, and the Auditor-General came back, and let me quote now from that Auditor-General's report, which is the subject of the minister's report today:

... the classification of clinical urgency categories did not always reflect ACT Health's policy and procedures, and therefore raised doubts on the reliability and appropriateness of the clinical classifications for patients within the waiting list.

In 2009-10, 250 patients in category 1 were reclassified, and 97 per cent of those occurred without documented clinical reasons. The audit examined 259 records of all category 1 patients whose clinical urgency category had been reclassified from category 1 to category 2, and the audit identified that 55 of those had no evidence of being approved by a doctor. In particular, downgrades of a patient's urgency category, often without documenting clinical reasons, raised considerable doubts about the reliability and appropriateness of the clinical classifications for patients on waiting lists. The strategies implemented by ACT Health have not been adequate to address increased demand and reduce waiting lists for elective surgery.

A couple of things happened. Firstly, the waiting times in this jurisdiction blew out to well beyond double the national average. The median wait time blew out to 76 days against a national average of about 35 days, noting that when this government took over, the median wait time was 40 days.

**Mr Smyth:** Michael Moore.

**MR HANSON:** And it is a very good point that Mr Smyth raises. Under Michael Moore, who was in the chamber today, the median wait time was 40 days under a Liberal government. So we saw it doubling. It was catastrophic. And when we demanded that action be taken, what we heard from the minister was that waiting times were just a part of the problem; they were not a big issue. But the outrage from the community and the concerns with inappropriate reclassification of patients caused significant problems that the Auditor-General reported, and the Auditor-General has reported today.

This minister says, "Pat myself on the back," but what we have seen is tens of thousands of elective surgery patients in this town wait longer than anywhere else in the nation, often longer than a year, under this health minister. The median wait time is still 64 days.

**Ms Gallagher:** No, it's not.

**MR HANSON:** The minister interjects, “No, it’s not,” but she is not referring to her own report. If she went to her own report at page 7, she would see it is 64 days. The report she tabled says that median wait time is 64 days. She interjects, “No, it is not,” because, again, she is either trying to mislead this Assembly or she does not know what is occurring. It is difficult to know which one it is with this minister.

We have also seen in the last 12 months \$900,000 of money missed out by patients in the ACT because this government failed to meet elective surgery targets that were set.

In noting this report today, let us be clear why we had this report in the first place—that is, the appalling record under the health minister and the reclassification of urgent patients to lower categories that made the books look good. It is ironic that the minister is shortly going to be tabling updates to emergency department results which were fabricated, because we have now had a situation where we have seen Auditor-General’s reports and we have a day where this minister is tabling progress reports on elective surgery where the classifications were reclassified inappropriately and we are shortly going to hear about an emergency department where results were fabricated. That is the legacy of this health minister.

Question resolved in the affirmative.

## Papers

**Ms Gallagher** presented the following papers:

Gene Technology Act, pursuant to—

Subsection 136(2)—Operations of the Gene Technology Regulator—Annual report 2011-2012, dated 20 September 2012.

Subsection 136A(3)—Operations of the Gene Technology Regulator—Quarterly report—1 April to 30 June 2012, dated 21 August 2012.

## Health Directorate annual reports 2009-10 and 2010-11— corrigendum

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education): For the information of members, I present the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2009-2010 and 2010-2011—Health Directorate—ACT public hospitals—Emergency department data—Corrections—Corrigendum, dated November 2012.

**Mr Hanson:** Mr Assistant Speaker, I ask that the minister move that the corrigendum be noted.

**Ms Gallagher:** I don’t have to.

**MR HANSON** (Molonglo), by leave: Well might the minister not want to move that it be noted, because quite clearly—

**Ms Gallagher:** The re-elected minister.

**MR HANSON:** The hubris from opposite: “the re-elected minister”. No doubt she will start with her “four more years”. The arrogance of this minister! Well she might not want to have had that corrigendum noted, because what does it say and what is the background? Again, for the edification of the new members elected to this place, this is a result of the greatest deceit perpetrated on the people of the ACT since the formation of self-government. What occurred is that a friend of the Chief Minister, who was also a senior executive in ACT Health, fabricated 11,700 emergency department records to make this government look good. That is what has occurred.

What the minister has had to do today, with her tail between her legs, is come into this place and provide the updated figures, the true figures, after this community and this Assembly were lied to repeatedly about the state of their emergency department, disgracefully.

What we know now, having had the true facts released, is that we still have extraordinarily long waiting times in the ACT. In fact our waiting times here for emergency departments are longer than anywhere else in the nation.

Mr Assistant Speaker, this has been litigated before, but let me assure you and let me assure members that I will not let this Assembly, nor will I let the people of the ACT, forget that under this health minister they were lied to, that under this health minister they wait longer in the emergency department than anywhere else in the country, and that the minister misled the people of the ACT when she said that she had no personal relationship with the woman that fabricated the data.

This is a sad reminder of perhaps the lowest ebb that we have seen from any government in the ACT under Katy Gallagher, where the people of the ACT were lied to about such an important thing and she compounded that lie by denying that she had a personal relationship with the woman that fabricated the data when we found out that that was the truth.

## **Personal explanation**

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education): I wish to make a personal explanation under standing order 46.

**MR ASSISTANT SPEAKER** (Mr Doszpot): Leave is granted.

**MS GALLAGHER:** I will not take up too much time but Mr Hanson said I came into the chamber with my tail between my legs. For the information of members, I do not have a tail. I would like that on the record.

## **Financial Management Act—instruments Papers and statement by minister**

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services): For the information of members, I present the following papers:

Financial Management Act—Instruments, including statements of reasons, pursuant to section 18A—Authorisations of expenditure from the Treasurer's Advance to the—

Justice and Community Safety Directorate, dated 26 November 2012.

Justice and Community Safety Directorate, dated 26 November 2012.

Legal Aid Commission (ACT), dated 26 November 2012.

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

Leave granted.

**MR BARR:** As required by the Financial Management Act 1996 I table a copy of three authorisations for Treasurer's advance provided to the Justice and Community Safety Directorate and the Legal Aid Commission.

Section 18 of the act provides for the Treasurer to authorise expenditure from the Treasurer's advance. Section 18A of the act requires that within three days of such authorisation the Treasurer must present to the Assembly a copy of the authorisation instrument, a statement of the reasons for giving it and a summary of the total expenditure authorised under section 18 for the financial year.

This package I am tabling this afternoon includes three instruments authorised under section 18 of the act to meet expenses related to the board of inquiry into the conviction of Mr Eastman, including \$1.868 million in net cost of outputs for the Justice and Community Safety Directorate, \$497,174 in net cost of outputs for the Legal Aid Commission and \$149,000 in capital injection for the Justice and Community Safety Directorate. I commend these papers to the Assembly.

## **Papers**

**Mr Corbell** presented the following papers:

Coroners Act, pursuant to subsection 57(4)—Report of Coroner—Death of Mr Alexander Henderson—

Report, dated 26 June 2012.

Executive response.

Civil Law (Wrongs) Act—

Pursuant to section 205—General reporting requirements of insurers.

Pursuant to subsection 4.56(3), Schedule 4—Professional Standards Councils—Annual Report 2011-2012.

**Ms Burch** presented the following papers:

Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report 2012-2013—First quarter (1 July to 30 September 2012).

Gaming Machine Act, pursuant to section 168—Community contributions made by gaming machine licensees—Report by the ACT Gambling and Racing Commission—1 July 2011 to 30 June 2012, dated 23 October 2012.

## **Lakes and waterways**

### **Discussion of matter of public importance**

**MR ASSISTANT SPEAKER** (Mr Doszpot): Madam Speaker has received letters from Ms Berry, Dr Bourke, Mr Coe, Mr Doszpot, Mr Gentleman, Mr Hanson, Ms Porter, Mr Seselja and Mr Smyth proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Madam Speaker has determined that the matter proposed by Ms Berry be submitted to the Assembly, namely:

The importance of healthy lakes and waterways to the future of the ACT.

