



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**EIGHTH ASSEMBLY**

**6 MAY 2014**

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**Tuesday, 6 May 2014**

Petition:	
Ministerial response: Roads—Spofforth Street—petition No 7-13 .....	1027
Planning, Environment and Territory and Municipal Services—	
Standing Committee .....	1028
Planning, Environment and Territory and Municipal Services—	
Standing Committee .....	1040
Justice and Community Safety—Standing Committee.....	1043
Public Accounts—Standing Committee .....	1044
Environment—Koppers site.....	1047
Planning and Development (Extension of Time) Amendment Bill 2014.....	1047
Planning, Building and Environment Legislation Amendment Bill 2014.....	1057
Rail Safety National Law (ACT) Bill 2014 .....	1058
Planning, Environment and Territory and Municipal Services—	
Standing Committee .....	1065
Aboriginal and Torres Strait Islander Elected Body Amendment Bill 2014 .....	1065
Minister for the Environment and Sustainable Development.....	1068
Motion of no confidence .....	1068
Visitors.....	1073
Minister for the Environment and Sustainable Development.....	1073
Motion of no confidence .....	1073
Questions without notice:	
Roads—Majura Parkway.....	1091
ACT Ambulance Service—culture.....	1092
COAG meeting .....	1093
ACT Fire and Rescue Service—alleged bullying.....	1095
WorkSafe ACT—improvement notice .....	1096
Economy—employment growth.....	1097
Emergency services—alleged bullying .....	1100
Sport—beach volleyball .....	1101
Schools—capital works .....	1103
Standing Committee on Planning, Environment and Territory and	
Municipal Services—activities of chair.....	1105
Transport—light rail .....	1110
Papers.....	1112
University of Canberra—annual report 2013 .....	1112
Financial Management Act—instruments .....	1114
Papers.....	1116
Alexander Maconochie Centre—additional facilities (Ministerial statement) .....	1117
Economy (Matter of public importance).....	1120
Amendments to the Electoral Act 1992—select committee .....	1129
Adjournment:	
<i>Staying Young Growing Old</i> —book launch .....	1130
Australian Red Cross .....	1131
May Day rally .....	1132
Life Education Australia.....	1133
Schedules of amendments:	
Schedule 1: Rail Safety National Law (ACT) Bill 2014 .....	1135
Schedule 2: Planning and Development (Extension of Time) Amendment	
Bill 2014.....	1136

**Tuesday, 6 May 2014**

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

## **Petition Ministerial response**

**The Clerk:** The following response to a petition has been lodged by a minister:

By **Mr Rattenbury**, Minister for Territory and Municipal Services, dated 24 April 2014, in response to a petition lodged by Mr Coe on 25 February 2014 concerning traffic in Spofforth Street.

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

### **Roads—Spofforth Street—petition No 7-13**

*The response read as follows:*

The ACT Government notes the e-petition submitted by the petitioners, tabled by Mr Alistair Coe MLA on 25 February 2014 and makes the following comments.

The ACT Government has undertaken extensive investigation and community consultation in relation to traffic management in Holt. Its conclusion is that a traffic calming scheme is important in the identified Holt Streets for community safety, to reduce speeding and to maintain residential amenity. The attached table demonstrates the impact that speed cushions have had on the significant level of speeding that was occurring in Spofforth Street, Holt.

1. Work to amend and improve the local area traffic management (LATM) treatments in Holt on Spofforth Street commenced in April 2014. These improvements include the removal of a number of the existing speed cushions on Spofforth Street and replacing them with new chicane arrangements. New LATM arrangements, including chicanes and refuge islands, will also be implemented on Messenger, Beaurepaire and Trickett Streets.
2. In addition to the amendments on Spofforth Street, new treatments will be implemented on a number of other streets within Holt to ensure the road network in the suburb is better equipped to manage the growth in traffic in coming years. These works are due for completion by July 2014.
3. During construction and following the completion of the works the Australian Federal Police will be requested to patrol the area and assist in speed management in and around the suburb.
4. Continual monitoring of the new arrangements will occur to measure their impact.

**Spofforth Street (Southern Cross Dr – Drake Brockman Dr)  
Speed limit – 50 km/h**

**Speed survey data (from 7-day tube counts)**

% of vehicles travelling	On Weekdays					On Weekends				
	2005	2007	2011	2012	2013	2005	2007	2011	2012	2013
At or below 50 km/h	4	9	14	78	78	5	16	11	84	81
At 51-60 km/h	21	32	43	13	15	18	31	42	10	14
At 61-70 km/h	47	35	32	6	5	41	38	33	4	3
At 71 km/h or above	28	24	11	3	2	36	15	14	2	2

Traffic calming scheme implemented in **December 2011** – 13 sets of speed cushions

Traffic calming scheme modified in **December 2012** – 2 sets removed and 9 sets re-located.

**Planning, Environment and Territory and Municipal Services—  
Standing Committee  
Statement by chair**

**MR GENTLEMAN** (Brindabella) (10.02): Pursuant to standing order 250B, I present the following paper:

Planning, Environment and Territory and Municipal Services—Standing Committee—*Inquiry into the Planning and Development (Project Facilitation) Amendment Bill 2014*—Statement, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to move a motion.

Leave granted.

**MR GENTLEMAN:** I move:

That the Assembly takes note of the papers.

The committee acknowledged that we had a very short time frame available for interested stakeholders to prepare submissions, particularly as the submission period coincided with school holidays and the Easter period. In light of the short time frame the committee sought to expedite the inquiry process by adopting processes used by the Senate committees when conducting legislation inquiries in short time frames.

The committee took evidence from a number of individuals and community organisations, including a number of community councils and other organisations, including the ACT Heritage Council, the Walter Burley Griffin Society, the Planning Institute of Australia and the Australian Institute of Architects.

I would like to express my thanks for the contributions made by submissions and by witnesses who participated in the public hearings. I would also like to thank the staff

from the Legislative Assembly library for their assistance with the inquiry and also our committee secretary, Margie Morrison, who did so much work.

As you will see in the minutes tabled, Madam Speaker, the committee was presented with a report by the chair. The report was looked into but, when the final motion was put for the report to be adopted, that motion was lost. Therefore, according to the standing orders that were amended by Mr Smyth's motions earlier on, I present that statement.

**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) (10.04): It is disappointing that, once again, we see some members on the other side of this chamber seeking to disrupt the business of the committees by deliberately obstructing the passage of an Assembly inquiry into an important piece of legislation. I understand from a review of the minutes that it would appear that the opposition members of this committee have supported each and every one of the paragraphs proposed by Mr Gentleman in his draft chair's report but have then chosen not to support the committee report as a whole and I find that quite extraordinary, Madam Speaker. Because if it is the case that no objection was raised by Mr Coe and Mr Wall to each of the paragraphs in the draft chair's report—

**Mr Smyth:** How did you get the minutes?

**MR CORBELL:** The minutes are online and they are available, Madam Speaker. The government is concerned that members of the opposition are deliberately obstructing the business of this place.

*Members interjecting—*

**MADAM SPEAKER:** Order members!

**MR CORBELL:** I ask Mr Smyth to withdraw.

**MADAM SPEAKER:** Order members! I heard someone on the opposition benches use the word "mislead". I couldn't hear who he was, so the person who used the word "mislead" would you withdraw.

**Mr Smyth:** I simply interjected: "have you misled?". I am happy to withdraw. The question hangs doesn't it.

**MADAM SPEAKER:** There is question time for those matters Mr Smyth.

**Mr Coe:** On a point of order, Madam Speaker, I draw your attention to standing order 202, disorder by a member, and I inquire as to whether Minister Corbell has in effect disregarded the will of this place with regard to committee practice by quoting minutes which I do not believe have been distributed, nor are online. Therefore, I wonder whether he is actually in breach of the standing orders.

**MADAM SPEAKER:** I am not quite sure. Are you referring to standing order 202(d) Mr Coe? I notice that Mr Corbell is referring to minutes. They are not minutes that I have seen. And they weren't attached to the tabled statement. I do not know whether they have been circulated in any form.

**Mr Coe:** Further to that, Madam Speaker, I believe they are not published online so therefore I would be very curious as to how the minister, who is not a member of the committee, did in fact get a copy of these minutes.

**MADAM SPEAKER:** I don't think that standing order 202 applies. You may, Mr Coe, wish to perhaps pursue the matter of how Mr Corbell can be quoting from minutes which, according to you, haven't been circulated yet. I think that is probably a matter you might need to take up in the committee. I will consider the matter further because I just need to take a bit more advice. But I think there is no point of order under standing order—sorry, can we just stop the clock; I just realised—there is no point of order under standing order 202(d). You do raise some issues which I think require some other consideration but it probably doesn't need to hold up the debate.

**MR CORBELL:** Thank you, Madam Speaker. Why is it that the Liberal Party continue to obstruct the business of this place in the manner that they do? Why is it that there is no capacity for this committee to report on such an important bill? Why is it? Quite clearly, it relates to the obstruction on the part of those members opposite. They are deliberately obstructing and wrecking the business of this Assembly, which is seeking to conduct a legitimate inquiry of significant interest to the broader community.

Madam Speaker, I again draw to the Assembly's attention the fact that you yourself have made comments in this place about the desirability of members working together to ensure that the committees are able to report and that submissions made by members of the community are able to be properly reflected in reports that are presented in this place from our committees. So it is a very disappointing outcome, Madam Speaker—a very disappointing outcome.

I foreshadow that at the conclusion of this debate I will be seeking leave to move a motion for the chair's draft report of the Standing Committee on Planning, Environment and Territory and Municipal Services' inquiry into this bill to be tabled so that we can at least see what it is that those opposite found so objectionable that they were unwilling to agree to the chair's report. I think that would certainly cast some light on these circumstances.

It really is incumbent now on those opposite to explain why it is that they continue to obstruct the business of this place and its committees for nothing more than short-term tactical or political considerations. It is certainly not in the interests of this Assembly or the broader community that inquiries such as this are not able to present a formal report. The government nevertheless will proceed with its bill, having regard to the submissions made. If we are able to obtain a copy of the chair's draft we will certainly seek to take that into account as well.

**MR COE** (Ginninderra) (10.11): Madam Speaker, there are a couple of things I want to touch on today. Firstly, for Mr Rattenbury's benefit—he was not here just then in the chamber and I think it is important that Mr Rattenbury hears this fact—Minister Corbell has just said that he has seen minutes for the committee meeting, he has quoted minutes and yet the minutes have not been published. The minutes have not left the committee; the minutes are not online. How did this minister—the minister the committee is meant to be advising—see these confidential documents? That is a very serious issue. It is a serious issue that Minister Corbell simply neglects the role of the committee, and it is potentially also a very serious concern that somebody in the committee has leaked the minutes to Minister Corbell for political gain. Minister Corbell has either misled the Assembly and he has not seen the minutes or he has seen the minutes and somebody in the committee has leaked them to him. Either way, it is disorderly for Minister Corbell to be talking about minutes prior to them being published.

As to the substance of the issue—the inquiry into the bill—I want to extend my thanks to the committee secretary, Margie Morrison, and to the committee office in general as well as to Hansard and the parliamentary library for their work in making this inquiry happen so quickly. It was a particularly short inquiry which involved everyone working at a very quick pace.

On 8 April I said:

It is a sham to expect that this bill could be referred to the planning committee today—8 April—and have it report back by 6 May having advertised, sought submissions, received submissions, held public hearings, written a draft report, discussed the draft report, agreed to the draft report and have it presented.

In fact, Madam Speaker, I think all the witnesses and submissions complained about the short committee inquiry. In fact, Ms Caroline Le Couteur said:

I do not think there has been sufficient public consultation on this bill.

The President of the ACT Chapter of the Australian Institute of Architects said:

A failure by the Committee to allow appropriate time for the preparation of submissions from interested parties makes the whole purpose of referring the matter to the Committee for ingenuous and, engaging in public consultation impossible.

The Planning Institute said:

... our concern here is that what we consider to be a significant piece of legislation was not communicated and was not consulted on. As a peak body with an interest in planning we would have hoped that someone might have thought that perhaps we should be consulted.

Dr Kwiatkowski said:

... I just want to add that I am very disappointed at the lack of consultation around this bill. It is good that now there is a process in place, but originally the

government did not let the community and stakeholders know this was happening until the very last minute. This is important legislation and I think it should be looked at very carefully before it is voted on.

The Weston Creek Community Council said:

I would say that the bill has been brought in with what I would term almost obscene haste. There has been no effective consultation on it. I think this hearing has been an afterthought after public criticism was raised by the community through a number of associations.

Mr Edquist said:

If it was the executive's intention to make things difficult, they have succeeded at least in part. But I would note that community consultation where the community does not get the opportunity to express its views is not really consultation. I think it is a pity in a way, because I do not think it enhances the dignity of the Assembly that the executive is using it in this way. It is not really appropriate.

The National Trust of Australia (ACT) said:

The time frame for review of this act is something which concerns us greatly.

If the point of the committee was to get community and professional opinion, the take-out message was that consultation was non-existent and the bill should not be passed.

I believe the ball is in Shane Rattenbury's court. Will he stand by his commitment to the government on this bill or will he represent the community and every single witness who appeared before the committee and every single submission which was put forward to the committee? No witness expressed a view that the bill should be passed in its current form. The vast majority, if not all, advised the committee of their very serious concerns.

Again, Ms Le Couteur said in her submission the following:

The new Bill will clearly make planning more political as the planning for possible large, and certainly important, areas of the territory can be basically determined politically. If the government has a majority in the Assembly then using the 'major project' or 'special precinct' powers will mean that it can operate the planning system without significant public consultation, it is so chooses.

Ms Margaret Fanning's view, which was presented to the committee in a submission, was shared by other witnesses who presented at the public hearing:

It is simply not clear why this sort of change is either necessary or desirable. In particular it is not clear why the designation of a special precinct with development rules appropriate to that precinct could not be achieved by the



normal draft variation process or project specific legislation ... In summary, there is virtually nothing in the Bill as presently drafted which should be supported.

The Planning Institute advised the following:

What we do not agree on—I will get to these things a little bit more—overall is that basically this is the instrument to do that. We believe that other processes would be more appropriate.

The Inner South Canberra Community Council gave their view of the bill:

But that is the usual way these things are done. We are proposing to step out into the unknown and pass some sort of global all-encompassing bill that will enable governments to handle any kind of project that comes up without passing an enabling act. You could say that each enabling act is different and that this will be more uniform. Perhaps, but I think you are going to have to give away more than you gain by having an act that will be an act for all seasons.

Of course, we heard of problems with the overriding of the Heritage Act and tree protection. In fact, the risk to Aboriginal heritage sites was raised as a particular concern. Mr Marshall said:

I guess in a similar way to our concern about any heritage values or places, we do not want to see heritage ignored in this process, particularly Aboriginal heritage ignored in this process. There may be important heritage values in areas subject to this bill. There may be direct conflict between development proposals and Aboriginal heritage. In fact, there may not be a conflict, but informed decision-making requires that that information is well understood, that the necessary surveys are undertaken and that appropriate steps are taken to protect our heritage into the future.

In a sense, we think that turning off the Heritage Act through this current bill is a very unfortunate step to take for what is often an unrecognised aspect of our heritage.

Many witnesses and submitters commented on the fact that so much power is centralised with the minister and executive. Rather than discharge responsibility to the Assembly, the bill empowers the minister responsible for planning and the executive. One quote was that the net result of all these changes is that planning in the ACT will become less informed and guided by planning expertise, and much more politicised.

The Walter Burley Griffin Society also expressed their concern about the system. Mr Odgers said:

In the society's view, the major problem of the draft Planning and Development (Project Facilitation) Amendment Bill 2014 is the specious claims about transparency and accountability, when in reality they threaten a marked decline in democratic processes with inevitable consequential poor outcomes in terms of environmental heritage, design and social outcomes.

The lack of professional opinion in the processes outlined in the bill was articulated to the committee. Mr Martin said:

Possibly, but the real issue there is that the powers rest with the minister in many of these aspects. He is making decisions on a whole range of planning, heritage and other issues and replacing expert advice. I do not think one personally can actually have the knowledge to make, if you like, an informed and correct decision with respect to heritage issues, because he has not got training and experience in heritage issues. Therefore, I think the process is flawed in that way if he is not seeking appropriate independent expert advice.

The Chairperson of the Belconnen Community Council commented on the broad scope of power the minister has.

One never knows what influences might occur on the Assembly or on that particular planning minister some time in the future. It is not necessarily just confined to the current incumbents or anything like that, but at the same time there are always pressures that can be brought to bear, and the whole purpose of legislation is usually to limit those pressures.

The Woden Valley Community Council said through Dr Stewart:

The second point is that the bill gives the executive—not the parliament; the executive, that is, the planning minister and the cabinet—excessive and unaccountable powers over development associated with projects of significance or special precincts. Even the role of the Assembly is watered down because all the Assembly can do is vote to disallow the instruments that give effect to the proposed fast-track legislation. I guess that they are two key points about how the institutions of planning are unbalanced as a result of this bill.

Madam Speaker, this is bad legislation and should not be passed. This is what we heard from the community during this process. If the point of the committee inquiry was to get input and to get advice, well, we heard the input, we heard the advice, and the committee clearly heard that this bill should not be passed.

An interesting point was that a number of people from community councils made reference to an email received from Mr Rattenbury. A copy of the email was provided to the committee. The email included this from Mr Rattenbury:

Having looked closely at the legislation, I believe the advantage of the Bill is that it will provide an alternate option to the use of call-in powers, meaning that significant development projects of substantial public benefit for the ACT can be expedited through a more transparent and democratic process than the use of ministerial call-in powers.

The ACT Greens have consistently questioned the use of call-in powers since the 1990s on the basis that they deny access to third party appeals as a mechanism to fast-track developments. We know that major projects are much more likely to trigger the use of the ministerial call-in, so we are pleased that this new legislation introduces a new level of decision making through the Legislative Assembly.

Mr Rattenbury made some people think that the call-in powers were going to be wound back. Well, they have not been. I would not be surprised if this bill was sold to Mr Rattenbury or his office as being the beginning of the end for call-in powers, and Mr Rattenbury thought that was a good thing. Well, if anything, it is even worse than the current arrangement because it is pretty much a call-in on the territory plan as well.

Dr Jenny Stewart responded to this:

... as I understand it, one of the rationales for the bill was that it is going to make the minister's call-in powers more transparent, an objective I think which most people would endorse. However, on our reading of the bill, as put forward, it does not really do this at all.

Dr Denham also addressed this:

Having said that, when I first read the press release that Shane put out, I thought, "This is really good. We are going to abolish the call-in powers for all but these major projects." I thought, "This is what we really want." The Assembly is going to deal with the major projects and the call-in power is going to go. But that is not what is in the bill, as you well know. The call-in powers are still there.

It seems Mr Rattenbury got these people's hopes up, and it is no wonder that every single witness expressed serious problems with this bill.

The opposition was opposed to this bill before, and our position has been reaffirmed by reading every submission and hearing every witness. Mr Wall and I put forward a report to the committee for consideration, and the committee was unable to form a decision about which committee report to endorse. It is for that reason that Mr Gentleman had to make a statement under standing order 250 that we were unable to choose a report.

It is all very well for Minister Corbell—having cited the minutes, as he said, even though they have not been published and they have not been circulated and have not left the possession of the committee—to say that it was the opposition's fault for not putting together a report, but we have an alternate report which was not endorsed by the committee. That is a shame, because this report quotes from the many submissions and the many witnesses who said there are very serious issues with this bill—very serious issues. Many stem from the lack of consultation, but the vast majority stem from the substance of the bill itself.

It is disappointing that Minister Corbell's motion does not also call for the tabling of the other report which the committee considered, but I understand there may be an amendment to Mr Corbell's motion that will also enable this report to be tabled in the Assembly.

**MR RATTENBURY** (Molonglo): Madam Speaker. I seek your leave under standing order 46 to make a personal explanation.

**MADAM SPEAKER:** Mr Rattenbury, I am happy to give leave but normally—

**MR RATTENBURY:** I will give you a short explanation.

**MADAM SPEAKER:** Normally standing order 46 is not used in the middle of debate.

**MR RATTENBURY:** I believe it is after the finish of a member's remarks, Madam Speaker.

**MADAM SPEAKER:** No, that is standing order 47, where you could say that something you had previously said had been misconstrued. However, with the leave of the Assembly, I am happy to give you leave under standing order 46.

**MR RATTENBURY:** I just wish to offer a quick clarification. Mr Coe saw fit to comment on the timeliness of my arrival in the Assembly today. I want to assure members that I was speaking at a community event this morning on culturally and linguistically diverse aged care. I was back in the Assembly at 10; I was just upstairs gathering my papers.

**MR COE (Ginninderra):** Madam Speaker, under standing order 46—

**MADAM SPEAKER:** Are you claiming to have been misrepresented, Mr Coe?

**MR COE:** I am.

**MADAM SPEAKER:** Leave is granted, Mr Coe.

**MR COE:** I hope that I was not disparaging in my remarks when I made reference to Mr Rattenbury. The reference was simply because he physically was not in this chamber and, therefore, missed the earlier part of the debate. I was trying to bring him up to speed with the fact that Minister Corbell had quoted from minutes that had not yet been published.

**DR BOURKE (Ginninderra) (10.28):** It is interesting to sit here this morning and hear about Mr Coe's shaky understanding of the role of committees and his particularly shaky understanding of the standing orders. Yesterday at noon—

*Mr Coe interjecting—*

**MADAM SPEAKER:** Order, Mr Coe! I would be very careful about those sorts of interjections. Dr Bourke.

**DR BOURKE:** Thank you, Madam Speaker. Yesterday at 12 noon Mr Coe brought a draft report into the committee at no notice. We had already had the chair's draft report for several days. So this is the kind of shoddy piece of committee work that Mr Coe thinks should go on in this place. It is completely disrespectful to committee members and given the time lines there was no opportunity to properly consider whether Mr Coe's alternative draft should be considered.

Then I go to the substance of the standing orders. As Mr Coe well knows—it was discussed in the meeting yesterday—when there are two draft reports submitted and the committee cannot decide, which it could not, it is the chair’s draft which is then considered. Mr Coe in his explanation of his conduct before omitted that understanding. I presume that he can remember the proceedings from yesterday but chose to omit that nuance to bolster his own argument.

What happened then, Madam Speaker? Each and every paragraph was considered and Mr Coe and Mr Wall agreed to every single one of them. This is a reference on which a number of committee members provided reports. Indeed, we had a whole day of people giving evidence—from the Planning Institute of Australia, the Walter Burley Griffin Society, the ACT Heritage Council, the Weston Creek Community Council, the Woden Valley Community Council, the Griffith Narrabundah Community Association, the Inner South Community Council, the—

*Mr Coe interjecting—*

**MADAM SPEAKER:** Order, Mr Coe!

**DR BOURKE:** Belconnen Community Council and the National Trust of Australia. The chair’s draft report contained a number of recommendations which I believe would have assisted the government to produce a better piece of legislation, including better protection for Aboriginal heritage, better and longer consultation periods. Interestingly, Mr Coe and Mr Wall agreed to every one of these recommendations and every paragraph in the chair’s draft report, but then they chose, for political reasons, to crash the report, to vote it down.

They could have used their numbers in the committee to delete any recommendation or paragraph with which they did not agree. That would have been the way a good committee person would have worked. That is the way a person who has respect for the individuals and organisations who have taken the trouble to come to a public hearing or to send in their submissions would have acted.

That would have been respectful to their fellow committee members and respectful to the Assembly. But Mr Coe and Mr Wall chose not to behave in that way for political reasons. That is very obvious. If Mr Coe continues to behave like this, it clearly demonstrates to our community that the Canberra Liberals are simply unfit for government. I really feel sorry for Mr Hanson having to lead this mob.

**MADAM SPEAKER:** The question is that the paper be noted. I call Mr Wall.

**MR WALL** (Brindabella) (10.32): Thank you, Madam Speaker.

*Members interjecting—*

**MADAM SPEAKER:** Order, members! I would like to hear Mr Wall.

**MR WALL:** I think it is only fair that the record shows that we had a couple of options, as members opposite have explained, during the deliberation on this report on the inquiry that the committee has undertaken. Mr Coe presented an alternate report, and, as per the standing orders, no agreement was able to be reached as to which report should be considered first. So in accordance with the standing orders, the chair's report was given precedence. It was then considered as a whole. At that point Mr Coe and I were given two options: we could streamline the process, knowing what the outcome was going to be, that inevitably there was going to be a differing opinion as to whether or not that chair's draft should be accepted and tabled in this place.

Knowing that the outcome was that we, as the two Liberal members of that committee, were not going to accept the report, we chose to streamline the process, save everyone's time, not seek to waste unnecessarily the time of members of this place, and expedited the deliberation by saying, "We agree with your report, the contents of your report, but we do not agree with that reflecting the views of all members of this committee."

That, in essence, saved what would be a couple of hours of time, Dr Bourke. You can nod and you can be smug about it, but inevitably it was the courteous thing to do to all members of the committee and the secretariat themselves. The situation we are left with now is that we have got a statement of the deliberations by the committee. I understand that there will be a motion moved in this place today to seek that the draft report be tabled in the Assembly. I think it is only fitting then also that the alternative report be tabled in the Assembly so all opinions of the committee can be reflected in a public forum.

**MR GENTLEMAN** (Brindabella) (10.34), in reply: I thank everybody for their comments on this. I wanted to discuss the minutes for a moment, because there has been a lot of reference to these minutes this morning. Indeed, I referred to them directly in my opening speech and I indicated what occurred in the meeting yesterday in regard to voting on the report.

I want to read that particular extract of those minutes into the *Hansard*. In relation to point 6, inquiring into the Planning and Development (Project Facilitation) Amendment Bill, the minutes state:

6.1: the Chair submitted the Chair's Draft Report circulated on 1 May 2014.

6.2: Mr Coe submitted an Alternate Draft Report entitled 'Report: *Inquiry Into the Planning And Development Project Facilitation Amendment Bill 2014*.'

6.3: the Committee referred to Standing Order 249:

"If any member other than the chair submits a draft report to the committee, the committee shall first decide upon which report it will consider. If the committee cannot agree on which draft report to consider, the chair's draft will have precedence."

6.4: the Committee noted that the effect of Standing Order 249 was that the Chair's Draft Report would take precedence.

6.5: the Chair moved that the Chair's Draft Report be considered by the committee.

6.6: on the motion of the Chair and by leave of the Committee, all paragraphs of the Chair's Draft Report were considered and, on a motion by the Chair and by leave of the Committee, were moved together and agreed to.

6.7: the Committee considered Appendices A, B, C and D to the Chair's Draft Report in order on the Chair's motion and were agreed to without amendment.

6.8: the Chair moved that the report as amended be agreed to—

The chair put the question to the committee and the committee voted: ayes 2, Dr Bourke and myself; noes 2, Mr Coe and Mr Wall—

6.10: the motion was therefore resolved in the negative.

6.11: the Chair noted that, in accordance with Standing Order 250B, a written statement would be presented to the Assembly to advise that the Committee was unable to agree upon a report along with the minutes of proceedings.

6.12: Dr Bourke moved that the Chair's Draft Report and the Alternate Draft Report be included in the minutes of proceedings.

6.13: The Committee discussed the motion—

The chair put the question and the committee voted: ayes 2, Dr Bourke and myself; noes 2, Mr Coe and Mr Wall—

6.15: the motion was therefore resolved in the negative.

6.16: the Committee noted the recent experience of the Select Committee on Regional Development who, in view of not being able to agree upon a report, lodged a special report in the Legislative Assembly. On the same day the Assembly passed the motion to publish the Chair's Draft Report and Alternate Draft Report.

6.17: it was noted that it is now up to the Assembly to resolve whether to authorise for publication the Chair's Draft Report and the Alternate Draft Report to the Committee's current inquiry.

Those are the extracts of the minutes, Madam Speaker. That makes it very clear that opposition members, whilst supporting the whole report—the whole chair's report—then would not adopt it and then would not deal with their report either, even when asked if they wanted to put it into the minutes of the meeting so that it could be discussed in the Assembly.

Of course, Mr Coe has taken the opportunity to read his whole report into the *Hansard*. I guess that getting it on the record is pretty good. So I would like to table the chair's draft report, but unfortunately the motion has not come up yet. I do hope the Assembly supports that motion.

Question resolved in the affirmative.

