

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

STANDING COMMITTEE ON PLANNING AND ENVIRONMENT

(Reference: annual and financial reports 2002-2003)

Members:

**MRS V DUNNE (The Chair)
MR J HARGREAVES (The Deputy Chair)
MS R DUNDAS
MRS H CROSS**

TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 3 FEBRUARY 2004

**Secretary to the committee:
Ms L Atkinson (Ph: 6205 0142)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents relevant to this inquiry which have been authorised for publication by the committee may be obtained from the committee office of the Legislative Assembly (Ph: 6205 0127).

The committee met at 9.10 am.

Appearances:

Mr S Corbell, Minister for Health and Minister for Planning
Department of Urban Services

Mr A Thompson, Chief Executive

Mr B MacDonald, General Manager, Road Transport

ACT Planning and Land Authority

Mr N Savery, Chief Planning Executive

Ms D Ekelund, Director, Strategic Planning Projects Branch

Mr J Meyer, Director, Business and Information Services Branch

Mr I Sakkara, Manager, Corporate Resources

Mr R Johnston, Director, Development and Building Administration Branch

Mr G Calnan, Director, Policy and Legislation Branch

Mr P Lewis, Director, Land Planning Branch

Land Development Agency

Ms A. Skewes, Chief Executive Officer

Ms J McKinnon, Deputy Chief Executive Officer

Ms A. McGrath, Acting General Manager, Land Development Division

Mr G Lowe, Acting General Manager, Urban Development Division

Mr P Johns, Acting General Manager, Business Analysis and Marketing Division

Mr G Ryan, Manager, Finance

Ms I Griffiths, Manager, Corporate and Finance

ACTION Authority

Mr G Thurston, Chief Executive Officer

Mr B Quirke, Finance Unit

THE CHAIR: I call the meeting to order and welcome the people present to the inquiry by the Planning and Environment Committee into the annual report for the Urban Services portfolio.

You should understand that these hearings are legal proceedings of the Legislative Assembly, protected by parliamentary privilege. That gives you certain protections, but also certain responsibilities. It means that you are protected from certain legal action, such as being sued for defamation for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter.

We are going to start with the father of ACTPLA, the now defunct Planning and Land Management. I do not know that Ms Skewes and Mr Savery will have very much to say, simply because they were not here when it all happened.

MRS CROSS: We have to give them the benefit of the doubt that they are up to speed.

THE CHAIR: But they cannot be held accountable for what happened when they were not here. Mr Thompson, we really hate the annual report: we hate the binding and we hate the glossy paper.

MR HARGREAVES: You will note the use of the royal “we”. I think that they are charming documents.

THE CHAIR: On that subject—I know that this is not quite part of the area—some concerns have been raised by the committee about meeting the Chief Minister’s reporting guidelines, and some of them are about the quality of the paper, the glossiness of the paper and the colours. Mr Thompson, it seems to the committee that some of the Chief Minister’s reporting guidelines have not been met. Why is that?

Mr Corbell: Could you be a bit more specific, Madam Chair?

THE CHAIR: In relation to the type of paper, the amount of colour used, et cetera. Do you think that you have met the Chief Minister’s guidelines in terms of those requirements?

Mr Thompson: I thought we had. I can recall from the written answers we gave that you raised the issue of whether the quality of the paper or the cost of the paper was significantly higher than the basic and the answer was no, the cost was well nigh identical. We have chosen this coated paper because it does take the photos and does not smear as much as some of the matt papers. We have taken quite a lot of pride in our annual reporting. We have won the Institute of Public Administration annual reporting awards for the last two years, against some fairly stiff competition. We do not aim to be upmarket in the way you see a lot of corporate annual reports and our aim is to provide as much information as we can.

THE CHAIR: Planning and Land Management is an organisation which no longer exists, so there may be a view that reporting on its performance may be purely of historic significance, but I wanted to start, if I could, in areas of compliance. I am mindful of the fact that recently we amended the legislation in a way that should make compliance better than it has been in the past, which has been a fraught issue. Within the reporting that the department does in its licensing and regulation area and areas associated with compliance with leases and lease conditions, how much of that is spontaneous? By “spontaneous” I mean, I suppose, program randomness rather than inspectors responding to particular complaints.

Mr Thompson: Spot checking.

Mr Corbell: I would have to say that the majority almost certainly would be in response to complaint. That is a pattern that has been in place for quite a few years, certainly four or five years, even six years. That has been the standard approach. That said, Planning and Land Management and ACTPLA as its successor have been putting an increasing emphasis on looking at compliance issues as part of ACTPLA’s management of development sites in particular—not so much management, but when they are oversighting particular development activity they will take action if they see issues which are not being done in accordance with, say, development controls, development conditions or the lease itself.

Part of the amendment to the land act which the government put forward last year allows for ACTPLA itself to initiate orders and to take orders against breaches of lease or development conditions, whereas previously ACTPLA and its predecessor, PALM,

really did have to encourage a complainant to make an order or to seek an order. We are trying to develop a more proactive regime, but I think that it would be fair to say that the majority of the compliance activity is still based on complaint.

THE CHAIR: So that what you are saying—correct me if I am wrong—is that hitherto a building inspector or someone attending a development site might have seen something but, in effect, may not have done something about it simply because they did not have the mechanism to do it and it would require a third party to make a complaint.

Mr Corbell: With the introduction of private certification, essentially, there was no government process, but the private certifiers were not given the power, for example, to ensure compliance with lease and development conditions. Whereas previously the government inspectorate, BEPCON, did have the power to enforce lease and development conditions as part of its more general inspection of compliance with approved building plans and so on, private certifiers were not in that situation and simply focused on compliance with the approved plan, not necessarily with lease and development conditions—the fence must be white, for example, in a heritage area.

THE CHAIR: Not whether the fence is in the right place.

Mr Corbell: Yes, that sort of thing. There has been that change, yes.

THE CHAIR: There has always been an aspiration to have auditing of private certifiers and things like that, but it seems to me that it has not happened on a concerted basis. Is there now an audit team and audit program in place to keep tabs on the level and quality of certifying? That was part of the private certifying arrangement.

Mr Corbell: Yes. I think my predecessor, Mr Smyth, commissioned a report into the adequacy of the private certification arrangements and the compliance of private certifiers with their responsibilities under the act and I understand that there has been a body of work done to improve and to take action against private certifiers who have breached their responsibilities. I do not have the details of that, but someone from ACTPLA may.

Mr Meyer: The regime, in place for about 18 months, is that 10 per cent of all certification work is audited. It is a program that has been put in place. We have three auditors dedicated to that function, so there is a program to look at complaints that come in about builders, in particular, and the actions of certifiers. The program is tailored to those individuals whose performance has been less than satisfactory.

MR HARGREAVES: Which one of the two groups, builders or certifiers, gives you the most grief?

Mr Meyer: On a comparative basis, the builders themselves create more issues. I cannot recall the exact figure, but we could provide it. They have issued something like four or five show causes to builders and about two to certifiers over the last 18 months for breaches of the Building Act and of requirements under other legislation.

MR HARGREAVES: Are three auditors enough to cover the industry and make sure that there are no cowboys around?

Mr Meyer: We believe so. The number of certifiers sits at around 25, and the number of builders in the ACT is not huge. We are working with the MBA and the HIA, which keep a close eye on their members. They are particularly anxious to ensure, with the MBA's fidelity fund, that they get the right people registered on their system. We work closely with them to identify people who are not doing the right thing in the industry.

MR HARGREAVES: When somebody decides that they want to become certified, who does the accreditation and the ongoing check that these people are up to speed with the changes in planning regimes?

Mr Meyer: The ACT Planning and Land Authority monitors the registration of certifiers. They are required to meet particular standards, and they are required to reregister. Some do that annually and some do that for periods of three years.

MR HARGREAVES: With whom do they register?

Mr Meyer: They register with the Planning and Land Authority. We have a database of both builders and certifiers.

MR HARGREAVES: Does that same part of the organisation check their qualifications and experience against specific criteria?

Mr Meyer: That is correct.

MR HARGREAVES: Do you do ongoing checks to see whether people are up to date or whether they are applying regimes that have been changed over time?

Mr Meyer: A check is usually done in the renewal process to see that their qualifications are still current and valid. There is an association that encourages its members to do professional development. We run programs and information sessions for certifiers, two or three times a year, to ensure that they are across the latest changes to the Building Act and various other regulations.

MR CORBELL: If you don't mind, Mr Hargreaves, I will ask Mr Savery to give some background on national measures that are being proposed to be introduced to get a more coherent set of standards nationally.

MR HARGREAVES: I appreciate that, Minister. Before you do it, I want to ask—because it may be something national as well—about the qualifications of the persons who do the checks on people who want to become certifiers.

Mr Meyer: The ones who do the checks are themselves builders registered in the ACT, and two of the current inspectors are actually qualified as certifiers in their own right.

MR HARGREAVES: Thank you. Mr Savery?

Mr Savery: The Australian Building Codes Board is currently developing a national accreditation framework, which all states and territories will be signatories to, that will establish minimum standards for private certifiers. We will also establish education

frameworks for building surveyors. There will be two different grades: graduate surveyors and fully qualified surveyors, who can do different levels of building certification. There will be a compulsion by all the state and territory regulatory authorities to implement certain registration programs and certification procedures for surveyors. The Australian Institute of Building Surveyors, which John previously referred to, is looking at the Building Codes Board being a partner in the training programs.

MR HARGREAVES: There are residential dwellings, high-rise buildings and all sorts of other things. Where does that sit in terms of these certifiers?

Mr Savery: The distinction made under the accreditation framework is that someone who has up to three years experience would be able to do domestic dwellings, and someone with over three years experience would be able to do multistorey buildings.

THE CHAIR: Would there be particular training for doing multistorey buildings as opposed to one-storey buildings? The scale and the engineering requirements are quite different, so surely there would be more than just time serving as a qualification.

Mr Savery: That's right. There is a parallel training process associated with the three years and beyond.

THE CHAIR: When does this look like coming into effect?

Mr Savery: I suspect it won't be in place until next calendar year. It's the difficulty of getting the eight states and territories to agree on a uniform framework.

THE CHAIR: Coming back to the current regime, you said something, Mr Myers, that made me think that what is happening in terms of auditing certifiers and auditing building sites is not necessarily proactive on the part of PALM. You were saying that you tended to concentrate on the people who had come to your attention as being less than optimal. Does that mean that if you kept out of PALM's sight, PALM didn't visit you?

Mr Meyers: To clarify that point, the 10 per cent random audits are carried out across all certifiers and builders. If a particular group or if individuals come to our attention, we would put more resources into monitoring a range of projects that they are involved in.

THE CHAIR: Is that 10 per cent random plus?

Mr Meyers: That's right.