**MS BERRY** (Ginninderra) (4.05): The Commissioner for Sustainability and the Environment's recent investigation into the state of watercourses and catchments for Lake Burley Griffin and the ACT state of the environment report set out the links between Lake Burley Griffin's intended role as a sediment and pollutant trap and the outbreaks of significant algal blooms.

The commissioner found that the key water quality issues are low dissolved oxygen levels caused by decomposition of organic matter in urban stormwater flowing into the lake; blue-green algae blooms caused by the release of phosphorous from sediments when dissolved oxygen is low with a poor mixing of the water column, especially during dry periods; and the loss of submerged and fringing water plants caused by increasingly turbid lake water which contributes to low dissolved oxygen levels.

The commissioner found that the main sources of pollution in the lake were urban run-off, wildlife, regrowth of bacteria already in the lake, and possible leakages from sewer pipes.

Lake Burley Griffin was designed and constructed to provide a central symbolic element to the national capital, to provide for aquatic recreational activities, to ensure

limited water abstraction and to manage stormwater discharge from surrounding suburbs.

Lake Burley Griffin is a major community asset well beyond its national significance and is the responsibility of the commonwealth, whereas other water bodies like Lake Tuggeranong and Lake Ginninderra are ACT government responsibilities.

Following the tabling in the Legislative Assembly of the commissioner's report on Lake Burley Griffin in June 2012, the Chief Minister met with senior representatives of the National Capital Authority, Queanbeyan City Council, Palerang Council and Cooma-Monaro Shire Council. As a result of that meeting the ACT Chief Minister convened a senior officials task force, which was charged with developing an action plan for Lake Burley Griffin and its catchments to improve water quality in the short, medium and long term.

The task force submitted its report in August 2012 and the government immediately released the action plan to the community. The composition of the task force reflected the multijurisdictional nature of contributions to the management of the lake's catchments covering the Molonglo and Queanbeyan rivers and Jerrabomberra Creek across the ACT and New South Wales.

The task force also sought the input of an expert panel to provide specific technical advice on the proposed remedial actions for the lake. The members of the panel, all local water quality experts—Dr Stephen Skinner, Dr Bill Phillips and Dr Ralph Ogden—were chosen to complement the technical advice already provided to the Commissioner for Sustainability and the Environment in the preparation of his report.

The views of key community stakeholders, such as lake users and catchment groups, were also sought through a community workshop conducted by the task force during the preparation of the action plan. Community organisations concerned with Lake Tuggeranong and Lake Ginninderra were also invited to the workshop, given the similarity of issues associated with these lakes.

The task force reviewed and examined the recommendations made by the commissioner in his report and accepted them in principle as a basis for developing the action plan.

The action plan incorporates a range of additional actions contributed by task force members, the expert panel and stakeholders that serve to further emphasise the role of evidence-based management decisions. The task force concluded that many of the pressures now placed on the lake have developed over a period of years and that a significant, but not exclusive, driver has been population growth, its resulting development and the construction activities and their consequences.

All parties, including those community groups consulted, agreed that easy, quick-fix remedies were not scientifically or practically possible. A concerted and planned response over time was collectively acknowledged as representing the most viable way forward to ensure a sustainably healthy lake into the future. In other words—and I think this point is worth emphasising—it has taken a long time for the conditions of the lake to reach this current state, and it will take a long time to fully remediate them.

The remedial actions outlined in the action plan represent a diverse and interrelated mix of actions that are appropriate based on current scientific understanding, acknowledging that actions will, of necessity, be refined as our experience grows. These actions come at an estimated cost of at least \$55 million over the next 18 years.

Clearly, the range of actions proposed for Lake Burley Griffin are applicable to the other major urban lakes in Canberra, Lake Tuggeranong and Lake Ginninderra, and to other major water bodies and ponds. The action plan recognises the need for sustained, enduring and substantive commitment to addressing the water quality issues of the lake and its catchments.

The task force recommended actions in the following key areas: governance and community engagement; community awareness raising and education; in-lake management; urban catchment management; rural catchment management; sewerage system management; river flow management; and lake closure protocols and communications.

In terms of governance and community engagement, the task force and stakeholder groups attached high importance to the creation of a single coordinating body—a catchment management coordinator—to ensure that the action plan can be effectively delivered and reported on.

The task force also proposed that the action plan be cemented in an intergovernmental catchment management agreement. That agreement would reflect shared aspirations and an enduring commitment to improving the condition of the lake and our catchments and the development of a catchment management strategy based on the action plan. The task force also recommended an ongoing role for a catchment management expert panel.

The task force recognised that increasing community awareness and education are key factors in reducing the impact of urban residential inflows of nutrients from organics and sediments into the lake. Targeted community on-ground actions are envisaged to raise awareness of the catchment issues, with changed behaviours making a tangible difference to the environmental quality of catchment areas.

To address poor lake quality, both the Commissioner for Sustainability and the Environment and the task force identified a set of actions that can be taken. These include better modelling, trialling the re-establishment of submerged and fringing water plants, treatment of lake sediment, water column manipulation, and carp management.

While these actions are primarily the responsibility of the commonwealth, the ACT government will continue to cooperate with the National Capital Authority as they are progressively trialled and implemented as appropriate.

There are a number of key actions relating to the urban and rural catchments flowing into the lake that will clearly make a significant impact on the quality of the water in

the lake. Those actions recognise the benefits of addressing issues higher up in the catchments at their source rather than at the end of the catchment—in this case, in Lake Burley Griffin.

These actions include ongoing renovation of the stormwater system in Canberra and Queanbeyan; a review of the water sensitive urban design guidelines and their potential for improving water quality; a catchment protection program in rural areas to address erosion hotspots; assessment of the ability of further wetlands and pollution control structures; enhanced compliance and enforcement during construction phases of development; better management of gross pollutant traps; and increased public awareness and compliance and enforcement for illegal parking on public land, especially nature strips and parkland areas.

The task force recommended assessing the potential costs and benefits of water releases from Googong Dam and Captain's Flat reservoir to help water column manipulation, which may assist in mixing the water temperature layers in the lake and thus inhibiting algal growth. The task force also considered lake closure protocols and communications and recommended that a framework for assessing and managing risks associated with extreme water contamination events be developed.

Significant resources are already being invested in managing water quality in the lake and its catchment by the Australian and ACT governments, and Queanbeyan and Palerang councils, as well as by landholders and the community. The action plan provides indicative costs for proposed actions but does not imply a commitment by any jurisdiction to fund or undertake the actions.

The ACT government will consider in detail the recommendations of the Commissioner for Sustainability and the Environment and the task force early in the new year. A detailed statement of response to the commissioner's recommendations will be tabled in the Legislative Assembly. This response will incorporate a government response to the lake task force report.

**MR SMYTH** (Brindabella) (4.15): Ms Berry got it right when she said that the state of our lakes was not an accident and had not happened over just a short period. The most recent report on the state of the environment from the commissioner said there had been an increasing number of events over the last 10 years—10 years in which Labor has been in control. Particularly for the breadth of the most recent report, in the four years under the Labor-Greens alliance we saw the overall state of the environment go backwards and a growth in the number of events on our lakes and waterways.

It is not just an accident. It comes about through years of neglect. It comes about from not taking the state of the environment report seriously and a failure to act on those recommendations, which include the collection of data so that we have a better idea of what is going on in our lakes, in our rivers, in our waterways and in our wetlands.

You only have to go to the theme on land and water in the ACT's state of the environment report for 2011 where the commissioner says:

There has been little change in our knowledge of land health and urban impacts, despite several previous recommendations for improvement.

And this is just in the context; this is where it all starts:

The effects of drought and fires dominated assessments of water and catchment health in the 2003 and 2007-08 ACT State of the Environment reports. Conditions have changed in this reporting period, with drought early on and wetter conditions more recently. The need to remain vigilant about the impacts of urban development on water quality and hydrology was highlighted in previous reports and has not diminished. Recommendations from previous State of the Environment reports focused on post-fire rehabilitation to protect catchments and significant steps in post-fire recovery have been made. There has been little change in our knowledge of land health and urban impacts, despite several previous recommendations for improvement.