## **Standing order 46**

### **Statement by Speaker**

**MADAM SPEAKER:** Before I call anybody else, I would like to go back to the discussion of standing order 46. Mr Rattenbury sought the chair's leave under standing order 46. I gave leave and then I gave leave to Mr Coe as well. On reflection, and on going back to the standing orders, I stand by the original point that I made that these matters should be dealt with not in the middle of debate—that is standing order 47 as I said at the time—but at the conclusion of debate when there is no other question before the Assembly.

It was a lapse on my part, but I do not think it was a fatal error. But I think that members should be aware of what the standing orders say and in future raise matters in relation to standing order 46 when there is no other question before the Assembly.

## **Planning, Environment and Territory and Municipal Services—**

### **Standing Committee**

#### **Order to table**

**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) (10.39), by leave: I move:

That the Chair's Draft Report of the Standing Committee on Planning, Environment and Territory and Municipal Services' inquiry into the Planning and Development (Project Facilitation) Amendment Bill 2014 be tabled by close of business today.

**MR CORBELL:** Madam Speaker, I move this motion today because in the absence of a report from this committee I think it is important that we see what the chair proposed to the committee. That is the purpose of this proposed resolution. It is quite clear, and we have had it confirmed from both sides of this chamber, that the committee considered the chair's report and it agreed to the substance of the report but not to its final endorsement. That, of course, highlights the obstructive approach adopted by those members opposite.

If they really felt so strongly about this report, why did they agree to each and every paragraph proposed by the chair? That really is the question that they need to answer. If this was such a terrible report and it was something that they fundamentally disagreed with, why did they tick through and pass through and agree to every single paragraph proposed? Why did they do it? This really does highlight the obstructive behaviour that we now see from Mr Coe and Mr Wall.

I have to say that it is Mr Coe and Mr Wall. It is not any other member opposite. It is Mr Coe and Mr Wall who are playing this game and they are wrecking the processes of committees in this place in the process. For example, we have got Mr Smyth presenting a report later. I understand that a report is to be presented. So that highlights that committees can deliver reports.



It is the case that we need to see exactly what was so objectionable about this report that those opposite could not endorse it. In every letter, in every word, in every paragraph they could endorse it but they could not endorse the report as a whole. The question is: why did they do that? Clearly, they did not disagree with the content. Clearly, they did not disagree with the substance. They were just wanting to play silly political games.

Madam Speaker, I note that Mr Rattenbury has circulated an amendment to my motion. I can foreshadow now that I have no disagreement with the amendment Mr Rattenbury has suggested.

**MR WALL** (Brindabella) (10.43): I move an amendment to Mr Corbell's motion, which I believe is being circulated as I speak. I move:

Add

“(2) any alternate report considered by the Committee be tabled by close of business today.”.

The amendment seeks to include all alternative reports that were considered by the committee to be tabled by the close of business today to the Assembly.

**Mr Corbell:** Shane has circulated an amendment already.

**MR WALL:** Mr Rattenbury and I presented it to the chair at the same time. I have discussed it with Mr Rattenbury and—

**Ms Gallagher:** Is yours better?

**MR WALL:** They are of equal merit. Madam Speaker, I think, it was deliberated—

**MADAM SPEAKER:** Can we stop the conversation across the chamber? Please address the chair so that everyone has an idea of what is going on?

**Mr Coe:** It is all about you, Madam Speaker.

**MADAM SPEAKER:** It certainly is. That is what the standing orders say, Mr Coe.

**MR WALL:** Madam Speaker, it was discussed yesterday during the deliberations of the committee as to what the best mechanism would be to allow both the chair's draft and the alternative report to be presented and made public. The advice that we were given by the committee secretariat was that if the draft and the alternate draft reports had been included as part of the minutes they would not have been made public but simply circulated for members of the Assembly. So the discussion was, and the decision was taken, that the most effective way of ensuring that all views of members of the committee were made public was that a substantive motion in the Assembly be moved to have the reports tabled.

To respond to some of the comments that have been made by the other side that we voted against the inclusion of them in the minutes to keep them “from seeing the light of day”—I believe that is a direct quote—is simply untrue. It is misleading to construe that, given that the discussion was to make sure that the report and the alternate report—

**Dr Bourke:** Point of order, Madam Speaker.

**MADAM SPEAKER:** Yes, actually, you are right, Dr Bourke.

**MR WALL:** I will withdraw, Madam Speaker.

**MADAM SPEAKER:** Can you withdraw that, please?

**MR WALL:** I will withdraw, Madam Speaker.

**MADAM SPEAKER:** Sorry, Dr Bourke, I was getting there myself.

**MR WALL:** The intent was to make sure that the both the chair’s draft and the alternate draft were given proper consideration and proper publicity as to representing the views of all members on the committee. So I have moved the motion that I have circulated—that all alternate reports also be included.

**MADAM SPEAKER:** I am a little confused. Mr Rattenbury—

**Mr Rattenbury:** I am not going to move my motion.

**MADAM SPEAKER:** I call Mr Rattenbury.

**MR RATTENBURY** (Molonglo (10.45): I will not be moving my amendment as Mr Wall has moved something very similar, although in the spirit of efficiency I note that I only took five words to do it and he took 14. Nonetheless, Mr Wall’s amendment achieves the same effect, which is that it obviously is appropriate to have both the chair’s draft report and any alternate draft report tabled in this place today.

I think it is unfortunate that we need to do this but it is, I think, quite appropriate given that we need to continue to look at this bill. The debate is due next week. We should have the benefit of receiving the work that both reports have done and the conclusions that members of the committee may have drawn from the evidence that they have heard.

Certainly, I have looked at a number of the submissions that came in and I will be looking at the rest of them before we debate the legislation. But I would certainly also welcome the committee’s insights. So I will be supporting both Mr Wall’s amendment and Mr Corbell’s initial motion.

Amendment agreed to.

Motion, as amended, agreed to.

**MADAM SPEAKER:** Does that mean that all these papers will be tabled before the close of business today? Is that the Assembly's understanding?

**Mr Wall:** Yes.

**Mr Coe:** Point of order, Madam Speaker. Could you clarify whose responsibility it is to actually table these documents?

**MADAM SPEAKER:** I would presume the authors of the reports would be responsible for tabling. However, that means that the authors would have to request leave because none of them is a minister. I presume that the leave is already granted by virtue of the motion.

**MR COE (Ginninderra) (10.47):** That being the case I hereby table one of the draft reports:

Planning, Environment and Territory and Municipal Services—Standing Committee—Alternative Report—Inquiry into the Planning and Development (Project Facilitation) Amendment Bill 2014, dated May 2014.

**MADAM SPEAKER:** Thank you, Mr Coe. Can I just clarify that? Normally speaking, non-executive members need leave to table something but in this case they do not need leave because they have been ordered by the Assembly to do so.

**MR GENTLEMAN (Brindabella) (10.48):** Madam Speaker, in accordance with the order today I also table the chair's draft:

Planning, Environment and Territory and Municipal Services—Standing Committee—Chair's Draft Report—Inquiry into the Planning and Development (Project Facilitation) Amendment Bill 2014, dated 6 May 2014.

## **Justice and Community Safety—Standing Committee Scrutiny report 17**

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

Justice and Community Safety (Legislative Scrutiny Role)—Standing Committee—Scrutiny Report 17, dated 29 April 2014, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR DOSZPOT:** Scrutiny report 17 contains the committee's comments on six bills, 13 pieces of subordinate legislation and five government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

## Public Accounts—Standing Committee Report 5

**MR SMYTH** (Brindabella) (10.49): I present the following report:

Public Accounts—Standing Committee—Report 5—*Inquiry into Appropriation Bill 2013-14 (No. 2) and Appropriation (Office of the Legislative Assembly) Bill 2013-14 (No. 2)*, dated 5 May 2014, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

Let me begin by thanking my colleagues and particularly the secretary of the committee, Dr Cullen, for enabling us to prepare and table this today so that the government, should it so wish in the next couple of weeks, can bring the bill back on for debate.

The committee had a number of hearings. We saw all five ministers and have delivered a report with 18 recommendations. The recommendations go mainly to procedure. Let me start by saying there were some lighter minutes in the committee. At one stage Dr Bourke, doing his best to bolster the government, asked Minister Rattenbury about the Alexander Maconochie Centre. He said:

Minister, can you tell us why this work is necessary?

Mr Rattenbury started by saying:

Yes. What we have seen is a situation—

To which I then interjected, probably being a bit disorderly, and said:

Because Simon screwed up.

The committee all had a chuckle—

**MADAM SPEAKER:** That is unparliamentary, Mr Smyth. It was unparliamentary in the minutes, and it is unparliamentary in this place.

**MR SMYTH:** I do apologise, Madam Speaker. But it highlights the fact that we spend so much time coming back here to clean up the mistakes, particularly of Minister Corbell. A number of the recommendations are aimed at the delivery of capital works and the fact that this government has a poor record on the delivery of capital works.

There were a number of questions taken on notice and some supplementary questions provided. So recommendation 1 goes to that. The committee still expects those to be answered and believes they should be answered prior to the debate on the supplementary appropriation bills.

During the course of the inquiry, some of the directorates added amounts for appropriations on the argument of consistency. “Everybody was getting it, so we should get our share, too.” For instance, education asked for a supplementary appropriation of \$14,000 for wages. If education, in its half-billion-dollar budget, cannot find \$14,000 for wages, there is something seriously wrong about the way we are going about these appropriations. In that case I do not think consistency is an argument.

The committee has suggested, for instance, that for one of the very small agencies, \$14,000 could be a great deal of funding. The committee has suggested that there be an inclusion threshold whereby, if it is under a certain amount, the departments should find that within their current appropriation.

There are two recommendations—recommendations 3 and 4—about the very serious issue of bullying. Members might not be aware, but during the lead-up to the hearings WorkSafe ACT issued an improvement notice on the JACS directorate, particularly ESA, about their not handling a complaint about bullying. The minister’s excuse was, “Well, it wasn’t in writing.” WorkSafe is not convinced by that, so recommendation 3 says:

The committee recommends that ACT Government directorates and agencies should ensure the investigation of bullying complaints, whatever the method of notification, in a timely manner.

That was agreed unanimously by the committee. Recommendation 4 says:

The committee recommends that the ACT Government ensure, until such time as the conflict that exists between the obligations in relation to addressing bullying complaints contained within the two regulatory instruments currently in force is addressed, that the minimum standard for notification of bullying complaints should apply.

That is so that the government cannot weasel out of it by saying, “We didn’t investigate it because it wasn’t in writing,” whereas WorkSafe says if the complaint is made, the complaint is made. Bullying is serious. It should be taken seriously. No-one should say, “Well, you haven’t put it in writing.” We do not know the personal circumstances of the people making the complaint. Even writing it down might be beyond them sometimes as they are so upset by the bullying that has gone on. Once the complaint is made, the wheels should click into action and they should grind very quickly to ensure that we get a good outcome for those that are being bullied.

Recommendations 5, 6 and, in fact, right through to about 13 or 14, all look at the way we deliver capital works. The government is setting up an infrastructure finance and advisory unit. The committee has suggested in recommendation 5 that the government give consideration to whether or not that is the appropriate location for it. So you are going to have a unit in the Treasury. You have got procurement ACT; you have got work being done in the individual departments. The risk of duplication therefore increases. It is worth considering how we make procurement in the ACT work better,

more effectively and more efficiently for all—for the government and for the community. Having another unit might not be the best way to do that.

Recommendations 6 and 7 look at replacement of IT and suggest that the government make sure that things are adequately scoped and are carried out in a timely manner. Recommendation 8 states:

The Committee recommends that the ACT Government ensure that capital works projects are properly scoped and take into account long term future requirements.

In particular, again, this is in reference to the Alexander Maconochie Centre. I had wanted to include a fuller transcript there, but the committee decided not to; such is the case. Ms Lawder and I concluded that the reason that the government have had to come back so quickly to increase the size of the Alexander Maconochie Centre is that they clearly did not get it right in the first place. So it is appropriate that we get it right in the first place.

Recommendations 10, 11, 12 and 13 all refer to the capital metro project. There are two studies; one has just been finished—the Hibberson Street study—which we believe should be public. The network integration study is yet to be completed but the committee also believes that it should be public.

In recommendations 12 and 13 the committee questions whether a net present value exercise had been carried out in relation to the decision to proceed with capital metro. It would be interesting to know. Recommendation 13 reads:

The Committee recommends that the ACT Government consider tabling in the Legislative Assembly all financial analysis work that has been done to date concerning the Capital Metro Project.

This is about openness and accountability. If your case is good, it will stand up to scrutiny. If you are hiding these documents, one has to ask why.

When we looked at the Treasurer in his capacity as the minister with responsibility for community services, we noted that there has been a dramatic spike in the call for concessions. The committee felt it was important that we do some analysis of what is driving that. I believe it is a recommendation that has appeared in estimates reports before. It is important, instead of just saying, “We’ll just keep increasing the limit of funding that we have so that we can accommodate people,” that we find out what is causing it and address the underlying causes.

Recommendations 15 and 16 are about the delivery of capital works. This was in regard to the land release program. A large number of rollovers have already occurred or reprofiling. In recommendation 15 the committee is saying, “Let’s make sure that, if there’s a delay in infrastructure works, that, for instance, the land release program isn’t delayed.” Recommendation 16 is saying that if something is beyond our control—sometimes it might be weather, and we take that into account—and if we know something is being considered, for instance, under the commonwealth Environment Protection and Biodiversity Conservation Act, we have to adequately

account for the time frame when this is put into a capital work. Again, it is about getting the capital works correct.

Our recommendation is that the committee recommends that the Assembly pass the appropriation bill subject to the recommendations contained within the report being agreed to by the government and that the appropriation for the ACT Assembly be passed. I commend the report to the Assembly.

Question resolved in the affirmative.

## **Environment—Koppers site Statement by minister**

**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): I ask leave of the Assembly to make a statement concerning the management of environmental reporting pursuant to a resolution of the Assembly of 9 April 2014.

Leave not granted.

## **Planning and Development (Extension of Time) Amendment Bill 2014**

Debate resumed from 10 April 2014, on motion by **Mr Barr**:

That this bill be agreed to in principle.

**MR SMYTH** (Brindabella) (10.58): Reluctantly the opposition will be supporting the bill and will seek to move an amendment to make the bill actually do what the Treasurer said it should do. The problem with this bill is a problem that the government has created. I think that, in an attempt to be seen to be fixing the problem, it has come up with an answer that, while it may help a percentage—we do not know the numbers because the government in the briefing could not tell us the numbers—it is hard to know what the full effect of this will be. If members would recall, when we asked the Chief Minister about the stimulus package she said, “Well, I’m not going to tell you the details because I can’t. I’m not going to make promises because, in effect, we really don’t know what the effect of this will be.”

The purpose of the Planning and Development (Extension of Time) Amendment Bill 2014—and this just comes from the ES—is to enact the changes to the extension of time system announced as part of the government’s stimulus package. The bill sets out the legislative changes to the Planning and Development Act 2007 and the Planning and Development Regulation 2008 required to achieve this purpose. It goes on to say:

The changes to the EOT system outlined in this bill include:

- a new fee structure to come into effect from 1 April 2014, based on one times the general rates;

- abolition of commencement provision in new Crown Leases;
- the removal of the trigger for EOT fees to be paid on breaches of the commencement clause; and
- changes to the hardship provisions for a fee reduction.

The problem is that, while that will have some effect, what it does not do is actually address the problem. What it does not do is address the damage done before the time frame that the government has put in place in the bill. The problem is that a large percentage of the cost that is going into the accumulation of extension of time fees is not taken into account. That is because the government has failed to address section 277A(1) in the existing act. That is the part of the act that says that an improvement in relation to the land comprised in the lease must not be taken into account. The problem with this is that the builders may have already started to do some improvement but they actually get no compensation for that fact.

The second thing is that the large proportion of the accumulation of costs probably occurred before July 2012, but if you purchased a block of land perhaps at the start of the GFC and you have been unable to build—you might have done some work but you have not progressed further—there is no recognition of that. The truly big debts occur in the period that the government is not allowing to be included inside this legislation.

The government adopt the approach: “Well, we’re doing something.” You might be doing something, but you have to question what the effectiveness will be. My consultation with the industry says they do not believe that this will affect a huge number of people. The government could not tell us how many people it will affect. Of course, people take whatever they can get, but the reality is that large parcels of outstanding debt will stand simply because the government have excluded that period from this bill.

If we are serious about making sure there is stimulus, if we are serious about ensuring that we have get development going ahead to protect jobs and continue to build the city and if we are serious about making sure the government gets the revenue that it needs from the construction industry so that it can continue its work then we should get this right. Here is an opportunity to get it right. The question is whether or not the government will take up that opportunity.

We see there is small value in what the government has put here. We think there is a way of making it work much better. The feedback we are getting from the industry is that it has become a significant disincentive to development. You can see from the lease variation charge that the revenue forecasts have simply plummeted, indicating that the volume of redevelopment in the city has dramatically reduced. Commence and complete, the extension of time, should never have been introduced in the way that it has been and applied to the non-residential sector in the first place.

With regard to the bill itself, the problem with lease variation is that, whilst there is a welcome easing of the regime, until and unless there are offsets provided against the LVC for the existing improvements many redevelopment projects will simply remain unviable. There is need for a full offset for offset works that may be required as part



of the DA process. Another problem with the LVC remains that the schedules, particularly for commercial, are out of line with the market. The lack of recognition of the owner's economic position and the value before—land and added value of improvements—will mean that it will have a limited real effect and is unlikely to result in cranes on the skyline anywhere in the future.

As to the EOT fees, I do not believe that the legislative amendments proposed, as I have said, address the real problem of the massive fees accumulated by the earlier leases. Very substantial debts will remain. While future debts will accumulate at a slower rate for these leases, the issue of the huge earlier debt remains. Further, the problem for the earlier leases is that, unlike the residential leases sold by the LDA, there has been a significant decline in the value of commercial industrial leases since the early leases were sold, for instance, in Fyshwick and Hume. We are told that in some cases the value drop has been as much as 70 per cent. Part of the reason for the decline in values has been the push by the LDA to flood the market in these areas at substantially reduced reserve prices. So there are a number of issues here which need to be addressed.

The bill is inferior to what is required. The bill claims to give relief for business and members of the community, but it does not really give them what they need for the vast bulk of these projects to go ahead. We saw this with two motions that were moved in this place recently—one for a waiver on commence and complete charges on the Calwell pool development and the other on a bulk-billing medical centre in Conder.

The government needs to explain why, for projects like this—you would hardly call them high-end residential or commercial developments, but they are delivering substantial pieces of community infrastructure—there seems to me, and to the local community as well, to be a double standard at work here. It seems, Madam Deputy Speaker, to be the convention from this Labor-Greens government these days that they are left with supporting inferior and compromised solutions. Hence for this reason I will be moving to amend the bill to make sure that we get a better outcome.

I thank the Treasurer for the briefing which came late on Friday afternoon. As a consequence of that, it took me some time to work through and get an amendment, which I will seek leave from the Assembly to move, but I think there is an opportunity to listen to the community fully. There is an opportunity to make the stimulus actually work to the benefit of all—that is, the community, the workers and industry. Indeed, the government will benefit from making it happen.

We know that in the joint industry submission to the ACT government for regulatory and process reform in the best interests of Canberra, February 2014, called “Call to Action”, they recommended that the government review exactly these things. But let us get it right. The recommendation was that the ACT government allow offsets for existing improvements, demolition and on-site, off-site work for section 277 chargeable variations while retaining the 25 per cent remission. Again, it is right up-front in their submission to the government's review process. It is certainly something that the industry know are hurting them. The government, I think, by attempting to do

something, acknowledges that there is a problem. We can either get it right today or we can come back later and try to get it right at some other time.

I think my amendment does improve the bill. There is also the issue that it is not transparent. The process itself is really a case of going and lobbying the minister, putting in an application and seeing what happens. Indeed, between sections 277A(1) and (2) it is not very clear. In (1) it says "must not be taken into account" and in (2) it says things like "existing improvement by way of clearing, filling, grading, draining, levelling or excavating the land may be taken into account."

There are dilemmas here. We can clear it up today. We can have a clear path forward for the industry. We can all, as a community, get the benefit, and we can help make sure that things work better here in the ACT. My amendment as foreshadowed, when we get to the detail stage, will make this work a whole lot better for just about every sector of the community.

**MR RATTENBURY** (Molonglo) (11.08): The Greens will be supporting the Planning and Development (Extension of Time) Amendment Bill today. This bill puts into place the changes to the extension of time scheme that were recently announced by the Chief Minister as part of the government's stimulus package. These changes will occur through amendments to the Planning and Development Act 2007 and the Planning and Development Regulation 2008.

The extension of time scheme has often been debated in this place. It was intended to prevent land banking, but I would agree that the way that the scheme was previously set up was problematic. There were cases where developers had been legitimately delayed, which would lead to the accumulation of fees, which would in turn impede the ability for them to move forward with their plans to develop. It was also possible for individuals to accumulate large fees over time without being fully aware of it.

I know that the property and construction industry have criticised the extension of time fees for some time and have publicly welcomed the changes that will be brought forward with the bill. With the expected economic downturn caused by the federal budget, this measure is welcome as part of a broader stimulus package to counteract the barriers to development that occur in a softening market, such as difficulties in obtaining finance and tenants.

This bill allows changes to the extension of time scheme which reduce the fees and simplify the fee structure. From 1 April 2014, extension of time fees will be applied on completion breaches only, and fees will no longer be levied on commencement breaches. Fees will not be charged until four years after the completion date in the crown lease and from the fifth year fees will be billed annually at one times the general rates bill. This means that for a standard residential block there will be up to six years before any fees accrue and up to eight years for commercial blocks. Lessees will now be billed annually rather than having their debt accruing over time.

The changes also broaden the hardship provisions that allow the territory the discretion to reduce extension of time fees in individual cases. It also gives the flexibility to reduce, to partially negate or to indefinitely negate fees according to the

merits of each case. It removes the specified structure for calculating a fee reduction, allowing for a more tailored approach. This is a positive move as it allows the territory to look at the entirety of the specific circumstances which have led to a delay rather than having a one-size-fits-all approach.

It also provides for a lessee to apply for a waiver when works are delayed due to external reasons, such as infrastructure and essential services not being ready or delays in obtaining statutory approvals, as long as those delays are not caused by the lessee or a decision to refuse an approval.

The changes apply from the period June 2012 to 31 March 2014, which means that any debt accrued during this period will be waived or refunded. This means that those who have and those who have not paid their fees are both treated equally under the reforms.

Under the new scheme, lessees will be provided with an indefinite extension and will no longer need to nominate an anticipated completion date, which can be difficult to do. So this is a welcome move. The changes do, however, allow the territory to instate a set completion date under certain circumstances which gives the flexibility to deal with cases of extended delays, which is what the scheme was set up to deal with in the first instance. Under the new scheme, the fees are reduced and simplified, but there is still a disincentive for developers to delay completion of projects, and the fees that ensue are more appropriate, being commensurate with the annual rates charge.

It appears that the announcement of these changes has already had a positive effect. I understand that fee waivers obtained through the new scheme have allowed the development of Kings pool at Calwell to move forward and that on-ground work has just commenced. This is a good outcome for the Tuggeranong region and Calwell specifically, bringing new activity to the nearby local shops.

Of course, in October last year the Assembly debated a motion on the waiving of extension of time fees for Kings pool, which I amended to call for a review of the scheme. I am glad to see that the government has listened to the concerns that have been brought forward by the industry and through specific cases and has made adjustments to make the scheme more workable. Various comments were made at the time of that debate, but I think what we have seen here is that the approach of actually looking at the scheme as a whole and looking at the underlying issues is a preferable one to simply taking a one-off position. I will be supporting the bill today.

**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) (11.13), in reply: I thank Mr Rattenbury and Mr Smyth for their contribution to the debate.

The Planning and Development (Extension of Time) Amendment Bill will amend the 2007 Planning and Development Act and the 2008 Planning and Development Regulation. The bill is important as it enacts the government's announcements regarding changes to the extension of time system announced by the Chief Minister as part of the government's stimulus package in March of this year. This bill implements

the government's changes to the extension of time system as announced. It makes a number of important changes and shows that the government has listened and responded to industry concerns. The reforms will reduce the burden of accrued debts and remove complex fee structures but also encourage the timely completion of developments.

There has been a lot of debate around extension of time fees. It is important to note that the system and fee structure are an integral part of the territory's leasehold land tenure system. Commence and complete provisions have been in place in the ACT since well before self-government and, as I say, have always been an integral part of the land administration system. Crown leases issued by the territory have included both a commencement and a completion clause, which provides a time frame for lessees to adhere to in the development of their blocks.

The provisions are, of course, a mechanism to encourage development in a timely manner. Those lessees who breach the time frame set out in their crown lease are required to extend the time frames and required to pay a fee to do so. This is known as the extension of time fee, which is set out in the 2008 Planning and Development Regulation. The territory uses the EOT fee as the primary mechanism to discourage land banking and to encourage timely development. There is no doubt that there is a very high community expectation that leaseholders develop their properties in a timely way. We can all recall, over the years, numerous motions on private members' day raising issues around timely development, most particularly of commercial leases but from time to time of residential leases.

Extension of time fees are only required to be paid by those who do not develop within the required time frames. There are many leaseholders who have never had to pay extension of time fees or who only pay modest fees because of the arrangements they have put in place.

A number of industry groups have argued that a developer would not land bank because it is not in their financial interests to hold valuable land assets. To the extent that the developers do not hold on to undeveloped land, no EOT fees apply. At present, land is a scarce resource in the territory, and it is going to become increasingly scarce in the future. It is important that appropriate mechanisms are in place to address the potential for land banking but also to ensure that there are adequate incentives for timely development in the city.

Residential crown leases typically require lessees to commence development within 12 months and to complete development within 24 months of the commencement date of the lease. Extension of time fees become applicable once these time frames are exceeded and are calculated at a multiple of the lessee's general rates for every year of breach. In 2012 the previous one to five multiple structure was abolished and replaced with effectively an additional four years after the breach of the crown lease where no charge was payable. On the fifth year after the breach, so potentially seven years after a particular development was meant to be complete, a fee of five times the lessee's general rates applied in each year. This escalating fee structure has seen the build-up of fees for some developments in the territory. The government's reforms in this bill will simplify the system and significantly reduce the EOT fees payable by lessees.

The Planning and Development (Extension of Time) Amendment Bill contains a number of important changes, including setting out a new fee structure for all new leases granted on or after 1 April 2014 based on a simple, flat multiple of one times the general rates for EOT breaches. New crown leases will no longer have a commencement clause, further simplifying the EOT fees by applying them only on the breach of the completion date.

For existing lessees, a new fee scale will apply from 1 April 2014 and reflect the period of breach at that date. Further, all extension of time fees accrued during the period from 22 June 2012 to 31 March 2014 will be waived or refunded. This will provide a stimulus to the property industry and provide them with an incentive to develop their blocks.

The management of these waivers and refunds will be administered under section 130 or 131 of the Financial Management Act 1996. Legislative changes are not required to the Planning and Development Act 2007 to implement this policy. The arrangements for existing lessees will complement the new EOT fee structure for new lessees and provide broad equity between these two groups. All lessees will be treated in broadly the same manner regardless of when they become aware of the government's announcement, and the new policy will not discriminate between those lessees who have done the right thing and paid their EOT debt and those who are yet to pay.

This bill will provide a number of benefits for new and existing lessees. It will provide a simple, clear and transparent fee structure moving forward. For all existing lessees it provides relief to allow them to develop on their land. The bill demonstrates the government's willingness to listen and respond appropriately to industry concerns. There is no doubt that this will assist in stimulating development and ensure that construction continues throughout the territory. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MR SMYTH** (Brindabella) (11.20): Madam Deputy Speaker, I seek leave of the Assembly to propose an amendment which has not been circulated in accordance with standing order 178A.

Leave granted.

**MR SMYTH:** I move amendment No 1 circulated in my name [*see schedule 2 at page 1136*]. This is an important amendment. If we are going to make the Planning and Development (Extension of Time) Amendment Bill 2014 actually deliver what the government says it will, we must listen to the industry. In this regard, their big concern is with section 277A of the act. I will give you an example that was

recently noted in the *Canberra Times*. It is quoting from the Master Builders Association. It says that their deputy executive director:

... gave an example of a small business which started with the help of a government loan in 2000, and paying \$350,000 for a site for their new venture, which now employs 12 people.

He goes on to say:

Development approval and architectural fees cost \$250,000. Their annual rates were \$30,000.