MR HARGREAVES: Page 76 of volume 1 says that you established a design advisory service in February 2003 to respond to the changing nature of the information requested by bushfire damage victims. How is that coming along? Is it ticking along nicely?

Mr Corbell: It has gone very well and has been utilised by quite a large number of people who lost their properties in the fires. The purpose of it is to bring together the development side of ACTPLA, as it now is and as it was in PALM as well—development management for people who do the development applications so that

people can understand what the rules are for size of dwelling and what they can physically build on their block and what process they need to go through.

The MBA and the Royal Australian Institute of Architects provided architects to give basic design advice as well—for example, why don't you think about siting your dwelling this way on the block, instead of the way it used to be, to get better solar access? It has been quite highly utilised. I am not quite sure how it is travelling at the moment. There will have been some drop-off in the level of its utilisation, but there are still people who are making decisions about rebuilding. A service is still available for those people.

MRS CROSS: On that track, could you advise the committee what the cost of the service has been and how you measure the success of the ad hoc services? I am encouraged to hear from you that it has been a successful service, but how do you measure that?

Mr Corbell: I will take that question on notice, Mrs Cross, and provide some information to you.

MRS CROSS: The cost or the measurement?

Mr Corbell: On both. I am not quite sure what the measures are; I will get some advice on that. Equally, in relation to the cost, I do not have that to hand and I do not know whether anyone here can provide the cost of that service. We will try and get that to you later in this hearing.

MRS CROSS: On the same page, under the Canberra spatial plan, you mentioned that the department conducted a survey of 1,800 residents and a follow-up of 600 residents. You also noted another telephone survey that was conducted covering 2,100 residents. Could you advise the committee what the costs were of these surveys and what the results were of these surveys in broad terms? What did the department hope to achieve by conducting such surveys? Did the department achieve its objectives, and were the results incorporated into the development of the spatial plan? Lastly, if not, what was the point of the surveys?

Mr Corbell: I don't know that I got all those questions, Mrs Cross.

MRS CROSS: I will repeat them, Minister.

Mr Corbell: How about if I just answer the last few questions first? Certainly, the information that was obtained through that telephone survey process and follow-up survey has been used extensively in developing the Canberra spatial plan. The surveys have sought to identify a range of opinions from people on a range of issues, including future housing preference and transport issues. The government has also done a particular survey, a self-responding survey, on the future of Stromlo—the Stromlo-Molonglo Valley area. That was done through the Canberra *Chronicle*, where there was a survey that people could fill out to let us know their views on the future of Stromlo. That was a self-response survey, so the methodology was more open. Nevertheless, it allowed people to have their say on the future of Stromlo-Molonglo, and there were quite a few responses to that as well. In relation to the questions on the costs of the surveys, I will

take them on notice and provide the information to you as soon as I can. But in relation to the information being used, certainly it has proved very valuable in the development of the spatial plan process.

THE CHAIR: Going back to the question about the design advisory service and the issues that have arisen from the bushfire rebuilding, there were some much-lauded concessions at the outset that people who were rebuilding substantially what they had before had a much streamlined approval process. How many people, Minister, would have taken up the opportunity to have a streamlined approval process by basically replicating what they had had before the fires? How many people would have taken the opportunity to say that it was a nice house and they loved it for a variety of reasons, but if they are going to start again they should do something right, or more substantial?

Mr Thompson: I will have a go at part of it and, to be blunt, I do not have the absolute, up-to-date statistics. You will recall that straight after the bushfires the minister set up a regime where there were three categories for people to rebuild. If people were going to rebuild essentially identical to what they had before, it was a same-day service, incredibly quick turnaround. If they were going to build up to another 15 per cent—I think that was the figure—larger, it was a very quick service, I think within a few days, and above that 15 per cent, if you like, the normal rules applied.

That was fascinating because when we were having various consultations, particularly around Weston Creek, it was very clear there were two sets of view there. There were the views of the people who wanted to rebuild and there were the views of the sitting residents who had not lost their homes and were concerned about a monstrosity being built next to them. I think in the end that division between the large new houses, the 15 percenters, and the identical ones was about right. Over the first eight months my recollection is that very few people wanted to build the same as they had before. Almost everybody was going to increase the size of the house to some extent, and then a reasonable number were wanting something much larger again. But a lot were in the 15 per cent category, because time moved on.

Mr Corbell: The advice I have is that approximately 15 per cent of all applicants so far have chosen to rebuild pretty much what they had—so they are fitting into category one, substantially the same dwelling—and 85 per cent are choosing to build a different dwelling of varying sizes, varying scope.

THE CHAIR: We have finalised about 10 per cent of the houses. Is there any way of telling whether there is a correlation between the people who have chosen to substantially replicate what they had before and the people who have certificates of occupancy? If you take the easy path and basically replicate, you will have more chance of being back in your house.

Mr Corbell: I don't think that is the case. I will certainly get the figures for you, but from looking around the suburbs, including my own, most of the houses that are being rebuilt are substantially different, and a lot of them are substantially larger. That is, I guess, a function of the times we live in. People want to live in larger homes but they want to have smaller gardens. There is that trend. So we are seeing that on a lot of these larger blocks in Holder, Duffy, Rivett and Chapman. That said, some people are building on essentially the same footprint but they are reorienting the dwelling to face a different

street. For instance, there is a house around the corner from my house that used to face east-west, but it is on a corner, so now it faces north-south. So, it is essentially the same footprint but they have swung it around.

THE CHAIR: Is that is one of the things you can do—you can say that the footprint is substantially the same, or 10 per cent?

Mr Corbell: Yes.

THE CHAIR: And you can completely reorient it if the block allows you to do that.

Mr Corbell: Yes.

THE CHAIR: And still come within the fast-track approval.

Mr Corbell: Yes. Most of these people are taking advantage of the fast-track approval. Neil Savery indicates to me that in total we received just over 220 applications and, of those, 190 have been approved. So, the rebuild process is progressing, going very well. If you haven't been out to Weston Creek lately I would encourage you to get out there because the level of activity is great. It is looking very good. There are still some patches where quite a few houses are yet to be rebuilt, but there are very clear signs of activity, equally, and that is a very encouraging signal to send to existing residents.

THE CHAIR: Could you tell us, Minister or Mr Savery, if we have had 190 approvals, how many commencements we have had?

Mr Corbell: We can get that figure for you.

MRS CROSS: Minister, on page 82 of this report you say you are going to establish a development application decision review panel. Has this started?

Mr Corbell: Yes.

MRS CROSS: How is it progressing?

Mr Corbell: I will ask Mr Savery to answer that question.

Mr Savery: The decision review panel has been established as an internal committee of ACTPLA, where we have a number of very senior officers, and a chair appointed from those officers, who essentially review the recommendations of other ACTPLA officers who are essentially the case managers of individual applications. On key issues that decision review panel, particularly where, for instance, there are applications that are the subject of submission from members of the community, will make recommendations or make decisions in relation to those applications. In some circumstances, you would appreciate, certain applications are also the subject of advice from the Planning and Land Council. Some of those are mandatory under the regulations; others are sent to the Planning and Land Council for advice at the discretion of the authority, so that advice is taken into account as well. It means that in many circumstances, particularly on important applications, it is not solely the responsibility of the case manager to make a decision on an application.

THE CHAIR: Is that the internal review process that is currently in the legislation, or is it an additional process?

Mr Corbell: Mr Savery just advised me that it is an internal review.

THE CHAIR: So it is an internal review.

Mr Corbell: I think you are referring to something else. You are referring to the capacity of the authority to review its decision.

THE CHAIR: Yes.

Mr Corbell: No, it is not that. The capacity for the authority to review its decision can be exercised either by an individual case officer or by this panel. As Mr Savery has indicated, the purpose of this panel is to oversight the development approval process and, in particular, to consider certain types of applications of a larger scale or nature.

THE CHAIR: It is a form of peer review.

Mr Corbell: Yes.

MRS CROSS: How many people who apply for DAs each week seek a review or an appeal of the decision that is made in relation to their DAs?

Mr Corbell: Are you referring to applicants who seek a review through the Administrative Appeals Tribunal, or are you referring to the number of applicants who ask the authority to review its decision?

MRS CROSS: How many of the decisions that are made by the review panel have to be revisited?

Mr Savery: It represents a very low number. However, we will take that question on notice in order to supply you with an accurate figure.

Mr Corbell: It is worth just explaining that issue.

THE CHAIR: We need to understand what is being done and how it all fits together.

Mr Corbell: As members would be aware, the authority is now the decision maker for development applications, whereas previously it was not. As is defined in the regulations and in the land act, there is an opportunity in certain circumstances for applicants to seek a review of the authority's decision through the Administrative Appeals Tribunal. We will provide you with those numbers and we will also provide you with numbers that establish that the authority has been requested to reconsider its own decisions.

MRS CROSS: That would be good. When you provide those numbers could you also include the percentage of development applications that are revisited?

Mr Corbell: We can provide those statistics.

MRS CROSS: Will the panel be independent from ACTPLA?

Mr Corbell: No. The panel is part of ACTPLA.

THE CHAIR: I am not entirely sure what it does. It may or may not carry out a review of any decisions. Would an individual carry out such a review?

Mr Corbell: I will ask Mr Savery to explain the process in detail.

THE CHAIR: If I lodged a development application, my application was knocked back and I sought a review, what would happen?

MRS CROSS: Before the minister answers that question, I would like to know why, if the review panel is part of ACTPLA, there is any point in having that panel.

Mr Corbell: Essentially, its purpose is peer review. It enables more senior officers to review the management and assessment of development applications.

MRS CROSS: A lay person might look at it a little more cynically and assume that if reviews were to be conducted by people in the same area, whether or not those people were senior people or at a similar level, their objectivity might be somewhat diminished.

Mr Corbell: The panel is not reviewing decisions that have already been made by ACTPLA. The panel decides certain types of applications. I will ask Mr Savery to outline the process in detail.

MRS CROSS: Could you also explain what powers the review panel has?

Mr Savery: It might be necessary to make a distinction between the reconsideration process that was established when changes were made to the legislation last year and the process that is used by ACTPLA to make decisions on individual applications. I will refer, first, to the latter process. You would appreciate that, as an independent statutory authority, ACTPLA has the discretion to exercise its judgment on virtually all applications, unless the minister decides to call in an application.

Depending upon the nature of the application, a case manager in conjunction with a branch director can make a decision and, essentially, sign off on an application. Under the procedures that are in place, the authority might deem that an application warrants peer review because of its complexity or because of the size of a project. The decision review panel then assists us and gives us some additional guidance. The public can be confident in the fact that there is that rigour in the process. However, if an applicant has not accepted or is not satisfied with a decision, he or she can seek reconsideration of that decision. The authority has endeavoured to ensure that the people who make those decisions are not the people who reconsider them. We have a separate pair of eyes looking at those applications.