The report goes on to say:

Data limitations have also been highlighted in previous State of the Environment reports, in particular relating to changes to soil condition, vegetation cover and diversity, and effects of urbanisation on catchments. There are encouraging signs that groundwater data collection and monitoring are improving, though more needs to be done to identify and manage this valuable resource. The need for long-term research and monitoring and for coordinated catchment management remains as valid today as it did when recommended in 2003 and 2007.

Ms Berry, yes, you are right: it is not an accident; it is neglect. And the report goes on to say:

These are examples of cooperative catchment management activities, and the learnings from these actions should be incorporated into other catchment initiatives. However, previous recommendations to improve cross-boundary catchment management have not been fully realised and require committed action.

And that is the problem: there is no committed action, because, for all the talk and all the guff and all the goings-on, in the last four years under the Greens-Labor agreement and a Greens-Labor coalition the environment went backwards in the ACT.

If you continue to go through the report it talks about lake health:

During the reporting period, sampling in ACT lakes measured elevated concentrations of chlorophyll 'a' and sporadic high or extremely high concentrations of blue-green algae. This occurred primarily between spring and autumn of each year when these waterbodies had correspondingly higher concentrations of available nutrients and relatively warm waters. Summer incidence of blue green algae in ACT lakes appears to be increasing. This is when lakes are most likely to be used for recreation.

Here is the line:

Over the last ten years, there has been a steady increase in the number of lake closures per year, because of either faecal contamination or potentially toxic blue-green algae in the water. Between 2007 and 2011 there were several instances of elevated concentrations of algae and pathogens in ACT lakes, which resulted in a number of human health alerts and lake closures. Greater focus is needed on the management of ACT lakes to improve water quality so that recreation activities are not restricted.

If you go on to wetlands, 13 of the ACT's wetlands are listed in the national directory of important wetlands in Australia. But are we looking after them? Who knows? The report says:

Information on the health of ACT wetlands is patchy with few projects surveying riparian health and water quality. Wetland health has been variable in those that have been surveyed. One of the challenges for management of wetlands is the individuality that characterises each wetland.

If you read through the report, it is quite clear that the importance of healthy lakes and waterways to the future of the ACT has not been taken seriously by the Labor Party. It has not been taken seriously by a succession of Labor environment ministers, and it has not been taken seriously such that we get to the state today where we had a full report which the minister is yet to report on and will do so in detail early in the new year.

The government has also embarked on a number of projects to help improve the quality of inflows to our lakes and waterways, so we have to look again at the efficiency and efficacy of these projects. These included stormwater capture projects and urban waterways projects, including reticulation for irrigation purposes—laudable enough—and I put on record for those that have not been here for a long time that the first of these, of course, was the City Edge, a project for which I was responsible as the minister for both planning and the environment. That has worked extremely well. It set a standard. Unfortunately that standard has not been followed and not been adhered to by those that came after that government.

The projects government have done are laudable enough. The health of our lakes in particular is under serious pressure, suffering from heightened littering, the effects of exotic fish species, blue-green algae and, indeed in the case of Lake Burley Griffin, even raw sewage from Queanbeyan.

But the government's approach has been idealistic rather than practical. The projects that have been delivered have been marred by huge cost overruns, a lack of economic analysis and no idea of what charges to make for water use for irrigation.

I refer to the ICRC in its report on secondary water use released in July 2012, which brings into serious question the economic viability of public secondary water use projects and urban waterway projects. The report recommended, in fact, that further public secondary water investment not be undertaken now. It also concluded that urban waterway projects were poorly evaluated as to their cost-benefit analysis and recommended that further activity in this area be restricted to trialling an inner north pilot stormwater project.

The ICRC recommended what should be a no-brainer—that for future projects the government subject any proposal for investment in water quality improvement initiatives to a cost-benefit analysis in comparison with other relevant options. It even went so far as to spell out to the government that it has an appalling record in the management of infrastructure projects. Let me spell it out to you as the ICRC has. Recommendation 7.2 states:

The Commission recommends that the ACT Government include an assessment of the following in the monitoring and evaluation trial phase of the Canberra Integrated Urban Waterways Project:

technical—volumetric reliability of stormwater ponds under different weather and irrigation demand conditions, and service reliability in relation to quality of water provided to end-users

environmental—impact of stormwater harvesting on the pond environment and reducing nutrient loads downstream, and filtrate management plan

commercial—actual costs to operate and maintain the pilot network by the utility, including administration costs, and water demand and supply volumes under different weather conditions

compliance—compliance with utility licensing conditions; this may include safety, retail service performance, emergency response measures and asset management.

The ACT Government should, to ensure that the trial provides the necessary information to support future decisions on stormwater reuse projects:

prepare a detailed monitoring and evaluation program workplan and budget, and ensure that there are clear and measurable criteria by which to gauge the viability of the pilot

ensure that the trial and monitoring and evaluation program are appropriately funded

ensure that the trial is conducted over a sufficient range of climate patterns to fully test reliability under different conditions.

Why should the ICRC have to spell out in such fine detail what should be the government's standard practice? That is because the government's approach is little more than expensive lip-service. It is about the cheap announceable in the media and the media photo shoot rather than getting it right.

We do not have a government that attacks problems at the source. We have a government that tries to attack problems after the horse has bolted. We continue to have to close lakes in summer because of blue-green algae. We continue to see our waterways overrun with exotic fish species. We continue to see rubbish pile up in and around our lakes, and we have the community groups in a state of desperation over water quality.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (4.25): Over the last five years the issue of the health of the ACT's lakes and waterways has been a growing concern for the ACT community. I would like to take the opportunity to outline the government's position and response to these issues and our proposed future policy measures with respect to improving the health of our lakes and waterways.

We need to distinguish the purpose and use of our lakes and waterways, particularly in the context of revised catchment management. There are two broad catchment categories: drinking water supply catchments, which include areas such as the Cotter River and its tributaries—these are generally well managed and ACTEW Water assists in maintaining the quality of this vital water source; and then there are the urban water catchments. These catchments run through our developed and developing areas. They are more problematic and a significant source of pollution for our lakes.

I note that Mr Smyth seemed to suggest that apparently these waterways were pristine water bodies when he was the environment minister. I would simply draw his attention to the environment commissioner's report for the year 2000, when Mr Smyth was the responsible minister. The commissioner was raising these issues then as well.

These catchments are problematic. The ACT government monitors the environmental status of waters in this catchment, including Canberra's lakes, ponds and rivers, and advises on water quality conditions. General water quality parameters are also monitored to pick up long-term trends.

As members would know, we have a number of lakes and waterways—principally Lake Burley Griffin, which is the commonwealth's responsibility—Lake Ginninderra, Lake Tuggeranong and the Gungahlin pollution control ponds, which are managed by the ACT government. These lakes and ponds are primarily designed for capturing urban run-off, for stormwater retention and filtering and to act as settlement ponds.

To the extent of its design, the ACT's lake system actually functions very well. However, its very function can often, at times, limit both the aesthetic and recreational amenity of these much-loved waterways. There is a clear need to raise the water quality of these lakes and streams, particularly in relation to the increasing outbreaks of bacteria and blue-green algae. In the case of Lake Burley Griffin, we must work very closely with the National Capital Authority. But we must also work closely with the New South Wales government and local councils as they approve new developments in areas within the lake's catchment, such as Googong and Tralee.

The government will contribute to improving the health of the water tributaries to Lake Burley Griffin, and indeed all the other lakes and ponds in the territory, through significantly improved and coordinated catchment management.

Let me outline how this is proposed to be done. I would like to outline the purposes of our lakes and waterways and indicate at this preliminary stage the government's plans to address these concerns. The need to review and enhance catchment management in

the ACT has been identified by the Commissioner for Sustainability and the Environment and by the Chief Minister's task force on Lake Burley Griffin, while revised administrative structures for both water and catchment management have been flagged as a commonwealth requirement to ensure probity in the application of the potential commonwealth priority project funding of \$85 million.