But they cannot afford to go ahead with the building because they have a late fee of \$500,000 after not completing their project within the lease's time frame.

He goes on to say:

They were like many other small businesses, renting a place and wanting to build and rent half their space ... The land is now worth less than what they paid for it.'

This is the problem. The article states:

A builder told *The Canberra Times* he thought he had a tenant for a block of land he bought for \$2 million.

But the tenant pulled out, and about a year later neighbouring blocks of land sold for a reduced price, undermining his project.

He was able to negotiate a reduced extension-of-time fee, but was still struggling.

"The commercial market has been a very difficult market anyway," the builder said.

These are the problems that they face. I am sure all industry will take what the government has put on the table. It is not going to significantly address the problems for people who purchased, particularly in the GFC, and have struggled since. We know there are a number of big blocks in Civic that were purchased for large amounts of money. The government happily accepted the cash when it was delivered. But because they have not been able to find a tenant, particularly a government tenant, a number of those projects have not gone ahead. Some have been able to renegotiate and have not paid any extension of time fees, but for others it becomes a problem. And if you exacerbate that problem by not taking into account any improvements in relation to the land, the bulk of the outstanding fees will remain. In the case that I just read out, if it is a \$500,000 set of fees, even at \$400,000, which might be the case after the remissions the government has put in place, it is still not likely to go ahead.

If we want to protect the jobs, if we want to ensure that workers can still have a living in this city, if we want to get the benefit from the construction industry and if we want to get the flow-through that comes into the economy, we need to listen to the industry and find out what they want.

The minister quite rightly said these fees were put in place to stop land banking. But he has never been able to identify a single case of land banking. I do not know anybody who purchases a block of land and says, "If I make my way through the global recession, if I then tack a couple of years on the end, I'll somehow get a better deal." They are paying fees and charges to their banks, and holding costs. They are paying considerable fees and charges to the government. So why would you deliberately set out to make your project unviable in the hope that in the long term something better might come along? I do not know any business that operates in that manner. The fact that the government has not been able to make the case by producing a single clear case of land banking undermines the minister's case.

If we want to get this right, if we want to ensure that the industry can go ahead, if we want to protect the jobs and if we want to keep the economy moving along, the amendment that I move will help do that far more significantly than what the government is currently proposing.

Of course, there is then the dilemma between part (1) and part (2) of 277A. Part (1) says that an improvement must not be taken into account; then part (2) says that an existing improvement may be taken into account. The government might want to have a think about that long term as well.

The easy thing today would be to pass my amendment and remove part (1) of 277A. It will have an immediate impact on the economy; it will have a much bigger impact on confidence; and it will allow the industry to go ahead.

**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) (11.25): In responding to Mr Smyth's amendment, the first point to raise is the level of discourtesy associated with dropping this amendment just prior to the commencement today. The government was prepared to give Mr Smyth leave to allow this to be debated, and I would like that acknowledged. I am sure I will be on the receiving end of a lecture at some point in the next 2½ years, but in this instance I think the issues that Mr Smyth raises are worth discussing. There is no doubt about it. They were raised with the government in the context of not so much the extension of time system but debate over the lease variation charge.

The first point to make is that this bill is seeking to amend the EOT system; it is not designed to alter the lease variation charge, which is what Mr Smyth's amendment seeks to do. The amendment proposes a fundamental shift in the way the lease variation charge is calculated. The government has considered these matters and will not be supporting Mr Smyth's amendment today.

Currently, existing buildings and structures on a site are excluded from the calculation of a before and an after valuation on lease variation charges under section 277. This is the only fair way to calculate the true value of an existing block of land. Not including existing structures in the valuation of the site will, according to the Macroeconomics report into the review of the LVC system:

... ensure developers pay a charge commensurate with the increase in the value through the additional bundle of rights granted through the change in use.

I further quote:

There are sound conceptual and policy reasons to exclude the on-site improvements and demolition costs, as:

- this is consistent with the underlying philosophy of betterment. The model is intended to capture only the change in value of land due to the additional rights and privileges granted; and
- while a properly constructed charge reflecting increase in the value of land should not distort investment decisions, incorporating on-site improvements and demolition costs into the charge will distort decisions, and provide perverse incentives.

The government has already acted to provide further remission from the lease variation charge. The Chief Minister's stimulus package announcement provides for an increased remission of the lease variation charge as a result of desire to provide an even greater incentive for development to occur.

In conclusion, I say, Mr Smyth, "Nice try"—to try and bring in this particular issue that is not particularly related to the extension of time bill which we are debating this morning. The stimulus package has many elements, as you are aware. What you are proposing would fundamentally change the basis of the lease variation charge and move away from those principles and the underlying philosophy of a betterment tax. For this reason, the government will not be supporting your amendment this morning. And it would set a pretty bad precedent today if you drop an amendment in five minutes before the start of the debate.

**MADAM DEPUTY SPEAKER:** Mr Barr, you are referring to Mr Smyth's amendment?

**MR BARR:** Yes. The government will not be supporting Mr Smyth's amendment. It would also, as I say, set a very bad precedent in relation to how debates are conducted in this place if a matter of this significance is dropped on the Assembly with no notice, even requiring leave of the place to be debated. I do not think that is particularly good practice. Frankly, if Mr Smyth were serious about pursuing this issue, he would have sought to at least raise this or give an indication of his intentions to the government last week.

**MR RATTENBURY (Molonglo) (11.30):** I will not be supporting this amendment. I think it is quite a different matter to the extension of time matter that the bill seeks to address. The lease variation charge is a rather separate matter. They obviously all relate to a certain industry, but if we are going to have a serious debate about the lease variation charge, we should do it in that way, not under the cover of this bill.

That said, the Greens have long supported the lease variation charge. We believe it is appropriate that the community receive some benefit from a change in lease. It is quite



clear that that should be the case. As to whether there is a better way we can do the system, I am prepared to have that conversation, but I think that there is an appropriate community benefit to be harnessed there.

The other observation I would like to make is that I am concerned about this issue of the giving of leave. I do not want to comment on Mr Smyth's lateness, but I was somewhat dismayed that we have just had a report back to the Assembly on matters relating to the Koppers site in Hume, which the Assembly called for, refused leave and then the Assembly gave leave to Mr Smyth because he has come up late with these. It is fair enough that they should be in the discussion, if Mr Smyth wants to put them here; I have got no qualms with that. I do not seek to critique Mr Smyth for his late delivery of the amendments, although I would invite members to have a think about what we are going to do in this place. We need to get on with these things. The Assembly called for a report on the Koppers situation. Mr Corbell stood up to give that report, and he was declined leave. I think we need to have perhaps admin and procedures examine this in a little more detail. I think they might have discussed it recently; I was absent. We may need to look at it further.

*Mr Smyth interjecting—*

**MR RATTENBURY:** I acknowledged that I did miss the meeting, Mr Smyth, but we might need to look at it further. It is clearly unresolved if we are having this sort of situation this morning. We need to address this more substantively.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 8		Noes 9	
Mr Coe	Ms Lawder	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.

Bill, as a whole, agreed to.

Bill agreed to.

## **Planning, Building and Environment Legislation Amendment Bill 2014**

Debate resumed from 10 April 2014, on motion by **Mr Corbell:**

That this bill be agreed to in principle.

**MR COE** (Ginninderra) (11.36): The opposition has some serious concerns about this bill—in particular, about clause 18, which limits the ability for a development proponent to modify a development which is under construction without the need for an application to amend the approved plans. From what I understand, what this bill will do will mean that even if a window has to be moved as little as 50 millimetres to align with bricks or something like that, a revised DA will need to go in.

This may well be the intention of the government, but, if it is, it is indeed significant. I think it would be appropriate that it not be included in an omnibus bill, as it has been, and also that industry should be consulted. I understand that the HIA and MBA were not aware of this change, nor of the impact it would have on their members. I note that Mr Corbell, Mr Rattenbury and I have received an email from the MBA saying that they would like more consultation on this issue. As such, I am moving that the bill be adjourned.

**MADAM DEPUTY SPEAKER:** Mr Coe, somebody else would need to do that.

Debate (on motion by **Mr Smyth**) adjourned.

## **Rail Safety National Law (ACT) Bill 2014**

Debate resumed from 27 February 2014, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR COE** (Ginninderra) (11.38): The opposition will be supporting the Rail Safety National Law (ACT) Bill 2014. Whilst the ACT does not have a substantial rail system like many states in Australia, this legislation nonetheless introduces important provisions for rail safety. It also ensures that the ACT has provisions which are in line with other jurisdictions.

The legislation is an important outcome of the national partnership agreement to deliver a seamless national economy. Under the COAG agreement the National Rail Safety Regulator has been established to administer the Rail Safety National Law. The national law and the regulator were both set up in South Australia. Although other states and territories will have local offices of the regulator, the ACT's small-scale rail operations will be overseen by the regulator in Adelaide.

The national rail safety law covers many key areas as set out in the explanatory statement and the minister's presentation speech. These include: general duties that apply to responsible parties along with the statutory recognition of shared responsibility for rail safety; risk management criteria based on the requirement to ensure, so far as is reasonably practicable, that rail operations are safe; detailed requirements for the development and contents of safety management systems; clear criteria for the accreditation of rail infrastructure managers and rolling stock operators, and the registration of managers of private sidings; requirements for consultation and communication, particularly when planning a change to railway operations; a hierarchy of sanctions and penalties where breaches of rail safety requirements occur;

and requirements for the contents and accessibility of the national rail safety register to be maintained by the regulator.

The national law applies to railways with a track gauge of more than 600 millimetres, which means that in the ACT the Kingston miniature railway and the Weston Park railway are not covered by these provisions. However, the Australian Railway Historical Society and New South Wales trains will be covered by the national law.

The national law allows jurisdictions to prescribe that the national law does not apply to a railway or a railway of a certain class within that jurisdiction. This means that the ACT government will be able to decide whether or not the national law will apply to light rail, should it be constructed in the ACT.

This bill excludes the regulator from certain ACT laws. Instead the regulator is governed by provisions contained in the national law. The government has indicated that the ACT laws which do not apply to the regulator are the Annual Reports (Government Agencies) Act 2004, the Auditor-General Act 1996, the Criminal Code, the Financial Management Act 1996, the Freedom of Information Act 1989, the Government Procurement Act 2001, the Public Interest Disclosure Act 2012, the Public Sector Management Act 1994, and the Territory Records Act 2002.

Provisions relating to drug and alcohol testing are contained in participating jurisdictions' own legislation. In the ACT the provisions ensure that existing drug and alcohol testing processes that apply under the Road Transport (Alcohol and Drugs) Act 1977 can be applied to testing of rail safety workers by police under the national law.

I note that the minister intends to move some amendments to the bill in response to comments from the scrutiny committee. The first four amendments narrow the powers of police to remove anything from a person taken into custody for breath analysis, oral fluid analysis or blood testing. The final amendment inserts a derivative use immunity provision in relation to answers, information or documents provided or obtained under the national law. The opposition will be supporting these amendments.

In conclusion the opposition is pleased to support this bill which brings the ACT into line with other states and territories in relation to rail safety.

**MR RATTENBURY** (Molonglo) (11.42): I will support the passage of this bill. It implements the local element of a rail safety regulation scheme that has been developed nationally. The process started in 2009 and involved the cooperative work of all states and territories as well as stakeholders. The new system establishes the National Rail Safety Regulator to administer a nationally consistent rail safety law. Both the regulator and the law are hosted by South Australia. The reforms also established the Australian Transport Safety Bureau to operate as a national rail safety investigator.

The rationale of the harmonised laws is to improve safety outcomes in rail and to reduce regulatory burdens and increase efficiency. Before these reforms rail operators,

track infrastructure managers and contractors in Australia were regulated by seven state and territory regulators and three investigatory agencies.

The national rail safety law is already operating in South Australia, Tasmania, the Northern Territory and New South Wales. The Office of the National Rail Safety Regulator was established in July 2012 and commenced operations in January 2013. By passing today's bill we will have adopted the nationally consistent rail laws and be subject to the administration of the regulator.

In some ways the scheme is similar to the Heavy Vehicle National Law which the Assembly passed last year in that they both streamline and improve efficiency of administration in an industry that spans state and territory borders.

The new national rail safety laws establish criteria for risk management, which allows the national regulator and the rail industry to use a single approach to safety. Previously this was managed by several state-based regulators. I understand the national regulator is currently developing various standards, codes and rules to assist the harmonisation of rail safety. Certainly there is an obvious efficiency and rationale in having a single national regulator and single national safety standard.

As the explanatory statement to the bill summarises, the new rail safety laws also harmonise other aspects of the rail industry. These include criteria for the accreditation of key rail positions such as rail infrastructure managers, requirements for consultation and communication, particularly when planning a change to railway operations, a hierarchy of sanctions and penalties where breaches of rail safety requirements occur, and requirements for the contents and accessibility of the national rail safety register.

I note also the regulatory impact statement that was conducted on the proposal for a national regulatory body. It found the national body approach was the best option for improving safety outcomes, reducing regulatory burdens and increasing cost effectiveness for governments.

A key part of the legislation is the new framework for drug and alcohol testing of rail safety workers. Part 3 of the bill sets out a process to manage the testing and analysis of samples which, for this ACT-specific legislation, is modelled on our existing roadside alcohol and drug testing regime.

On this issue I note the report from the scrutiny of bills committee. Many of the committee's comments relate to the drug and alcohol testing regime and particularly to the explanatory statement's inadequate justification for some incursions into human rights. The minister has provided a response to the comments of the scrutiny committee and will present an amended explanatory statement, which I note includes an expanded justification for the engagement of human rights in the context of section 28 of the Human Rights Act. The minister also has an amendment to section 31 of the bill, as recommended by the committee, to ensure police search and seizure powers are framed appropriately and not cast unnecessarily broadly. This is an important limitation to ensure human rights are protected and to prevent the possibility of abuse.

One important factor in my mind in considering the human rights elements of the testing regime in this bill is that they must be taken in the context of the catastrophic impacts that could occur to the community or workers in the case of a rail accident caused by impairment.

Drug and alcohol testing is already prevalent in the rail industry. Information provided to me by the Australasian Railway Association showed that in 2011 the rail industry in Australia conducted almost 200,000 employee drug and alcohol tests. 0.147 per cent of these provided a positive result, and the industry has used these figures to show that its drug and alcohol testing regime is effective.

A second amendment moved by the minister will ensure that if a person is compelled to provide information or documents under the law they have both a direct and derivative immunity from that information being used in civil or criminal proceedings against the person. Essentially this is a variety of the protection against self-incrimination, ensuring that although the evidence still must be provided it cannot then be used against the person.

I will be supporting these amendments as improvements to the bill and as a suitable response to issues raised by the committee.

In terms of application of the new laws, I understand that in the ACT there is approximately 20 kilometres of rail track, including sidings, to which the reforms will apply. Obviously there is not a large rail industry in the ACT at the moment. New South Wales trains provide the passenger rail services, which use Kingston station, and there is unfortunately no rail freight. The Railway Historical Society occasionally operates tourist railway services to Bungendore and the society has informed the government that it supports the changes in this bill. As Mr Corbell mentioned in his introductory speech, in the future the ACT has the option to choose whether the national law will apply to Canberra's capital metro light rail or not.

Lastly, I note that the reforms have strong support from stakeholders such as the Australasian Railway Association. In light of both the stakeholders' support and my analysis of the legislation, I am happy to support the bill today.

**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) (11.48), in reply: I thank members for their support of this bill today. The Rail Safety National Law (ACT) Bill will provide a legal framework for rail safety which does not exist in the ACT at present. The national partnership agreement to deliver a seamless national economy identified rail safety regulation as a competition reform priority.

The commonwealth and the states and territories have worked together to develop a rail safety national law and the creation of the National Rail Safety Regulator to improve outcomes in rail safety regulation and investigation. Similar to other recent national reforms such as the national health practitioners and the national heavy vehicle registration schemes, this law is an applied law scheme. It requires a host

jurisdiction to pass the national law as a law of that state and then for the other states and territories to pass legislation applying the schedule in the host jurisdiction's law as their own, whereas the national law and the regulator are hosted by South Australia. The law was passed by the South Australian Legislative Council in May 2012, enabling the states and territories to reference the law in their jurisdiction.

This bill will apply as a law of the ACT, the Rail Safety National Law, which is contained in the schedule to the Rail Safety National Law (South Australia) Act 2012 of South Australia. As to proposed legislation as part of a national scheme, commitments made by states and territories through the Intergovernmental Agreement on Rail Safety Regulation and Investigation Reform are for essentially uniform application of the national law as legislated by South Australia.

To ensure that the national law scheme operates consistently across participating jurisdictions, a number of jurisdictional laws are excluded from applying to the regulator. This bill contains local application provisions which ensure that the national law operates in the ACT in a nationally consistent manner, with the National Rail Safety Law included as a schedule.

The local application provisions of the law set out which ACT laws will not apply. These include acts dealing with the interpretation of legislation, financial matters, freedom of information, the role of the Ombudsman and matters relating to the employment of public servants. Instead, provisions are included in the national law to deal with each of these matters. This approach means that the same law applies in relation to each jurisdiction that adopts the national law.

The bill also includes provisions to make necessary adjustments to existing ACT laws to ensure that the regulator is effectively integrated, including amending, omitting, repealing or disapplying local laws that are inconsistent with the uniform operation of the national law or that would interfere with the efficient operations of the regulator in the ACT.

Consistent with this approach, the following territory laws do not apply: the Annual Reports (Government Agencies) Act, the Auditor-General Act, the Criminal Code, the Financial Management Act, the Freedom of Information Act, the Government Procurement Act, the Public Interest Disclosure Act, the Public Sector Management Act, and the Territory Records Act.

The national law does not contain or apply a privacy law regime, given that South Australia does not have its own privacy legislation. Accordingly, the Privacy Act 1988 of the commonwealth, which currently applies in the ACT, will apply to the regulator when exercising functions under this law.

The law sets out the functions and powers of the regulator, and includes the objectives of providing for the effective management of safety risks associated with railway operations and to promote public confidence in the safety of transport of persons or freight by rail.

It covers accreditation, registration of rail infrastructure managers of private sidings, safety management, provision of information about rail safety, investigation and reporting by rail transport operators, drug and alcohol testing by the regulator and enforcement officers, Australian safety recordings, auditing of railway operations by the regulator, compliance and enforcement measures, exemptions, review of decisions, and general liability and evidentiary provisions.

If a reportable incident were to occur in ACT rail operations, the regulator would concentrate its investigations on ensuring safety compliance and an operator's management of safety risk, while an investigation of the overall rail safety system for deficiencies and possible improvements would fall to the Australian Transport Safety Bureau, which had its role expanded in January 2013 to cover rail safety investigations nationally.

A single National Rail Safety Regulator will cut red tape by providing those rail operators who work across multiple jurisdictions with one national accreditation certificate instead of having to apply for accreditation in all the jurisdictions that they operate within. In addition, one set of rules will apply to an operator's safety management systems, and operators will need to respond to one regulator rather than multiple ones.

While the national law applies to the entire rail sector, including freight and passenger rail, it does not apply to some classes of railways, such as non-moving displays, some amusement railways and railways used only to guide a crane, to mention a few. Also railways with a track gauge of less than 600 millimetres do not fall within the scope of the national law.

In the ACT this means that the Kingston miniature railway and the privately owned and operated Weston Park railway do not fall within the scope of the national law. However, the Australian Railway Historical Society, the sole ACT-based rail operator with operations out of Canberra into New South Wales, and New South Wales trains, which provides commercial rail passenger services between Canberra and Sydney, are impacted by the national law.

The Australian Railway Historical Society has expressed its strong support for the national law and desire for the government to adopt the legislation. As the society holds accreditation under the national law for its operations in New South Wales, Victoria and South Australia, when the national law is implemented in the ACT the regulator will vary the society's existing New South Wales rail safety accreditation to cover its ACT operations. Similarly, New South Wales trains will have its accreditation varied to include its operation in the ACT.

The national law allows jurisdictions to exclude a railway or class of railway from its scope. For example, Victoria has prescribed that tramways or light railways are not subject to the national law, whereas New South Wales has determined that the Lake Macquarie light rail and a number of heritage rail operations are subject to the law. In regard to the potential future operation of capital metro, the government will consider whether to apply the national law to light rail in the ACT.

I would like to thank members for their support of this bill. This bill is an important piece of legislation and one that allows the ACT to participate in the national scheme. I note that the Standing Committee on Justice and Community Safety in its legislative scrutiny role has made a number of comments in relation to this bill. In response to those comments, a revised explanatory statement has been prepared—and I will table that shortly—which addresses a number of the committee’s comments about the extent and presentation of information about engagement of human rights.

In general terms, to the extent that the provisions of the bill and the national law which it applies does or may engage human rights, the government is satisfied that any limitation on these rights is reasonable and proportionate in order to ensure a robust regulatory regime for safe rail operations.

However, in response to two issues raised by the scrutiny committee relating to search and seizure powers and protection against self-incrimination, the government agrees that it would be appropriate to amend the bill. These amendments have been considered by the Office of the National Rail Safety Regulator and relevant ACT justice agencies. I therefore foreshadow that I will be moving amendments during the detail stage relating to these provisions. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**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) (11.57): Pursuant to standing order 182A(c), I seek leave to move together amendments to this bill that are in response to comments made by the scrutiny committee.

Leave granted.

**MR CORBELL**: I move amendments Nos 1 to 5 circulated in my name together [*see schedule 1 at page 1135*] and table a supplementary explanatory statement to the government amendments.

Of the five government amendments to this bill, four relate to limiting the items that police may seize from a rail safety worker in custody, and the fifth provides a person additional immunity from a prosecution which is based on incriminating information that that person was compelled to provide under the bill.

The explanatory statement provides more details in respect to these amendments, and I simply note again that they have been proposed as a consequence of comments made by the scrutiny of bills committee.



Amendments agreed to.

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

Bill, as amended, agreed to.

## **Planning, Environment and Territory and Municipal Services— Standing Committee Statement by minister**

**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) (11.59), by leave: Madam Deputy Speaker, earlier today I made some comments about the failure of the Standing Committee on Planning, Environment, Territory and Municipal Services to reach agreement on the Planning and Development (Project Facilitation) Amendment Bill. I indicated I understood that the opposition members had not voted against the chair's draft report in the committee's clause-by-clause consideration of that report. Other members also subsequently commented on this matter, including members of the opposition.

I feel it is important to make clear that I have not viewed nor have I been provided with a copy of the minutes of the committee proceedings, and Mr Coe's assertions in this regard are false. I did suggest that the minutes had been published. In this respect I was in error. They have not been published, and I apologise to the Assembly for asserting otherwise.

## **Aboriginal and Torres Strait Islander Elected Body Amendment Bill 2014**

Debate resumed from 10 April 2014, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MR WALL** (Brindabella) (12.00): The opposition will be supporting this amendment bill. Its clear intention is to maximise the participation rate of electors in the electoral process for the Aboriginal and Torres Strait Islander Elected Body by attempting to coincide the start of polling with the NAIDOC Week ball. Given that these events often change dates, the legislation enables the minister the power to determine the start date of the election on any given day three years after the period of the last election period.

I note that a few improvements are made in this bill, including some tightening of the time lines and dates of when the election can be called. Table 29 adds some clarity and clearly articulates the electoral process for all members of the community who may be interested in how the process is conducted and, even better, if they are considering taking part in it. The opposition will be supporting this bill.

**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) (12.02), in reply: I thank Mr Wall for his support of the Aboriginal and Torres Strait Islander Elected Body Amendment Bill 2014. This amendment is the fine-tuning of an important piece of legislation—the Aboriginal and Torres Strait Islander Elected Body Act 2008—which established the Aboriginal and Torres Strait Islander Elected Body, a unique development in the history of government and community relations in Australia.

Elections for this significant representative group are held every three years. This year will see the third round of elections, and the proposed amendments will improve on previous amendments to increase community engagement in the voting process. Since 2008 the elected body has been a strong voice for the community as it advocates for the rights, goals and aspirations of Aboriginal and Torres Strait Islander Canberrans, ensuring greater interaction between government and the Aboriginal and Torres Strait Islander community.

The elected body continues to play a major role in government decision-making and in the development and implementation of government policies affecting the Aboriginal and Torres Strait Islander community. Since 2008 the elected body has pursued an ambitious agenda, exceeding the legislated requirement for their operation, to consult with the community and advise government on policies and programs that will enhance the lives of Aboriginal and Torres Strait Islander people in the territory. For example, under their legislation the elected body is required to hold two community forums each year. Year on year the elected body has gone to the community to hear their views far more frequently across a range of concerns.

Over the 2012-13 financial year the elected body held five community forums and provided advice on a number of government policies. In the current financial year the elected body has already conducted five community forums covering matters such as the renewal of the Aboriginal justice agreement, working with community organisations, the Aboriginal and Torres Strait Islander Elected Body community plan, sport and recreation and the proposed whole-of-government agreement. Importantly, the outgoing elected bodies, together with the ACT Electoral Commission will hold a final community forum on 14 May to advise the community about the election dates and the nomination and election processes.

Following the 2011 elections, recognising that the legislation needs to evolve with the community, the elected body was instrumental in bringing about amendments in 2012 to the elected body act which improved the way their elections were run. In line with the elected body's recommendations, last year amendments were passed by the Assembly to ensure that elected body candidates were given the best opportunity to fully engage with the Aboriginal and Torres Strait Islander communities during their campaign period and that voting arrangements were optimal for the community. The wider ACT Aboriginal and Torres Strait Islander community supported these amendments having made their views known during community consultations conducted by the Office for Aboriginal and Torres Strait Islander Affairs and the elected body.

Firstly, it was recommended that the campaign period for elections be extended from 10 days to four weeks, allowing more time for candidates to engage with the community. During consultation members of the ACT Aboriginal and Torres Strait Islander community suggested that the elected body elections could be moved to capitalise on NAIDOC Week. It was recommended that, as NAIDOC Week is a time when Aboriginal and Torres Strait Islander people come together to celebrate Aboriginal and Torres Strait Islander cultures, it would be the best time for Aboriginal and Torres Strait Islander Canberrans to come together and vote for whom would best advocate the rights, goals and aspirations of their communities.

The Legislative Assembly supported the community's views when we passed the elected body amendment bill 2012. So this year we will see these changes in action during the third round of elected body elections. Nominations for candidates will open on 19 May with candidates being declared on 3 June 2014. During NAIDOC Week in July, apart from voting at Elections ACT, mobile polling will visit the Winnunga Aboriginal Health Centre, the Southside Community Centre, two child and family centres, the government buildings in Woden and the Alexander Maconochie Centre.

There will also be a polling booth at the Aboriginal Hostels NAIDOC lunch, which is held every Friday in NAIDOC Week in Canberra. The Aboriginal Hostels lunch is a national NAIDOC Week event attended by over 800 people from all over Australia. Not only will the hostels lunch be a convenient polling location for local community members, but it will also showcase to a national audience the ACT's commitment to Aboriginal and Torres Strait Islander leadership and robust cooperation with government in making policies that make a difference for their communities here in the ACT.

Of course, NAIDOC Week is a week of national celebrations and many will travel interstate to attend events elsewhere in Australia, for example, to the Gold Coast for this year's national NAIDOC ball. As in previous elections, voting will be supported by postal voting. With the preparations for the upcoming elections in July, the community has provided the ACT government with further advice on how this process will be better fitted to meet their needs, and we have responded with the amendment bill that we are discussing here today.

The community has requested that the election dates be amended to include the NAIDOC ball and awards night which launches NAIDOC Week on the first Saturday prior to the main NAIDOC Week celebrations and NAIDOC on the Peninsula on the Sunday after the NAIDOC ball. These events are attended by a large component of the ACT Aboriginal and Torres Strait Islander community. The amendments proposed today are to extend the voting period to coincide with the NAIDOC ball and NAIDOC on the Peninsula.

With these changes to the legislation Elections ACT has also included some technical amendments that will maintain clarity and consistency of the Aboriginal and Torres Strait Islander Elected Body Act 2008 aligning it with evolving legislative drafting conventions in the territory. With the passing of these amendments, polling booths will be available at these most significant NAIDOC events for NAIDOC Week in

Canberra. Clearly this will improve access for community members to official polling places and will give more community members the opportunity to cast their vote for the candidates who wish to represent them. I commend to the Assembly the proposed changes in the Aboriginal and Torres Strait Islander Elected Body Amendment Bill 2014.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 12.09 to 2.30 pm.**

## **Minister for the Environment and Sustainable Development**

### **Motion of no confidence**

**MR HANSON** (Molonglo—Leader of the Opposition) (2.30): Madam Speaker, I seek leave to move a motion, that has been circulated in my name, that this Assembly expresses its want of confidence in Simon Corbell, the Minister for the Environment and Sustainable Development, for misleading the Assembly.