MRS CROSS: The panel does not necessarily have additional powers; it is just a separate group of people from whom you would like reconfirmation or a different opinion.

Mr Corbell: We require someone to take a fresh look at those applications.

Mr Savery: We seek to determine whether or not the original decision was justified.

THE CHAIR: Are you stating that only an applicant can seek reconsideration?

Mr Corbell: That is correct.

THE CHAIR: Aggrieved members of the public would have to go straight to the AAT.

Mr Corbell: That is correct. That is the avenue available to anyone who is entitled to appeal. That provision is built into the amendments that were passed by the Assembly.

MR HARGREAVES: We are talking about the development application decision review panel. Did you state earlier that that panel does not review decisions that have already been made?

Mr Corbell: The panel reviews recommended decisions.

MRS CROSS: Is that because you do not trust the initial decision?

Mr Savery: No, it is part of a continuum.

MR HARGREAVES: So a decision has not yet been made.

Mr Corbell: That is correct. A particular officer manages all development applications. That officer assesses the application and, if it meets the criteria established within ACTPLA's internal procedures for further consideration by the decision review panel, the officer prepares the application along with his or her assessment of whether or not it should be approved. That officer then refers the application to the decision review panel and that panel then looks at the issue, oversights it and brings in greater seniority and experience, if that is deemed necessary, before a decision is made.

MRS CROSS: Everyone on the review panel would be senior to those who made the initial decision; is that correct? Earlier you used the terms "peer" and "senior".

Mr Savery: There is some confusion in relation to the word "review".

THE CHAIR: I think the confusion relates to the word "decision".

MR HARGREAVES: There is confusion in relation to the use of the words "decision" and "review".

Mr Savery: I can only confirm that the panel that has been established within the authority provides a level of comfort in overseeing that decision-making process.

MRS CROSS: It is not a blanket senior group. It could be senior or peer or both.

Mr Corbell: The chair of that panel is one of our senior development assessment

officers.

MRS CROSS: That is fine, but members of the panel are peer people. It sounds like a good idea, but some people in the community could think that a member of one's own party confirming that a decision that has been made by a member of that party is the right one is like a bit of backslapping. I would not think that because I have great faith in the people of the department.

THE CHAIR: And you are not a party person.

MRS CROSS: That is exactly right. I am happy to say so. It could be perceived as confirming and backslapping each other. How do you get around the community's concern?

Mr Corbell: The legislative framework is quite clear. It says that the decision maker is an independent statutory authority. The statutory authority, ACTPLA, has its own internal mechanisms to achieve what it thinks are well reasoned and sound decisions on an application. The legislation then allows for people who are aggrieved by that decision in certain circumstances to seek review. That review is done by an outside body. I think that the framework is very clear. What we are talking about here is the internal mechanisms of the statutory authority to reach its decision, which is then subsequently open to independent review in certain circumstances.

MRS CROSS: Could I just pursue this for a couple of minutes? Let me set up a hypothetical situation: somebody puts in a development application and the approving officer gives it a tick but says that it should go off to the development application decision review panel because it meets certain criteria. The review panel says, "No. We don't like it." Who makes the decision? Does the decision rest with the original person, with the panel or with a third party? Who finally makes the decision on whether or not a DA gets a tick?

Mr Corbell: In the first instance it is important to stress that a decision is not given and then taken away.

MRS CROSS: Somebody could think, "This looks pretty good. I will send it off to the review panel." What happens if the person who thinks it looks pretty good disagrees with his peers? Is he or she about to be making a courageous career-limiting move? What happens if there is disagreement between the person who has to make the decision and the review panel?

Mr Corbell: I am advised that the decision review panel is the decision maker in the cases that come before it; therefore, it determines whether the application should be approved and, if it should be approved, what conditions apply.

MRS CROSS: What does the interposing of the development application decision review panel do to the timeline for approving DAs?

Mr Corbell: As far as I am aware, there has not been a significant change to the timelines as a result of the introduction of this process. I can provide you with those statistics.

MRS CROSS: Could you provide us on notice with the average time it takes to process a development application?

Mr Corbell: I think that is in the annual report.

MRS CROSS: On page 82 it states that as a future direction ACTPLA hope to “facilitate major development projects which contribute to the government’s broad strategic goals or represent a significant contribution to the ACT economy”. My question is: what major projects were being referred to?

Mr Corbell: I think it is fair to say that that future direction highlighted the fact that the government is currently considering, for example, a number of key development projects, such as the jail that Mr Hargreaves mentioned. Clearly, ACTPLA will have a role to play in the planning and development approval process for that facility should it proceed at the preferred site.

MRS CROSS: Is there a dollar value? When you say “major projects”, what is the dollar value, give or take \$50 million?

Mr Corbell: Major projects can be major in dollar terms or in other terms. Clearly, the jail, for example, has both major economic and social outcomes to the city and so ACTPLA has an important role to play. These dot points simply reflect that—that the organisation is focused on ensuring that significant projects, whether significant in social, economic or other terms, are addressed adequately, comprehensively and in a timely manner.

MRS CROSS: How does ACTPLA facilitate these major development projects?

Mr Corbell: It facilitates them by ensuring that where they meet the planning and development controls they are assessed and approved in a timely way.

MRS CROSS: Could you explain then the government’s broad strategic goals?

Mr Corbell: The government has outlined its broad strategic goals to date through the draft Canberra spatial plan, the draft city west master plan, the draft Woden town centre master plan and a range of other documents; they outline our broad strategic goals for the revitalisation of the city and some of our key town centres. The draft spatial plan is the government’s preferred direction at this stage for the overall metropolitan structure of the city and that document is being revised through the final public consultation process which finished just before Christmas last year.

MRS CROSS: So, for the purposes of accuracy, the sorts of draft strategic goals.

Mr Corbell: Those as outlined in those documents.

MRS CROSS: The draft plan?

Mr Corbell: In the spatial plan and the other planning documents that ACTPLA has produced with the endorsement of the government: the Woden town centre master plan,

the city west master plan and so on.

MRS CROSS: I would like to make a reference to Dick Smith's attempts to redevelop part of Manuka. Could this situation be considered to have represented a potential significant contribution to the ACT economy?

Mr Corbell: All developers would consider their particular applications a significant contribution to the ACT economy.

MRS CROSS: What do you think?

Mr Corbell: I think a development application should be assessed taking into account the broader community aspirations for development or redevelopment in a particular area and the economic, social and environmental consequences—both negative and positive—of such a development. The reality is that Mr Smith did not even lodge a preliminary proposal with ACTPLA.

MRS CROSS: What would you consider to be a significant contribution to the ACT economy?

Mr Corbell: That is a very subjective judgment, Mrs Cross.

MRS CROSS: That's why I am asking what you think.

Mr Corbell: It can be any number of things. Perhaps as an example I would again use the jail. The jail is a significant project. \$100 million is clearly a large project in terms of its economic value, and it is a significant project in terms of its job creation potential, both in construction and in operation. Equally, it serves important social goals for the community in terms of people who have to be incarcerated being incarcerated here in Canberra, closer to their families and with greater opportunities for rehabilitation, and for our community to guide their rehabilitation rather than relying on the New South Wales prison system. I would use that as an example of a major development project.

THE CHAIR: We will adjourn now, as we are off social planning today, and we will reconvene at midday.

The committee adjourned from 9.59 am to 12.05 pm.

THE CHAIR: We will recommence and, for the benefit of those who weren't here earlier, you should understand that these hearings are legal proceedings of the Legislative Assembly, protected by parliamentary privilege. That gives you certain protections but also certain responsibilities. It means that you are protected from certain legal action, such as being sued for defamation for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter.

We were making our way through PALM. I wanted to ask a general question about the application of what I understand is called regulation 12 under the land act. The current example is what is happening with Karralika. I want to know, Minister, how often we have used regulation 12 to prohibit or to limit the consultation on a development of any

sort.

Mr Corbell: I would have to check the records, but to the best of my knowledge once, in relation to Karralika.

THE CHAIR: Only once in relation to Karralika.

Mr Corbell: Since I have been minister.

THE CHAIR: No. I was actually asking a more wide ranging question, which I think would have to be taken on notice. How often has regulation 12 been used?

Mr Corbell: I will have to take that on notice, but certainly since the change of government—I have been Minister for Planning for all that time—I can only recall once.

THE CHAIR: The Karralika instance.

Mr Corbell: Yes.

THE CHAIR: Can you give an exposition of your understanding of what regulation 12 means?

Mr Corbell: Regulation 12 allows the minister to determine that a facility provides confidential services or services of a sensitive nature and that it can be deemed to be in the public interest to have any changes, extensions, renovations or redevelopment of those services to be exempt from the public notification and appeal provisions of the land act. So what it means is that a development application must still be lodged and assessed by the planning authority, but the public notification and review avenues are not required to be adhered to. The purpose of that is that, if the minister determines by instrument that a facility is a facility that provides services of a confidential nature or that are sensitive in nature, and it is in the public interest to do so, he can exempt the development application from the notification and review avenues in the land act. That is what I have done in relation to Karralika.

MRS CROSS: The interesting element there is the services. Would that mean, for instance, that anyone who provided counselling services would provide services of a confidential nature? Is it about the nature of the services or the nature of the institution that regulation 12 refers?

Mr Corbell: I would have to double check the land act but, having recently read it, my recollection is that the words are “confidential services”.

THE CHAIR: And has that always been the wording?

Mr Corbell: The government have not amended the land act in that regard since we have been in office.

THE CHAIR: Could you take on notice whether it has ever been amended? My understanding, without having read it, was that it was about not so much the confidential nature of the services provided but the confidentiality of the location; that the location of

a building had to have some anonymity rather than the sorts of services that were there. For instance, if it is about the need for anonymity for the building, the structure, there seems to be a stronger case. My recollection of the example in the regulation is of a domestic violence shelter, which you can understand. It could also be ASIO headquarters or an intelligence-gathering organisation that might want to keep its physical location a secret. But there is no secret about the existence of Karralika and where it is located.

Mr Corbell: The reference in the land act is to “confidential services”; those are the words used. Yes, there is an example of a domestic violence shelter used also, but the words, if I recall them correctly—again, I will double check them—are along the lines of “confidential services or services of a sensitive nature”. I make the point that, obviously, immediate neighbours tend to know what is happening next door, regardless of what sort of facility it is. So the issue is more: is the broader community aware of the location of that facility and what its purpose is.

MRS CROSS: They are now.

Mr Corbell: It is interesting that quite a number of representations that I have received on the issue of Karralika are from people who are completely unaware of the location of the facility or its purpose—and they are residents from the suburb. My reading of the intent of the regulation is that it is not about keeping it secret from immediate neighbours—they obviously know it is there because they live next door, across the road or whatever—but about the broader community being aware of its location and whether or not its activities should be subject to the same level of scrutiny as a normal development proposal. The act vests in the minister the responsibility to make that judgment as the act does in a number of other circumstances; for example, whether or not it is appropriate to use the call-in power.