The soon-to-be-released review of think water, act water and the subsequent revised long-term ACT water strategy place a renewed emphasis on integrated catchment management and will become a focus of the re-elected government's water agenda.

The indicators of a need for a more integrated approach to catchment management include: continuing degradation of water quality in Canberra's urban waterways and lakes; impinging urban development around Queanbeyan, Googong, Tralee, and other proposed significant subdivisions in the Jerrabomberra Creek catchment; and the need to integrate catchment management with nearby New South Wales bodies. The inclusion of the upper Murrumbidgee River catchment into the ACT's water supply—that is, the area of the upper Murrumbidgee from Tantangara Dam downstream—means that management for drinking water supply needs to be applied to that catchment also. Potable water supply systems originating in surrounding national and state parks need to be managed and the continuing development pressures within the ACT itself also need to be managed.

Members would be aware that the government has been successful in accessing funding from the commonwealth government as part of the finalisation of negotiations through the Murray-Darling Basin plan. We have received principle agreement from the commonwealth minister Mr Burke for approximately \$85 million to be allocated to catchment management initiatives. The government will be looking to form an overarching water management body, such as a catchment management authority or water resources authority, which will be responsible for total water management in the territory. This authority will also be responsible for the expenditure of any commonwealth funding as it relates to their guidelines for improving the overall health of the Murray-Darling Basin.

I am very pleased that the government has been successful in securing this \$85 million for a territory-priority project. The use of these funds, as I have indicated, has been supported in principle by the commonwealth Minister for Sustainability, Environment, Water, Population and Communities, provided the initiatives meet the satisfactory business case and feasibility requirements of the commonwealth to address water quality. This latter point is important. The money is not a gift; it comes with certain conditions and we need to be mindful of the commonwealth's broader interests in applying these funds.

Under the agreement the ACT is required to contribute at least 10 per cent as a contribution to the priority project, on top of this funding. Clearly this funding is additional to that already being provided for catchment management in our jurisdiction.

What is very exciting about this pool of money is that for the first time we will have a large and dedicated resource to focus on a comprehensive catchment management

approach, not just for Lake Burley Griffin, not just for Lake Ginninderra or Lake Tuggeranong or the Gungahlin ponds, but for our entire catchment, recognising that all of the water that flows through the territory ultimately ends up in the broader Murray-Darling Basin and contributes in either a positive or negative way to the health and wellbeing of the Murrumbidgee and the Murray rivers.

This is a significant win for the ACT—\$85 million to be spent on catchment management. I want it to be spent in a manner which is effective. I want it to drive improvement in catchment health not just within the ACT but potentially in the broader region. There is great potential, for example, to work in concert with catchment management bodies upstream of Lake Burley Griffin, in the upper areas of the Molonglo, around Queanbeyan and around the other local government areas adjacent to Queanbeyan City Council. This is where we are going to make some big improvements in the health of our lake but, more importantly, the health of the Molonglo and the health of the Murrumbidgee River. That is where this government's efforts will be focused.

**MR RATTENBURY** (Molonglo) (4.33): I thank Ms Berry for bringing on this matter of public importance this afternoon. It is an issue which I think members know is close to my heart and one that I think is very important for this Assembly to be addressing. The importance of the lake, and in fact all of the lakes across Canberra, cannot be underestimated. Lake Burley Griffin tends to get a bit of a focus, being in the heart of the city, but we know that both Lake Tuggeranong and Lake Ginninderra, as well as the smaller ponds around town such as those in Gungahlin or perhaps at Gordon, are all recognised by the community as part of the waterways system. Those main lakes in particular have really been struggling in recent years, particularly from blue-green algae and other problems.

The lakes are incredibly important to our community for a whole range of recreational uses, whether it be the sport I am involved in, triathlon, or the sailing clubs, the dragon boating groups, the sea scouts, the kayakers and the rowers. Some of these are organised activities and some of them are simply people going out, having fun and keeping fit. Of course, the closure of the lakes has a significant detrimental impact on these.

I was very pleased—and I again thank members of the last Assembly—that through a Greens motion that I put forward we were able to get the report from the Commissioner for the Environment started. That has really provided us with an excellent roadmap. I think up until the time of the commissioner's report we had seen a lot of blame shifting and no-one ever really took responsibility for it. There was a sense that it was the Queanbeyan sewage treatment works and therefore it was New South Wales's problem. Then we got down to differences between the NCA and the ACT. Really, there was a lot of speculation on what the problems were. There was also debate about the science, what was causing the problems. What we actually got out of the commissioner's report was a definitive answer on what the problems are and a clear roadmap on how to fix them. That is an incredibly valuable step forward for us.

What it identified—and, to my mind, this was actually quite pleasing—was that most the problems originated inside the ACT. It might sound odd for me to say that that is pleasing, but the good news in that is it means that this Assembly, this government and ACT residents can take responsibility for our lake. Clearly, a lot of the drivers are coming from activities that the territory has the power to alter. I think that is incredibly good news. It is quite empowering in the sense that we can now seek to actually do something about it in a very clear way.

I was talking about the importance of the lakes. The commissioner's report identified some of that in a dollar term. I will not go into what is driving the problems in the lakes. I think Ms Berry did a perfectly good job of that and there is no need to repeat it. But certainly the commissioner identified the recreational benefits of Lake Burley Griffin alone being valued at more than \$23 million a year. He went on to say that, of course, pollution in our lakes can cause serious human health impacts. The recreational benefits and the health costs really put in clear focus the need for us to take serious action on the lake. He went on to say:

The continued deterioration of Lake Burley Griffin as a recreational resource will cost Canberra more than \$25.5 million annually.

They identified both the value and the cost, and that cost is a very clear one. I think they took the right approach in measuring that. They measured the direct recreational benefit to citizens of the ACT but also the tourism value and some of those measures, which are less direct but equally important to our community.

Members who were here last term will recall me talking about the fact that over the last number of years I have played some role in helping to organise the annual Australian championship race of triathlon that is held here in Canberra on the Australia Day long weekend. We are seeing a deterioration in the number of people that are coming from interstate to compete in the race. I think that is because Canberra has developed a reputation as being an unreliable race venue because of the repeated closures of the lake.

If you think about the fact that the race is held in January, usually on the Australia Day weekend, but it moves a little bit, that is the time of year when our hotels and our cafes in town are crying out for patronage. To have an event like that—it is just one I happen to know personally, but I am sure there are others—undermined by the deterioration of the lake is bad for the whole community, not just those who are participating in the event or spectating in it.

The good news, as I have said, is that the commissioner has provided a clear roadmap. I see the government task force has now had a look at that and basically endorsed it holus bolus, as best I can tell. That is why during the election campaign the Greens took forward a very clear plan to clean up the lakes and waterways. That plan was about action. It was about saying, "Look, we've got the studies now. We know what the plan is. We need to get on with it." It is not going to be easy to fix the lake—and I think Ms Berry pointed that out very clearly—but the sooner we start, the sooner we will fix it. The longer we wait, the worse the problems will get. The community, I think, has a very clear desire for us to get on with it.

Our 10-point action plan has a series of very practical steps in it. I am pleased now that in the parliamentary agreement with the Labor Party we have a commitment to move that forward. I am particularly pleased that the government has been able to negotiate with the commonwealth the release of those funds that Mr Corbell spoke of. That will actually provide us with the funding to get on with it.

It is important that we do not spend a whole lot of time, now that the money is available, dithering over the setting up of a catchment authority. Clearly, it is important to get it right at the start, but we need to get that money and spend it on the measures that are available. Some of those are very practical and immediate—things like investigating macrophyte restoration and curbing the impact of willows. There is a clear willow management plan for Lake Burley Griffin, but it needs more funds to be fully implemented. Another would be the management of carp. That example is one of those really frustrating ones. Our lakes are home to extensive populations of carp and they create ripe conditions for algal blooms. A carp reduction plan for Canberra was developed in 2010, but no funding has been committed for its implementation. It only needs around \$185,000 over four years to make it effective. If we work closely with groups like the fishing groups in Canberra—they are very keen to assist on some of those projects—I think we can get a lot done for not a large amount of money.