**Mr Corbell:** There is no motion circulated, Madam Speaker.

**MADAM SPEAKER:** It is being photocopied at this stage and being circulated. Is leave granted? Leave is granted. Mr Hanson, would you like to move your motion.

**MR HANSON:** I move:

That this Assembly expresses its want of confidence in Simon Corbell, the Minister for the Environment and Sustainable Development, for misleading the Assembly.

This morning, during the debate regarding the Committee on Planning, Environment and Territory and Municipal Services inquiry into the project facilitation bill, the minister, Simon Corbell, misled this Assembly in an attempt to cover up the fact that he had access to, had a copy of, had reviewed or had been briefed in detail on confidential committee minutes that he should not have had access to, that are privileged, that are confidential.

The very serious issue of how he actually had access to that committee information will be the subject of further investigation by the opposition, further action, and we will be instigating action under standing order 276 with regard to that matter, which is a very serious matter. But the issue at hand is that this minister misled the Assembly and, based on precedent, based on the ministerial code of conduct, based on the members code of conduct, this Assembly must now take the only option available to it, the appropriate course of action, and express its loss of confidence in the minister.

The fact that he misled this Assembly really does not need to be made out. We were here, and the case makes itself in black and white in the *Hansard*. The first fact is that when Simon Corbell spoke in the debate the committee's minutes had not been published. They had not been published in hard copy and they were not online. The reason for that is that committee minutes are never published. They can only be authorised by a committee to do so if somebody approaches the committee for them to be released. That has been verified by the committee secretary and on advice from the Clerk. I think we should all understand that that is the procedure.

As we know, Madam Speaker, a minister or a member of this place, or indeed anybody who is not a member of that particular committee, should not have had access to information about that committee, about what was going on in that committee and particularly the detail of the minutes. With that knowledge, let me now quote from the *Hansard* and repeat for members what occurred in this place this morning. In the debate Mr Corbell said:

It is disappointing that, once again, we see some members on the other side of this chamber seeking to disrupt the business of the committees by deliberately obstructing the passage of an Assembly inquiry into an important piece of legislation. I understand from a review of the minutes—

I repeat: from a review of the minutes—

that it would appear that the opposition members ...

And he goes on. Mr Smyth then interjected:

How did you get the minutes?

A good question that one would ask. And the minister's response was not to say, "I haven't got the minutes," "I haven't seen the minutes," or "I haven't been briefed on the minutes." What he said was:

The minutes are online and they are available ...

In essence, in accepting the argument that he had seen the minutes and he was saying, "Yes, they're online, they're available online, that's where I got them," as we know, Madam Speaker, that is not true. When the minister said, "They're available online," basically responding to the interjection and saying, "That's where I got the information from," he was deliberately and intentionally misleading this place.

The minister said that he reviewed confidential documents that had not been authorised for publication. The question of where he got that information is not, as I said, the subject of the debate today. In what form he got the minutes—was it a detailed briefing from one of the committee members; was it a copy under the door that he provided in a blank envelope; was it emailed by somebody?—how on earth he got that privileged information that he talked about in this place, is going to be the subject of other action that we take.

The point that we must come to a conclusion about here in this Assembly is the fact that this minister said that he had reviewed the minutes. He gained information about

it and spoke at some length about the minutes, and then said—there was an interjection to say, “Where did you get the minutes from?” The minister says: “They’re online. They’re available online.”

That was not true. He was deliberately trying to make it appear that it was okay—“I’m all right. It’s okay. I can read the minutes. I can make this debate.”—because they were available online. That was not true. And he was caught. He was caught red-handed, Madam Speaker, misleading this place in a deliberate attempt to cover up the fact that he had intimate knowledge of the committee’s minutes and he should not have. That was his motive, and it is pretty clear that he is guilty.

Two hours later, realising what he had done—and those of you who sit on that side of the chamber might have missed it, but for those of us on this side we saw the colour that Minister Corbell went. It was about the colour of—I was going to say Mr Doszpot’s hair, but that would probably be unparliamentary. It was the colour of this piece of paper. He went deathly white, because he knew what he had done. It exposed the fact that he had been given privileged information and he had been caught misleading this place intentionally.

The issue, as I said, is not whether he misled this place or not; the issue is what action this place should now take. That is the consideration before us. I refer you to the *Companion to the Standing Orders*. There is precedence. I point to 6.45 on page 90:

The Assembly has also considered motions expressing lack of confidence in or censure of Ministers. In April 1994 the Assembly agreed to a resolution expressing lack of confidence in a Minister ‘for reason of his deliberate or reckless misleading of the Assembly’—

that is certainly the case here—

concerning matters related to his portfolio responsibilities. The Chief Minister advised the Assembly of the Minister’s resignation the next day ...

That is what should be happening here. This is the same situation. This is the precedent. The minister has deliberately misled this place in an attempt to cover up the fact that there has been some dodgy stuff going on with the committee. When he has been caught out, the action that we should be taking is to move no confidence, want of confidence.

This is a very serious matter and this is the precedent. This is the form of this place. This is what has happened before by chief ministers and ministers who have been accountable. The test today will be whether we have a Chief Minister who has got the leadership and a minister who accepts “Yes; I got it wrong” and takes the appropriate action that others have taken.

There is a ministerial code of conduct, of 2012. It says in there:

Ministers must act according to the highest standards of personal integrity and probity and uphold the ACT’s system of responsible government ...

Ministers must act honestly at all times and be truthful in their statements.

When this minister tried to cover up the fact that he had been privy to confidential knowledge, confidential information, and minutes of this committee, what did he do? When asked, "Where did you get that information?" his response was, "It's online. It's available online to everybody." That was not true. That was a deliberate mislead and that does not conform to the ministerial code of conduct that ministers must act honestly at all times and be truthful in their statements, and he was not.

The ministerial code of conduct refers to the members' code of conduct. The members' code of conduct equally makes it very clear that members have got to behave honestly in their dealings. It is quite clear, in the case that I have outlined, that this minister has not.

This is a test of leadership. This is a test of leadership for the Chief Minister. Is it the standard that she is going to accept of her ministers that they can come into this place and have access to confidential information that they should not have, be caught out, mislead this place about it and then essentially get away with it? "No, no mislead here. I will accept that as a standard of behaviour." We hear a lot about open, accountable and responsible government from Katy Gallagher. This is a real test for the Chief Minister, whether she has got the leadership to actually say, "No, that does not meet the standard of the sort of minister that I want in my government."

I would also say it is a test for the Greens member. I have had some discussions with the Greens member. The case is pretty self-evident. It is a decision as to what standards will Shane Rattenbury hold this government to. Is he going to let this government and this minister just get away with anything as long as he gets what he wants? We know that he wants this piece of legislation. We know that he wants this rammed through. We know that he wants this regardless of the cost and regardless of the fact that his own members, like Caroline Le Couteur and others, are saying, "Don't do this." Shane Rattenbury wants to ram this through. Perhaps the last thing that he wants is further heat around this issue. But is he going to stand up for honesty, is he going to stand up for integrity, or is he just going to stand up for what he wants, which is to get this legislation through to fast-track light rail?

The whole thing stinks. The point is that this is a controversial piece of government legislation that this committee is inquiring into. It has been a rushed committee inquiry. It has been a sham committee inquiry. We know that because the vast bulk of people who put in submissions or appeared before the inquiry have told us so.

**Mr Coe:** Every single one.

**MR HANSON:** Every single one, Mr Coe tells me. Every single person said, "We didn't have time. It's a sham committee. What's happening here is just trying to tick the box, give the appearance that there is some consultation happening when we know that that is not happening." It is trying to give an impression.

Now a community that is having this imposed on them is going to see what is a real corruption of the process whereby it certainly appears that the minister has intimate knowledge of what is going on in that committee. Someone in that committee is

peddling confidential information about that inquiry and minutes of the inquiry to the minister so he has got more knowledge.

Now, what do you think the community is going to think about that, a process that they have already—every single one of them, Mr Coe tells me—said is a dodgy process? Now they realise that members of that committee are in cahoots with the minister to make it even more dodgy.

**Mr Corbell:** You have got no evidence.

**MR HANSON:** This is not a trivial issue. The minister is interjecting—

**MADAM SPEAKER:** Order! Mr Corbell, do not interject.

*Mr Dospot interjecting—*

**MADAM SPEAKER:** No-one will interject in this debate. This is a serious debate and there will not be interjection.

**MR HANSON:** He says there is no evidence. The evidence is that the minister came in here and talked about a review of the minutes, that reviewing the minutes showed him certain things. He went into some detail about the internal process of the committee. That is your evidence. When he got caught by Mr Smyth he compounded it by trying to cover up and saying, “Well, we’ve got the minutes online. That’s where I got them.” That was not true. Then he came back in later on to say, “There’s nothing to see here. I never got the minutes. I didn’t know anything about it.” But a reading of the *Hansard* in black and white shows it. You want your evidence, minister; the minister wants his evidence. There is the evidence.

The point is that this has been a very poorly managed process. This is not trifling legislation. The impact of this legislation will be massive; it will be irreversible on the planning of the ACT—things like light rail and hospitals. It is going to circumvent a whole range of planning processes. The community is up in arms, and now we know that the minister was privy to what was going on in that committee and their processes. When he got caught out he then did everything he could to make it appear that he did not have that information or that it was available online: “Yep, got it. Go get it online.” And that was not true. He made it up on the spot to try and cover his tracks.

So, Madam Speaker, we really do not have a choice here. If we are going to uphold the standards of this place and if the government is going to uphold the standards of ministerial responsibility and say, “No, we do have a line here. We are going to uphold the standards of this place,” then action must be taken, because there is nothing else that is going to restore this community’s faith in the government, in this minister, in the committee process now that it has been corrupted, than for us to take the action, call it as it is, and for us to express our want of confidence in this minister.

Members, this has been a corrupted process. The minister has been caught out in black and white. There is only one option, and I urge you, in the strongest terms, to support this motion.



Debate interrupted.

## Visitors

**MADAM SPEAKER:** Before I call the next speaker, I acknowledge the presence in the chamber of the Weston Creek Ladies Probus Club. Welcome to your Assembly.

## Minister for the Environment and Sustainable Development Motion of no confidence

Debate resumed.

**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) (2.46): I reject all of the assertions that we have just heard from the Leader of the Opposition. I reject them all. Not only are they unfounded, they are garbage and they are the sort of trivia and obsession with trivia that we see in this place when, unfortunately, this chamber descends into a discussion about itself rather than about the matters that are of interest to the people of Canberra.

Let me reject, first and foremost, the arguments put by Mr Hanson. Mr Hanson asserts that I had seen, reviewed, viewed the minutes of the proceedings of this committee. I have done no such thing and there is no evidence to back up Mr Hanson's claim. What did I say in my comments? What did I say?

*Opposition members interjecting—*

**MADAM SPEAKER:** Order, members! I have said this is an important debate and I will not countenance any interjections. Members have an opportunity to speak in this debate. This is the most serious debate we can have in this place. Keep your comments for your contribution to the debate. Mr Corbell has the floor.

**MR CORBELL:** Thank you, Madam Speaker. What did I say in the debate? I said I understood "from a review of the minutes". I did not say I had viewed the minutes. I said I understood "from a review of the minutes". Why did I say that? I said that because Mr Gentleman said in his speech, when he tabled the results of the committee inquiry, "As you will see in the minutes tabled," and he went on to outline the circumstances. That is what Mr Gentleman said and that is why I responded in due course.

Mr Hanson then says, "Oh, but the minister compounded his so-called error. He compounded his so-called error by saying that the minutes were available on line." I was responding to an interjection from Mr Smyth. Perhaps I should not have but I did. I was responding to an interjection from Mr Smyth and I had conscious in my mind that in the paper tabled by Mr Gentleman it said "submissions and transcripts of proceedings" and provided an online link. I read that as meaning the submissions, transcripts of proceedings as well as the minutes because Mr Gentleman had made

reference to the minutes. Forgive for responding in the heat of the debate in the manner that I did. Yes, I was in error. I have corrected that error and I have apologised to the Assembly for that error when I asserted that the minutes were available online.

I was in error, but in the heat of the debate, in responding to an interjection and conscious of the fact that that material was on the document presented by Mr Gentleman, that is what I said. But the facts are that Mr Hanson has no evidence whatsoever. He has no evidence whatsoever to substantiate the claim that I had seen the minutes prior to the debate, that I had reviewed them or that I was privy to their contents. He has no evidence whatsoever. For him to make that claim is without any foundation. It is without any foundation, Madam Speaker.

This is an important matter. The conduct of this committee inquiry is an important matter and we know that it should have been able to be reported to this place in full. It would appear—it would appear—that in some way it is not reasonable for members in this place to comment on why it was that such an important committee inquiry could not report. It would seem that we are meant to treat this as a black box. But the facts are that we know there are problems in that committee. Everyone knows that. Everyone on that side of this chamber knows it. Everyone on this side of the chamber knows it. We know that there are problems in committee and we know the shenanigans that are going on from some members of the Liberal Party because they have demonstrated them before. It was reasonable for me to make those observations again today.

In terms of disclosure, if we are going to make arguments about disclosure of proceedings of a committee, then the Liberal Party is going to have to turn their attention to Mr Wall, who made exactly the same sorts of comments that I made during the debate on that committee non-report. He made exactly the same comments. Mr Gentleman made exactly the same comments. So if we are going—

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Order, Mr Hanson!

**MR CORBELL:** to get into this sort of absurd trivia where the Assembly cannot debate why it is that a committee cannot report, then we really need to revisit why we are here. We really need to revisit why we are here. So those are the facts. This is trivia. This is an absurd argument backed up with no evidence from Mr Hanson—no evidence whatsoever—to back up his claim. It really does this Assembly little service to be agitating it in the manner that he has today.

My only error, Madam Speaker, was to assert that the minutes had been published when they were not. I have apologised to the Assembly for that error. It was an error and I explained the circumstances of the error. I acquitted my duty, which is to correct my statement and apologise. But to suggest that a minister should lose their office because of this absurd trivial argument really would set a new low for this place, and there are certainly no grounds for this motion to be supported today.

**MR SMYTH** (Brindabella) (2.53): Mr Corbell opens his defence by just saying that everything is garbage and what absurd trivia this is. But it is not absurd trivia when you are part of the process of undermining the committee system in this place. You undermine the committee system in this place when either something is leaked to you or given to you that you use in debate. Mr Corbell is damned by his own words. For instance, he got up and said: “I was just reading from the link on Mr Gentleman’s document.” If he apparently read the document as he claimed, it says:

Submissions and transcripts of proceedings from the two public hearings held are available on the website.

It does not mention the minutes at all. So again, we have lie upon lie upon lie instead of telling the truth, that he had inside knowledge, that the government has corrupted the committee system of this place, and he is the chief perpetrator of that corruption. Let us hear what he said:

It is disappointing that, once again, we see some members on the other side of this chamber seeking to disrupt the business of the committees by deliberately obstructing the passage of an Assembly inquiry into an important piece of legislation. I understand from a review of the minutes that it would appear that the opposition members of this committee have supported each and every one of the paragraphs ...

“I understand from a review”. Minister Corbell claims he did not do the review. So if you did not do the review, where did you get that information from? And if you have got that information and you know, paragraph by paragraph, what happened, because the minutes will normally only show, Madam Speaker, that the vote was put and was passed or not—unless there is a running commentary, and that is not normally the case in the minutes, and I bet you it is not the case in these minutes as well. So he knew. So if he had not done it by reading the minutes himself, somebody told him. Therefore somebody on the committee leaked it, and that needs to be investigated. I then said:

How did you get the minutes?

Mr Corbell panicked. Remember that the case made in the Assembly was for deliberate and reckless misleading of the Assembly. He could have said, “Mr Gentleman just said it in his speech.” But he did not. That would have been the logical thing to say: “It was just aired in this place.” But did Mr Corbell say that? No, he did not. What he said was a deliberate and reckless misleading of this Assembly. And remember, this minister has got form on deliberate and reckless misleading of this Assembly. He said:

The minutes are online and they are available ...

Mr Corbell is the longest-serving member in this place. He knows the forms of this place. He knows how it works. He knows that they do not go online or are not available until the debate is tabled. How could you actually read all the minutes and know that, paragraph by paragraph? That is an awful lot of minutes to read in the

couple of minutes that Mr Corbell apparently had to read them online, for him to come to this remarkable conclusion. He did not say, “Mr Gentleman said in his speech.” He did not say, “Somebody told me.” He did not say, “Mr Coe said it in his speech.” He said, “I read it online.” He said:

The minutes are online and they are available, Madam Speaker. The government is concerned that members of the opposition are deliberately obstructing the business of this place.

So it is a matter of, “I’m caught; I’ve got to cover up. I’ve got to come up with a quick answer, so I’ll simply mislead. I will be reckless and I will mislead.” Remember, members, that Mr Corbell is the only member of this place to be found guilty—the Assembly sanctioned the Minister for Health and Planning for “persistently and wilfully misleading the Assembly on a number of issues”. That was on 24 June 2004. And it would appear that a decade later the leopard has not changed its spots, the minister has not changed his tactics and the misleading continues.

This is the longest-serving member of the Assembly. He knows what is published and what is not published. Just to be sure, I went and asked the committee secretary and she said, “No, Mr Smyth. The minutes are not published.” I sent an email to the director of the Committee Support Office and the reply was:

Dear Mr Smyth

The answers to your questions are as follows.

The minutes of committee proceedings are confidential—

so nobody should actually know about them—

to a committee and are not published or lodged online.

The reply was that, subject to advice, there is an instance under standing order 212A where perhaps minutes can be produced under the standing order. But standing order 212A was not invoked in this case. Standing order 212A was not used by the minister to ask for the tabling of these minutes. But he has intimate knowledge of what is in the minutes and he uses that knowledge. He did not read them online; we know he did not read them online because they are not there. Sheer fantasy, reckless fantasy, misleading fantasy on behalf of this minister—because he is caught. He came back into this place and said:

I feel it is important, Madam Deputy Speaker, to make clear that I have not viewed, nor have I been provided with a copy of the minutes of the committee proceedings and Mr Coe’s assertions in this regard are false.

How did you have such good knowledge of what went on in the committee if you have not read them? That was your first lie, your first mistake. “Oh, I read them online.” But we know that that is not true. Then he tells us that nobody told him. If nobody told him, how did he know? And that is the problem with this defence. If you take it in light of Mr Corbell being the only minister in this place being found guilty

of persistently and wilfully misleading the Assembly on a number of occasions, and add today, you have got this minister done to rights. It was deliberate, it was reckless and it was misleading.

We know that Mr Corbell thinks this is trivia, the truth is trivia. That he thinks the truth is trivia is, in itself, an indication of the calibre of this minister. We know he is the longest-serving minister in this place. We know he is the manager of government business. We know he is the man who is responsible for coordinating activity on that side. And he knows these things. When he said it, he knew that it was not true. “What did I say,” he said. He read what he said. He claims that nobody told him or nobody gave him the minutes. How did he know? If Mr Gentleman had said, “This is the case,” why did you not simply say Mr Gentleman said so? You did not. You immediately mislead this place.

My understanding is that the document that you quoted from, minister, was not even distributed at the time you spoke.

**Ms Gallagher:** It was.

**MR SMYTH:** If I am wrong, then I am willing to say I am wrong. But when we read it, we know that there is no indication whatsoever that the minutes were included. Your lie that compounds the lie has found to have another hole in it because it simply says “submissions and transcripts of proceedings from the two public hearings held are available on the website”.

This minister was not pressured. This minister was not forced. This minister chose to mislead the house, to cover up that somebody had given him the minutes. His immediate answer—and there was no hesitation—was not, “I had better fix things up.” It was, “It’s a lie.” He knew what he was doing when he was doing it.

As Mr Hanson has already pointed out, there was already a stink about this bill and the way the government was trying to ramrod it through the Assembly. The stink becomes a stench when the minister is willing to mislead the Assembly to have his way so that he can have this bill that covers up the ineptitude and the failings of him as planning minister in particular, and this government in general, in delivering good and timely planning outcomes for the people of the ACT.

Madam Speaker, this minister does not always tell the truth. He has been found lacking, and you have been here on previous occasions when this Assembly has held him to account.

**MADAM SPEAKER:** Could you stop the clock, please, Clerk. Mr Smyth, there have been a number of occasions on which you have used the words “lie” or “not told the truth”. Even in a substantive motion about misleading the Assembly, that is disorderly, and I would ask you to withdraw those comments.

**MR SMYTH:** I withdraw. This minister has, on numerous occasions, misled the Assembly and he has been brought to task on numerous occasions when he has been found either to be in contempt of the Assembly or censured for persistently and

wilfully misleading the Assembly. And he has done it again today. He knows he gets away with it because he knows that the casting ballot in this place does not have the nerve to hold him to account.

We all heard what happened. We have had two fumbles at correction. Each fumble at correction, I think, has just mired the minister deeper in his misleads. I simply remind members that he has been found guilty before of persistently and wilfully misleading the Assembly. Unless we hold him to account today, he will be emboldened and he will do it again and again, because that is the nature of this minister.

**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) (3.03), by leave: It is unusual for me to seek leave to speak again, but I thank members because on this occasion I think some things need to be said.

Mr Smyth, for as long as I have known him in this place, has always been keen to put the boot in. And we expect that as part of politics. We expect that as part of the give and take in this place. Yes, Mr Smyth, it is true that in June 2004 I was censured by this place for deliberately and wilfully misleading the Assembly.

**Mr Smyth:** And persistently.

**MR CORBELL:** And persistently. But let us be very clear about the circumstances of that matter. Two months later—indeed, actually less than that, a couple of weeks later I was diagnosed with clinical depression and it relied on me to take three months off work, with the support of my colleagues, to recover.

I was not in a fit state to do my job when that censure happened, but I accept responsibility for it. The problem that Mr Smyth has is that he takes advantage in a gross, despicable and disgusting way when he reiterates that claim. I take responsibility for what occurred and I also feel it is incumbent on me to explain why it occurred. But I will never, never accept the vitriol and disgusting approach adopted by Mr Smyth when he rakes over those coals for his base, crass, political advantage.

I have sat here year after year after year and heard him use those terms without any human recognition of what was occurring to me at that time. I think it is about time that he understood how those comments that he makes repeatedly in this place should be viewed by everybody.

**MR COE** (Ginninderra) (3.06): Today we have heard that the minister indicated or allowed the Assembly to believe that he had seen the minutes. Whether that was an accurate reflection or not can be debated. Of course, he came into this place later on and provided a point of clarification. But there is a very, very important fact here that has not yet been raised. That is that Mr Corbell said:

I understand from a review of the minutes that it would appear that the opposition members of this committee have supported each and every one of the paragraphs proposed by Mr Gentleman in his draft chair's report but have then chosen not to support the committee report as a whole—

That information was not published and Mr Gentleman did not say that. So at the time that Mr Corbell made those remarks, it was not in the public domain. It was not in the public domain. I can tell you exactly what Mr Gentleman said in his speech immediately prior to Mr Corbell. Mr Gentleman said, “As you will see in the minutes tabled, Madam Speaker, the committee was presented with a report by the chair. The report was looked into but when the final motion was put for the report to be adopted, the motion was lost.”

At no point in tabled documents or in the Assembly was there any information—

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Mr Hanson!

**MR COE:** about the opposition supporting every one of the paragraphs as Mr Corbell said. So how did he know that information? How did Minister Corbell know that two members of the committee voted in favour of every one of those motions? It is all very well for the Chief Minister to go and try and shore up the situation but the fact is that at the time of Mr Corbell making these statements it should not have been known to him. There are several issues here.

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Mr Hanson!

**MR COE:** Was he given leaked emails? Was he given leaked minutes? Was it appropriate, even if he was briefed on this information, for him to even comment on this even if it had been leaked to him? But one way or another it is clear that information has gone from the committee to Mr Corbell. How else did he know about every one of the paragraphs one by one? In actual fact, when Mr Corbell came back into the chamber, he did not shy away from this fact. When he came back a couple of hours later, he said:

I indicated I understood that the opposition members had not voted against the chair’s draft report in the committee’s clause by clause—

He made reference to it again: “clause by clause”. No information about the clause by clause discussion of the committee had been privy to this Assembly or to Mr Corbell.

I am very curious to find out how it is that Mr Corbell knew that the opposition members “supported each and every one of the paragraphs proposed by Mr Gentleman in his draft chair’s report”. That is what he said—“each and every one”. That was not said by Mr Gentleman. That was not in the public domain. That is not in this document. It is not anywhere else. It was said subsequent to that. Mr Corbell said it first, and that is a worry. That is a worry. Mr Corbell is in effect the person who is delivering the committee report. How is that so? How is it so when he was not on the committee?

Of course, it goes to this broader issue of the fact that this whole consultation on this bill has been a sham.

*Ms Gallagher interjecting—*

**MADAM SPEAKER:** Order, Mr Coe! Chief Minister, I call you to order. I have called Mr Hanson to order. I called Mr Smyth to order. I really mean it. I do not want to have to boot somebody in such an important debate. I am putting you all on notice that the next person who substantially interjects will be named.

**MR COE:** It goes to the story of this bill, which was presented on 20 March, which nobody in the community knew about. Maybe the Heritage Council knew about it. The government's own advisory arm on heritage issues knew about this bill. On 8 April, they tried to ram it through and a committee was established. The committee was established to try and give input to the minister. As it turned out, the minister was in cahoots in this whole process.

Let me reiterate the point which I believe confirms that Mr Corbell was privy to information which he should not have been. It is this. He said:

I understand from a review of the minutes that it would appear that the opposition members of this committee have supported each and every one of the paragraphs proposed by Mr Gentleman in his draft chair's report but have then chosen not to support the committee report as a whole and I find that quite extraordinary ...

That information had not been said in the Assembly and it had not been published by the committee. Therefore, Mr Corbell had information which he was not privy to.

And he did not shy away from that comment. He did not retract it a couple of hours later. A couple of hours later, he in fact reiterated it. He said:

I indicated I understood that the opposition members had not voted against the chair's draft report in the committee's clause by clause consideration ...

He reiterated that he knew it. That is the concern we have, and that is definitely cause for us to then go and ask the question. This defence that he has had all afternoon is questionable as well. Has he in fact misled the Assembly in his defence of the misled? That is another serious question, and I put that to the Assembly for consideration.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (3.13): I rise to speak to the motion, to support the comments made by Minister Corbell earlier in the debate and address the more ridiculous elements of some of the allegations that have been put by the Leader of the Opposition, Mr Smyth and Mr Coe to date.

This is a ridiculous motion. The Leader of the Opposition would have us believe that this is the most important issue that the Assembly needs to debate, that of all the issues in the territory, this comment made by Mr Corbell this morning is the most important critical issue for us to debate.



Some of the allegations that have been levelled against Mr Corbell this afternoon would not happen outside this chamber. The opposition members know why. There is absolutely no way that the word “corruption”, which has been used in this debate, would be able to be used outside this chamber. A true test of that would be if all three of you went outside and read your speeches from beginning to end—the speeches that you have just given in this place—and stood by them. You have absolutely no evidence to support the allegations that you have extrapolated from the comments that Mr Corbell made this morning.

What you would have us believe today—and, seriously, you guys could consider an occupational change to writing fantasy novels—is that, based on the comment that Mr Corbell made this morning, he and Mr Gentleman somehow, in a bizarre series of events, concocted some corrupt process to push through the project facilitation bill.

*Mr Coe interjecting—*

**MADAM SPEAKER:** Mr Coe!

**MS GALLAGHER:** That is at the heart of the allegations that you have put in this place without any evidence to support that.

*Mr Coe interjecting—*

**MADAM SPEAKER:** Mr Coe!

**MS GALLAGHER:** I will let everybody in on the fact that our party room discusses how dysfunctional the committee system is in this place. It has discussed it a number of times. Indeed, I have discussed it with Mr Hanson and I have discussed it with the Speaker.

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Mr Hanson, you are on a warning.

**MS GALLAGHER:** We have met as a group on a number of occasions, not specifically on this issue, but it has come up, about how dysfunctional the committee system is. Mr Hanson, you and I have had that discussion. You have given me information that you are privy to because someone has talked to you about what happens in a committee. The Speaker and I met to discuss it in a very general way, about what to do to lift our standing and resolve some of the issues in the committees.