MRS CROSS: The concerns of the residents are not that they do not know that it is there; in fact, most of them in the area now do know it is there. Their concern is that they say that the consultation—or whatever you want to call it—has been flawed. They say they were not properly consulted. I have been out to this place and they say that they were not properly consulted and that, in fact, probably only a dozen—maybe 14, maximum—households were notified. They can trace only 11 that received a letter. Their concern is not about not knowing about the facility. Their concern is with the consultation process, or lack thereof.

Mr Corbell: I took the decision at the request of ACT Health, who are responsible for the redevelopment and extension of Karralika, that it was in the public interest to exempt the development proposal from notification and third party review provisions of the land act. The reason I did that was that the success of the service is based on the fact that it is a low-key facility, sitting within what is essentially a suburban area, which is discreet and which allows people who are detoxified to continue their rehabilitation process. The facility will predominantly cater for a large number of parents with children. One of the issues of concern has been that there are not enough rehabilitation places for parents with dependent children. This facility will allow for that. I took the view that it was not in the public interest for the exact location or purpose of Karralika to be broadcast to the broader community because that would impinge upon its discreet, low-key nature of operations

MRS CROSS: But three-storey buildings cannot be discreet in a residential area.

Mr Corbell: I am happy to correct the record on a number of these things. The facility is a two-storey facility and it is consistent with the land act, as far as I know, when it comes to the height control, which is two storeys in a residential area. For those who are familiar with it, the block slopes away quite dramatically at the rear and a number of the buildings that are proposed to be built would be built into the slope and would obviously have some fall away towards the far side of the block. But, when you view the building from the top of the hill, which is obviously the highest point, all buildings at the top of the hill are no higher than the existing building.

MRS CROSS: You are talking about the Fadden side, not the Macarthur side, Minister. On the Fadden side that is the case. On the Macarthur side—

THE CHAIR: We need to ask questions rather than make statements.

MRS CROSS: Yes, I am just asking. That is the question. Are you referring to the view from the Fadden side or the Macarthur side?

Mr Corbell: I am referring to the view from Bugden Avenue.

MRS CROSS: The Fadden side?

Mr Corbell: I am not sure whether that is the Fadden side or not, but I am referring to the view from Bugden Avenue. I think it is worth making the point too, in relation to the view of the site from other residences on the Macarthur side, on two sides of the block it is currently urban open space. There are no adjacent dwellings on two sides of the block. In fact, on one side of the block there are two large water reservoirs. On the other side of the block it is urban open space. There is no residential lease that immediately adjoins the Karralika block and the closest residential lease would be approximately 40 to 50 metres away from the Karralika lease. There is no instance of any residential lease immediately adjoining the Karralika lease. That said, I did take the view, because I am responsible both for the development of this facility and also for exempting it, that ACT Health or the project manager for the project should conduct a doorknock of those residents who live closest to the facility, advising them of the proposal and advising them of the opportunity to make comment on the design of the proposal. That is what has been done, and I have extended the period of time for public comment from those residents by an additional two weeks as of last week.

THE CHAIR: Minister, when these residents were doorknocked, were they given any piece of paper? Was anything left with the households or was it that the person who doorknocked spoke to a person in the house and that was it?

Mr Corbell: I would have to check what material was provided. I am not quite sure.

THE CHAIR: Because it has been put to me—and I would like to get to the bottom of it—that residents were told that what was happening at Karralika was that there was a refurbishment. I would like to know whether ACTPLA—was it ACTPLA or the Department of Health who did this doorknock?

Mr Corbell: I think the doorknock was done by the architects engaged by Health to design the facility.

THE CHAIR: So, depending on which hat you are wearing—I don't mind under which capacity you answer the question—could you clarify for the committee whether the information that went to nearby residents was that there was a refurbishment going on?

Mr Corbell: I will certainly take that on notice.

MR HARGREAVES: May I take a point of order, Madam Chair. I am starting to wonder in which part of the annual report the redevelopment of Karralika appears? Annual reports are about what has occurred in the previous financial year, not what is about to occur.

THE CHAIR: Yes, I understand that.

MR HARGREAVES: So, I would like you to tell me for the record whereabouts in this annual report I can see the reference to the Karralika redevelopment.

THE CHAIR: If you were here at the beginning, Mr Hargreaves, you would have heard the opening question, which was about the application of regulation 12.

MR HARGREAVES: Okay, and we are now talking about something that has not occurred which should be the subject of discussion in, for example, the estimates process, the budget process—any other process than for this committee, which is to consider the history of what has occurred in the past financial year. I suggest, respectfully, that you move on to something that is in this document here. Otherwise, I shall record a dissent.

THE CHAIR: Okay, that is fine, but at this stage I am in the middle of a—

MR HARGREAVES: Because this is a witch-hunt and you know this is a witch-hunt and you know that your leader has just stoked up all these people out there—put out misinformation, for example, that these dwellings are going to tower over people like the tower of Babel. Let's move on to something in this book, Madam Chair.

THE CHAIR: Order, Mr Hargreaves. I have noted your comments, and we can discuss those in the committee if you so wish, but at this stage I am about to ask the question and I think Mrs Cross has a question. My question, Minister, is that in the light of what appears to be the information given to residents, that there was a refurbishment going on, would “refurbishment” pass the common man test of what is proposed for Karralika, which is to increase the number of buildings substantially, and take it from what you talked about as its small-scale, domestic, intimate nature to what could be called a small institution? This is not to cast any aspersions on Karralika at all, but would you consider what is being proposed at Karralika could pass the common man test of being described as a refurbishment?

Mr Corbell: I have just been handed the information that was provided to residents.

THE CHAIR: So there was information given to residents.

Mr Corbell: Yes. I will get this copied and provide a copy to the committee.

THE CHAIR: Thank you.

Mr Corbell: The information, though, members will see when I provide it to you, does show the scale and scope of the development.

THE CHAIR: So that was handed out to the close-by residents?

Mr Corbell: Yes.

THE CHAIR: Was it at any stage characterised as a refurbishment?

Mr Corbell: I can't recall. I am not familiar with the details of that letter. I will provide it to the budget committee and you can make some judgments based on it.

THE CHAIR: Thank you very much. Did you have another question?

MRS CROSS: I do, but not on this issue, though. Minister, output class 4, pages 108 and 109 of volume 2—it is reported that PALM aimed at development applications having a median processing time of four days for single dwelling applications and 30 days for other development applications. PALM bettered the target—for single dwelling applications the median time equalling one day—and equalled the target for other development applications, the median time being 30 days. I have a few questions. My first one is: do these median times account for preapplication meetings, on-site inspections and HQSD assessment?

Mr Corbell: No, they don't.

MRS CROSS: If not, why are the times for these necessary actions not reported?

Mr Corbell: It is a reasonable question, Mrs Cross. It is something I think needs to be addressed. The current timeliness measure is the percentage of development applications assessed within the statutory timeframes. As the committee is probably aware, the HQSD process, including its attendant meeting, preassessment process and so on, is not a statutory process per se, and therefore does not fall within the bounds of this measure, which has been in place for some time. I think it is important that we have a measure which better reflects the complete amount of time taken to get a development application approved, including the preapplication HQSD process, and I have asked ACTPLA to do further work on this issue so we can get a better indication of the total amount of time taken.

That said, it is worth highlighting that the HQSD process by its very nature can have responsibilities on both the applicant and ACTPLA. It is often a conversation which can take a period of time to evolve a proposal. So, the trick is to develop a measure that is meaningful but which also takes account of what is that dynamic between the applicant and the planning authority. But that work is under way, and Mr Savery would just like to add to my answer.

Mr Savery: If I could expand in relation to finding an appropriate measure: in response to the minister's request that we review some way of identifying an appropriate timeframe for the preapplication process, we will be proposing to the minister a timeframe when the preapplication process is actually in our hands. If, for instance, a conversation has taken place that puts the onus back on the applicant to do a piece of work, the measure will not relate to that because it is in the applicant's hands. But if they have submitted a piece of material to us, we will put a timeframe on that within which we will respond.

MRS CROSS: Do you think that the median time is the best measure of timeliness, Minister? Do you think that using that as a measure of timeliness is more effective than taking averages?

Mr Corbell: I am sorry, could you repeat the question?

MRS CROSS: Do you believe that median time is the best measure of timeliness?

THE CHAIR: Median rather than mean.

MRS CROSS: Exactly.

THE CHAIR: What is the mean time?

Mr Corbell: I could not tell you what is the mean time, but I am sure that we can provide it.

THE CHAIR: Can somebody tell us what is the mean time?

Mr Corbell: I am happy to take it on notice.

MRS CROSS: I know that you have experts who deal with that, but for me using an average is clearer than a median.

Mr Corbell: The difficulty with using an average is that that is fine as long as you are only doing average development applications. The reality is that ACTPLA deal with a range of development applications which could involve simply adding a toilet to a house, extending a house a little bit to put a toilet into it, or a massive 10 or 20-storey residential tower.

THE CHAIR: But we have distinguished between single dwellings and other developments.

Mr Corbell: Nevertheless, there is a great deal of variation in the types of development applications that are received. In that respect, median probably is reasonable. But these are subjective judgments that the government is always looking to improve. The measures that are used to measure the adequacy of service and timeliness are certainly things on which we would welcome the committee's views.

MRS CROSS: You state here that 76 per cent of the other development applications were assessed within the statutory timeframes. What is the average time in which these

DAs are processed?

Mr Corbell: Again, we will have to take that question on notice, Mrs Cross, and provide you with the information.

MRS CROSS: Okay. What was the longest time in the last year taken for a DA to be processed? You can take that on notice as well.

Mr Corbell: I am happy to. For what sort of DA—single dwelling or other?

MRS CROSS: Give me one for each category. Finally, has the DA that you come back with me on been finalised, the one that was the longest?

Mr Corbell: It is worth making the point that there are statutory timeframes for a decision when it comes to a development application. After that period, it is a deemed refusal, in which case it is up to the applicant to choose whether to pursue the matter through the AAT. We will try to work out a meaningful figure for you, Mrs Cross, that takes account of those sorts of issues.

MRS CROSS: What you are saying, Minister, is that if the onus is upon the applicant to help complete the process, then you cannot be held responsible for that if they are delaying in getting something to you.

Mr Corbell: Yes.

MRS CROSS: Would I be correct in assuming that in most cases the onus is not on the applicant for the longer delay? Do we have some idea?

Mr Corbell: It's a mixture. It's a real mixture. In many instances, ACTPLA will request further information and it may take some time for the applicant to put that information together. They may choose not to; they might put the application on hold but still hold it in the system in case they want to come back. It really does vary, but we will try to develop some meaningful measures for you.

MRS CROSS: Thank you.