The imperative now is to get on with it, to say it is time that we began to turn the lakes around. I look forward to working closely with the government on this one, certainly in my capacity as the Minister for Territory and Municipal Services. I will be working with my directorate to play a significant part.

Some of the things that will help fix the lake are quite simple. The commissioner identified the opportunity to change street sweeping regimes. I know we discussed this yesterday in Mr Coe's motion but this is particularly in the context of ensuring that, in the \$1 million we spend annually on street sweeping, suburban leaf litter does not end up down the drains. It has been identified as a major cause of pollution in our lakes. It is a source of significant nutrients and, by modifying the existing street sweeping regime, the commissioner has indicated that that would be a thing that could be done that would help improve the quality of our waterways. There are a lot of positives in this story. Clearly, the lake is in a bad state, but there is a lot we can get done. I think it is important that we get on and get it done as soon as possible.

*Discussion concluded.*

## **Adjournment**

Motion by (**Mr Corbell**) proposed:

That the Assembly do now adjourn.

## **Valedictory**

**MR SMYTH** (Brindabella) (4.41): Given that we all did big farewells just before the election, I am going to try and set a trend here and be very quick. I am sure that we

have all got the same group of people to thank and I am sure the thanks will be just as sincere, but through you, Madam Deputy Speaker, to the new Speaker, and through the new Speaker perhaps back to the old Speaker: thank you to the various Speakers and those that have sat in the chair, the Clerk and all the staff in the various parts of the Assembly. Thanks for all the work you do. It is always appreciated and we wish you all a very merry and a happy Christmas.

To all of the MLAs, including those that did not return and to the staff and the staff that did not return as well, a merry Christmas to you all. It has been a very, very busy year. I am sure you will enjoy the next four or five weeks as it gets a bit quieter.

To my office, particularly Tim and Haidee who have moved on, merry Christmas to you both, many thanks for all the things that you have done for me and best of luck in the things that come to you in the future.

To the divisional staff, some of whom are here, and to all the members of the Liberal Party, thanks for all you have done for me this year. To my friends I would just like to say thanks for all your support, not just in this year but over all of the years and over a lifetime. I do appreciate you. I do not perhaps see you as much as I should or can or would want to, but perhaps that is the new year's resolution that we always make but somehow we always break. But to all my friends I would like to thank you.

To my family, to Robyn, to David and to the twins Amy and Lorena, I am looking forward to having the girls home at Christmas and very much looking forward to seeing all the brothers and sisters and the grandkids and the now almost five great-grandkids that exist; it will be great to have the family together over the Christmas period.

I wish all Canberrans a safe and happy festive season. It is a great time. Australia has the best weather for Christmas, but it can be a dangerous time. Down at the beach, please pay attention, or if you are in the pool swimming, but also on the roads please be safe: go there, get there safely and come home safely.

I send good wishes to all those who will work on Christmas Day—our police, our emergency services staff, and particularly the volunteers. Given some of the weather forecasts, I think particularly of the RFS volunteers. I hope it does not eventuate over Christmas but, as we all know, eventually that bad season that is almost annually predicted does turn up. To the nurses, doctors and staff in the hospitals that have to keep going, to the prison staff as prisons keep going, to all of those in the community service field, to all those charities that will be cooking Christmas lunch and looking after those less fortunate, well done to you and thank you for what you do. I just wish everybody a very merry Christmas, a happy and safe holiday, and please just remember the reason for the season: it is the birth of Christ; it is the birth of the saviour, for those that follow the Christian tradition. That is where it comes from: holiday comes from holy day. Make it a holy day. Enjoy it. Have a great Christmas and I will see you all back next year.

**Ms Siew Chin Scholar**  
**Valedictory**

**MADAM SPEAKER:** Before we proceed further with the adjournment debate I would like to advise members of the Assembly of the retirement next week of Siew Chin Scholar, the Assembly Librarian.

Siew Chin joined the then ACT Government and Assembly Library as the Acquisitions Librarian in November 1998 and moved into the Senior Reference Librarian position in 2000. On 1 July 2009, following the review commissioned by Mr Hargreaves, the former Minister for Territory and Municipal Services, management of the Assembly Library was transferred to the then Legislative Assembly Secretariat. Siew Chin played an important role in the transition arrangements and subsequently became the Assembly Librarian.

During her time in the library Siew Chin has fostered close working relationships and built a strong rapport with the library's clients, ACT government staff, Assembly committees and support staff, and particularly members and their staff. She has worked hard to make the library collection relevant and useful by increasing online access to information, including replays of local radio and news services, and she has overseen a number of library projects, including a new library intranet and the digitisation of committee transcripts and media releases.

Siew Chin has been a proud advocate of the Assembly Library and has raised its profile at numerous meetings of the Association of Parliamentary Libraries of Australasia, including presenting a paper entitled *How a small library can do nifty things: innovation and inspiration in the ACT Legislative Assembly Library*.

Many of us have come to depend upon Siew Chin and all of the library staff and we value the service and ethos which she has helped to establish and maintain. I am sure all members will join with me in wishing Siew Chin well in her retirement and in her relocation to Adelaide.

Members, while we are on the subject of Christmas valedictories, I would like as Speaker to place on record my thanks to the Assembly staff. We all know the great work that Assembly staff do in making this place work, and as a new Speaker who has come into this role and has a large learning curve I assure you all it is easy to think you know how to be a Speaker but it is actually a lot harder when you actually have to do it.

To the Clerk and the Deputy Clerk and all his staff in Chamber Support, Strategy and Education, Corporate Services, Hansard and the Library, ICT, the Committee Office, and particularly to Rick and Sam who did most of the moving around this building, and at least did all of my moving, I thank them very much.

To members of the Assembly I would like to wish you a very happy Christmas. I know it does not quite feel like Christmas—there is not even any tinsel on the Clerk's desk today because it is still November—but it is the last time we will meet formally

before Christmas and I would like to take this opportunity to wish members, their staff and their families a very happy Christmas. It has been a long, hard year and I think that this is a time now for family time, to recharge and come back revived and in perhaps a slightly better mood than we were earlier today.

I note that yesterday Ms Berry I think was trying to suggest that perhaps the Assembly might need a dog and it would be better for our spirits. I contemplated whether or not we should get ourselves a puppy for Christmas. It would give a whole new meaning to the sense of dog whistle politics, but we would have the politics of actually choosing a dog, choosing the breed—I do not know whether we want a shih tzu doodle multi something or other—and then whether we get a pedigree or whether we get one from the pound. I think the politics of it will be impossible, and then organising the roster to take it for a walk I think would be beyond us.

**Ms Berry:** We would all line up for that, Madam Speaker.

**MADAM SPEAKER:** You would all line up, and also we could not leave it to Max as the Serjeant-at-Arms to do the poo patrol, so we would all have to be on that roster as well. So I contemplated it—Ms Berry tempted me yesterday—but I think that puppies are for life, not just for Christmas, and I do not think we are getting a puppy this Christmas.

### **Hillier family Valedictory**

**MR DOSZPOT (Molonglo) (4.49):** With the Christmas festivities approaching it is perhaps appropriate to mention an event that took place a week ago at the Hellenic Club, an event that characterises the incredible generosity of our Canberra community and emphasises the spirit of Christmas, which is about giving and caring.

The event was a fundraiser for the Hillier family from Tuggeranong, John and Linda Hillier. They have two delightful sons, Lee and Dean, who, despite their disabilities, enrich the lives of their parents and all of us who know them.

Their eldest son, Lee, suffers from duchenne muscular dystrophy, a progressive muscle-wasting disease. Lee has been confined to a wheelchair from the age of 12 years. He requires specialist care to monitor his heart and lungs and is also under the care of nurses and doctors from palliative care. Having graduated from Erindale College, Lee is now a student at the ANU studying political science and sociology. His grades are exceptional and he continues to amaze us all.

The youngest son, Dean, is at the Woden School and is progressing well, though he has yet to talk about it. He is 13 and he does not talk, is not toilet trained, his diabetes is best described as usually unstable, his problem with depth of vision means he has problems with stairs, and his gluten intolerance also adds to the expense of caring for him.