We have had standing order changes specifically to address the dysfunction in the committees. There have been debates in this place. There have been discussions around our party room table about whether or not to support standing orders, whether they facilitate the actual delivery of a report. Let us not forget that we are at the moment on issues that the opposition choose to make fun with or make hay with. We are unable to deliver reports on certain committees. On others, it seems to work fine.

We have had the discussion about the different strategies that appear to be looked at to frustrate, to ensure that ultimately the information from the community groups that are getting involved in these committees does not get to the Assembly floor. I have had discussions with Mr Rattenbury on this. I have had discussions with Mr Hanson on this. We have had to look at ways to try to get the committee system to work with four-member committees.

Every time there is a change—and there have been these new changes to standing orders—there is a new tactic implemented to ensure that the committee does not report or that the report cannot be provided. Yes, the government does have an interest in seeing the report about the project facilitation amendment bill. We want to see a report. Yes, I put my hand up. How do we get the report? As part of that discussion, we discussed the fact that the chair's report—not the content of the report, not what individual members had said, not anything like that—got to a certain point and then the resolution was that you could not table the report.

I do not know how else we could get that done. If that is wrong, getting that report, then by all means look at the standing orders and try to resolve something in this Assembly, because there was no report and we wanted the report. Then the party room took a decision to have a motion to call on the report to be tabled.

**Mr Coe:** The committee took that decision.

**MADAM SPEAKER:** Mr Coe, you are on a warning.

**MS GALLAGHER:** I am not aware of that, Mr Coe. What I am aware of is that as a party, as a caucus, we wanted to get the chair's report tabled. I do not think there is any secret there. There are tactics at play. There is dysfunction at play. There are new standing orders at play. Each party room has to respond to this. But that does not involve corruption. That does not involve any member of the committee disclosing any inappropriate information. There was no discussion on the content of the report, the deliberations of the committee, in any detail at all or, indeed, what any of the submissions said or what any of the recommendations said. It was absolutely procedural and appropriate in that sense for us to resolve what to do when order of the day No 1 came to the Assembly.

If that is a problem with the standing orders, then let us fix those standing orders again so that we can actually have the committee report. If this project facilitation legislation is as controversial as you would have us believe—and that may be the case. The Assembly authorised or instigated an inquiry into it. It is controversial. The Assembly has agreed to have a report and then we are in this bizarre situation where the report cannot be table because nobody can agree on it.

That is the origin of the situation that we face in this place today. Mr Corbell has done nothing wrong. He has done nothing wrong and, with the error he made, he corrected that error at the time that it was drawn to his attention, and he was able to do so. This is the slant you put on these things, that Mr Corbell disappeared for two hours and then came back. I was in the chamber all morning; so was Minister Corbell. There

was none of that. But, again, it is used in this nasty way to portray this scheming minister that is off to do the worst thing and lie and all the rest of it. It is absolutely the opposite of the man that I work with and have worked with for many years. A more honest person with integrity you will not find. I work with him, Jeremy. I do not expect you to hold him with the same high regard that I hold him.

In relation to the comments that he made alluding to minutes—and there has been no sighting of the minutes; I do not even know if the minutes are able to be sighted now—nobody has seen them. I do not even know if the committee has seen them and signed them off. Who knows? Mr Gentleman made it clear in his introduction that minutes were being tabled, that he tabled those with the statement that he provided and that had a link to an online connection.

You can see how this mistake by Mr Corbell was made. The only thing we got out of the committee this morning, before the motion was moved, was one page with an online link to the necessary transcripts of proceedings, submissions and whatever that you found there. I do not even know; I have not had time to get on the link. So you can see how, with one paper in front of you and Mr Smyth heckling, as he always does, one could reasonably assume, as Mr Gentleman had tabled a statement relating to the committee's deliberations and a copy of the extract of the relevant minutes, that those two would be online.

*Mr Smyth interjecting—*

**MS GALLAGHER:** Make your own conspiracy theories, but this is what happened this morning. It is not as exciting as you would have it believed, but it is what happened. We had a discussion about how the committees are working, or not working. We wanted to get a copy of the report, so we resolved to move a motion. Minister Corbell, as manager of government business, leads that charge for the government. He made a mistake and, in line with the ministers' code of conduct—a part that Mr Hanson did not read:

Ministers must not wilfully mislead the parliament. If an error is identified a minister must correct the public record at the earliest opportunity.

That is exactly what Minister Corbell did this morning. It is not as exciting and it is not going to be attractive to the conspiracy theorists, but that is what happened this morning. A mistake was made and a mistake was corrected.

**Mr Hanson:** Madam Speaker, I seek leave to speak again.

**MADAM SPEAKER:** Is leave granted? If you do that, you close the debate, Mr Hanson.

**Mr Hanson:** No, I am not closing the debate. I am seeking leave to speak again.

**Mr Corbell:** If you speak again, you close the debate.

**MADAM SPEAKER:** I am sorry; you can have leave to speak again and not close the debate. Is leave granted for Mr Hanson to speak again?

Leave granted.

**MR HANSON** (Molonglo—Leader of the Opposition) (3.23): I will speak briefly, Madam Speaker. I just want to make the point before Mr Rattenbury is to speak—and it is a very important motion—that the story has now changed three times. What happened is that Mr Corbell came into this place with detailed knowledge about what happened within the committee. I quote:

... the opposition members of this committee have supported each and every one of the paragraphs proposed by Mr Gentleman in his draft chair's report but have then chosen not to support the committee report as a whole ...

His first explanation was that was from a review of the minutes. When he was called to account on that by Mr Smyth his story changed for the first time. His story changed to the fact that they were available online. That was his first story. When that was disproved, his story then changed again. His story changed to, "I got this information from Mr Gentleman's tabling speech." But Mr Coe, in his speech, has just proven that that was not true, that Mr Gentleman did not go to those points in his tabling speech.

And then the story has changed again. The Chief Minister has had to stand up in this place and concoct a new story, and that is: this was all discussed at the party room. So we have a situation where this minister has detailed knowledge—firstly, from a review of the minutes; secondly, online; thirdly, from Mr Gentleman's tabling speech and, fourthly, from party room discussions.

It is evident that the story is changing, and the reason the story is changing is that we are being misled. I do not know whether we were misled the first time when Mr Corbell said he reviewed the minutes. We were certainly misled when he said they were online. We were certainly misled when he said that Mr Gentleman had detailed them in his initial speech. We do not know whether this was something that was discussed in detail in their party room. You cannot have four stories that are all true. One of them is true, perhaps; the other three are lies. Madam Speaker, there is no further proof required.

**Mr Gentleman:** A point of order, Madam Speaker. Again, Mr Hanson referred to the word "lies".

**MR HANSON:** I withdraw, Madam Speaker.

**MADAM SPEAKER:** On the general topic, the use of the word "lie" or "liar" in any context in this place is unparliamentary, and I will require it to be withdrawn. I would encourage members not to go there because it will save us all a whole lot of time in having to withdraw.

**MR RATTENBURY** (Molonglo) (3.26): Madam Speaker, any of these kinds of motions—and I have seen a few in my time in this place—are full of hyperbole,

usually on both sides of an argument. Everyone flings a whole lot of accusations at each other. There is all sorts of unparliamentary language that gets thrown around, as you have just observed. The job that I have found myself with on the crossbench over the course of the last five or six years, formerly with my colleagues, is to try and strip all of that out and get down to what the actual facts are and try and distil from the various interpretations of it what the true story actually is.

The best of what I can make of today's discussion, having sat here and listened to the debate, having reviewed the transcripts from earlier today, having had a conversation with both Mr Hanson and Ms Gallagher during the lunch break, is that it does seem that in the Labor Party caucus room this morning there was a tactical discussion. I imagine—because no-one would actually know this—the conversation went something like, “The report's not going to come down because there's not agreement.” I suspect—and this is how Mr Corbell knew this—that somebody probably observed along the lines of, “They voted for every paragraph and blocked the report in the end.” It was not until later in the day that that came out. I suspect that is probably how it went down in the course of that tactical discussion. I suspect party rooms have those conversations all the time.

We heard the commentary, as the Chief Minister made some of those observations, that that is a breach of the standing orders. I think there is a discussion to be had there because I am sure party rooms have those kinds of tactical discussions and a bit of information sharing all the time, without breaching the practices and conventions of what committees actually do, which is not to disclose the minutiae of the discussion. But, undoubtedly, parties share information about the background of things and how they have got there.

So where does that leave us? Mr Corbell has clearly come in here and used that information. In his observations he stood up and he has taken out of somewhere in his memory the discussion that went on in the tactical conversation this morning. Then it has got really messy. We have had interjections, we have had heated debate, we have had interpretations of the text. All of that has gone on, and this is where we find ourselves. So the question we now have to try and resolve is what to do about that.

I accept that Mr Corbell has not seen the minutes. I do not believe that is the case. I think he stated that very clearly and I accept his word on that. Clearly, the language that was used this morning can allude to something different. It comes down to, frankly, where one puts the commas in a sentence and probably to going back and watching Daily on Demand for a bit of tone and emphasis. “I understand from a review of the minutes that it would appear that the opposition members” et cetera. Mr Corbell certainly did not say, “I've read the minutes and I understand” blah, blah, blah. It is not clear who reviewed the minutes, how they were reviewed and how Mr Corbell had that information. Frankly, it is all a bit circumstantial as to what actually happened and how one interprets these things. What is important is how it is dealt with now.

Mr Corbell did come back in here and clarify that—he apologised for the fact that they were not available online. Again, I accept that on the face of it. I suspect that in the heat of the debate that is the sort of retort that various of us make at various times

as we are under pressure. It was incorrect. Mr Corbell has come in here and apologised for that, as the code of conduct requires him to do or, frankly, any other member would do. The ministerial code of conduct spells it out. But I think it applies to all members. We have seen various members do it at various times. They come in here and say, “I was actually wrong on that.” Mr Corbell did that.

There is some—I am searching for the right word—murkiness about the rest of it. I think probably the Chief Minister has given the truest account of what actually happened in the situation here.

*Opposition members interjecting—*

**MADAM SPEAKER:** Order!

**MR RATTENBURY:** I think it does seem rather regrettable that it has taken a whole series of speeches today to get to that bottom line because I think that this could have all been dealt with rather more quickly and rather more effectively if that was the case. Does that then result in a no-confidence motion in the minister? No, I do not think so. I think this is clearly a matter that is—I think the explanation has been inadequate. But I do not think it goes to whether the minister should lose his job.

I think that in the way that things play out in this place, I understand why Mr Corbell approached this in the way that he did. I think that it would have been helpful if he had been more explicit in the way he explained it. But at worst that warrants a censure motion. I certainly do not think it warrants a no-confidence motion. On that basis I will not be supporting Mr Hanson’s motion as moved today.

**MADAM SPEAKER:** The question is that Mr Hanson’s motion of want of confidence in the Minister for the Environment and Sustainable Development be agreed to. I call on Mr Hanson to close the debate.

**MR HANSON** (Molonglo—Leader of the Opposition) (3.32), in reply: Madam Speaker, I think that Mr Rattenbury in his speech probably let the rabbit out of the hat when he said, “The Chief Minister’s version is perhaps the truest version.” There have been four versions we have heard about what happened. He is saying that the Chief Minister’s seems to be the truest version. Is not that the point I am making, Madam Speaker? Is not the point that someone is not telling a true version? I think the fact that Mr Rattenbury has accepted that and said, “There’s a bunch of versions out here and clearly some of them are not true; the Chief Minister’s seems to be the truest,” is the point. The point is that Mr Corbell has misled the Assembly.

Mr Rattenbury has agreed with that. Mr Rattenbury has said, “Yes, that is true, because of all of the various versions we have heard this morning and this afternoon about what happened, the Chief Minister’s appears to be the truest.” By a process of elimination, the other three versions from the minister are the least true, are the untrue versions of what has occurred.

The argument that the government is trying to spin is, “Do not worry about this. This is trivial. This does not matter. This is just trivia.” I do not think ministers being

required to tell the truth is trivial, Madam Speaker. I think that that is important. If you read the ministerial code of conduct and if you go out into the community and say, “When it comes to a piece of legislation before a committee that is inquiring into a massive circumvention of our planning rules with regard to some of the biggest projects this territory has ever seen, when we have a committee that is so controversial, a piece of legislation that is so controversial, do you think it is important that the minister tell the truth?”

The government is saying it is trivial. They do not seem to worry about that. It seems that Mr Rattenbury unfortunately has the same view. He has accepted that we have had untrue versions in this place. He has said that we have had untrue versions. He has said that the Chief Minister’s seems to be the truest version. What Mr Rattenbury is then saying is, “It is okay to have untrue versions. I do not mind if there are untrue versions. Eventually we will get to something that appears to be the truth and my guess is that the Chief Minister’s is the truest version.” That seems to be Mr Rattenbury’s position: “Okay, as long as one of the four versions is remotely true, I will accept that now.”

But that is not trivial. That is not inconsequential. That is the important business of an opposition. If an opposition does not say, “Stop, a minister is not telling the truth,” then what is the opposition here for? I say on behalf of the community, on behalf of the dozens of people—I am not quite sure how many people—who put in submissions to the inquiry who are concerned not just about the initial legislation but about the actual conduct of that inquiry, the way it has been rushed through, the way it has been imposed on the community, that I think they would be horrified if they were sitting in the chamber today.

They would be horrified if they knew that there is a version of the truth—and Mr Rattenbury agrees with that—out there somewhere whereby Mr Corbell has got detailed knowledge of what was going on in that committee. Then Mr Corbell, when that was exposed, when he basically coughed it up in his speech, said, “Okay, firstly it was a review and you’re not meant to do that.” But it was not true, because Mr Rattenbury said that is not a true version.

The second version was: “Go and look at it online.” That is not a true version, and Mr Rattenbury agrees that is not a true version. Then there was a third version. He came into this place in this debate—this most important of debates, as you reminded us, Madam Speaker—and gave another untrue version, according to Mr Rattenbury, the “Mick Gentleman said it” version, that we have proven is not true.

Then finally the Chief Minister has to come in and try and mop it all up. We see them go over and talk to Mr Rattenbury and say, “Please, don’t vote no confidence. Simon tries really hard. He’s a nice guy.” That is not good enough. Mr Rattenbury seems to accept that and says, “Okay, that sounds plausible. That is a plausible idea; that sounds reasonably plausible. I accept that version of events.” If he accepts that version of events then he accepts that the other three versions that were put forward by Mr Corbell are not true.

Mr Rattenbury was a Speaker in this place and Mr Rattenbury understands that you cannot actually come into this place and not tell the truth. That is called misleading the Assembly. By Mr Rattenbury's statement that the Chief Minister's is the truest version, I think Mr Rattenbury has made the case for himself that indeed the minister has misled at some stage, and that is the point.

I think it is important that some action be taken on the minister. From my point of view, that is a threshold, coming in here with three different versions of a story that are all shown not to be true and then having the Chief Minister essentially say that there is another version. I think that is a threshold to say that this minister is no longer fit to do his job. I will therefore move an amendment shortly to my motion, an amendment that essentially is a censure of Mr Corbell.

As I said, I am disappointed that this is not going to meet the threshold for a vote of no confidence, which it deserves, because not telling the truth, misleading this place, is, I think, the highest test for a minister. But I accept that the consequence of that is for this minister to lose his job. I believe that that is the appropriate response, but what I will do now is seek leave to move an amendment to my own motion that the minister be censured for misleading the Assembly.

Leave granted.

**MR HANSON:** I move an amendment that Mr Corbell be censured for misleading this Assembly in the following terms:

Omit the words "expresses its want of confidence in" and substitute "censures".

**MADAM SPEAKER:** What you are proposing to do, Mr Hanson, is omit the words "expresses its want of confidence in" and substitute "censures"?

**MR HANSON:** Yes, and that is being circulated, Madam Speaker.

**MADAM SPEAKER:** The question is that Mr Hanson's amendment, by leave, be agreed to. It has not been circulated as yet. I think, given the seriousness of the matter, do you want to say something while we are waiting for it to be circulated, Mr Barr?

**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) (3.40): Thank you, Madam Speaker. This is a fairly extraordinary turn of events. In the middle of seeking to move a no-confidence motion the Leader of the Opposition decides to downgrade his motion. What next? If he is not successful in achieving a censure motion, will he then change the words again to "grave concern", to "slap over the wrist"? Are we going to spend the rest of this afternoon gradually changing words to ensure that the Leader of the Opposition feels that he gets something out of wasting the Assembly's time for what is now more than an hour.



I do not think any case has been made by the opposition and I think that has quite clearly come through in the context of people's contributions to the debate this afternoon. We are now going to go through a ridiculous exercise where we are going to get scrawled handwritten amendments to the substantive motion in a degrading series of language over the course of the rest of the afternoon. If this one does not get up, are you going to move a further amendment to change the language again, having failed in your attempt to move a no-confidence motion in Minister Corbell?

There are no grounds and no basis for either a want of confidence or a censure motion in the minister and I think, by the standards of this Assembly when other censure motions have been moved, for this to warrant a censure this afternoon would be an extraordinary new low for this place. I think the idea that you come in and raise the stakes with a no-confidence motion and then try to intimidate members into supporting some lesser, but still significant, censure against a minister by way of achieving some sort of compromise is a very poor way to go about discharging the duties of an opposition and indeed would be a very poor reflection on this place were such a process to be supported. It would set a very bad precedent. There is no way that we can support that.

**MR RATTENBURY** (Molonglo) (4.43): I have just had a chance to look at the amendment that has been put forward by Mr Hanson. It would now read "This Assembly censures Simon Corbell for misleading the Assembly." I do not think Mr Corbell has misled the Assembly. That is actually what it is going to come down to. What I said in my earlier remarks was that I had reservations and that I was prepared to support something along the lines of the fact that I thought the process of explanation was not adequate. That is the point I was making. I think a better explanation could have been put on the table, but these things are difficult. I do not believe Mr Corbell misled the Assembly and so, on that basis, whilst I do think that this has been untidy and I think the minister could have given a better explanation in this place, I cannot support a mislead. So I will actually not be able to support the amendment.

**MADAM SPEAKER:** The question is that Mr Hanson's amendment to Mr Hanson's motion be agreed to. Mr Hanson, I think you going to need leave to speak in this case.

**MR HANSON** (Molonglo—Leader of the Opposition) (3.44): I seek leave to speak and close the debate, Madam Speaker.

Leave granted.

**MR HANSON:** Madam Speaker, I am disappointed that the threshold for this place is now that ministers can mislead, can have a situation where members of this Assembly agree that they have not told the truth, can say that, of the versions of truth put forward, because there is one that seems plausible, that does not come from the minister concerned, and there is no reprimand, there is no punishment, there is no holding to account of a government minister. There is no want of confidence; there is no censure; there is no action taken on the minister for what we now know, and what Mr Rattenbury agrees, was a version that was untrue. Mr Rattenbury has said that the Chief Minister's is the true version. Therefore, Mr Corbell's are the untrue versions.

As I said, this is not a trivial matter. This is a very significant piece of legislation. The impact of this legislation on the community will be massive and it will be enduring. The projects that will be fast-tracked under this are going to change the nature, the character, of this city. In the committee that was set up, every single person that appeared, that put in a submission, said, "This is not being done right." They were concerned about this committee and the way it is acting.

What we now know is that there were a number of conversations. There was something happening. Something happened whereby the minister got privileged information. He had the information about what went on—detailed workings of that committee. There was a communication between the minister and that committee. That is a complete breach.

The minister and those opposite have the audacity to say that they have concerns about the way the members of the opposition behave in committees—when we now know that what happens in committees is that members of the government are giving ministers the lowdown on what is going on in committees. That is disgusting. That is disgraceful. We will not let that go.

Madam Speaker, this minister has come into this place today and said he got a review of the minutes. When that was shown to be a problem for him, he said that was not true. He said he got them on line. That was shown not to be true. He said that Mr Gentleman said it in his tabling speech. That was shown not to be true. And then, finally, the Chief Minister stood up and said it happened somewhere else. Mr Rattenbury has then accepted that as the answer and is excusing the minister for having come to this place and misled us.

This information will be going to those people that submitted to the committee. We will broadcast this—that what has been going on is that the members of the committee, the Labor members of the committee, have been peddling the information to the government about what is going on in that committee. If you think that people in this community are concerned about this legislation, if you think members of the community are concerned about this committee and if you think they are concerned about this minister and his behaviour and his conduct, wait until they get the truth about what this minister did, what the Labor members of this committee did and how he came in here and, with his mate Mr Rattenbury—who wants this rammed through too, who knows damn well what has gone on in this place today—found excuses that are simply not plausible.

They are more about maintaining support—Mr Rattenbury, Mr Corbell—for this piece of shonky legislation, this dodgy committee process. What we have seen is appalling behaviour by the minister; the Chief Minister, who supports him; and Mr Rattenbury. Shame on you, Mr Rattenbury, for what you have done today.

Amendment negatived.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 8

Noes 9

Mr Coe  
Mr Doszpot  
Mrs Dunne  
Mr Hanson  
Mrs Jones

Ms Lawder  
Mr Smyth  
Mr Wall

Mr Barr  
Ms Berry  
Dr Bourke  
Ms Burch  
Mr Corbell

Ms Gallagher  
Mr Gentleman  
Ms Porter  
Mr Rattenbury

Question so resolved in the negative.

### Questions without notice Roads—Majura Parkway

**MR HANSON:** My question is to the Treasurer. Treasurer, it is reported today that the Majura Parkway project, which is currently Canberra’s biggest infrastructure project is “in turmoil” and that the people of Canberra face a blowout of “tens of millions of dollars”. Treasurer, what steps have you taken to protect the ACT from a blowout of tens of millions of dollars from this project?

**MR BARR:** The question is hypothetical. The matter that has been reported in the media relates to a contractual dispute between the head contractor Fulton Hogan and its subcontractor Hewatt. But I am advised that Fulton Hogan and Hewatt issued a joint media statement advising that work is progressing well on the Majura Parkway and that they are committed to working together to achieve the best possible outcome for the project and for the local community.

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

**MR HANSON:** Treasurer, how does this turmoil affect the \$144 million in federal funding that is now in jeopardy?

**MR BARR:** It is not in jeopardy, and it does not. I repeat for the benefit of Mr Hanson, who does not listen—like many of his colleagues—that Fulton Hogan and its subcontractor Hewatt have issued a joint media statement advising that work is progressing well on the Majura Parkway and that they are committed to working together to achieve the best possible outcome for the project and the local community.

The head contractor Fulton Hogan Pty Ltd has given its assurance that the Majura Parkway project will be completed according to the program and budget established in its existing contact with the territory. I do not think that the Leader of the Opposition even listened to that answer. So I will repeat again: the head contractor Fulton Hogan has given its assurance that the Majura Parkway project will be completed according to the program and budget established in its existing contact with the territory.

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

**MR SMYTH:** Treasurer, what financial oversight processes do you have in place to supervise situations like this? Were those processes followed in this case?

**MR BARR:** The project is being managed by Roads ACT, but Procurement ACT also provide me with briefings in relation to the progress of the project. There are a range of reporting milestones that are consistent with a project of this scale. We have had a presentation at cabinet level on the progress of the project.

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

**MR GENTLEMAN:** Minister, how important was it to work with the federal government on securing this funding for the ACT?

**MR BARR:** I thank Mr Gentleman for the question. Yes, obviously this is a jointly funded project between the territory government and the commonwealth government. It is very pleasing that the commonwealth government, or the former federal Labor government, invested this money in this project. It is an important project for the territory. Indeed, it is an important project for the broader region.

It is an interesting contrast in the approaches of federal governments. The previous federal Labor government believed in investing in this region and believed in this region's economic future. The current Liberal government, certainly if the Commission of Audit is anything to go by, has no such desires for the economic development of this region. But I think it just goes to reinforce what we all know, what all Canberrans know, deep down: this city and this region does better with a Labor government.

### **ACT Ambulance Service—culture**

**MR SMYTH:** My question is to the Minister for Emergency Services. Minister, it was brought to your attention in November 2012 that a toxic culture existed in the management of the ACT Ambulance Service. In October 2013 you announced a review of the toxic culture in the Ambulance Service. Minister, has a reviewer now been appointed? If so, on what date?

**MR CORBELL:** I thank Mr Smyth for the question. The answer to the question is that I understand that the emergency services authority, including the ACT Ambulance Service, along with the union that represents hardworking paramedics, the Transport Workers Union, have agreed on a preferred reviewer, and that the necessary contractual steps are being taken to engage that reviewer.

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

**MR SMYTH:** Minister, what are the terms of reference for this review? Will you table them in this place by the end of this sitting week?

**MR CORBELL:** The terms of reference for the review are the subject of—I should say “have been the subject of”—discussions between the union and the ESA. They will be made public once the reviewer has been appointed.

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

**MR DOSZPOT:** Minister, why is it that six months after the review's announcement the review has not commenced?

**MR CORBELL:** Due to the seriousness with which we take the need to discuss and consult on these matters with the union that represents the workforce.

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

**MR DOSZPOT:** Minister, how is it that you are not responsible for this delay?

**MR CORBELL:** I have just answered that question, Madam Speaker. If I am to be criticised for delay because we consult, then I am very happy to be criticised.

### **COAG meeting**

**MS PORTER:** My question is to the Chief Minister. Chief Minister, last week you attended a meeting of COAG with other first ministers. Could you inform the Assembly what agreement was reached in relation to reform of the federation and tax reform?

**MS GALLAGHER:** I thank Ms Porter for the question. Last Friday was an important meeting of Australia's first ministers. There were a number of important agenda items, of which two related to a white paper on federation and a white paper on Australia's tax system. We also agreed to a new scheme on asset recycling, to strengthen our efforts on increasing Indigenous children's school attendance, and also had a good discussion about the transition to a commonwealth-led paid parental leave system.

In relation to the federation white paper, there was agreement across first ministers to work together in a genuinely collaborative way to look at the situation as it is now, and look at proposals to improve on the federation and its processes. There will be a number of key issues examined through this which will raise, I think, different opinions on different sides of the debate, not necessarily along party lines but on genuine differences of opinion about how the federation works and, indeed, how the tax system works.

But I think we all start with the same principles, which are to look at ways to improve the federation, to make sure that we are running our services in the most efficient and effective way, and that the government that is closest to the delivery of services should in the main be the government that delivers those services. That is an important white paper and the ACT government will remain involved with that.

It is interconnected and interrelated to the tax reform white paper, which is probably going to get a little bit more of the attention as it relates to revenue and how states, territories and the commonwealth raise revenue in particular. We are, of course, undergoing our own tax reform here in the ACT, which has us leading the nation. Indeed, many of the discussions around the tax reform agenda were how to make it

more sustainable, stable, fairer and more equitable. I think the ACT government is poised very well in that regard.

We will have a look at this. There is obviously going to be a lot of commentary around it, particularly around whether or not the GST should be looked at, either by broadening the base or raising the rate. I think there would probably have to be at least some discussion in this process, but also on some of the Commission of Audit report recommendations which touched on this in respect of the different levels of government changing or looking at whether we change according to the different ability to raise revenue.

Obviously, it is related to the federation white paper, because if there are changes to the way that works, it potentially feeds into the ability of states and territories to generate revenue to deliver the services that we need to deliver, in particular in the expensive areas of health and education. So it was an important meeting. It was probably the easiest discussion on the white paper because the terms of reference are still to be agreed. I expect that there will be a lot of discussion on both of these white papers over the next COAG meetings.

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

**MS PORTER:** Chief Minister, how will the agreement on asset recycling you signed at the COAG assist the ACT in building new infrastructure?

**MS GALLAGHER:** I thank Ms Porter again. This was another outcome from the COAG meeting. We did sign up to the national partnership agreement on asset recycling at COAG. This had followed up from the Treasurers' meeting where they had discussed this scheme and getting it in place. So the signing of the agreement is reaching a particular stage.

It is important to emphasise that the ACT's participation in the asset recycling agreement does not commit the government to any course of action or any particular sale of any asset, but it does mean that we are prepared to look at asset sales and to see whether they will comply with the asset recycling agreement as signed and whether that measures up in a cost-benefit analysis way. We will be taking those decisions individually as a cabinet. But this provides the framework for us to participate in the scheme. I think it is an interesting way for the federal government to generate some investments in productive infrastructure across the country.

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

**DR BOURKE:** Chief Minister, how will the new five-year target of closing the gap between Indigenous and non-Indigenous school attendance agreed to at the meeting operate in the ACT?