THE CHAIR: I was going to ask this question later but, as we are on development applications and their statistics, I will go back to something that we almost touched on in relation to the bushfire refurbishment, that is, the application of HQSD in the domestic, single dwelling situation. I am obviously not entirely up to speed, but a constituent came to me recently about an application in an established suburb for an extension and they have now been required to go through a HQSD process, even though all the neighbours have signed off and said that they are happy with the extension. In an older Belconnen suburb, under what circumstances would you need to resort to HQSD for an extension of a single dwelling?

Mr Corbell: HQSD is now, essentially, a fundamental part of almost all development applications. Reference is made to it in any residential land use policy under the territory plan. It is a process that people are required to go through in most circumstances for any sort of substantial alteration, extension or redevelopment; they have to go through the

HQSD process. The process, at my request, ACTPLA have sought to make more efficient, depending on the type of application. I announced late last year—I think in December last year—that I would hope within the first quarter of this year to have some revised processes in place that allow for what are relatively straightforward DAs to be dealt with in a more effective and timely way. There is a range of draft documents that are being reviewed as part of that and it has been pointed out to me that the first is a planning approval process for simple residential projects. That is the first category.

THE CHAIR: What is “simple”?

Mr Corbell: An extension to a house.

Mr Savery: I would refer to it as relatively non-intrusive.

Mr Corbell: Mr Savery suggests that it is relatively non-intrusive. Planning, by its very nature, is a subjective area. It includes planning approval projects for complex residential projects and sustainable residential design resource books, which obviously relate to larger residential complexes. As Mr Savery indicated earlier, that work is ongoing. I want ACTPLA to be able to go to the community and state, “If you meet all our documentation requirements for X projects, this is the time guarantee that we will give you.” We probably will not be able to meet that guarantee 100 per cent of the time, but I want to be able to meet it in the majority of cases. That is what we are striving to do at the moment.

THE CHAIR: I sound a word of caution. I hope that you do not end up giving the proponent a vast amount of work in the domestic area. I hope that you do not state, “We have met our requirements. Now you have to go away and do the work.” Recently a constituent said to me, “I got in a draftsman, certain things were happening and suddenly I was confronted with a great deal of additional paperwork.” That sort of thing is not within the capacity of the average person. This is something that these people do in their spare time after they come home from work. They get together to do work on high quality sustainable designs on a domestic scale. I suppose that this is a plea for reasonableness in the small-scale development area—where people are doing this themselves and they are trying to keep it affordable. Will you take that into consideration?

Mr Corbell: I understand what you are saying. This is part of the balancing act. As a community we want to achieve a better quality of design and built form for our city. We want our city to remain an attractive, pleasant and aesthetically interesting place. At the same time, we do not want everyone to have to commission hordes of people to do this work. That is what is being done. As Mr Savery pointed out earlier, a number of steps are being taken, including attempting to codify ACTPLA’s requirements. Those requirements must be clear and straightforward so that ACTPLA knows what is needed to assess an application as part of the HQSD process.

THE CHAIR: My next question relates to events that are covered by the annual report. I am not sure whether the issue is covered by PALM or by the Land Development Agency. What stage have we reached in relation to the motion that was moved in the Assembly in April 2002? In September 2002 I think you made a statement about what would happen.

Mr Corbell: Yes.

THE CHAIR: What processes were involved? How long will it take to resolve that issue?

Mr Corbell: Two things have to happen. First, we require a draft variation to the territory plan to change the land use policy at Narrabundah to broadacre. Second, the land will be released for sale. The government said that it would progress the draft variation. I am not quite sure what stage that draft variation has reached. Someone from ACTPLA might be able to assist me in that area. The Land Development Agency will then proceed to release the land through a competitive process. I am advised that the variation is still being prepared.

THE CHAIR: So this is the green paper phase? Is it the one that goes out for initial consultation?

Mr Corbell: That is correct, yes.

THE CHAIR: Will you provide the committee with a timetable to indicate what has happened since the Assembly passed its resolution in April 2002? What steps have been taken since then? Would you tell the committee off the top of your head when you made an announcement about what you would do in relation to that resolution? You made that announcement about a year or more after that April resolution. What has happened since then? A paper still has not been released for public consultation.

Mr Corbell: I will take the details of your question on notice. Referring to the announcement that I made, if I recall correctly, I think I announced it at some stage early last year.

THE CHAIR: I cannot remember.

Mr Corbell: It might not have been early last year, but I made that announcement at some stage last year.

THE CHAIR: Would you provide the committee with a chronology of events from April 2002 up until today?

Mr Corbell: Sure.

THE CHAIR: What is the timetable for the release of the consultation paper on the draft variation?

Mr Corbell: We will provide that information to the committee.

THE CHAIR: We have no additional questions for ACTPLA.

Mr Corbell: I have available for committee members copies of the information that was provided to Fadden residents. I draw to the attention of committee members the second paragraph of the letter that was addressed to Fadden residents, which states:

Dear Fadden resident

The work is required to refurbish the interior of the existing Karralika homestead but will also involve the replacement of several of the existing outbuildings with new ones and the addition of new facilities. There will be no change to the existing purpose of the Karralika facility which currently serves as a residential rehabilitation facility. While there will be some increase in the level of activity at the site once construction and landscaping work has been completed the facility will retain its essentially discreet and low profile character. Attached are copies of architects' drawings showing the scope of the works. In total, the new buildings will cover less than 26 per cent of the site with large well-landscaped setbacks to all boundaries.

MRS CROSS: I turn to the Land Development Agency, which is referred to on page 51 of the report. Minister, you stated that you conducted planning studies to help identify and release land that is suitable for older persons accommodation. What was the outcome of those studies?

Mr Corbell: The release of land at both south Bruce and Garran.

MRS CROSS: What land was determined to be suitable?

Mr Corbell: The land at those two sites.

MRS CROSS: Just those two sites?

Mr Corbell: The sites that were released were at south Bruce and in Garran. The land group also worked with PALM, as it then was, to identify further sites, which the government has since announced, including sites in Nicholls, Gordon and Belconnen, as well as in Greenway.

MRS CROSS: What are the plans for that land?

Mr Corbell: Late last year the Chief Minister and I announced our policy on providing additional accommodation for aged persons. The government has commenced work on a preliminary assessment for block 6 section 87 in Belconnen for a 100-bed hostel and nursing home and for 150 self-care units.

THE CHAIR: When did it start?

Mr Corbell: We commenced last financial year.

THE CHAIR: That is the preliminary assessment?

Mr Corbell: Yes. The preliminary assessment commenced this financial year. It is expected that the land will be sold by tender this financial year. Planning studies have commenced on sites in Monash, Greenway, Gordon and Nicholls to determine their suitability for the development of older persons accommodation. We are also working with several community organisations to facilitate other land release options in areas such as Gungahlin, Woden and Tuggeranong.

THE CHAIR: You said that Gordon, Greenway and Nicholls are being assessed for their suitability, but I thought that they had already been set aside as places for older persons accommodation.

Mr Corbell: Perhaps Ms Skewes or Ms McKinnon can give you more information. I preface by saying that a variety of planning work needs to be done. For example, the Greenway site requires a variation to the territory plan. I am not that familiar with the Monash site, but certainly in relation to the Nicholls site there is the normal range of studies to determine the capability of the land in terms of how much it can physically hold. The servicing requirements and so on are a normal part of the assessment prior to release.

THE CHAIR: I would just like to clarify something, and I do not mind whether Ms Skewes, Ms McKinnon or anyone else clarifies it. You said at the outset that these bits of land had been set aside for older persons accommodation and then you said that further planning studies were being done as to their suitability. Is that a self-contradictory statement? When you say that further planning studies are being done as to their suitability, it is how much and where?

Mr Corbell: It is the detail of the development.

THE CHAIR: Could you provide for the committee a timeline for each of those sites—when it started, what has been done, what needs to be done and when it will be finished?

Mr Corbell: Some of those matters are still subject to government consideration. Within reason, I can provide you with indicative timeframes. Ms McKinnon points out to me that it is also contingent on the Commonwealth's release of additional funded beds for some of these facilities. A lot of the providers operate on the basis of acquiring a site knowing that they are about to receive or have received funded bed places through the program for the federal Department of Health and Ageing.

THE CHAIR: If you have identified land that is suitable for aged persons accommodation and that in the broad spectrum there is a general community recognition that we are going to have a substantial increase in the number of sites for aged persons accommodation, would you not consider it prudent to undertake all the necessary planning, irrespective of whether the beds are currently released? We know that at some stage in the future the beds will be released.

Mr Corbell: That is what LDA and ACTPLA are doing now. The government announced in December that it would move forward with the detailed planning work needed so that those sites were available. We have, essentially, committed to the establishment of a land bank of sites for aged care accommodation.

THE CHAIR: Are the Monash, Nicholls and Greenway sites dependent in some way on the release of Commonwealth beds; they all have some high-care component?

Mr Johns: With the three sites you mentioned, the intention is to release land that can be used for a retirement complex. It is generally considered to comprise a hostel nursing home with independent living units. The common terminology these days that the Commonwealth uses is high and low care.

THE CHAIR: All of those to some extent will be dependent upon the Commonwealth release of funds?

Mr Johns: Indirectly, yes, insofar as there is a dynamic between the provider of the service and their access to funded bed places. It is not something that directly affects the territory; it is more a dynamic between the provider and the Commonwealth, which allocates beds to the providers, but it does have a potential impact on the timing of the release of sites.

THE CHAIR: Does the planning for aged care accommodation envisage the provision of low-care independent living units— independent of being co-located with high-care facilities? I ask this question—I stand to be corrected—because my recollection is that the figure is that between seven per cent and 10 per cent of people avail themselves of high-care beds, so there is a substantial need, independent of high-care beds, for different sorts of accommodation. There is material in the spatial plan that indicates people's needs and wants for particular changes in living conditions. Are you planning to provide aged persons units which are independent of high-care accommodation?

Mr Johns: Generally, a number of ways have been suggested. There is the potential to identify stand-alone low-care sites. Ms Skewes will give you some more detail in relation to that. I think it is also important to note that low-care accommodation is essentially unassisted living in a smaller dwelling of some sort. It might be part of an integrated community or something more informal than that. The best way that that can be accommodated from the government's point of view is to make sure that our residential land use policies and our community facility land use policies accommodate that demand.

Residential land use policies, for example, particularly through the most recent variation to residential land use policies—variation 200—permit smaller dwellings to be developed closer to shops and services, thereby meeting the needs of many people who are still completely capable of independent living but want to live in a smaller dwelling closer to shops and services. Equally, the community facilities land use policy permits the utilisation of those sites for aged persons accommodation and breaks the nexus between the use of those sites and the requirement for a high-care facility—and that was introduced by the previous government.