These expenses, on top of the usual things that young people spend their money on—iTunes, music and clothes—include things like tubes, masks and filters for his

breathing, assistance equipment, \$90 per week for transport to and from university, as well as the cost of the carers who travel with him. What his small disability pension does not cover, John and Linda need to.

Dean has medical expenses as well. For example, his incontinence issues cost the family around \$8,000 per annum for nappies, pants and other accessories in an attempt to keep him dry and free from nappy rash. His diabetes management is also horrendously expensive, as are the rest of his medical issues. The family has, as you can imagine, bills that most of us cannot contemplate, let alone control.

John works two jobs and Linda is the full-time carer for the boys. Neither of them has had a break from the 24-7 care. In fact, the last time they were able to go on holidays it was to a purpose-built disabled-friendly facility at Narooma in 2008. As it turned out, both boys became sick during those holidays. Carers ACT assisted them for a week at the farm as a small way of repaying John and Linda for always making themselves available to assist other parents who are in a similar situation and just starting down the road of caring for children with disabilities.

The fundraiser for the Hilliers—who are a typical family, and there are a lot of families in the same dire circumstances—has come about as a result of a number of us realising that urgent assistance is required to alleviate the pressures that have been building on John and Linda over the years, to give them some capacity to cope, to get the boys a few extras in the way of equipment and care that will assist their day-to-day issues, and to build some reserves to take care of some additional much-needed home maintenance issues that they have had to keep putting off because of constant medical expenses.

The fundraiser itself was very successful. The committee that put this fundraiser on raised in excess of \$30,000. I think a lot of credit goes to Ross Dobson, Mark Tuttle and Michael O’Hehir. Normally, as many of you know, I hold one of these fundraisers every year but this was not my fundraiser. This was a community fundraiser and I was simply one part of a team that included a lot of John’s colleagues from the federal department of finance. I have already mentioned, Ross Dobson, Mark Tuttle and Michael O’Hehir.

I would also like to thank Tim Gavel who, as usual, gave generously of his time as MC. I was the quizmaster. Ross Dobson was the fundraising director. The quiz director was Mark Tuttle. The committee adviser was John Hillier. Auctioneer was Greg Sadil from Sadil Quinlan and Andrea Ho was the raffle master.

There were a lot of very generous organisations. To start with there is the management and staff of the Hellenic Club, who gave their premises free of charge for the event. I also mention Bendigo Bank, the Brassey of Canberra, Cricket ACT, Club Lime, University of Canberra Brumbies, the Canberra *CityNews*, Lion Co, La Scala Italian Restaurant, Belluci’s Restaurant, Caphs Cafe and Bar, John Hanna Fine Clothes for Men, Cape Cod Seafood Restaurant, Football Federation Australia, Legends Restaurant, Beess & Co Restaurant, IGA Yarralumla, ACT Olympic Council, SNP Security, and Lambert Vineyards.

Members, I wish all of you a very happy Christmas and safety for your families all the way through. I ask that you remember some of these other members of our community who are not as fortunate as ourselves.

### **Valedictory**

**MRS JONES** (Molonglo) (4.54): I would like to take the opportunity on the last sitting day for 2012 to thank the Canberra Liberals for their very great support over a number of years, but this year in particular, in the management of our election campaign. The Liberal Party here in the ACT works very hard. To the staff in the secretariat, to the volunteers out on the ground, I want to thank you for your daily efforts to promote a Liberal government for this great territory, which it clearly needs.

Because I have not yet staffed my office, I cannot do the usual thanks. However, I have every confidence that those coming to join me in the new year will be exceptional. I thank the staff of the Office of the Legislative Assembly for the smooth induction into the running of the Assembly and for answering my many questions. I know I had a lot of questions, and I look forward to working with you over the years ahead.

Thank you to those opposite for coming here and making our democracy work. There are many matters on which I disagree with you, and that is only right. We are here to represent another view. But credit where credit is due; I believe you are very committed to this city.

I thank the Canberra Liberals' Assembly staff who have made my first weeks in this place so smooth. Thank you all for answering my questions and assisting me not to miss a division yet. Thank you for your interest in my wellbeing, and I look forward to working with you over the times to come.

To Hannah Passfield, who has gone on to more important work, thank you for your hard work in this place and your confident and capable way of supporting and encouraging our team.

Finally, and certainly not leastly, thanks to the MLAs of the great Liberal Party, who have shown me kindness and support already. I look forward to learning more and supporting you in this place. We carry the beacon of freedom and prosperity in this city and we do mighty work. To be a Liberal MLA in this city, you have to be tough, you have to be strong and you have to work harder than all the rest. There are no free rides and there are no promotions without sweat and tears. Well done all. Enjoy a restful and rejuvenating Christmas.

Having recently taken on the women's portfolio, I wish all the women, mothers, daughters, sisters and grandmothers a good holiday season.

As I have just taken on the vital work of making sure our many ethnic communities are properly served by government, as the new shadow minister for multicultural affairs, I would like to say *felix dies natalis*; *chag sameach*; *boldog karacsony*; *sretan*

bozic; kurisumasu omedeto; milad majid; subho baradin; sheng dan kuai le; nadelek lowen; vrolijk Kerstfeest; kala christougenna; Krismas ki subhkamna; selamat Natal; srecen Bozic; god jul; wesolych swiat bozego Narodzenia; S rozhdestrom Khristovym; buon Natale; feliz Navidad; frohliche Weihnachten; joyeux Noel; and, finally, happy Christmas to all in our beloved city.

### **Electorate of Ginninderra Valedictory**

**DR BOURKE** (Ginninderra) (4.57): Representing the people of Ginninderra is a privilege and personally satisfying. My goal for my political life is to make a contribution to improving the lives of the residents of my electorate. Of course, my constituents are the eyes and ears of our community. I am kept well informed of personal and community issues. I am approached with anything from the mundane to the serious, as a first port of call to a final port of call.

For example, a couple have been given the run-around regarding the installation of a solid wood heating system. This was recommended to raise the core temperature of their sick child, and I was very happy to be one of those to support their plight. The outcome was successful.

Visiting sites for a visual perspective of a community issue is an important part of my job—like, for example, seeing for myself the parking issues at Curves Gungahlin, on which I submitted a petition. As well, there are traffic and parking management issues at Thynne Street in Bruce.

My weekend community consultations are another way in which I am approachable regarding the concerns of Ginninderra residents. Sometimes people just want to say thank you for a past addressed issue, or get a copy of our latest community news that my office produces, and at other times people want to vent frustration. Either way, as their member, I am proud to represent them.

Madam Speaker, the final adjournment debate of the year is an opportunity for me to thank the many people who have assisted me over the year. I would like to acknowledge the help given to me by your office. The Clerk, Tom Duncan, his deputy, Max Kiermaier, and their staff ensure that the Assembly operates smoothly for 17 demanding members. The staff of the Committee Office do so much research and report writing on behalf of committee members. The Assembly's library staff, the Assembly IT staff, the attendants and Rick do a tireless job throughout the building. Hansard and support staff record almost every word we utter. Chamber support, the Strategy and Parliamentary Education Office—and Corporate Services ensure that members and staff are paid, which is really rather important, as well as the necessary services provided with executive support.

I thank my Labor colleagues for their support, friendship and good humour. I also thank my wife for her encouragement, her help and her forbearance. Thank you to my staff of volunteers for their hard work and their loyalty. Finally, I thank the talented and dedicated staff in the directorates I worked with, in Education and Training, Corrections, Industrial Relations and Aboriginal and Torres Strait Islander Affairs—and of course the fantastic team who were in my ministerial office.

I wish you, Madam Speaker, and the rest of the Legislative Assembly a merry Christmas and an enjoyable end-of-year break.

### **Electorate of Brindabella**

**MR GENTLEMAN** (Brindabella) (5.00): I take this opportunity to thank the many people that I have had the honour of coming across in the last four years—my gap term, if you like—and who have assisted me to arrive back in the Assembly.