**MS GALLAGHER:** I thank Dr Bourke for the question. This relates to an area of particular interest for the Prime Minister, who I think put it on the agenda at his first COAG meeting—the desire to raise the school attendance benchmark to 90 per cent attendance for Indigenous students within five years. The ACT actually is positioned

relatively well compared to other jurisdictions around this, but there is still room for improvement. So we are pleased to work with the commonwealth on strategies to improve school attendance where rates are below 80 per cent.

Because of our small system with small numbers of Indigenous students in particular schools, we did make the point that we did not want to see necessarily anyone's privacy intruded upon as part of the reporting processes. In fact, there would be a number of schools where there are attendance issues in respect of non-Indigenous children. So we did not want to set up a scheme where we were unfairly targeting particular families in a small system. With that caveat in mind, we will work with the commonwealth on making sure that we are improving on our Indigenous attendance at school.

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

**MR GENTLEMAN:** Chief Minister, what discussions took place in relation to paid parental leave?

**Ms GALLAGHER:** I thank Mr Gentleman for the question. This was looking at how to implement the commonwealth's paid parental leave commitments where they intersect with state and territory parental leave arrangements. Whilst it sounds easy, it is tricky. There are different entitlements in different states and territories. We have a very good entitlement here of 18 weeks. Depending on the federal budget and in what shape the scheme is funded at that point, we are operating on the understanding that there is a \$100,000 cap now. That will impact on some women where the ACT scheme may be more advantageous than the commonwealth scheme at 26 weeks capped. So there are some issues that we need to work through.

Ultimately for me, we understand that the commonwealth scheme will be coming in. We want to work with them. We want to make sure it is done in a cost-neutral way to us. I think there are some good reasons for us to maintain the employee-employer relationship and abide by the commitments we have in EBAs. Subject to the bilateral discussions with the commonwealth, we will work with them to implement the commonwealth paid parental leave scheme here in the ACT.

### **ACT Fire and Rescue Service—alleged bullying**

**MRS JONES:** My question is to the minister for emergency services. Minister, is it true that following complaints from female employees at ACT Fire and Rescue Service, your directorate was forced to investigate bullying, sexist and misogynistic behaviour in the service?

**MR CORBELL:** It is true, Madam Speaker, that, regrettably, there have been a number of instances of reports of bullying and sexist behaviour in the ACT Fire and Rescue Service and that my directorate, at my instruction, conducted an investigation into those matters.

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

**MRS JONES:** Minister, have any reports been prepared or completed on this subject?

**MR CORBELL:** Yes, they have, Madam Speaker.

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

**MR SMYTH:** Minister, what were the conclusions and recommendations of the reports, and will you now table them?

**MR CORBELL:** It is not feasible for me to go through all of the detail of those reports at this time. They are quite lengthy and comprehensive. The government, through my directorate, has taken a broad range of actions to address the issues raised in the reports and their recommendations.

In relation to making them publicly available, I will seek advice from my directorate on the matter as substantial components of those reports relate to the personal circumstances of the individual officers involved and the nature of their complaints, which are sensitive. Given the small number of women in the service, it raises other issues about confidentiality. I will need to take those matters on board and I would have to provide further advice to the Assembly on that matter.

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

**MR SMYTH:** Minister, were those accused found to have been guilty of bullying, sexist or misogynistic behaviour or were they exonerated by the reports?

**MR CORBELL:** Each circumstance is different and I do not think it is appropriate for me to provide that detail now simply because I do not have it immediately to hand. The circumstances are complex and it would be better if I were to take the detail of that question on notice.

### **WorkSafe ACT—improvement notice**

**MR WALL:** My question is to the minister for emergency services. Minister, last month WorkSafe ACT issued a provisional improvement notice on your directorate on the failure to act on bullying. Given the debate in the Assembly on 30 October 2013, why did you not act to stop bullying in your directorate?

**MR CORBELL:** It is not the case that I have ever declined to act in relation to bullying, so the context of Mr Wall's question is wrong. He asked me, not my directorate. I have never declined to act on a bullying allegation in relation to the ESA, and that remains the case.

In relation to the circumstance that Mr Wall refers to, a complaint was made and I have outlined the circumstances of how that was handled in my evidence to the Standing Committee on Public Accounts in relation to its second appropriation investigation, and I refer Mr Wall to my explanation there.



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

**MR WALL:** Minister, what reasons were given to you or your directorate by WorkSafe ACT explaining what led them to issue improvement notices to protect workers from bullying?

**MR CORBELL:** Could you repeat the question?

**MR WALL:** Minister, what reasons were given to you or your directorate by WorkSafe ACT explaining what led them to issue improvement notices to protect workers from bullying?

**MR CORBELL:** Again, I refer Mr Wall to the evidence that has already been given on this matter both by my directorate and also by the Work Safety Commissioner. That is an accurate summation of the circumstances.

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

**MR SMYTH:** Minister, will you guarantee that you have taken all steps under your ministerial responsibilities to protect and ensure the wellbeing of your staff?

**MR CORBELL:** Yes, Madam Speaker, I always take all steps I need to take as a minister to ensure that my directorate is putting in place the appropriate procedures and practices needed to address these types of concerns.

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

**MR SMYTH:** Minister, are you aware of other instances where improvement notices have been issued by WorkSafe ACT or are still pending?

**MR CORBELL:** Without knowing against whom, it is difficult to answer that question.

**Mr Smyth:** Well, the question—

**MADAM SPEAKER:** No, you have asked your question, Mr Smyth.

**Mr Smyth:** The very first question was about the Emergency Services Agency.

**MADAM SPEAKER:** Well, it was not clear to me that your question referred to the Emergency Services Agency.

### **Economy—employment growth**

**DR BOURKE:** My question is to the Treasurer. Can the Treasurer please update members on the unemployment rate in the ACT and how the ACT government is supporting job growth?

**MR BARR:** I thank Dr Bourke for the question and for the interest in jobs growth in the territory. I can advise the Assembly—I am sure those opposite will be joining me in celebrating this fact—that the territory has the lowest unemployment rate in the nation. At 3.4 per cent our unemployment rate is the lowest of all jurisdictions, including the resource-rich ones. The jobless rate in the ACT is 0.4 percentage points lower than the Northern Territory's, 1.9 percentage points lower than Western Australia and a full 2.7 percentage points lower than Queensland. Our participation rate at 71.4 per cent is well above the national average of 65 per cent and is second only to the Northern Territory. Furthermore, the size of the ACT labour force continues to grow with more than 215,000 currently employed. I believe this is an all-time record level of employment in the Australian Capital Territory.

What I am most pleased about is that in the last decade nearly 36,000 new jobs have been added in the ACT economy—nearly 10 new jobs created every day in Canberra for 10 years. More than 6,000 of these new jobs have been created in the education, science and technology and ICT sectors, which now employ more than 43,000 people. So these sectors are ones in which the territory has a larger share of jobs than our share of the national population. A higher percentage of people are working in those particular sectors than our share of the national population.

We also have a strong and growing tourism sector where, again, the ACT has an above average share of national jobs in that sector. Employment in this sector is growing faster than the national rate. Over the last decade 3,000 new jobs have been created in the accommodation and food sectors. With an average annual growth rate of 2.3 per cent, this sector is growing at more than twice the national rate and now directly employs nearly 15,000 people in the territory.

The strength and robustness of our labour market has been seen in our city becoming a regional hub for business and employment. In 2011 more than 20,000 people a day were coming into the ACT from the surrounding region for regular employment. This includes more than 13,000 people from Queanbeyan, 8,000 from our immediate neighbours in the Yass, Palerang and Cooma Monaro shires and nearly 1,250 from further afield in Goulburn and the Upper Lachlan.

The strength of the territory's job market has not come about by chance or accident; instead, it is the result of a dynamic and highly skilled business community intersecting with deliberate and concerted government policies designed to create the right business environment to accelerate innovation and to support business investment. This outcome is 10 jobs a day every day for 10 years. It is a significant effort of achievement for this economy and something we should be celebrating.

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

**DR BOURKE:** Treasurer, what specific programs is the government implementing to boost jobs growth.

**MR BARR:** We have established a dedicated investment facilitation team, Invest Canberra, to attract and facilitate private investment in our key industry sectors. We

are pursuing an aggressive program of red tape reduction in consultation with industry to eliminate unnecessary regulation and improve productivity in the local economy. We have increased activities to promote our city within the rest of this country, particularly into South East Asia, as an attractive place to visit and to live. This has included the development and launch of the new brand Canberra as well as a range of trade delegations to key international markets. We have developed the Canberra innovation network in partnership with the major research development institutions and the business sector to support and drive world-leading innovation that we know exists and is flourishing here in Canberra.

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

**MR COE:** Treasurer, of those 10 jobs per day over the last 10 years, what portion of those are sparked by ACT government decisions as opposed to commonwealth government decisions?

**MR BARR:** The jobs growth has come in a number of areas in both the public sector and the private sector. As I indicated in my response to the initial question from Dr Bourke, we have seen a significant growth in the private sector in areas outside of government. The ACT public service—people directly employed by the ACT government—has grown significantly by about 25 per cent over the decade. We now employ nearly 18,000 full-time equivalents, and with a head count I understand it is a little over 20,000. So we account for just a little under 10 per cent of all employment within the territory. The commonwealth government has grown its level of employment in the territory from about—

**Mr Coe:** A point of order, Madam Speaker.

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

**MR BARR:** 55,000 to 66,000—

**MADAM SPEAKER:** Order, Mr Barr! Stop the clock please. Mr Barr, I have spoken to you on a number of occasions that when there is a point of order you have to yield. You cannot continue to make your point; you have to be quiet. On a point of order, Mr Coe.

**Mr Coe:** Madam Speaker, the point of order is the Treasurer's relevance to the supplementary question. The question was about what portion of the 10 new jobs that have been created each day over the last 10 years has been provoked by the commonwealth government as opposed to the territory government.

**MADAM SPEAKER:** That was the question; that is what I wrote down. I was thinking that Mr Barr may be getting to the point. I will uphold the point of order and ask Mr Barr to get to the point and be directly relevant to the question.

**MR BARR:** Madam Speaker. I was giving some very fine detail about where all the jobs growth has come from. It has come in the public sector and the private sector. The ACT government has itself, directly as an employer, contributed to some of that

growth, and so has the commonwealth government. The point I was making before I was interrupted by the point of order was that the commonwealth government has grown its level of employment in the ACT as well in the period of the Rudd-Gillard government by about 10,000 jobs. So about a third of the jobs growth in recent times has come from the commonwealth government. The ACT government has been a contributor, and so has the private sector. All three major employees—be it the private sector, the territory government or the commonwealth government—have contributed to jobs growth. Only one, Madam Speaker, is about to pull the pin on that in a pretty savage way.

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

**MS BERRY:** Minister, what risks are there to the ACT jobs market?

**MR BARR:** Clearly the biggest risk comes from the biggest employer—that is, the commonwealth government—which employs around 65,000 to 66,000 Canberrans, although that number is rapidly reducing with the election of the Abbott government. We saw a period of significant growth in the commonwealth public service in the ACT under the Rudd and Gillard governments from about 55,000 positions that they inherited from the Howard government to around 66,000 positions that they handed over to the Abbott government when they took office last year.

The most recent data is demonstrating that the commonwealth government are shedding positions. If we are to believe the Commission of Audit and the recommendations contained within that particular report, 15,000 jobs—the CPSU estimate 25,000—could be lost. More will be revealed on federal budget night, but one thing is for certain, and everyone knows it: this city does better under Labor governments.

### **Emergency services—alleged bullying**

**MS LAWDER:** My question is to the minister for emergency services. Minister, this year you have received a report from the Fair Work Ombudsman concerning bullying in the ACT Ambulance Service and now a provisional improvement notice from WorkSafe ACT for failing to ensure that your directorate investigated allegations of bullying. Minister, will you guarantee there is no bullying in the ACT Ambulance Service and that there are no other reports of bullying currently being investigated?

**MR CORBELL:** The Fair Work report dealt with a payroll issue. That is what it dealt with; it dealt with a payroll issue. So let us be clear about that. It dealt with a payroll matter which was the subject of a dispute between a number of employees and the management of the ACT Ambulance Service. It was rectified through Fair Work Australia. In relation to the other matter that Ms Lawder refers to, I might ask her to repeat the last part of her question, because unfortunately I did not catch it.

**MS LAWDER:** Minister, will you guarantee there is no bullying in the ACT Ambulance Service and that there are currently no other reports of bullying being investigated?

**MR CORBELL:** As with any part of any organisation, I cannot give such a guarantee, and I doubt that any employer or representative of an employer in either the private or the public sector could do so.

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

**MS LAWDER:** Minister, are you able to confirm that there are no other reports of bullying being investigated in the ACT Fire and Rescue service?

**MR CORBELL:** I am not privy to the day-to-day staff management issues within such large organisations. These matters are brought to my attention by the directorate as they determine that they need to be. They are brought to my attention. As to the number or whether any are under investigation, I am simply not able to provide that level of detail today, but I can take the question on notice and provide an accurate answer to the member.

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

**MR SMYTH:** Minister, will you guarantee that there is no bullying in the ACT State Emergency Service and that there are currently no other reports of bullying being investigated in the SES?

**MR CORBELL:** As members would appreciate, I cannot give such guarantees because in any organisation the potential for this type of behaviour exists. I cannot give any guarantee that it will not occur in the future, nor can I give a guarantee that it has not occurred in the past. We know it has occurred in the past. There may be incidents occurring right now that have not been reported or which I have not been advised of. But that is no different from any other part of the public sector, nor is it any different from any other private sector organisation. My directorate takes the issue of bullying seriously, and it implements appropriate measures to address it. That will continue to be the case.

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

**MR SMYTH:** Minister, will you confirm that there are no reports of bullying currently being investigated in the ACT Fire and Rescue service, the State Emergency Service or the ACT Rural Fire Service? Take it on notice if necessary.

**MR CORBELL:** No, I cannot give such confirmation for the same reasons that I alluded to in my previous answer.

### **Sport—beach volleyball**

**MR DOSZPOT:** My question is directed to the Minister for Sport and Recreation. Minister, in answer to my question on 20 March in respect of the ACT government grant to Volleyball ACT, you said that the association had, over a three-year period, undertaken a detailed business case and feasibility study and had gone through a competitive independent sports grants process which led to the government approving

a project worth \$750,000 for beach volleyball. The ACT government committed to provide \$500,000 over two years with the balance—\$250,000—being met by Volleyball ACT. Minister, why has the project, within weeks of the grant being announced, blown out by 25 per cent to now \$1 million?

**MR BARR:** It has not, Madam Speaker.

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

**MR DOSZPOT:** Minister, is there an additional sum of money being allocated to the project?

**MR BARR:** No, Madam Speaker.

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

**MR GENTLEMAN:** Minister, what support is there in the community for beach volleyball?

**MR BARR:** I thank Mr Gentleman for the question. I understand from Volleyball ACT that they have nearly 2,700 registered participants and in the very small two-court facilities that are available at the Canberra Olympic pool there are more than 1,000 people participating in beach volleyball competitions at the moment.

Mr Doszpot asked me a question on notice, and I have been able to provide further detail on the growth of participation in the sport over the last three or four years. From memory, that particular answer to Mr Doszpot showed that if there was not a doubling in participation in recent times it was very close to that.

This new facility is supported, obviously, with a significant financial commitment from Volleyball ACT and forms part of a larger sports precinct that the government has invested significantly in, in terms of new playing fields, upgrades to the hockey centre, support for the netball centre upgrades, support for the tennis centre upgrades, a new health club and a variety of other facilities that are part of the Lyneham sports precinct. This volleyball facility forms but one part of a broader world-class sports facility for the people of north Canberra. It has been 10 years in development and has been through a number of different phases, but it is very strongly supported.

I must say it is disappointing that the opposition continues to agitate against investment in sport and recreation. That is very disappointing. I think it is only fair and reasonable that a sport like volleyball, which is an Olympic sport, and for which we have a number of significant programs and participation in this city, is given some support, particularly through this program. *(Time expired.)*

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

**MR WALL:** Minister, how much has the ACT government already spent on preparing the site, and is that cost part of the \$500,000 grant?

**MR BARR:** No, the costs associated with the Lyneham precinct are not part of this grant. This grant relates to the construction of the new volleyball facility, and that is \$500,000 from the government over two years—so \$250,000 per year out of an existing grants allocation. Volleyball ACT contribute \$250,000 towards the construction.

The asbestos remediation work that has occurred across the entire Lyneham precinct was budgeted for as part of the Lyneham precinct upgrades and was for the benefit of all users of the precinct in that the area was a dumping ground for bonded asbestos in the development of the city going back, I understand, to the 1940s and 1950s. So when this remediation work occurred, it occurred across the site. It received a degree of media attention at the time, and I believe the media article that sought to sensationalise this again was referring to costs associated with remediation of the site to allow a new facility to be built there. Whether it was a volleyball facility or any other sporting facility, the area would have needed to have been remediated in order to allow its use.

### **Schools—capital works**

**MS BERRY:** My question is to the minister for education. Minister, can you update the Assembly on recent works at ACT government schools, including the completion of the new relocatable classrooms at Duffy Primary School?

**MS BURCH:** I thank Ms Berry for her question. I am very happy to provide the Assembly with a further update on schools capital works since the last question on this topic in February of this year, when I outlined some of the works being delivered for the start of the 2014 school year. This included the rectification and upgrade of Taylor primary and the expansions to Majura and Macgregor primary schools.

There have also been major works at Duffy Primary School, where the new relocatable classrooms were delivered for the start of the 2014 school year. Seven new modular relocatable classrooms were assembled at Duffy Primary School and will support the enrolment growth in the Weston Creek area as well as students moving into the Molonglo district. While these classrooms look and feel like permanent classrooms, they can be relocated to another school should enrolments decrease at Duffy at a later time.

Classrooms were manufactured off-site, which meant that any disruption to the school was minimised. It is worth noting that this project has been shortlisted for the 2014 ACT Master Builders and Cbus excellence in building awards in the innovation category, as well as in the commercial building category. Similarly, the Taylor Primary School project has been nominated for the MBA awards in the commercial building category.

Works have also occurred at existing public schools, with a new learn-to-ride facility installed at the Southern Cross Early Childhood School. A new library and classroom were completed at Malkara School this year, as was a new lift at Canberra College and classroom upgrades at Turner School.

Security fences have been completed this year at Macgregor primary, Caroline Chisholm junior school campus and Wanniasa senior campus. The Tuggeranong Sustainable Living Trade Training Centre is largely completed, and the hospitality facility and cafe at Erindale College and the construction workshop at Lake Tuggeranong College are now operating, as well as new facilities at six high schools. The upgrades to the automotive and metal workshop facility at Lake Tuggeranong will be finalised later this year. A number of works at Calwell high have been undertaken, including school frontage upgrades for the trade training centre facilities and painting and carpet replacement. At Hughes Primary School we have committed \$2 million to the upgrade program. This is a solid program for our school students.

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

**MS BERRY:** Minister, have the upgrades at Calwell High School and Hughes Primary School been completed, and what has this work involved?

**MS BURCH:** The works have been completed at both schools. The frontage works at Calwell High School have turned an area that was barren and without seating or shelter from the elements into an area that provides a park-like setting with spaces to encourage student gatherings. The work includes concrete and gravel paving and seating, walls and elements such as new large trees for shade, mass plantings of native plants, two areas of irrigated turf and a fully automatic irrigation system. These have significantly enhanced school pride and encouraged engagement with the school community.

The painting and carpeting work included full finishes and a colour palette for use by the school, internal painting of the walls, ceilings and doors to the corridors and student circulation areas, new carpets for the corridors, administration area and executive offices, and external painting to eaves, fascias and benches. This has refreshed and enlivened the school and provided a stimulating environment for both teachers and students.

The trade training facility works at Calwell high included a total refurbishment of two home science kitchens to create an industry-standard hospitality kitchen and cafe. This provides a workplace environment to deliver vocational education, training and qualifications for students. The school is already using one of those rooms.

The works at Hughes primary included a full upgrade of the 12 classrooms, refurbishment of the environment centre and the creation of a new front entry with an airlock and access ramp. These works have revitalised the 50-year-old school, with classroom upgrades supporting contemporary teaching and learning styles, and the environment centre enhancing the school's science enrichment program.

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

**MR DOSZPOT:** Minister, with respect to your comments about the demountables provided to Duffy primary, what provision has been made for heating in winter and cooling in summer for those units?



**MS BURCH:** Those environmental concerns will be consistent with the school policy.

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

**DR BOURKE:** Minister, how have the upgrades to the schools been received by the community?

**MS BURCH:** There have been significant and extensive refurbishments at both Hughes primary and Calwell school, and they have been well received by the school community. At each school there has been an extensive consultative process with the communities, seeking their input into the physical environment and the design detail.

Visitors to Hughes Primary School have remarked on the quality of the newly created double teaching spaces. Parents have been delighted with the quality of the new classrooms, with many commenting that they are very happy that their children are learning in such an environment. Students at Hughes primary have also responded positively to the improvements. Some have said that they belong to the best school in the ACT.

The Calwell high community have overwhelmingly welcomed not only the refurbishment of the admin block and the landscaping of the gardens, but also the fresh paintwork and new carpets throughout the school. This does build a sense of pride in our schools and a positive learning environment.

### **Standing Committee on Planning, Environment and Territory and Municipal Services—activities of chair**

**MR COE** (Ginninderra): My question is to the chair of the planning, environment, territory and municipal services committee. It is with regard to the recent inquiry into the project facilitation bill. Chair, have you told Mr Corbell or any other non-committee members about the committee's activities?

**MADAM SPEAKER:** Just before I call Mr Gentleman, can I just cogitate on that for a moment. Just bear with me for a second.

**Mr Smyth:** Madam Speaker, standing order 116 states that questions—

**MADAM SPEAKER:** Yes, I know what the standing order is. I am just cogitating on this development. I am sorry, Mr Coe, but I have to rule the question out of order. The standing order says:

Questions may be put to a Member, not being a Minister, relating to any bill, motion, or other public matter connected with the business of the Assembly, of which the Member has charge.

If you are asking Mr Gentleman about the inquiry into the bill whose name currently escapes me but which we reported on this morning, Mr Gentleman, by reporting this

morning, has dispensed with his responsibility for that. It is now in the hands of the Assembly; therefore Mr Gentleman does not have charge of that matter.

**Mr Coe:** Madam Speaker, on your ruling, and I realise this is a—

**MADAM SPEAKER:** It is a highly technical ruling, yes.

**Mr Coe:** Yes, a rarely trodden area of the standing orders and the procedures of this place. The chair is, of course, still the chair of that committee. The questions we are asking were about his activity as the chair prior to the inquiry being closed. We are asking him about his conduct as chair whilst the inquiry was current. Whilst I accept that there may be some doubt about afterwards, he is still the chair, and we are asking about how he behaved as the chair during the inquiry. It is for that reason that the opposition would contend that it is a valid question under the standing orders.

**MADAM SPEAKER:** I think it is a perfectly valid question that you may want to pursue. As one of the few chairmen of committees who has actually been successfully asked a question in this place, I can, from experience, say quite unequivocally, Mr Coe, that, while I appreciate your attempt, the business about which you are inquiring is no longer the business of the standing committee on planning and territory and municipal services. I am ruling the question out of order.

**Mr Rattenbury:** On the point of order, Madam Speaker, you might give us, then, some guidance on the circumstances in which you would imagine standing order 116 might be used.

**MADAM SPEAKER:** I will give you a practical example. I recall that in the last Assembly Dr Bourke asked me, as chairman of the justice and community safety committee, a question about why a report had not been completed. I was able to answer that question because it was currently ongoing. There has been another occasion that I recall when I was asked a question in a previous Assembly as the chairman of the planning committee, but I cannot remember the subject matter. I do recall there being a number of occasions where members have attempted to ask members questions. Other cases would be where a private member had carriage of a private member's bill. I recall that there have been questions in that regard in the past as well.

**Mr Smyth:** On the point of order, Madam Speaker.

**MADAM SPEAKER:** On the point of order?

**Mr Smyth:** Yes, on the point of order.

**MADAM SPEAKER:** Yes.

**Mr Smyth:** The standing order says:

Questions may be put to a Member, not being a Minister, relating to any bill, motion, or other public matter connected with the business of the Assembly, of which the Member has charge.

Mr Gentleman, according to page 637 of the notice paper, has charge of the planning, environment and territory and municipal services committee. The question was in relation to his chairmanship of the committee, not specifically the report, and about his activities as chair, which he still is—what were his activities in telling or not telling Mr Corbell something.

**Mr Coe:** And if I may just add, Madam Speaker—

**MADAM SPEAKER:** I am quite happy to have this discussion, because it is a very important issue.

**Mr Coe:** I draw your attention—it was brought to my attention by Ms Lawder—to standing order 117(e):

... questions shall not refer to proceedings in committee not yet published or anticipate the outcome of a committee inquiry ...

Therefore, when can a question be asked? If it cannot be asked during a committee inquiry and then cannot be asked after a committee inquiry, it would seem that there would be very few opportunities to actually ask a question of a committee chair.

**Mr Corbell:** On the point of order, Madam Speaker—

*Opposition members interjecting—*

**MADAM SPEAKER:** Order! This is an important issue, and it needs ventilating.

**Mr Corbell:** I take it that you are taking submissions on this, Madam Speaker?

**MADAM SPEAKER:** Yes, I am. I am quite happy to take submissions.

**Mr Corbell:** Mr Coe's comments are spurious. He misinterprets that standing order. The standing order is there to hold committee chairs to account, in the same way that ministers are held to account, in exactly the manner that you characterised it, Madam Speaker. That is: "Mr Chair/Madam Chair, why have you not reported?" That does it for: "Mr Chair/Madam Chair, why have you not undertaken public hearings?" Or: "Madam Chair, why have you only held one public hearing to date?" These are the types of matters that it is appropriate to ask a committee chair about.

The question that was put to Mr Gentleman was in relation to the circumstances of a particular inquiry. As you have ruled, the committee has discharged its responsibilities in relation to that matter, and it is no longer a matter before the committee in any way. There is no referral. There is no matter before the committee as of this morning. Therefore, Mr Gentleman cannot be asked about matters involving that referral, inquiry and report.

The opportunity to challenge those matters is in debate in this place or through other fora, but not through the use of this standing order.

**Mr Hanson:** Madam Speaker, everyone else seems to be having a go, so why not?

**MADAM SPEAKER:** So long as this is—

**Mr Hanson:** It is a legitimate response to the points raised by Mr Corbell.

**MADAM SPEAKER:** Okay.

**Mr Hanson:** The point that Mr Corbell is making is that, essentially, the committee chair can be asked about a range of responsibilities as committee chair—be it about reporting, hearings and so on, in the committee chair's role as the chair. That is what Mr Coe did. He is asking about the provision of information from the committee by the chair.

It does not necessarily exclude, I think, the question being out of order simply because it relates to a particular aspect of the committee's responsibilities. The provision of privileged information by the committee chair, how that information got out and whether the chair released it are of particular interest to this Assembly. I think that it is relevant to the standing orders. I do not think that simply because there is particular phrasing about a specific example it should not be about generic cases. There is a case in point, and I think the committee chair is behoven to answer it, based on the requirements of standing order 116.

**MADAM SPEAKER:** I made my ruling, and I stick by my ruling, on the basis that Mr Coe asked in relation to a report on a bill that was tabled this morning. Because this is an area of some uncertainty and there is very little precedent here, it could be open to me to ask Mr Coe to rephrase his question. Mr Coe, would you like to rephrase your question?

**MR COE:** Sure, Madam Speaker. My question is to the chair of the planning, environment and territory and municipal services committee. Chair, have you ever disclosed to Mr Corbell information about deliberations of a committee meeting?

**MR GENTLEMAN:** Just for clarity, can I say no, I have had no direct discussion with Minister Corbell about the activities of that committee in this regard. Can I also say that in relation to the discussion this morning about the minutes of the committee, the minutes of the committee were provided to me and other committee members around five minutes before I tabled that statement. So there was no opportunity to even share them with Mr Corbell.

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

**MR COE:** Chair, are you aware of any other committee member or staff telling Mr Corbell or others about how members voted on paragraphs in draft reports?

**MR GENTLEMAN:** I am not aware of any detailed discussion on that, Madam Speaker.

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

**MR WALL:** Mr Gentleman, as chair of the planning, environment and territory and municipal services committee, are you concerned that a breach of privilege may have occurred?