Those are two policy settings that we think broadly meet the demand. To a significant degree, we expect that the market will respond to the provision of more of the low-care style facility through the standard residential market and the utilisation of existing residential land use policies and community facility land use policies. Ms Skewes will give you some more detail about particular sites that are also being investigated.

Ms Skewes: It is important to note that we have two sites on our current land release program for release. In fact, this financial year the sites at Fadden and Gowrie are being specifically targeted towards independent living units without the attached high-care facilities. Recognising the government's objective of having a range of accommodation being provided, we are keenly progressing those two sites to the market to provide the opportunities for the private sector to respond with independent living unit accommodation.

THE CHAIR: That is residential land rather than community land?

Mr Corbell: That is correct.

MRS CROSS The questions I am going to ask relate to the information on pages 201 to 206. Minister, joint ventures have declined from 437 in 2001 to 209 in 2003, to 18 in 2003. What are the reasons for such a decline?

Mr Corbell: The government has not entered into any new joint ventures, and nor did the previous government. In fact, joint ventures were mostly inherited from the previous Labor government, prior to the Carnell government coming to power, and what you see there is simply a reflection of those joint ventures being completed and the number of blocks being sold and the joint venture land stock being exhausted.

MRS CROSS: Given that joint ventures have proven to be revenue-raising exercises for the ACT—we have raised something like \$75 million in 10 years—wouldn't it be a prudent thing for a government to undertake more joint ventures?

THE CHAIR: I think we might have a debate about that.

Mr Corbell: It is a good question, Mrs Cross. You may be aware that, following the commencement of the Land Development Agency following the reforms in the passage of the Planning and Land Act last year, one of the key objectives was the establishment of the Land Development Agency, of which Ms Skewes is now the chief executive. Its responsibility is to manage the territory's land asset to improve on the social, economic and environmental returns that we can achieve from the management of our land, and the effective use of it.

One of the issues which the LDA board is currently considering is the establishment of joint ventures with potential private sector partners to develop new estates in Canberra. In fact, the land release program and the revenues from it, which are outlined in the budget, reflect the consideration of a range of revenues coming to government, including revenues through joint venture, along with revenues from direct sale of land through auction or tender, and also land development undertaken directly by the LDA. So, yes, joint ventures are back on the agenda and are being considered very carefully.

Ms McKinnon also points out to me that at Kingston there is a joint venture in place for stage 1A of the Kingston foreshore project, which involves St Hilliers and a company working within the LDA.

MRS CROSS: I would like to go to a reference on table 2, page 202. The reference is the Dunlop 1 joint venture. How did the government manage to receive 82.5 per cent of the profit yet share only 50 per cent of the liability?

Mr Corbell: A pretty good deal, I would have thought. I am advised that it comes down to the level of investment that the joint venture partner was prepared to put into the venture, and obviously the more money you put into the venture the greater your share of the profit. So in this instance the territory was able to get a better return because it was bringing more to the venture, but also managed to negotiate terms which shared the

liability.

MRS CROSS: So it is a common occurrence when that formula applies, or was it just a one-off?

Mr Corbell: Different joint ventures have different arrangements and they vary from joint venture to joint venture. This is the nature of the commercial contract entered into between the territory and that particular joint venture partner.

THE CHAIR: Another thing about joint ventures: you mentioned before, Minister, Kingston foreshore/St Hilliers is a joint venture which is currently on the books but is in another report. Was Yerrabi stage 2 also a joint venture?

Mr Corbell: No. That was a direct private land development project—

THE CHAIR: No, I thought it was—

Mr Corbell: Oh, sorry, Yerrabi 2A?

THE CHAIR: Yes, 2. And Yerrabi stage 2 was a privately managed government—

Mr Corbell: My apologies. It was a contractor to government.

THE CHAIR: Yes, they had a contractor coming in doing the work, okay.

Mr Corbell: That is correct. My apologies.

THE CHAIR: If we are asking questions about land, do we want to also do the questions about the KFDA and GDA at the same time? It might be useful.

Mr Corbell: That would be fine.

MR HARGREAVES: It would be helpful for the officers if they could nick off when they are through.

THE CHAIR: So then the officers could nick off—I mean that in a nice way. I wanted to ask some questions which only marginally touch, Mr Hargreaves, on the annual report. It is about the transition arrangements for the KFDA and the GDA—the handover and how that has been managed, and the implications for the administration of land. Minister, could you give us an exposition of what has happened? These two organisations have been subsumed into the LDA and you actually mentioned, when we were talking about the St Hilliers contract, that it was being managed by a company within the LDA. What does that mean?

Mr Corbell: I think I will ask Ms Skewes to answer that, because it is more her province than mine. But it is worth noting that there are three organisations that have come together to form the LDA: Land Group within Urban Services, Gungahlin Development Authority and the Kingston Foreshore Development Authority. They have all come together. It is quite a challenging task to bring together three quite discrete organisations with different people, different cultures and different histories, and I must say that the

work that has been done in bringing those organisations together has been very good. In such a short period of time, to have managed such a complex task and still deliver on time the land release program that the government wanted is, I think, a very significant achievement, one that I am very proud of and one that I think the LDA has managed exceptionally well. That is down to the board and the senior management of the organisation, as well as all of the staff engaged in those three organisations, coming together. I will ask Ms Skewes to outline in more detail that process.

Ms Skewes: The process of transition, as the minister has indicated, has been relatively smoothly done. In fact, if you look at the results of the land release program to date, we are well on track to achieving our target for this financial year. The process of the transition has been effectively managed by the LDA board, which you will understand is a commercial board that has, in fact, set a framework and a functional arrangement for the organisation which seeks to preserve and facilitate the further development of the Gungahlin development and the Kingston foreshore development, and also to maintain the activities that had been inherited by the former land group in terms of the land release program and the direct grants program. In fact, we now have an administrative structure, a functioning structure, that gives very clear responsibilities to each of our divisions—our land division, our urban division and our business, analysis and marketing division—to contribute and drive those projects forward. The other point worth noting is that the objectives that the LDA board has set as part of its business plan give very clear direction for the delivery of each of those projects through its business plan objectives and its statement of intent.

THE CHAIR: Could you explain, Ms Skewes, what was meant by the St Hilliers joint venture being managed by a company within the LDA. Are there individual commercial entities inside the LDA, or how does that work?

Mr Corbell: Before Ms Skewes answers, my understanding is that the KFDA, when it was still in existence, established a separate business entity to enter into a joint venture with St Hilliers for that particular project.

Ms Skewes: Just to elaborate, the joint venture itself is an unincorporated joint venture, so the joint venture is managed by a joint venture committee, which is representatives of each of the parties, and that committee oversees the project management arrangements, the project business plan and the delivery structure for that particular project. So it is the entity, and the legal entity is an unincorporated joint venture.

THE CHAIR: And that was a pre-existing arrangement; is that right, Mr Lowe?

Mr Lowe: That is correct, yes.

THE CHAIR: And is that the standard operating procedure for JVs?

Ms Skewes: Yes, certainly my experience in all the joint ventures I have been involved with which have been large-scale joint ventures is that that is the operating structure that applies, and they generally exist as unincorporated entities that actually have a reporting structure back with their own management committee.

THE CHAIR: And that would be how you would proceed with other proposed joint

ventures.

Ms Skewes: There are a variety of models for joint ventures, and you would understand that the commercial complexities and how you put the projects together can be quite different. Probably “joint ventures” defines a specific structure, but certainly the LDA board will be looking for other models of public and private partnerships that may give some other structures. But normally if it is a joint venture arrangement, that is the sort of model that you would expect to see applying.

THE CHAIR: Perhaps my secretary can answer this question. We asked some questions about tenders for works. Have they been answered by the land group? They have. Okay, I have not seen them. I will look at those. Is there anything else on the LDA, GDA, KFDA? Okay, all finished.

MRS CROSS: I have questions for ACTION. Going to the ACTION annual report, Minister, I would like you to turn to page 6. It is noted on page 6 of the annual report that one of the major challenges for ACTION was improving the interchange environment. You also mentioned that a forum was held with major stakeholders and that progress is under way in working towards solutions. Could you tell me what the outcomes of that forum were?

Mr Thurston: Yes. Significant progress has been made since that meeting, which the minister was involved in. We have changed the operating arrangements at night, so they are in a more contained area, for security reasons. A marketing lady, Barb Barrett, has had extensive consultation with groups of young people, particularly females, and there has been a lot of good work done to engage them in how they would see the place being better managed and run. The forward planning for the Woden interchange is incorporating some of the aspects of the younger people, particularly the homeless ones, and where they are coming from. So it has been a very good outcome, and it is ongoing. Incidents happen there every day, as you would expect with thousands of people moving through, and we manage those a lot better now following that forum.

MRS CROSS: Have you noticed a marked improvements in the interchange environment?

Mr Thurston: Yes. A lot depends on the support from the AFP and when they can give a higher presence, and that obviously depends on their resources.

MRS CROSS: What are the major problems that still exist with the interchange environment?

Mr Thurston: It is a high activity area where a number of people congregate for reasons other than buses. It is a meeting place for younger people. That has been where the most success is—working with the younger people, giving them some space without using the big stick approach, and that has had some success.

MRS CROSS: How were you planning to work with the young people to address the problems that still exist?

Mr Thurston: As I said, Barb Barrett, our communications manager, has been working

with that group. They are involved in making film for a documentary. It is engaging their minds in them understanding what we are trying to do at the same time as us having a better appreciation of what they are doing and why they are there.

MRS CROSS: The problem is mainly young people generated; is that what you are saying?

Mr Thurston: No, but young people are a significant group, and one we are working with. There is the whole myriad of the community there.

Mr Corbell: Fundamentally, the issue with interchanges is that there is an element that the design of the interchanges themselves can create problems. In the medium term, the government's objective is to achieve the redesign and redevelopment of both the Woden and Belconnen interchanges, which are the two oldest interchanges that have not had any significant work done to them for a very long time. Those issues can be addressed significantly through design and, as you would be aware, Mrs Cross, the government is focusing on completely changing the concept of our interchanges, moving away from the big sort of train station feel to more like an airport waiting lounge feel. Very detailed work is happening at the moment, particularly at Woden with the management of Woden Plaza, in developing a concept which could potentially be jointly shared in cost and management between the ACT government and the operators of the Woden Plaza.

THE CHAIR: On the issue of the interchange environment, I am glad that you have moved onto the redevelopment of Woden and Belconnen. What progress has been made, says she in a partisan way, with the Belconnen refurbishment, or possible refurbishment? I recall attending a community consultation a while ago that was conducted by PALM—was it conducted by PALM or ACTION?

Mr Corbell: PALM.

Mr Thurston: PALM.

THE CHAIR: Where are we at with it? You said you were in consultation with Woden Plaza about Woden. Where are we at in Belconnen?