I would like to start with some of the community groups I have worked with. Firstly, there is the Tuggeranong Arts Centre. I have been a board member there for about four years. We have had a very successful program at the arts centre with great achievements in the messengers program and now of course with the announcement of the refurbishment taking place in the next few months. The arts centre has been able to establish a temporary facility at Tuggeranong Hyperdome while that refurbishment occurs.

Can I congratulate the great work of Dominic Mico, Rhonda and Felipe at the arts centre, and also Jenny Hargreaves, who has now taken on the role as president of the centre. I think we have left the centre in good hands.

I was on the board of the Canberra Men's Centre for about four years. That showed me the needs of those that we do not often see in our community and the great work that our front-line community service providers do without any notoriety.

Can I thank my previous job with the Motor Trades Association, and congratulate Richard, Kris and Donna on the work that they are doing, and the extra work they are putting into the promotion of electric vehicles. The EV festival is on this Saturday. I also mention the work they are doing in automotive training in the ACT. There is a great need for improvement there.

Can I also thank the unions and the members of those unions that helped me through this campaign—the TWU, the CFMEU and the CPSU. I would like to name Klaus, Ben, Dean, Kristen and Libby for all the help that they have given me in that campaign.

I mention all the community groups who welcomed me into their meetings across the territory. Of course, to Katy, Elias and Scott and the central campaign team of ACT Labor, it was a fantastic effort by ACT Labor. Can I especially thank my Gentleman campaign team—Ellie Yates, Dave Carroll, Kirillee, Ian—Ian from Kambah and Ian from Tassie, by the way—Kim Young and Shane Reid. Then of course there was the 2 am team—Sean, Amy, Joe, Brett, Mick Harding, Linda and Rob Ogilvie. Those people and many others all put in countless hours letterboxing, doorknocking and contributing to handing out flyers at polling venues and stalls to assist me in my journey. I will be forever grateful.

The biggest thanks of all, of course, go to the constituents of Brindabella for voting me in. I hope to bring you my vision of a more sustainable Canberra, more jobs for

Brindabella, with 7,800 new residential developments in the Tuggeranong master plan, better health services like the new nurse-led walk-in centre, and the implementation of the master plans in Brindabella for Erindale and Tuggeranong. I think they will provide much better services for the area.

Finally, thank you to all of my Assembly colleagues for their warm welcome back, and thanks also to the Assembly staff for their help. I wish everybody a very merry Christmas.

### **Valedictory**

**MR HANSON** (Molonglo) (5.03): Madam Speaker, it was good to see you make a valedictory speech without crying this time. I would assume that with your elevation—

**MADAM SPEAKER:** I do not think you should reflect on the chair in that way, Mr Hanson!

**MR HANSON:** to the Speaker you have become more hard-nosed, perhaps. I would like to start by saying that the person I probably miss, surprisingly enough, is Ms Le Couteur, who would always give a most entertaining valedictory speech. I think we will miss her. It is probably the last time in this place I will say I will miss any of the Greens, but I think that we will miss Ms Le Couteur's wit and little anecdotes.

I would like to comment on the past portfolios I had—police, corrections and Indigenous affairs. To all of the staff and people who assisted me with those portfolios, I say thank you. Obviously with the new portfolios I have been given by the leader—disability services, family and community services and housing—I will look forward to working with all the community sector and ACT government officials to get up to speed and to do what I did in the previous Assembly, which is to hold this government to account.

There is no doubt it has been a busy year, dominated by the election, and I certainly welcome back those members on all sides who have been re-elected. I particularly welcome the new members—Ms Berry, Mr Wall, Mrs Jones, and Mr Gentleman after his holiday.

I would like to thank all of those who supported me this year. There are too many to mention, but I would like to particularly mention the staff members in my office upstairs—Ms Brigitte Morten and Ms Jessica Hynson. Both are outstanding staff members who have served me so well throughout this year, and I am so happy and privileged that they have decided to continue on for the foreseeable future.

Finally, I would like to thank the constituents of Molonglo, the people of Molonglo, for again putting their trust and faith in me. I assure them I will not let them down and I will work as hard over the next four years as I did over the last four years to represent their interests.

## Valedictory

**MS PORTER** (Ginninderra) (5.06): I started to think of some Christmas CDs that I might purchase for members in this place. I started with *God Rest You Merry Gentlemen*, I thought of *Mrs Christmas*, *Joy to the World*, *Calendar Girls*—or is it calendar boy?—but after that I ran out. I do not have the talent of Ms Le Couteur as far as that is concerned. But there are numerous mentions of Mary when it comes to Christmas, so I can buy a present for myself; that is no problem.

As I gave up, I thought, “I can always do what I do for all the adult members of my extended family,” which is to buy them all Oxfam gifts of goats, donkeys, chickens, water pumps, sterilising material et cetera. That would be just a few gifts to keep you all going.

Like everyone else, I would like to thank the Assembly staff and everyone that works in this place, particularly the committee office and all the staff there—Veronica, who has looked after me, and all the other secretaries that I have worked with, on the planning committee and all the other committees that I have been on—the Clerk’s office, corporate and the attendants. My thanks go to the removalists as well. They did a sterling job in helping us to move from one office to another. I also thank the library staff, Hansard et cetera.

I thank my own staff. I would like to thank those that have now moved on, and my current staff, and welcome Tim to my staff. I would like to thank and acknowledge all my Labor colleagues here. It is great to be back with you for another four years. I thank you very much for the support that you have given me in the past, and I look forward to it in the future.

I thank all my volunteers that have worked tirelessly for me for a very long time, and the people of Ginninderra, who put so much faith in me. Of course I wish everyone in this place a safe, restful and happy festive season. I am certainly looking forward to spending more time with my family members over this time.

## Valedictory

**MR COE** (Ginninderra) (5.08): I too want to extend my thanks and best wishes to the people that I regularly interact with as a member of this place—firstly, to the constituents of Ginninderra, to the wonderful Assembly staff, to the staff of the Liberal Party office here in Canberra, some of whom are in the gallery today, to the members of the management committee of the ACT party, to members of the northern electorate branch executive and to the fellow Liberal MLAs whom I have very much enjoyed working with in the past Assembly. I look forward to the enlarged team in this, the Eighth Assembly.

I also want to extend my thanks to Kate Davis, who has departed from my office. I thank her for the wonderful way that she has served the people of Ginninderra, the Liberal Party and also me as an MLA. I also thank Ruth Biggs, who worked in a part-time capacity prior to the election and has stepped up to be full time in this Eighth Assembly.

Finally, I would like to extend my thanks and best wishes to my family, especially my fiancée, Yasmin. I would also like to acknowledge the newest and smallest member of my very small family—only me at this stage—Johan, the whippet, who is a recent acquisition from the pound. I am still getting used to the responsibilities of dog ownership so I did in some ways resonate with the fellow member for Ginninderra in her adjournment speech yesterday.

It has been a challenging and exciting year, and I wish all the very best wishes for a merry Christmas.

### **Valedictory**

**MS BURCH** (Brindabella—Minister for Education and Training, Minister for Disability, Children and Young People, Minister for the Arts, Minister for Women, Minister for Multicultural Affairs and Minister for Racing and Gaming) (5.10): As we are here in the last sitting of the year we know that it has been a big year for all here. I look forward to representing the good people of Brindabella as a member of the government for the next four years. It has been an honour for the previous four years and I am looking forward to the next four years. I also want to thank my Labor colleagues. I look forward to another four years of friendship, good work and good government practice.

I wish my Labor colleagues and families a safe summer break. I wish those opposite, your families and your new fiancée, Mr Coe—it is very exciting news—and even the baby whippet a very good break indeed.

To the Assembly staff, thank you for all the work you do. I do hope you come back after the break with the same tolerance and patience that you have shown over this week. I want to thank the team in my office—staff Phil Tardif, Marc Emerson, Erin Bennett, Victor Violante, Melinda Small and Emma Clarke and, not forgetting those who left my office this year, Chris Steele and Joel Lyneham. Victor Violante became a father for the second time a week or so ago. He brought his newest addition into the office, and it is a gorgeous little mini Victor, can I say. That is very good. Joel Lyneham is now the proud father of about a six-week-old son as well.