**Mr Corbell:** On a point of order, Madam Speaker, the question is asking for an expression of opinion.

**MADAM SPEAKER:** Sorry, can you—

**MR WALL:** Madam Speaker, standing order 117(c) says:

... questions shall not ask Ministers ... for an expression of opinion ...

There is no mention in the standing orders of whether or not it is out of order to request an opinion of another member.

**MADAM SPEAKER:** I'm afraid he is right.

**Mr Corbell:** On the point of order, Madam Speaker, the standing orders are silent in this regard because it is not common—

**MADAM SPEAKER:** I will allow the question.

**Mr Corbell:** If I can finish my comments, Madam Speaker—

**MADAM SPEAKER:** I am sorry; I thought you had. I do apologise.

**Mr Corbell:** No, I have not, Madam Speaker. Madam Speaker, the standing orders are silent on this matter, but clearly they are silent because it is the expectation of the drafters of the standing orders—that is, this place and its predecessor Assemblies—that question time is for the purposes of asking questions predominantly of ministers, of the executive. I would put to you, Madam Speaker, that if it is inappropriate to ask a minister for an expression of an opinion and it is prohibited under the standing orders, as it explicitly is, the same prohibition should be in place in relation to other people who are asked questions during question time. Otherwise there would be an obvious, and without any rationale, complete inconsistency.

**MADAM SPEAKER:** I agree with you, Mr Corbell, that there is an inconsistency if you read the standing orders. On the basis that the standing orders in relation to expressions of opinion relate specifically to ministers, I will allow the question. Would you like to repeat the question, Mr Wall; I have forgotten what it is, and I do not know that Mr Gentleman will remember what it is.

**MR WALL:** Madam Speaker, the question was to Mr Gentleman as chair of the planning, environment and territory and municipal services committee. Are you concerned that a breach of privilege may have occurred?

**MR GENTLEMAN:** Thank you, Madam Speaker. I do not think it is appropriate for me, as chair of this committee or as a member, to put forward any opinion on whether a breach has occurred.

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

**MR WALL:** Mr Gentleman, as chair of the committee, what information about the committee's inquiry was discussed? What information about any of the inquiries that the committee has undertaken has been discussed this week within the Labor Party caucus?

**MR GENTLEMAN:** The caucus discusses many items of the planning and environment committee work—but no detailed items about this particular inquiry.

*Opposition members interjecting—*

**MADAM SPEAKER:** Mr Hanson! You were on a warning during the want of confidence debate. I am warning you again.

### **Transport—light rail**

**MR GENTLEMAN:** My question is to the Minister for the Environment and Sustainable Development. Minister, you recently made an announcement about the light rail master plan. Can you please further expand on the master plan to the Assembly?

**MR CORBELL:** I thank Mr Gentleman for the question. Last month I was very pleased to announce the successful tenderers to undertake the Canberra light rail master plan project. I am pleased to confirm to members that the consulting firms Arup, CBRE, Tract, Brown Consulting and Purdon Associates have together collectively been appointed to develop and produce this master plan. This brings together a high level of expertise and experience in master planning and light rail projects from local, national and international firms. We know that there is significant interest in this project, and we sought a strong level of submissions from consortia bidding to undertake this important work.

The light rail master plan will identify a future potential light rail network and will guide decision-making about future extensions to capital metro stage 1. It will be an integrated land use and transport plan to link residential development with areas of employment, retail and entertainment use. The master plan will build on the government's work already undertaken on light rail and integrated land use and transport planning and will deliver on our policies as established under transport for Canberra, the ACT planning strategy and the city plan.

The master plan project will explore options for a potential future city-wide light rail network that will seek to maximise the significant social, economic and environmental opportunities that light rail transport can bring to cities. It is important for us as a community to begin these investigations as to where future stages of the

network could go, including Russell, Canberra Airport, the parliamentary triangle, Kingston, Woden, Erindale, Tuggeranong, Belconnen, Kippax, Lanyon, Weston Creek and Molonglo.

The government is particularly keen to ensure that in the next stage of analysis important destinations such as Russell, Kingston, the parliamentary triangle and Canberra Airport are closely considered, and we look forward to the engagement with these stakeholders as we progress this important work.

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

**MR GENTLEMAN:** Minister, how will the master plan affect the current capital metro project which links Gungahlin and the city by light rail?

**MR CORBELL:** There are some excellent synergies between this work and the work being undertaken for the stage 1 project. The lead consultants, Arup, are also the technical adviser for the stage 1 project. They will continue with their technical adviser work to the Capital Metro Agency, but they will also be able to inform their thinking in relation to that work through to the light rail master planning work and, indeed, vice versa. So we have a great capacity and synergy of information sharing and knowledge to build the case for the future network, identifying the corridors, confirming them and ensuring that in future planning documents these are properly taken into account.

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

**MR COE:** Minister, will the master plan or subsequent work advise on the staging of the future rollout beyond Gungahlin to the city?

**MR CORBELL:** The intention is that options in relation to staging will be provided to the government through this document.

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

**MS PORTER:** Minister, why is it important that Canberra's other group centres and employment centres are considered for the city-wide light rail network?

**MR CORBELL:** I thank Ms Porter for the supplementary. It is important that we focus on other group centres and employment centres for the city-wide light rail network because it builds into the city's planning strategy—the ACT planning strategy. We know that we have to take steps in terms of land use and transport planning to focus development closer to centres, activity centres, closer to where people work, closer to where services are provided, closer to cultural activities and closer to the professional services that our community needs. Those are located predominantly in our centres, in our town centres, and in our group centres to a degree, and it is necessary that we focus development in these locations.

Why is it necessary? Because we need to build a more sustainable community. We need to create a more sustainable pattern of development. We need to make sure that,

as our city continues to grow to close to half a million people by 2050, we have the capacity for that growth to be smart, for that growth to be in the right locations—close to services, close to jobs, close to facilities, where more people can walk, where more people can cycle, where there can be more activity on the street and where there can be livelier public places. That is why we need to ensure that we focus on the centres as part of the light rail master planning work. I am very pleased that that work has now commenced.

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

## **Papers**

**Madam Speaker,** pursuant to standing order 191, presented the following papers:

Standing order 191—Amendments to:

Construction and Energy Efficiency Legislation Amendment Bill 2014, dated 16 April 2014.

Lifetime Care and Support (Catastrophic Injuries) Bill 2014, dated 16 April 2014.

## **University of Canberra—annual report 2013 Paper and statement by minister**

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education): I present the following paper, which was circulated to members when the Assembly was not sitting:

University of Canberra Act, pursuant to section 36—University of Canberra—Annual report 2013 (2 volumes), dated April 2014.

I seek leave to make a short statement.

Leave granted.

**MS GALLAGHER:** I am pleased to table the University of Canberra annual report for 2013. The report is tabled under section 36 of the University of Canberra Act. This annual report highlights many of the exciting projects and achievements at the university since 2013 and presents a fine picture of the success of higher education in the ACT.

In the important area of research, the University of Canberra's performance has continued to improve. Research publications have increased by 91.5 per cent from 2009 to 2012 and research income jumped from \$11.6 million to \$17.3 million over the same period. In overall terms, the university's revenue for the year increased by 6.2 per cent, which resulted in achieving an operating surplus of \$16.1 million in 2013.



The University of Canberra has maintained strong enrolment levels, with 11,300 equivalent full-time students in 2013. This represents growth of 33.6 per cent since 2009. On campus international student numbers have increased 52 per cent from 2009 to 2013, growing to include students from 110 countries. The university also performed well in student satisfaction, having ranked sixth in the national graduate ratings for good teaching, with an overall satisfaction score of 81 per cent.

On top of this, UC received five stars for getting a job and positive graduate outcomes from the *Good Universities Guide* in 2013. In the latest QS world university rankings, UC scored in the top five per cent of universities in the world and placed Canberra amongst the top 50 student cities.

Turning to developments on campus, the UC and ACT government reached agreement for the new UC public hospital in 2013. This subacute hospital will continue the expansion of health and hospital services in the ACT and deliver an innovative approach to health, education, training and research. The hospital will be the focus of an emerging health precinct on the UC campus which will also include the \$15 million health hub. Work began on the UC health hub during the year. In partnership with Ochre Health, the building hosts general practitioners, a pharmacy, pathology labs, radiology, psychology services and UC's student-led allied health clinic.

Also in 2013 UC finalised its agreement for the relocation of the UC Brumbies to the campus and began construction of the new sporting common. The \$16 million project will provide new facilities for education, research, and sport at community and elite levels. In science, the university's new laboratory building opened in 2013, boasting six laboratories and state-of-the-art science teaching facilities which can accommodate up to 244 students at any one time.

Looking to the future, UC launched its development prospectus for the Bruce campus in late 2013, inviting outside parties to approach the university with opportunities where innovative partnerships can be formed. Developments will deliver long-term benefits to the university and the community and contribute to the campus environment in a way that is conducive to excellence in learning and research.

Some of the other highlights and achievements of the year included the University of Canberra's participation in celebrating the Centenary of Canberra. This ranged from competitions to design a new Lodge and create a typeface, to concourse displays and pop-up spaces. Complementing the ACT government's C100 program, the university ran over 30 events to mark the occasion, attracting an estimated 25,000 people.

A team of four UC students took out the top prize at the ACT innovation awards in 2013 for their app "sign on site", which allows construction workers to sign on or off site using their smart phone. The app holds substantial potential for application in the industry and feeds into the priorities of the government around increasing productivity and ensuring worker safety on site. Achievements such as this show the level of innovation and entrepreneurship coming out of our universities and the government is pleased to support them.

A new international recruitment campaign began in 2013 to hire 10 new centenary research professors to help the university meet its research goals. The centenary professors will mentor and inspire the next generation of researchers at UC and their work will ensure that the university's research and teaching remains cutting edge. During 2013 the university built on its strong international reputation through partnerships with institutions around the world and via the achievements of students, including one who represented Australia at a United Nations forum.

I was also pleased to be joined by VC Professor Stephen Parker on a study Canberra delegation to China in September showcasing the nation's capital as a world-class study destination. Professor Parker joined me once again for the meetings in China during the Prime Minister's recent delegation.

Dr John Mackay AM retired from the role of Chancellor in December 2013, continuing on on the council as a Chief Minister appointee. I take this opportunity to thank John Mackay for his service as Chancellor, and I extend my congratulations to Dr Tom Calma, who was appointed as Chancellor of the university from January 2014.

Dr Calma is the second Indigenous Australian to be appointed chancellor to a university. He was last year's ACT Australian of the Year and is a highly distinguished and respected advocate for increasing opportunities in tertiary education for Indigenous Australians. I look forward to working with Dr Calma, Professor Parker and all at UC to continue the exciting growth and development of the university, and I am pleased to present the University of Canberra annual report 2013 to the Assembly today.

## **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 14—Directing a transfer of funds within the—

Environment and Sustainable Development Directorate, dated 17 and 22 April 2014.

Environment and Sustainable Development Directorate, dated 30 April and 1 May 2014.

Environment and Sustainable Development Directorate, dated 30 April and 1 May 2014.

Section 15—Directing a transfer of funds between output classes within the Chief Minister and Treasury Directorate, dated 30 April and 1 May 2014.

Section 16—Directing a transfer of appropriations from the—

Community Services Directorate to the Environment and Sustainable Development Directorate, dated 30 April 2014.

Cultural Facilities Corporation to the Environment and Sustainable Development Directorate, dated 30 April 2014.

Health Directorate to the Environment and Sustainable Development Directorate, dated 17 April 2014.

Pursuant to section 18A—Authorisation of Expenditure from the Treasurer's Advance to the Capital Metro Agency, dated 30 April 2014.

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

Leave granted.

**MR BARR:** As required by the Financial Management Act 1996, I table eight instruments issued under sections 14, 15, 16 and 18 of the FMA. Advice on each instrument's direction and a statement of reasons must be tabled in the Assembly within three sitting days after it is given. Subsections 1 and 2 of section 16 of the FMA allow the Treasurer to authorise the transfer of appropriation for a service or function to another entity. I present three section 16 instruments today, all in relation to the carbon neutral fund.

The first instrument transfers \$212,000 in net cost of outputs appropriation from the Health Directorate to the Environment and Sustainable Development Directorate. The second instrument transfers \$5,000 in net cost of outputs appropriation from the Cultural Facilities Corporation to the Environment and Sustainable Development Directorate. The third instrument transfers \$13,000 in net cost of outputs appropriation from the Community Services Directorate to the Environment and Sustainable Development Directorate.

Section 14 of the FMA allows for the transfer of funds between appropriations as endorsed by myself and another minister. I present three section 14 instruments today. Again, all of these are in relation to the carbon neutral fund. The first instrument transfers \$212,000 from the Environment and Sustainable Development Directorate's net cost of outputs appropriation to a capital injection controlled appropriation.

The second instrument transfers \$5,000 from the Environment and Sustainable Development Directorate's net cost of outputs to its capital injection, controlled, appropriation. The third instrument transfers \$13,000 from the Environment and Sustainable Development Directorate's net cost of outputs to its capital injection, controlled, appropriation.

Section 15 of the FMA states that the executive may, in writing, direct that funds within the same appropriation that are allocated for the provision of different classes of outputs be reallocated in relation to those classes of outputs. I present one such instrument under section 15 today, which transfers \$4.479 million in net costs of outputs appropriation for the Chief Minister and Treasury Directorate from output class 2 to output class 1, for the establishment of the digital Canberra fund to undertake initiatives to promote Canberra as a digital city.

Section 18 of the FMA provides for the Treasurer to authorise expenditure from the Treasurer's advance. The section 18 instrument I present today authorises a Treasurer's advance to the Capital Metro Agency of \$1.2 million in net cost of outputs appropriation to meet short-term cash requirements until the anticipated passing of the Appropriation Bill 2013-14 (No 2) in this sitting fortnight.

Additional details regarding all instruments are provided in the statement of reasons accompanying each instrument that I table today. I commend the instruments to the Assembly.

## Papers

**Mr Corbell** presented the following papers:

Planning and Development Act, pursuant to—

Subsection 242(2)—Schedule—Leases granted for the period 1 January to 31 March 2014.

Subsection 79(1)—

Approval of Variation No. 314 to the Territory Plan—Kingston Group Centre—Zone changes and amendments to the Kingston precinct map and code, dated 29 April 2014, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

Approval of Variation No. 326 to the Territory Plan—Caroline Chisholm Park—Chisholm Section 590, dated 2 May 2014, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

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

Legislation Act, pursuant to section 64—

Board of Senior Secondary Studies Act—

Board of Senior Secondary Studies Appointment 2014 (No 1)—Disallowable Instrument DI2014-38 (LR, 10 April 2014).

Board of Senior Secondary Studies Appointment 2014 (No 2)—Disallowable Instrument DI2014-39 (LR, 10 April 2014).

Building and Construction Industry Training Levy Act 1999 and Financial Management Act—Building and Construction Industry Training Levy (Governing Board) Appointment 2014 (No 1)—Disallowable Instrument DI2014-37 (LR, 10 April 2014).

Canberra Institute of Technology Act—

Canberra Institute of Technology (Advisory Council) Appointment 2014 (No 1)—Disallowable Instrument DI2014-41 (LR, 10 April 2014).

Canberra Institute of Technology (Advisory Council) Appointment 2014 (No 2)—Disallowable Instrument DI2014-42 (LR, 10 April 2014).

Canberra Institute of Technology (Advisory Council) Appointment 2014 (No 3)—Disallowable Instrument DI2014-43 (LR, 10 April 2014).

Canberra Institute of Technology (Advisory Council) Appointment 2014 (No 4)—Disallowable Instrument DI2014-44 (LR, 10 April 2014).

Canberra Institute of Technology (Advisory Council) Appointment 2014 (No 5)—Disallowable Instrument DI2014-45 (LR, 10 April 2014).

Canberra Institute of Technology (Advisory Council) Appointment 2014 (No 6)—Disallowable Instrument DI2014-46 (LR, 10 April 2014).

Criminal Code 2002 and Drugs of Dependence Act—Criminal Code (Controlled Drugs) Legislation Amendment Regulation 2014 (No 1)—Subordinate Law SL2014-6 (LR, 10 April 2014).

Planning and Development Act—

Planning and Development (Remission of Lease Variation Charges for Adaptive Re-use—Environmental Performance) Revocation 2014 (No 1)—Disallowable Instrument DI2014-47 (LR, 10 April 2014).

Planning and Development (Remission of Lease Variation Charges—Economic Stimulus and Sustainability) Determination 2014 (No 1)—Disallowable Instrument DI2014-48 (LR, 10 April 2014).

Public Place Names Act—Public Place Names (Watson) Determination 2014 (No 1)—Disallowable Instrument DI2014-50 (LR, 24 April 2014).

Remuneration Tribunal Act—Remuneration Tribunal (Fees and Allowances of Members) Determination 2014 (No. 1)—Disallowable Instrument DI2014-32 (LR, 7 April 2014).

Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) Maximum Fares for Taxi Services Determination 2014 (No 1)—Disallowable Instrument DI2014-31 (LR, 7 April 2014).

Work Health and Safety Act—

Work Health and Safety (Work Safety Council Employee Representative) Appointment 2014 (No 1)—Disallowable Instrument DI2014-35 (LR, 7 April 2014).

Work Health and Safety (Work Safety Council Employer Representative) Appointment 2014 (No 1)—Disallowable Instrument DI2014-36 (LR, 7 April 2014).

Work Health and Safety (Work Safety Council Member) Appointment 2014 (No 1)—Disallowable Instrument DI2014-34 (LR, 7 April 2014).

Work Health and Safety Act and Legislation Act—Work Health and Safety (Work Safety Council Acting Employer Representative) Appointment 2014 (No 1)—Disallowable Instrument DI2014-33 (LR, 7 April 2014).

## **Alexander Maconochie Centre—additional facilities Ministerial statement**

**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) (5.09), by leave: I rise today to make

a statement regarding the Alexander Maconochie Centre, the AMC. As members are aware, on Tuesday last week I announced that the government would construct additional facilities for the AMC, in response to unprecedented detainee population increases. The issues facing ACT Corrective Services, in regard to both total detainee numbers and the separation of different categories of detainees, have been well publicised. In short, we have seen our average population increase from 266 in 2012-13 to 329 in the 2013-14 year to date, with our current daily muster often reaching 340.

In regard to separation, while it is standard prison practice to separate varying categories of detainees, the very high level of separation in the AMC is also driven by the “Canberra factor”; we are a relatively small city with detainees drawn from a small community. Our detainees frequently know each other outside prison and this increases the likelihood of association issues.

In its simplest terms, the \$54 million construction will provide an additional 110 operational beds. It will also allow for additional surge capacity of 32 beds—in other words, increasing from 110 to add up to a total of 142 beds in times of need. This will see our total beds increased to 480, with surge capacity to 512. Members will note an increase in these numbers from my previous comments. This is in relation to the recent commissioning of a further four bunk beds in the women’s section, taking our current total bed number up to 370.

For those members interested in the explanations and definitions of operational beds, separation and design capacity and design contingency, I have directed that a summary of the different terminology be developed, and I will in future refer members to the ACT Corrective Services website. These terms can be confusing and hard to understand as they may be used differently or according to differing counting rules depending on the jurisdiction, the agency using them or the author. I do not intend to use Assembly time to argue the meaning of these various terms, but consider there is merit in having an accessible source where they are defined; hence my direction to ACT Corrective Services.

The additional facilities will be made up of two new cell blocks. The first to be delivered will be a 30-bed special care facility due for completion in mid-2015. The 30-bed special care facility will provide for improved delivery of services to vulnerable detainees with varying health, psychiatric, dependency or protection needs. It will allow for step-up, step-down capability for detainees who may be at risk of self-harm and an environment better suited to transitioning such detainees to general accommodation in time.

In the current plan, a second 56-cell, 80-bed flexible accommodation facility will come online in mid-2016. While the 30-bed special care facility provides greater functionality to provide for detainees with a higher level of need, the 56-cell accommodation will respond to both the significant separation issues in the ACT and our forecasted growth in detainee numbers. While some of the 56 cells will be double bunked as part of the construction, all cells in this cell block will be designed to allow for double bunking, thereby providing for an additional 32 beds as needed and when appropriate.

This facility will provide corrections with greater capability for separation, in part due to the hub and spoke design of this unit, which will mean that there are four sections that are effectively partitioned.

As corrections minister, it is clear to me that some expansion of our prison is necessary. The ACT government has a duty of care to those inside the prison to provide adequate space and facilities, to meet expectations that the security of the community is maintained and to ensure that the safety of detainees and staff is paramount. Our correctional officers are dedicated professionals with the right skills and attitudes to make a real contribution to the day-to-day rehabilitation of detainees, and also deserve to be provided with the best workplace we can provide.

This expansion project has layers of complexity to it beyond the number of beds that will be added to the AMC facility. We absolutely need to respond to the unprecedented increase in detainees we have seen over the past 12 months. We need to do it in a way that delivers us a smarter, more flexible prison which will allow Corrective Services to run the full suite of programs for detainees and operate in a safe way even when there is a surge in detainee numbers.

At the same time, I strongly believe that we should not be expanding the AMC without also investing government resources in justice reinvestment and diversion programs. The government is already doing work in this area through programs such as through-care.

This moderate proposal for the expansion of the Alexander Maconochie Centre challenges the government to continue to reduce offending and reoffending. I consider the additional facilities to be just one part of the ACT government's response to dealing with criminal behaviour.

In conjunction with these additional facilities, we need to ensure that we are working hard to slow the growing prison population by ensuring funding for justice reinvestment, rehabilitation and diversion programs. These programs will bring benefit to the community by increasing safety and reducing crime. They also offer benefits to those who have found themselves in the criminal justice system—a stronger pathway to integrate back into society and lead fulfilling lives.

In the coming months, I will be working with my colleague the Attorney-General to develop a justice reform strategy aimed at achieving these goals. Reducing offending will bring clear financial and social benefits to the territory as a whole and to the many individuals personally impacted by crime.

The growth in detainee numbers and the need to respond have presented us with significant challenges. I believe the actions I have outlined show we are rising to this challenge.

I present the following paper:

Alexander Maconochie Centre—Additional facilities—Ministerial statement, 6 May 2014.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

## **Economy**

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

**MR ASSISTANT SPEAKER** (Mr Gentleman): Madam Speaker has received letters from Dr Bourke, Mr Coe, Mr Doszpot, Mr Gentleman, Mr Hanson, Ms Lawder, Ms Porter, Mr Smyth and Mr Wall 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 Dr Bourke be submitted to the Assembly, namely:

The importance of continuing to create a prosperous future in the ACT by investing in our people, our economy, in local jobs and in our city.

**DR BOURKE** (Ginninderra) (5.17): I welcome the opportunity to speak on this matter of public importance to update the Assembly on the work that the government has been doing to support the creation of a prosperous future at a time of economic uncertainty through investing in our people, our economy, in local jobs and in our city.

Defending jobs is a matter of economic and social importance. Being in work is the best way for a person or household to participate fully in our society. The ACT government's long-term commitments to economic reform and job creation remain a priority. This government will steer the territory to see the emergence of a stronger, more diverse economy.

The ACT's economic fundamentals remain sound and we continue to perform relatively well compared to most other non-mining states. These economic conditions are, however, challenged due to the federal government's ongoing fiscal restraint measures. The federal government is reducing the number of public servants. We are not sure of the final numbers, but the review of commonwealth government spending by the National Commission of Audit released last week will place further uncertainty on the territory's economic future.

Whether it is through tight commonwealth departmental budgets in 2014-15 and beyond, hiring freezes or natural attrition, these actions have the potential to limit employment growth in the ACT. A decline in the APS will have a direct impact on overall economic activity in the ACT.

While the outlook has weakened slightly, there are some positive signs. The latest ABS data indicate that annual state final demand increased by 0.8 per cent over the 2013 calendar year. This compares to an increase of 0.9 per cent in the national equivalent domestic final demand. Household spending and household demand has been supported by strong population growth and record low interest rates.



The ACT government is committed to supporting sustained growth and development of the ACT economy. We will work with the region, businesses, institutions and the wider community to increase economic opportunity and activity.

Our business development strategy—growth, diversification and jobs—is helping the private sector to create jobs by providing targeted support, programs and funding to local businesses. The 2012-13 budget included \$20 million for innovative programs to further boost our private sector. Initiatives include supporting early-stage business innovation, building new funding for clean technology and sustainability oriented companies and creating a program to act as a single portal for trade development activities. In addition, we are making it easier for business to move through the processes to set up or expand their operations here.

Prudent financial management, a commitment to reform, as well as investment in our people and technology, will create the right conditions to support business and consumer confidence in the local community and, therefore, create jobs. The ACT government is facilitating jobs growth in the territory by supporting a connected, technology-savvy city that takes advantage of our strong ICT skills, strengthening links with the surrounding region to drive better services, economic growth and opportunity, building on the groundbreaking tax reforms and achieving a sustainable financial future for the ACT, and supporting the development of emerging enterprises, entrepreneurs and sectors.

Such initiatives have allowed the ACT labour market to compare favourably to most other jurisdictions, with the ACT recording the lowest trend unemployment rate of 3.4 per cent and the second highest trend participation rate of 71.4 per cent in February 2014. The ACT's unemployment rate remained well below the national average of six per cent in February 2014.

This government has undertaken a reform of the ACT tax system, making it fairer, simpler and more efficient. This government has perhaps the most ambitious tax reform agenda in Australia. A nine per cent improvement in the efficiency of our tax base is expected by 2016-17—in other words, a yield of \$57 million for our economy which is no longer absorbed by administration and compliance.

Sales activity in the commercial sector has increased following our decision to drop commercial conveyance duty to 5.5 per cent for properties valued at \$1.65 million or greater—now among the lowest rates in the country.

The reduction of payroll tax is also delivering important support for small business, both to individual businesses and to the government's drive for diversification.

In addition to the considerable investment in major projects under the new city plan that has been announced by the Chief Minister, the government remains committed to job creation through support for front-line services. As part of this, major capital works are underway in the upgrade and building of new emergency services facilities across the ACT in order to meet the needs and expectations of the community for at least the next 20 years. It will ensure that our emergency services will continue to

have the capacity to protect life, property and the environment as the city grows. Additionally, the government has provided funding of approximately \$17 million over two years for the construction of a new fire and rescue station at south Tuggeranong.

As part of delivering improved access to justice to the ACT community, the government is delivering new court facilities through a public-private partnership, announced in December 2013. It will involve the protection and refurbishment of the existing Supreme Court building and the construction of a link building to the existing Magistrates Court building. The project will span three to four years and will engage with local industry, providing jobs during the construction phase, and the completed facility will also provide ongoing jobs in the management and maintenance of the facility over the term of the PPP agreement.

A clear demonstration of this government's ongoing commitment to supporting local jobs and listening to business needs was the recent announcement of an economic stimulus package to support the building and construction sector. This package is a direct response to the advocacy of our local industry groups for changes around lease variation and extension of time, and we anticipate that the stimulus measures will see up to \$500 million in flow-through effects across the territory's economy.

The package also offers a boost for housing affordability through the accelerated development in Moncrieff. We want to see industry continuing to innovate in the construction of quality, affordable homes. The government's land release program now includes a pipeline of more than \$500 million in landscape and civil works across greenfield and infill sites in the ACT.

As mentioned, the government's growth, diversification and jobs development strategy is focused on creating jobs by building strength in areas where Canberra has demonstrated competitive advantage and distinctiveness. The strategy has 26 separate initiatives across three strategic imperatives: creating the right business environment, supporting business investment and accelerating business innovation.

The strategy is a living document that aligns with various election commitments and government responses to other developments, including the ACT digital city strategy and study Canberra.

The government is involved in numerous major projects across the territory, such as the redevelopment of Westfield Woden, construction of a new Gungahlin office for the ACT public service and a range of significant capital works to support land release in Molonglo.

The government, through the Land Development Agency, also has a number of significant estate developments either underway or about to commence, including greenfield estates at Coombs, Denman Prospect, Moncrieff, Throsby and west Belconnen, and infill estates at Amaroo, Campbell, Lawson, Greenway and Kingston Foreshore. In total, EDD and the LDA have over \$500 million of civil and landscape works in the pipeline: \$500 million.

Government can play a significant role in mitigating the peaks and troughs that occur in the construction and consulting industry as the economy moves through its usual cycles. Benefits of undertaking major public investments in infrastructure such as roads, public housing, hospitals, schools et cetera during slower periods in the economy are well understood. Investing in our people through improving education opportunities is another key factor to help drive employment in the ACT through the ACT government's focus on education.