Mr Corbell: Not as well progressed, and not as well progressed as I would like us to be. One of the reasons for that is that at Woden the operators of the shopping complex are very interested in having the new waiting lounge area as part of their centre so it is pretty much seamless from getting off the bus, going to the waiting area and into the plaza.

At Belconnen, they are not as interested at this time, and the government—in particular ACTPLA—is working very hard to try to convince Westfield that there are some real benefits for them in having this sort of project as part of the shopping centre rather than down the back, out the side or somewhere like that. So we are trying to engage the private sector partner more there, and I have had a meeting with Westfield to try to get some outcomes there.

That said, there is still design work happening, and there is money in the budget this year for forward design work for the extension of Lathlain Street which would facilitate the opening up of that side of the car park on the western side of Belconnen Mall, which has

been identified by PALM—or ACTPLA as it now is—in its planning work for potential location of a waiting lounge style facility as part of a potential release of that western car park for higher use extension, potentially, of Belconnen Mall or adjacent to Belconnen Mall.

THE CHAIR: I am interested in what you are saying, Minister, because it raises some issues that will need to be addressed. In the Woden Plaza model—without seeming to be too critical—on one of the tracks you could go down you should be mindful, as a planning minister rather than a transport minister, of running the risk of having passenger capture by one sector of the retail industry. If it becomes too integrated with the Woden Plaza, it has an impact on retailers elsewhere. What are you doing to address the issue that, once capture becomes substantially integrated with a shopping centre, there is a tendency to flow people into the shopping centre to the disadvantage of retailing and business elsewhere in the area?

Mr Corbell: I accept that that is potentially an issue. It is overstating it to say that there is no capture now. When you look at the location of Woden now, the first port of call is the Woden Plaza. We will need to keep the issue in mind and be cautious of it. In terms of the management, ownership and demarcation of responsibility of the facility, it will be very important to work that out, but I think it can be done. In relation to seamlessness, as long as you get the balance right and the location is still relatively central to the retail area, it is a good thing because it makes it easier to use public transport.

THE CHAIR: I think you are using the word “seamless” in a way that people in public transport do not usually use it. There is no seamless interface between the transport interface and what you do when you leave transport.

Mr Corbell: The point I would make and everything I have learnt in this portfolio is that convenience and timeliness are key. Convenience and timeliness can be more significantly improved if people know, when they get off the bus, that they go straight into the shops, whereas if they have to walk through the interchange or a car park or around the back of somewhere to get to the shops, it is not as convenient—and, indeed, not as safe.

THE CHAIR: All of those things are issues, but can you take into consideration that there are more retailers in Woden or Belconnen than those in the malls. We need to be mindful that, when you are planning a piece of infrastructure like this, it has social and economic impacts on the place, and these things need to be taken into account.

Mr Corbell: I agree.

MRS CROSS: I would like to go to page 19—conflict of interest. It is reported that the ACTION Authority board had three disclosures of interest from a board director. Could you advise what these conflicts of interest were?

Mr Corbell: These were all disclosures consistent with the act by a board member, who was at the time also secretary of the Transport Workers Union. On a number of occasions the board obviously discussed the enterprise bargaining arrangements that it was preparing to negotiate with staff. In those circumstances, the fact that a union representative was on the board caused a conflict, and the relevant board member

excused himself from those discussions.

MR HARGREAVES: It could happen in any one of those board positions. What arrangements exist if a person is appointed to the board largely because of the job that they hold, which is what I assume in the case of the one we were just talking about? If that person moves on from that organisation and is replaced, would that be an ex officio appointment or a personal appointment? Is there a mechanism for replacing people if they say they don't want to play any more?

Mr Corbell: We are referring to Mr Andrew Whale in this instance, who was, but is no longer, the secretary of the Transport Workers Union in the ACT, which is the major union in ACTION. When I became minister, I took the view that I wanted a representative of employees who had the perspective of the employees of ACTION on the board. I approached the major union, the TWU, and sought their views on who would be a good person to represent the interests of employees in ACTION.

Mr Whale was their suggestion, and I was happy to take their suggestion. But it is not an ex officio appointment; it doesn't come with the job of being secretary of the TWU. I want to make that very clear. Mr Whale has recently resigned from the board—he is moving on to other things—and I am considering a replacement and what to do there. I am still keen to see someone on the board who has the perspective of employees. That brings a valuable addition to the board, but it is not an ex officio position, by any means.

MRS CROSS: On that, Minister, when were the conflicts of interest revealed, and how long was the person responsible a director before he revealed the conflict of interest?

Mr Corbell: Mr Thurston can provide detail.

Mr Thurston: At every board meeting, the first item on the agenda is: are there any conflicts of interest? They are discussed and the appropriate action is taken. That has happened since the board was formed on 1 January 2002.

THE CHAIR: That is on the basis of: these are the items on the agenda; does anybody have any conflicts of interest?

MRS CROSS: I was not going to mention names, Minister, but since you mentioned him, did the gentleman you referred to in this instance reveal his conflict of interest or did an agenda item have to come up at a subsequent meeting, where he then revealed his conflict of interest?

Mr Thurston: As I say, the first item on any issue is: are there any conflicts? With the EBA on the agenda, for example, the person then said, "I draw your attention to item ..."

THE CHAIR: Can I commend ACTION on this very sensible approach?

MRS CROSS: Yes, very good.

Mr Thurston: We are one of the newer authorities. Thank you for that.

MR HARGREAVES: There is a lesson there for others.

THE CHAIR: Yes, there are lessons there for others.

MRS CROSS: I notice, on page 27, that ACTION hired 52 new employees, nine of whom were women. Does ACTION have a minimum requirement for the number of women it employs?

Mr Thurston: We actively encourage women to apply for bus driving positions. For the last two years we have put on public forums and targeted groups where you would expect interest from women to come and listen to what the job is about. Drivers explain to them—we use particularly women drivers—what the job entails and there is a purely merit selection process from there. We are trying to encourage the application because there is some hesitancy in women applying for a bus driver's job. We are saying there is no need for that.

Mr Corbell: Women make excellent bus drivers.

MRS CROSS: I know. We get good comments from the passengers.

Mr Corbell: Their customer service skills are very good.

MRS CROSS: On page 35, under “Challenges”, it is said that the draft IT strategy should be completed in the first quarter of 2003-04. Further to that, on pages 36 and 37, the performance indicators table has three columns, marked “indicators”, “2002-03” and “2001-02”, but I don't see any reference to targets set for 2002-03. Could you explain that?

Mr Corbell: It's an annual report.

THE CHAIR: There aren't targets.

Mr Thurston: It is a report of the past rather than the future.

MRS CROSS: Were targets set?

Mr Thurston: There are targets in the budget.

Mr Corbell: You tend to find the targets in the budget papers, Mrs Cross.

MRS CROSS: Why aren't they listed in the annual report?

Mr Corbell: Because the annual report is a report on past performance, not on prospective performance.

MRS CROSS: Okay, so there were targets. Were the targets reached?

Mr Thurston: Yes.

MRS CROSS: All of them?

Mr Thurston: They are there as set out. If you go down the list, they are in order.

THE CHAIR: No, they are indicators of the number of people through the turnstiles, the number of kilometres travelled, et cetera, but what were the targets for those and were they met?

Mr Corbell: For that year?

THE CHAIR: Yes.

Mr Corbell: I am sorry, I misunderstood.

MRS CROSS: You can take it on notice, if you like.

Mr Corbell: Yes, we are happy to provide that information.

Mr Thurston: They are covered in output class 1 on page 100, where there are a number of key performance indicators which have actuals and targets.

THE CHAIR: Are they the same passenger boarding targets?

Mr Thurston: Yes. For example, if I may, the target for 2002-03 was 16.2 million and, as you can see alongside, the actual was 16.344.

THE CHAIR: In that case, why is it on page 37 in that form if it exists on page 100 in a different, admittedly better, form? Why are they there in that way?

MRS CROSS: Why not have the target and the achievement? It makes more sense to have a better layout.

Mr Corbell: I think that it is just a layout issue. We can take that on board.

THE CHAIR: I think that we made these comments about layout issues last year and they were not taken on board.

Mr Corbell: The information is in the annual report.

THE CHAIR: Yes, but it is behind a door marked “very savage dog” on some occasions.

MRS CROSS: I turn to the safety issues on page 48 and ACTION’s list of initiatives that have been introduced or, at the time, were in the planning stage to improve the safety of ACTION buses and interchanges. How successful have these initiatives been?

Mr Thurston: On the safe areas at interchanges, we now have those implemented at Belconnen, Woden and Tuggeranong. The trial night-time service in the Weston Creek area was introduced on 24 November last year. We have had a lot of staff feedback and we are proposing to get some community feedback later this month.

THE CHAIR: Is it still in operation?

Mr Thurston: Yes, and it is showing some good support. We have looked at the lighting, the PA systems and the general environment in the Belconnen and Woden interchanges and they have been upgraded, particularly the lighting. We went live with the new bus communications system yesterday with 15 buses. Hopefully, we will have it completed by the end of this month or early next month.

MRS CROSS: How do you measure the success of these initiatives? Is it that fewer people were mauled or harassed?

Mr Thurston: It is very difficult. Greater usage of the interchange would be the best indicator.

MRS CROSS: If I were you, I would also say that it has worked out really well. I would like to know how you determine that it has worked out really well. Is it by word of mouth, is it by observation or is it by the reports that come in or do not come in?

Mr Thurston: Ultimately, it will be tested by the annual surveys which are done, where people are questioned about what they think about the ACTION service. One of the issues, obviously, has been the interchanges. One would expect with some of this work to see a gradual improvement in that.

MRS CROSS: How successful has the Nightrider service been?

Mr Thurston: Is that the night one for Weston Creek or the night one before Christmas?

MRS CROSS: The one before Christmas.

Mr Thurston: The Nightrider service before Christmas is the one we operate in December. It was very successful this year, more successful than in the past, and it provides a vital service.

THE CHAIR: Why is it available only in the holiday period? Don't young people go out on Saturday night to Civic or other places at other times of the year? My observation is that they do.

Mr Thurston: It is one of funding, obviously. It costs a lot of money to run this service. It certainly does not pay for itself. In recent years we have tried to get sponsorship from groups of people. We have had that from Healthpact and others and we are reducing the cost of that service every year, net. This year we had more passengers, which is obviously the best way to balance the equation.

Mr Corbell: It is fundamentally a cost issue.

MRS CROSS: Are you able to assess if there has been a significant number of crimes because you have put on this service at that time?

Mr Corbell: A significant number of crimes?

MRS CROSS: I am assuming that you trialled this Nightrider service because you were

not only looking at helping young people but also looking at making their journey safer late at night.

Mr Thurston: There is primarily, too, drink driving in the festive season and saying to people, “Leave your car at home”.

MRS CROSS: Have you been able to assess what the safety measure efficacy has been?