Not forgetting the DLOs—Leeanne Maher, Ashley King and Ian Botcher. I am sure Ian Botcher is still in the building. I do not think Elvis has left yet. To the broader Canberra community, keep safe and certainly enjoy the festive season.

### **Valedictory**

**MR WALL** (Brindabella) (5.12): I would like to follow the trend tonight and thank the many people who have helped me through the year and wish them all the best for the coming festive season, particularly the members opposite, and all the staff that work in all of our offices and keep us somewhat organised most of the time. They do wonderful work and it is very much appreciated.

To my fellow colleagues and members of our party, I wish you all the very best for the coming Christmas season. I say to the staff of the Office of the Legislative

Assembly, although I have only known you for a very short time, the work that you have done to make all of us new members fit in and hit the ground running has been very much appreciated, and I do thank you for your hard work.

To all my former colleagues at Patioworld, I wish you all the best for the coming season. I very much look forward to spending some quality time with my wife. Over the course of the campaign family does take a bit of a back-seat role. And not to be outdone by Alistair's whippet, we have an announcement of a new arrival in our house as well—Grace, the new cocker spaniel.

### **Valedictory**

**MADAM SPEAKER:** Mr Seselja, are you going to announce the arrival of a dog as well?

**MR SESELJA** (Molonglo—Leader of the Opposition) (5.13): Thank you, Madam Speaker. The kids ask for a dog every Christmas; they say they will look after it and I do not believe them.

I have not had the chance to publicly congratulate Mr Coe on his engagement—that is very exciting—to the beautiful Yasmin, and we wish them well for their engagement and their marriage. It will be the wedding of the year next year, I am sure.

Can I thank all of the staff that have worked really hard on both our campaign and in the Assembly, but particularly pay tribute to Hannah Passfield, who has left us. Hannah did an outstanding job. She has made such a wonderful impact for us. It is one of the toughest jobs, I think, in the Assembly, the job that Hannah had, and she handled it brilliantly. I know that all members of the opposition have the highest regard for Hannah Passfield, so we wish her well for the future. She will go on to wonderful things in her career, if that is what she chooses, and in her family as well. So I wish her all the best.

To Siew Chin, who is moving on, I would like to wish her the best as well.

Christmas time is the time that we get together with family. One of the things that makes that special—mothers and fathers, grandparents, do their bit, but it is often the mums who are the ones who bring it all together. They are the ones who often are putting together the wonderful meals and making the homes a wonderful place to be at Christmas. I wanted to firstly thank my beautiful wife and the mother of my four children, Ros, who does such an amazing job and who is such an amazing person. I would like to put on record once again how much I love her and how much I value her.

Can I also pay tribute to my own mum who, at Christmas time, is the one who cooks the turkey and the ham, who cooks countless other things so that there can be an amazing amount of gluttony at Christmas time, at Christmas lunch, dinner and all of the other meals that follow. I would like to pay tribute to my own mum, Kate, who is such an amazing person for what she does for her family, and to all the mums who make Christmas so special.

Finally, I would like to thank all of my colleagues here in the Liberal opposition who have done such an outstanding job. All of you deserve a great break at Christmas. You should take a decent break. You should spend time with your families. You should spend time relaxing, because I know you have all done outstanding work throughout this year.

To my colleagues on the other side of the chamber, I wish you all a merry Christmas. I wish a merry Christmas to the Chief Minister and to all of your team. To you, Madam Speaker, a merry Christmas as well. And to all of your families, a merry Christmas.

Can I thank, once again, the people of Brindabella. The people of Tuggeranong and south Woden have entrusted me with their votes. I thank them for that, and I wish them a happy and holy Christmas, as, indeed, I do for all Canberrans.

### **Valedictory**

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (5.17): I rise briefly to wish everyone a merry Christmas, and I mean that in the broadest sense across this building and across Canberra as well.

I would like to acknowledge the cleaners in the building, whom I have had the privilege of meeting on more than one occasion this year. They are here very early in the building, and I think they do a very good job.

To Siew Chin as well I pass on my respects and acknowledge the contribution she has made to the Assembly.

I would just reflect briefly on how lucky we all are to live in a place like Canberra. Whilst we have our battles in this place, one only needs to go to the world news to have a look at how some people will be spending their Christmas. There are many places in this world where people will not be enjoying a Christmas that Canberrans will be enjoying, so there is a lot to appreciate about the democracy we live in but also the beautiful city that is Canberra.

Next year is going to be, in the centenary team's terms, one big year. It is a year to be proud of our city, and I know all 17 of us are, but it gives us a real opportunity to spread the message about our beautiful home.

I would also just place on the record and acknowledge the work that all the charities will be doing over Christmas. As Chief Minister I am acutely aware of the fact that Christmas is a very stressful time for many families. It is a time when we have to up our child protection staff, it is a time when we have to make available more homes for victims of domestic violence and it is a time when the courts are quite busy, so I acknowledge all the work that will be done by those organisations and public servants to support families in Canberra who will find this Christmas, like many others, a very difficult time.

I think of all the work that organisations like UnitingCare Kippax do for families who are finding it difficult to make ends meet—to ensure that their kids get a Christmas like my children will have where there are presents and there is food on the table, to take away for just a brief period of time the financial burdens that exist for them on any day.

To all of the members here and the new members that have arrived in the Assembly, please enjoy the break, and we will all be back ready and willing to engage in battle in February next year.

### **Valedictory**

**MR RATTENBURY** (Molonglo) (5.19): In the spirit of the end of year I would like to just take this opportunity to reflect and thank a few people. With the changeover at the Assembly I would particularly like to thank the Clerk and his staff in the Secretariat. Certainly being Speaker for the last four years was an absolute privilege. It is quite a different perspective to sit at this end of the chamber during question time, and I wish you luck, Madam Speaker, over the next four years. I suspect you have had a taste in the first week of just how difficult it can be at times as one gets jammed between two fiercely competing teams.

I would also like to take this opportunity to wish all those staff in my new directorates the very best for the Christmas season. I am only just getting to know them, but it is quite inspiring to meet with many of the staff who are working very hard in the ACT public service on a daily basis to provide good services and good outcomes for this city, and I am certainly enjoying getting to know them. It is a real privilege and over the next few months as we have a break from sitting and I get a chance to get around and meet a few more of them it will be a great experience to really see what they are doing on a day-to-day basis.

It has been a time of change, of course, coming to the end of this year without a few colleagues. I am very disappointed to be back for the Eighth Assembly without Meredith, Amanda and Caroline, but I can assure you all, as I have been asked by some people, that they are all getting on with a new life. They are finding new directions for themselves and they are all energetic people who have got a lot to contribute to the community. They will not be sitting still. Amanda is already back working on mental health issues—she has become a member of the board of the Asthma Foundation in the ACT, taking up that passion that she advocated very strongly during the last Assembly—and each of them will continue to be great contributors to the Canberra community.

I would like to thank my staff in my office, who have settled down over the last few weeks. It has been quite a transition time for us and they have taken to it very professionally, very adeptly, and we have got ourselves up and running very quickly in quite a new role. I know they are all looking forward to a bit of a break as well and I wish them all a tremendous holiday season. They have earned it and they will certainly need to, I guess, bank some energy, because I suspect we are in for a very busy and frenetic time over the next couple of years, as this week has ably demonstrated.

I hope all my colleagues in the Assembly have a relaxing break. Certainly for those of us who were here last term I know that we will all be looking forward to a slowing down, and to the new members of the Assembly I very much welcome you here; it is great to have you join us and I know you all pushed hard through the election campaign as well, so I think everyone will value their festive season. I hope it is safe and happy for everyone in the chamber.

Question resolved in the affirmative.

**MADAM SPEAKER:** Before the Assembly stands adjourned, I should remind members that all members are most welcome at the Speaker's Christmas drinks on today week.

**The Assembly adjourned at 5.23 pm until Tuesday, 12 February 2013, at 10 am.**