As mentioned by my colleague Minister Burch in this house on a number of occasions, literacy and numeracy achievement at school is paramount to future economic success. In 2013, the average score in NAPLAN testing for ACT students was the highest or equal highest in the nation across all of the 20 areas tested.

The ACT VET system is effective in preparing people for employment. The government is delivering a training system that enables the effective participation of the working age youth and delivers skills relevant to employment markets. A measure of how effective the VET system is in responding to the skill requirements of the ACT economy is the level of employer satisfaction with training as a way of meeting their skill needs.

Over half of employers in the ACT use the VET system. Satisfaction remains high among ACT employers who arranged or provided their employees with nationally recognised training, closely followed by employers who require formal vocational qualifications and employers of apprentices and trainees.

Almost all young Canberrans make a successful transition from school to work, with the most successful path in general being the completion of year 12 plus further study. Compared to the rest of the nation, ACT youth have thrived in recent years, achieving exceptional outcomes in education and employment. ACT youth aged 20 to 24 years are more likely than youth in the rest of the nation to have a year 12 certificate or equivalent or certificate II or above.

The ACT is the only jurisdiction to exceed the COAG target of a national attainment rate of 90 per cent for 20 to 24-year-olds with a year 12 certificate or equivalent or certificate II. Quality VET outcomes for Canberra's youth and social equity groups is the foundation for further improvements in overall education levels and employment participation.

The gap between the proportion of Indigenous and non-Indigenous 20 to 64-year-olds with, or working towards, a non-school qualification is smaller in the ACT than in the rest of the nation. Of course, this mirrors the overall improvement in Indigenous tertiary education that has occurred in this country over the last 40 years. Back in 1969 there was just a handful of Aboriginal and Torres Strait Islander people in this country with a university qualification. The most recent statistics in 2012, I understand, indicate that 25,000 Aboriginal and Torres Strait Islander people have a university qualification.

While the government is concerned about possible negative short-term impacts on our economy from cuts in the commonwealth public sector, the government is working with the private sector to buttress our economy and ensure we are in a position to weather any changes in the medium to long term.

We cannot stop the commonwealth cuts—maybe the Canberra Liberals could do something about it—but we can play a role in ensuring that we emerge out of this period as soon as possible and in a stronger position. We will do what we can to stimulate this economy, to provide confidence and to seek new investment in the ACT economy.

**MR SMYTH** (Brindabella) (5.30): As a city-state, for the ACT you could virtually just drop the word “state”. We are a city. The city is our home, it is our economy and it is our future. If you want to have a decent home, if you want to have a good economy and if you want to have a great future, then, by implication, we must become city builders.

We have not built the city properly in the last decade. We have not built it to be resilient. We have not built it to be sustainable. We particularly have not built a great city heart. Let us not doubt it. Great cities have great city hearts. If you go to Sydney, it is the Rocks or Circular Quay. With any other capital city in Australia, if you mention an address or a street that is well known, people will identify that city. I am not sure that there are many people in the rest of Australia who, if you referred to Manuka, Kingston or even London Circuit, would identify that as Canberra.

That is the failure of this government. We can have as many motions as we want; we can have all the MPIs that you want; we can have all the legislation and the budgets that you might want. But until you know where you are taking the city, the city will not have a real future. Until you build the city heart, which for the last 13 years has been sorely and largely neglected, this city will not have a great future.

Interestingly, Charles Landry, in his book *The Art of City Making*, on page 25, talks about city sprawls. He says that cities sprawl into every crevasse that once was nature. Of course, Mr Landry is not a big fan of sprawling cityscapes. What does he use to illustrate cities sprawling into every crevasse that once was nature? A picture of the CBD of Canberra. It is a picture of the sprawl that, largely under this government, has remained unchanged.

I know that we now have a city plan, but we also have the revelation from the Chief Minister that it is not really a plan; it is more of a spatial plan—because we really do not have any idea when we might deliver any of the initiatives. One of the things that came out of the consultation, if you read the consultation documents, is that a lot of people just said, “Get on with it.” They want a city heart, a place that is easily recognisable as their city signature.

Unfortunately for Canberra, and we have had this discussion over many years, you come down the Federal Highway, you come down Northbourne Avenue and you are virtually on Commonwealth Avenue before you realise that you have passed the city.

That is because it is not distinct. It does not stand out. There is no sense of having arrived, of having a CBD. That, after 13 years, is the failure of this government and the failure of this Chief Minister. But it is particularly the failure of the planning regime. A lot of people, I suspect, do not have a great deal of confidence that the new city plan will be implemented, because previous city plans—great glossy documents, and we have all got the documents: “The city plan”, “Our city centre vision”—as we know from what the Chief Minister said in the last hearing, are not actually plans to deliver anything.

If you were looking for guidance on what this government has achieved in delivering a better city centre for this city, you would go back to other things that they have done. That brings us to the last effort in 2005, almost a decade ago. They were in government from 2001 to 2005, but nothing happened in the city. The retailers and owners in the city centre set up their own body, “City Heart”—well done to them—and said, “Somebody has to do something, because this government does not get it.”

There was a lot of criticism. Good luck to Terry Snow. Terry Snow put out his “Living city” DVD. Colin Stewart did some great work about how you would bring life to the city. By creating a heart, you would help provide the identity. Zed Seselja, I think in March 2005, tabled his City Hill development bill, saying that we need a body dedicated to making this happen. Of course, the government, aided and abetted by the Greens, voted against it. Stung into action, Mr Corbell leapt into the glossy stakes and produced *City hill: a concept for the future*.

If people were looking for inspiration or guidance as to what the government had achieved in the last decade, almost, since the publication of *City hill: a concept for the future*, they would be sorely disappointed. I suspect they will be sorely disappointed by the city plan, our strategic plan for 2014. In Mr Corbell’s plan he has about 16 key initiatives—things like the city gateway, which still does not exist; the Northbourne Avenue realignment, which has not occurred; the city heritage precinct, which I doubt much work has been done on; hotel development with public car parking there at the intersection of Northbourne and London Circuit, which has not happened. The law precinct was there; the courts were already there when this document was published. There was the east-west city pathway; I do not think it has happened.

There was the ACT Supreme Court. How long have we been talking about that? There we are: 2005. Yet there is additional money in the second appropriation bill for more work on the ACT Supreme Court. Nine years, and probably three or four more years before it is delivered. The Edinburgh Avenue connection has not happened. What about commercial and residential developments with public car parking underneath? There has been a bit of commercial development there, but I suspect a lot of it had already happened. What about the city to West Basin connection? We are still talking about it. That is because this government does not deliver, because this government does not get how important the city is.

In that time, they have gone out and done Molonglo. Why? Because they needed the revenue. For this government, it is always about the revenue. It is not about what they are building and how we have a future.

It is interesting that a gentleman called Simon Anholt, who is probably most respected for his work on the identity of cities in the world, wrote a book called *Places: Identity, Image and Reputation*. It would be interesting, were we rated in his city index, to see where Canberra would fall. Mr Anholt says that to really be a city of the future, to have an identity, you have to have strategy, substance and symbolic action.

I think we would all agree that Canberra has substance, as the nation's capital. Simon Anholt says this about substance:

Substance is simply the effective execution of that strategy in the form of new economic, legal, political, social, cultural and educational activity: the real innovations, structures, legislation, reforms, investments, institutions and policies that will bring about the desired progress.

The substance that we have has probably come from the federal government, over many years, in the construction of our cultural institutions, our arts institutions, our political institutions and some of our universities. Those that know Canberra know that we have substance. What we do not have is a strategy to build on that substance. What we do not have is, as Simon Anholt calls it, symbolic actions.

Mr Anholt comes up with a number of equations. For instance, he says that if you have strategy and you have substance but you do not have action, you are anonymous. The one probably most likely to describe the ACT I will get to last. He says that symbolic action minus substance minus strategy is failure. He says that strategy minus substance plus action is propaganda. He says that strategy minus substance minus symbolic action is spin. He says that substance minus strategy plus symbolic action is incoherence. I think that is what we get from the territory government. We have incoherence because there really is not a strategy to deliver a city heart. There really is not a strategy to deliver a great city heart. So what we suffer from is incoherence. Often what is picked up on the news around the nation is the social agenda that the government has or something that goes wrong in the ACT.

If we are going to overcome all of this, we need the three elements that will give a true indication to people that we are going somewhere and that we are doing the right thing. I doubt whether we will get it off this government, because their record says they just cannot deliver.

Not so long ago, Mr Rattenbury, Mr Barr and I were lucky enough to have dinner with Larry Oltmann, who had come in from overseas to assist with a forum on the convention centre. In the discussion that night, he said that this city will never go ahead while you have a void at the centre of the city—City Hill, in effect—and while you have basically a bypass that leads people through the city. I said, “New York has Central Park.” He said: “Yes. That is the point. It is not at the centre of New York. At the centre of New York are people and activity. You are talking about Broadway and Wall Street, where people come together and you have excitement, action and activity. And people want to be there.” He said, “A park at your centre does not work.” He said that, particularly for the ACT, you then have a high speed road that takes people past

the park so you cannot use it as a park and you have the high speed road that takes you through the city so that you are there and gone.

In his book, Bill Bryson basically says that Canberra is a city lost in a park looking for a pub. He is a walker. Everywhere he goes he critiques the ability to walk around the city. Unfortunately, he stayed at the Ainslie Rex when he got here and I think that by the time he got to Civic he was a bit tired. He was not particularly complimentary. I get the sense that he liked the attractions, but he said, "It is just so spread out that it is impossible to get a sense of the city."

**MADAM DEPUTY SPEAKER:** Mr Smyth, your time has expired.

**Mr Smyth:** I was just getting started.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (5.40): I am sorry to interrupt, Mr Smyth. There were some interesting elements to what you were saying. It was probably one of those rare moments when I would not have begrudged you another couple of minutes.

I thank Dr Bourke for bringing on this matter of public importance today. It is an important time for our city. The release of last week's commonwealth Commission of Audit really focused people's minds on the very challenging time we are going to have over the next couple of years. The Commission of Audit was a bit of a distraction, though, for the main game, which is the federal budget, which happens next week. It has set the tone for some uncertainty in relation to what it means for Canberra. The theme, though, is pretty clear. There will be significant cuts to spending, and we expect that to include some pretty significant cuts to public services and potentially some revenue increases.

When I have met with the Prime Minister to discuss the impact of the federal government's decision on Canberra, he has always given me the response that he does not have any intention of causing harm to the ACT. As I said last week, I think, in the media, I have no reason to disbelieve him at this point in time, but I have to say that some of the signs are not good. For example, some business members and I met with Jamie Briggs, and prior to that I had met with Warren Truss and Jamie Briggs. We put forward a unified position, in accordance with the position of the Canberra Liberals, and indeed Senator Seselja, around the Australia forum, the convention centre, and everyone trying to seek support from the commonwealth for that project.

We have had a lot of listening up at the federal house, and I know that Zed Seselja has been saying that he has been lobbying for it, so I was hoping that, with that bipartisan support, we would see some support for that project coming from the commonwealth. It is simply unrealistic to expect the ACT government to deliver a project of that size. It will require private investment, but it will require investment to get it to the business case ready stage, which will then secure some private investment. I received a letter from the Prime Minister last week saying that they were not in a position to provide any financial support for that project. Whilst I understand what he says to me on one level, the signs are that to date, in response to some of the very modest

requests—not to support our budget or to support projects that we think are a priority, but to support a project that the business community thinks is a priority—our requests have not fallen on receptive ears.

We will watch what happens next week in the budget. We are doing what we can here locally to push forward with our planning, our vision. There is always interpretation of that.

In relation to the city plan, this has been a big piece of work, again one that has received support from across business, across the community and within government. There are priority projects, but the building of the city heart, as outlined in the city plan, will take time. We are a young city that is half built. It is going to take many years to get even close to completing this city. It will take time; it will require staging.

If you listen to Mr Smyth and essentially accept the arguments he has put forward, nothing is being done, everything is incoherent and the government has failed to deliver—I challenge that. In my time in this place, the city has changed enormously and for the better. And it has changed enormously because there are more people living in the city.

When I was at university there was a wasteland between the ANU and the Melbourne and Sydney buildings. You made it halfway to the workers club before you could make it into the city, and it was like a day excursion to get there. That has completely changed now, and it is great. It is vibrant. It has got students living there. The restaurants are there. Other small business retailers are opening there. And how that moves forward into city west has been really positive. It has taken 10 years to manage that development.

Yes, there are other parts of the city that need that type of development. With big residential areas like the Metropolitan opening down there, you will see change. It is already happening. You will see that if you go for a walk through there. You see Glebe Park being used much more than it used to be. It used to be a beautiful park with lovely trees, but it was hardly used. Now that has changed.

Change does happen. It happens over time. The priority projects for me are these. I guess we all wish they were more glamorous and exciting and that you could see things happen a lot faster than they do. The first one is about transport and movement, which goes to some of the issues you talk about, Mr Smyth, around City Hill. It also goes around Cooyong, London Circuit and the streets that separate Reid from the city. There are some major transport considerations we have. We have to make some decisions about the role of London Circuit. That will impact on how people get around the city now. It can cause potentially major inconvenience. There is the Parkes Way investigation. All of that is underway. That work is really important and we need to progress that. The redevelopment of the ABC flats, again, is being progressed.

There are five priority projects. City to the lake proposals are being progressed. I have to say that when I was in China and I presented on city to the lake, we got some extremely good feedback from private investors around the opportunities within city to the lake. And there is some of the economic development analysis that has got to underpin the city plan and the urban design framework.



They are the five key projects that will be progressed. It does have an action plan. It is an overarching strategic framework. It has five priority projects which we will be measured on. I am prepared for that. They are progressing now. They have different timetables, but we are working on these. We know that industry is very keen on working with us on them and will also be monitoring our progress.

In terms of some of the other work that is underway at the moment in terms of supporting the local economy, the ACT government has a very important role to play; but, and I have said this before, we are a small player and there is a limit to what we can do. We believe we are taking decisions that support the local economy in the short term and will deliver good outcomes from a city building point of view in the long term. In saying that, I mean investments in public transport, transformative projects like capital metro, the big investments that we hopefully will be able to attract around city to the lake, and also key infrastructure that the community needs, like the University of Canberra public hospital.

When we presented on our investment opportunities in China, one of the things I was very pleased about was the high quality work that underpins the work to date on city to the lake. We were providing people with good information about what investment opportunities are there. There was a lot of interest in the convention centre, I would have to say, and some of the things that hang off that. That is very promising. We will follow up on those, and indeed we have followed up on those since my return.

I guess the job that the Assembly needs to think about in the next little while is how much we are able to work together. I understand that we will not be able to work together on everything, but where there are projects with agreement that this place thinks are in the long-term best interests of the city I hope that we are able to show the community that confidence over the next few years. It is very easy for us to fall into the doom and gloom and woe is me situation. It is much harder for representatives to work together and agree that where there are good ideas, where there is important work underway, we should progress it, and progress it with a unified front.

I did believe that that would be the view of the project facilitation bill. I thought that was something that the Liberal Party would support. All of the business community, in their representations to me about it—which led to this bill, I would have to say—have been positive and have actively sought this out. I am disappointed that there were not submissions to the committee from those industry groups—the ones that sought this legislation. I think it means that we should go back now and have a look at this piece of legislation. If there is not broad-based support for it, we might have to reconsider. But there are more discussions to be had.

*Discussion concluded.*

## **Amendments to the Electoral Act 1992—select committee Statement by chair**

**MR GENTLEMAN** (Brindabella): Pursuant to standing order 246A, I table the following paper:

Amendments to the Electoral Act 1992—Select Committee—Discussion paper,  
dated 6 May 2014.

The committee feels that the main terms of reference have three themes: the future size of the Legislative Assembly, recommendations by Elections ACT and its report on the 2012 ACT election, and the implications for the ACT of the High Court decision in Unions NSW versus New South Wales. I ask all members to take note of that paper.

## Adjournment

Motion by **Ms Gallagher** proposed:

That the Assembly do now adjourn.

### ***Staying Young Growing Old*—book launch**

**DR BOURKE** (Ginninderra) (5.51): I recently launched Marji Hill's latest book, *Staying Young Growing Old*, at Belconnen soccer club in Hawker. Many of you may know Marji Hill, a former long-term Canberran—even a Belconnian—and author and member of the Australian Society of Authors. I have known Marji Hill and her late husband, Alex Barlow, for nearly 30 years, firstly as family friends and through their work at IATSI, and later when I moved to Canberra I was delighted to find them as members of my Labor sub branch, being long-term residents of Belconnen until they retired and ended up on the Gold Coast a few years ago.

Marji is the author or co-author of over 60 books, including the non-fiction *Six Australian Battlefields*, the nine-volume *Macmillan Encyclopaedia of Australia's Aboriginal Peoples*, books on multicultural Australia simply titled *Chinese Australians*, *Italian Australians*, *Lebanese Australians* et cetera, titles on Aboriginal art such as *From the Ochres of Munga: Aboriginal Art Today*, and in 2009 she had published *Saying Sorry to the Stolen Generations: the Apology*.

There is a bit of a theme here, but Marji's interests range widely, especially as illustrated by this latest book. Though her books for children and adults focus on our Indigenous history, she has contributed more than just to reconciliation and understanding of first Australians. This latest book, *Staying Young Growing Old*, is Marji's exploration of staying positive, being active in body and spirit and keeping a sense of humour in older age. It is not about growing old disgracefully but irreverently. It is about staying curious, interested, active and playful and challenging perceptions about what it means to be of advancing years.

Marji dedicated the book to Alex Barlow, her partner of 40 years, who died in 2012. He was a great example of staying young growing old. In her loving dedication, Marji points out that Alex retired at 65 then went on to study law and was admitted to the Canberra bar in 1995. Marji is also a renowned painter.

Apart from earning her master of arts degree in anthropology at the ANU, she has also completed a post-graduate diploma in painting in Canberra and has gone on to hold exhibitions here and interstate. Her book *Staying Young Growing Old* is available both as a paperback on Amazon and as a Kindle e-book.

## **Australian Red Cross**

**MS LAWDER** (Brindabella) (5.54): I rise tonight to help shine a light on an organisation that has been a big part of our community for 100 years now. This year marks the centenary of the Australian Red Cross. I had the pleasure of attending an event on Sunday as part of the Red Cross centenary in Australia.

The organisation started here as the Australian branch of the British Red Cross in 1914, shortly after the outbreak of World War I. Hundreds of thousands of volunteers signed up during the war, and by World War II Red Cross had become Australia's largest charitable organisation. From what was at the time a population of only seven million people in Australia, nearly half a million were Red Cross members, most of them women.

In the post-war period Red Cross focused on social welfare, national emergencies, natural disasters, the blood bank and first-aid programs, which were sustained by the extensive branch network and thousands of volunteers.

Over the past decade Red Cross has been building an even stronger organisation which is forging partnerships with local communities to have a continuing positive impact for disadvantaged people in our society. Today there are one million Red Cross members—volunteers, donors, staff, blood donors, recipients and supporters—who make a positive difference to the lives of people in need every day.

The structure and on-the-ground activities may have changed over the past 100 years yet the humanitarian principles of the organisation retain a common thread which has endured. The Red Cross helps those most in need, wherever they are and wherever they are. Whether it is responding to the large scale disasters or tackling disadvantage and helping vulnerable children or supporting families facing personal crises, the Red Cross has set a clear and strong humanitarian course over the past 100 years.

We have seen the devastating floods in 1955 across New South Wales, Cyclone Tracy in 1974, the Ash Wednesday bushfires in Victoria and South Australia in 1983, the Bali bombings in 2002, tsunamis and earthquakes in 2004, the Black Saturday bushfires of 2009, the Haiti earthquake in 2010 and the Queensland floods in 2011. The Australian Red Cross was there helping citizens both in Australia and around the world for as long as we can all remember.

The organisation was founded on an enduring spirit of volunteerism and generosity, and that continues as strong as ever today. I am proud to have volunteered for the Red Cross in the past. I pay my respects to all those in our community who have volunteered for the Red Cross over its history, and I acknowledge all those who have donated money to the Australian Red Cross regularly or just when they could afford it.

Last but not least, I acknowledge and pay my respects to all those who have worked on the ground and those who run this very successful and well-respected organisation. I hope everyone can acknowledge this is an organisation which has been a valuable

part of our community for so long. If you would like more information or to donate, go to [www.redcross.org.au](http://www.redcross.org.au).

### **May Day rally**

**MS BERRY** (Ginninderra) (5.58): I rise tonight to speak on a matter of great importance—the ongoing work of Australian unionists to protect a belief central to our national identity, that every Australian should be entitled to a fair day’s wage for a fair day’s work. Over the weekend I joined hundreds of other Canberrans on the steps of Old Parliament House to mark May Day, a day on which everyday workers come together to share stories about how they are fighting for a fair go.

I always love May Day events because they are a great opportunity to hear from people in our community, not just about the things that make their lives difficult, unsafe and sometimes downright life threatening, but also about what they are doing to resolve these issues.

This year, amongst the teachers, construction workers, security guards, community sector workers, lawyers, waitresses, cleaners, childcare workers, plumbers, public servants and nurses, one message was clear: the current Liberal federal government is not doing the right thing by ordinary working Australians. I could give a laundry list of the cuts members of our community feel are looming over their livelihoods—the lurking threats causing fear and uncertainty—but I think it is much more powerful for people to speak for themselves. So I would like to read a speech given by one of the workers on the day:

My name is Christine Wagland and I have been a government contract cleaner for 30 years.

For as long as I can remember we have been fighting for recognition of cleaners and cleaners jobs. We finally got there with CleanStart and the government equivalent of Fairwork principles.

A benchmark, a standard that gives stability to the industry and recognizes and rewards best practice. A win for both the contractor and the cleaner.

It is transparent and accountable contracting that gives respect and value to cleaners jobs. It offers real wage increases, reasonable workloads, proper training in equipment chemicals and safety and most importantly, job security.

Clean Start was a long fought for and negotiated win that bought business and workers together. Then along comes a liberal government and Eric Abetz who calls me and all the other cleaners in government buildings across Australia “a bit of red tape”.

It is very hard not to take it personally. I have never been punched in the gut but I am pretty sure I know what it feels like. It feels like the federal liberal government is saying “How dare I think that because I do a dirty job that I deserve to be paid more than a shitty wage”.

Myself and my fellow cleaners have not only lost a pay rise of 4% this year but over the next two years as well.

While my present pay is stable, that only exists till the contract goes out to tender. Then it is back to the award rate and a pay cut of 25%. Like a lot of cleaners I have two jobs. A F/T and a P/T. This means a pay cut of \$200 a week.

But on top of that for me is the loss of job security.

The incoming contractor does not have to employ me. And that means, let alone from my pay, I do not know if I have a job at all.

So what do we do?

What we have always done. We fight. We have turned this around before, and we will again.

Christine deserves better for the contribution she makes to our community and for the commitment she made to improve her sector. I was happy to stand with her on Sunday and I will be happy to stand with her and all of Canberra's workers as we continue to fight for the basic dignity of a fair day's wage.

### **Life Education Australia**

**MR COE** (Ginninderra) (6.01): I rise this afternoon to speak about the work of Life Education Australia. Life Education Australia is a charity operating independently of government and religion which has a vision that all Australians should enjoy life free from the effects of drug use. Currently, Life Education Australia has operations in each Australian state and territory and is considered to be the largest non-government provider of health and drug education in Australia.

Life Education Australia would be familiar to most Canberrans by virtue of Healthy Harold, a life-size giraffe who is very popular amongst kids and parents alike. By combining Healthy Harold with well-resourced and qualified teachers, and fun and interactive teaching modules, the organisation is able to empower children and to teach them how to make informed and healthy lifestyle decisions.

Life Education Australia works with children of all ages, from preschools through to primary and secondary schools, in each instance running targeted age-specific programs. For example, the preschool program uses storytelling, music and puppetry to teach children about their body, personal hygiene, safety, exercise, nutrition, sleep and how to maintain a respectful relationship. The primary and secondary school programs then build on these principles before introducing children to the harmful effects of smoking, alcohol abuse, a poor diet and illicit drug use. The organisation aims to run these program yearly within schools, providing a consistent health and wellbeing education program for children.

The organisation was formed in the 1979 and has grown from strength to strength ever since. People are drawn into working, volunteering and donating to Life Education Australia because they understand how good health is a critical asset

leading to a healthy and productive life. Currently, Life Education Australia maintains a national office as well as state and territory-based offices.

At a national level, the board of Life Education Australia is chaired by Tony Hasham AM and also includes Natalie Bell, the Hon Alan Cadman OAM, the Hon Robert J Ellicott, Rear Admiral Anthony L Hunt AO (retired), Helen Karabassis, Mark Lacy, Christopher Mapp, Professor Geoff Masters, Mike McAuliffe, Clare Payne, Paul Siviour, Lynette Thurnham and Paul Wheelton OAM.

At a local level, responsibility for providing life education programs in Canberra lies with the New South Wales office. The current CEO of Life Education New South Wales is Jay Bacik. Jay is a previous CEO of Life Education Australia and has been involved with many not-for-profit organisations including Austcare, Diabetes Australia and Mission Australia, where he was CEO.

Jay is joined as an executive staff member at Life Education New South Wales by Michael Vittulo, who is the company secretary of both Life Education Australia and Life Education New South Wales. The work of Jay and Michael is well-complemented by the board of Life Education New South Wales. The board is led by the chairman, the Hon Alan Cadman OAM, and includes Bill Buckle, Dr Julian de Meyrick, Tim James, Councillor Ken Keith, Jackie O'Brien, Neville Parsons, Senator the Hon Ursula Stephens, Robert David Lee and Victor Tagg.

I commend the work of all those involved in Life Education Australia and Life Education New South Wales. For more information about the work of the group I refer members to the organisation's website at [www.lifeeducation.org.au](http://www.lifeeducation.org.au).

Question resolved in the affirmative.

**The Assembly adjourned at 6.05 pm.**

## Schedules of amendments

### Schedule 1

#### Rail Safety National Law (ACT) Bill 2014

##### Amendments moved by the Attorney-General

1

**Clause 31 (1)**

**Page 29, line 6—**

*omit*

anything

*substitute*

any prescribed item

2

**Clause 31 (3)**

**Page 29, line 13—**

*omit clause 31 (3), substitute*

- (3) A rail safety worker is entitled to the return of a prescribed item taken from the worker under this section when the worker ceases to be in custody, unless—
- (a) possession of the item by the worker would be an offence against a law applying in the Territory; or
- (b) a police officer believes on reasonable grounds that possession of the item by the worker could present a danger to a person.

3

**Clause 31 (4)**

**Proposed new definition of *prescribed item***

**Page 29, line 19—**

*insert*

1. ***prescribed item*** means anything that could—
- (a) present a danger to a person; or
- (b) be used to assist a person to escape from lawful custody.

4

**Clause 31 (4), definition of *seizable item* and note**

**Page 30, line 1—**

*omit*

5

**Proposed new clause 52A**

**Page 46, line 11—**

*insert*

**52A Abrogation of privilege of self-incrimination—derivative use immunity**

- (1) This section applies despite anything to the contrary in the *Rail Safety National Law (ACT)*, section 155 (Abrogation of privilege against self-incrimination).

- (2) Without limiting the *Rail Safety National Law (ACT)*, section 155, any answer to a question or information provided or document obtained as a direct result or indirect consequence of the answer, information or document being provided by a person under a requirement or direction of an authorised person under this part or the testing provisions is not admissible as evidence against that person in a civil or criminal proceeding other than a proceeding arising out of the false and misleading nature of the answer, information or document.
- (3) However—
- (a) any information or document required to be kept under the *Rail Safety National Law (ACT)* that is provided by a person under a requirement under the Law, section 154 (Power to require production of documents and answers to questions) is admissible in evidence against the person in a criminal proceeding; and
  - (b) any information obtained from a person under this part or the testing provisions that is in a document that the person is required to keep under the *Rail Safety National Law (ACT)*—
    - (i) is admissible in evidence against the person in a criminal proceeding; or
    - (ii) may be used in any action, proceeding or process that may make a person liable to a penalty.

## Schedule 2

### Planning and Development (Extension of Time) Amendment Bill 2014

#### Amendments moved by Mr Brendan Smyth

**1**  
**Proposed new clause 3A**  
**Page 3, line 2—**

*insert*

**3A Lease variation charge under s 277—improvements**  
**Section 277A**

*omit*