THE CHAIR: Do you have any measures, or is it all about cost?

Mr Corbell: I think that, fundamentally, we rely on a lot of anecdotal information from club and pub operators and the police, the city beat squad in particular. They give us feedback on the value of the service. Certainly, the pubs and the clubs promote the service very heavily. ACTION has always had very strong support from the AHA for promotion of the service. They promote it as a service to their customers. They say, “You can get home safely. You don’t need to worry about drinking and driving and it is a service that runs all night”.

It has been a mixed blessing for the taxi operators. It does stop a lot of the excess demand that can happen at a particular hour of the morning when everyone is wanting to get into a cab. It has some benefits there during this time of the year. We rely mostly on anecdotal information from the police and from club and pub operators, but all the anecdotal information is quite strong and in favour of the service. In terms of extending it, it is fundamentally an issue of costs.

The service is a dedicated service specifically called Nightrider and sponsored as such. The year before last it was sponsored by Tooheys. This year it has been sponsored by Healthpact. It is sponsored as highlighting the issues of drink driving and responsible behaviour around the Christmas/New Year period.

MRS CROSS: Is the government looking at increasing the service by approaching other sponsors to make it a quarterly thing or a monthly service? Is that something you are considering or would consider?

Mr Corbell: The government is always looking at ways of trying to improve ACTION services and Nightrider is potentially one of those.

Mr Thurston: On the safety issue, the police do commend us every year. We disperse the long delay in people getting home. If they are hanging around the city interchange or the city, for instance, and they are not dispersed quickly, they get up to antisocial behaviour. There has been a significant reduction in that type of activity.

THE CHAIR: Can that be quantified?

Mr Thurston: It is very difficult to quantify, but the police give us direct feedback after the event that it is a great thing and we need to continue with it because it does take pressure off when there is maximum demand, and that is in the December period. The police objective is to disperse crowds, because crowds that are waiting and have nothing better to do get up to silly things.

MRS CROSS: I turn to consultancy and contractor services, page 57. Minister, I note that \$14,956 was spent on the provision of advice by Ernst and Young on the bus purchase and communications project. I will go through my questions on that one by one. Could you expand on the service that Ernst and Young provided to ACTION?

Mr Thurston: They provided professional technical advice about what was the appropriate way for ACTION to go to obtain a new communications system.

MRS CROSS: What was that advice?

Mr Thurston: They advised us about what the technical requirements were and the optimum pursuits we should be looking for.

MRS CROSS: Is it common to spend \$14,956 on this form of consultancy?

Mr Thurston: If I can answer in this way: ACTION as an organisation used to have a series of professional engineers. We no longer have professional engineers. We are a bus company providing a bus service. When we need expertise we believe it is more prudent to buy in the expertise rather than having resident experts.

MRS CROSS: You had the expertise within your ranks previously but, because you no longer have the expertise within your ranks, you now outsource that expertise; is that what you are saying?

Mr Thurston: Yes, we seek external advice.

THE CHAIR: On the subject of the bus communications system, you said that it has started to roll out in 15 buses.

Mr Thurston: Fifteen buses went live yesterday.

THE CHAIR: Can you give me a brief description of what the bus communications system does? Is it a GPS-based system?

Mr Thurston: Yes, it is GPS-based, which is not a feature of the one we currently have.

THE CHAIR: It is actually a two-way radio.

Mr Thurston: Yes. It is primarily there for the safety of drivers and passengers, with the duress mechanism. What was missing before was the GPS. You would have to work out manually where the driver should be and then, by a series of deductions, you would work out where the bus was. With this, they can see within five metres exactly where the bus is at any time. The current system, which is still operating in the transition, is inadequate. It is past its use-by date.

THE CHAIR: Is it envisaged that this is the precursor to the roll-out of real-time bus information?

Mr Corbell: Yes.

THE CHAIR: Where are we with real-time bus information at bus stops?

Mr Corbell: The government is considering issues around real-time information and how it can best be provided. I think if you look at the draft transport plan released last year you will see the provision of real-time information is one of the strategies encompassed in that draft document. The government is finalising the transport plan at the moment.

THE CHAIR: I would like to go back to a question I think Mrs Cross asked in the Assembly last year about the provision of basic paper timetables at bus stops. I recall at the time, Minister, you said that that was really difficult because people ripped them down.

MRS CROSS: No, that wasn't the answer. The answer wasn't that they were ripped down. The answer I got was that it was a costly exercise.

THE CHAIR: Okay, but it was difficult to provide basic paper timetables at bus stops. If that is difficult, how difficult is it going to be to roll out real-time information to the thousands of bus stops around Canberra?

Mr Corbell: Vandalism is always a problem. In the first instance, if the government proceeds with that real-time strategy, the thinking is that real-time information will be provided at high-volume stops. For example, within interchanges themselves, where obviously there is a higher level of surveillance and security to prevent vandalism, and at other high-volume stops in the city and group centres rather than out on every bus stop in every residential street in Canberra. So, in the first instance, that is how we would envisage real-time information to be progressing. It is worth pointing out too that the government is also considering the use of SMS technology to provide for information on bus timetables via the mobile phone, and I think that work is under way at the moment. So, there are a range of technologies the government is investigating to try to get that sort of immediacy around when is the bus coming, how far is it away from me, how long have I to wait or have I just missed it?

THE CHAIR: On the subject of having just missed the bus, et cetera, I wanted to find out what are the standards in high-volume areas—I am talking Civic and the large interchanges here—for buses at peak times? Is there a standard that a bus will depart every X minutes or whatever?

Mr Thurston: There is no standard per se. The standard is developed by demand. For example, the into town route has a frequency of up to two minutes in the peak periods; up to five to 10 minutes in the off-peak period. We will respond to whatever demand there is. That is the way we put the standards in. There are minimum service levels, and Brian MacDonald may be able to answer that better, but they are basically what is an off-peak frequency.

THE CHAIR: I want to ask about some bus routes but I wanted to know whether there was a minimum service level for peak-hour services through interchanges.

Mr Thurston: Generally speaking, other than into town, which is very high frequency, services have between 20 and 30-minute frequencies in the peaks and 30 to 60 in the off-

peak.

THE CHAIR: I want to use a particular example that has been brought to me by a couple of people. These are the services up Northbourne Avenue.

Mr Thurston: Are you referring to a gap in services?

THE CHAIR: There are gaps, and I stand to be corrected because the information that came on the ACTION form I foolishly misplaced. I was checking yesterday for these. But, for instance, on the service up Northbourne Avenue from the city interchange to Macarther House and then further up Northbourne Avenue, with a combination of 30, 32, 80 and 39, the buses run like this: 8.04, 8.09, 8.13, 8.15—that's fine—8.20, 8.37—so you have a big gap there, and I am working on the basis of people wanting to get to work before 9 o'clock—8.37, 8.38—that's pretty good—8.43, 8.45, and then the big one, if you miss the 8.45 bus, the next one is nine minutes past eight, so you are late for work.

Mr Thurston: The general principle is down a corridor like Northbourne Avenue to try to space them as well as you could. But you have got what is highlighted, that they come in from five different areas and they are on different running times for different routes. There were two gaps that we corrected as from yesterday—one you just referred to where there was a larger gap than you expect when you are looking at 13, 14, maybe 17 minutes—and an additional service was put in in two cases yesterday. But the intention is to space them as well as you can but it is not a pure model because they have to be spaced differently, but that is your main corridor and you should not expect to wait an inordinately long time.

THE CHAIR: A 23-minute wait between 8.45 and 9.08.

Mr Thurston: That has now been plugged as of yesterday.

THE CHAIR: Fantastic. So, what has been done to plug that?

Mr Thurston: I put an extra service in that gap, to split that gap up.

THE CHAIR: So what is the gap now?

Mr Thurston: Whatever the difference is. Approximately half.

Mr Corbell: About 10 minutes.

THE CHAIR: I know they are different routes, but there are two or three occasions there when the buses are a minute apart and then on other occasions where you are saying you bridged the gap a bit but at that stage you have a 12½-minute gap or a 10-minute gap. You cannot go from Belconnen to the Dickson shops except via Civic or by a very circuitous route, so you have to get off an intertown bus and onto the one that is going up Northbourne Avenue. If you miss that connection at 8.45, you are not going to make your 9 o'clock appointment.

Mr Thurston: That is most accepted. There is more to it than just Northbourne Avenue. Northbourne Avenue is very well serviced by buses. Some of those routes have to be

spaced in the outer suburbs so they have a spaced service. But there were a couple of glitches and they have been fixed.

MRS CROSS: I would like to move on to workers compensation on page 61 and then I have one more thing, liquidity. Minister, you note on page 61 that stress claims were increasing significantly and accounted for 22 per cent of the claims lodged in 2002-03. Could you advise the committee what in the ACTION working environment has contributed to such a high level of stress?

Mr Corbell: I will ask Mr Thurston to answer that question.

Mr Thurston: We have to be aware of the stress issue. That nuance relates to psychological claims. We have had RSI and stress claims. Recent information reveals that we have to be aware and ahead of psychological issues. We would like to believe that we are managing high levels of compensation in a professional manner. We are now seeing some improvement in the number of claims.

MRS CROSS: What are you doing to address those levels of stress?

Mr Thurston: On every front we are proactively managing all the claims that are made. We are looking at reducing the incidence of claims.

MRS CROSS: How?

Mr Thurston: By identifying the issues and correcting them if there is a weakness in the process.

MRS CROSS: Let us say, for example, that we are dealing with a mental illness. You referred earlier to psychological claims. How do you go about minimising psychological claims? What are you doing to address that in the workplace?

Mr Thurston: Through case management we identify those people who put in a claim. We then work with health professionals to provide the best service that we can to enable them to return to work as quickly as possible.

MRS CROSS: I am concerned about the incidence of RSI to which you referred.

Mr Thurston: It is now referred to as OSS—overuse syndrome.

THE CHAIR: Occupational overuse syndrome.

Mr Thurston: Yes.

MRS CROSS: I am referring to what you said earlier. Your reference was to RSI.

Mr Thurston: I probably did refer to RSI.

MRS CROSS: RSI has been around for at least three decades. It has been known officially as RSI—something that has been worked on in a particular way for at least 25 or 27 years. Why do we have RSI incidents in what are obviously responsible

workplaces? Why do we still have RSI incidents in a workplace such as yours, which obviously has some high standards?

Mr Thurston: Let me give you a good working example. The highest claim action that ACTION has had is for rotator cuff injuries. If you are not a rower, a spin bowler or a baseball player, you are changing the manual destination of a bus. Fortunately, we now have buses with electronic destinations. Because of the high incidence of claims we motorised all manual destinations.

THE CHAIR: It is not about steering; it is about changing the destinations.

Mr Thurston: Yes. It involves reaching up and changing destination numbers, so the damage is done, per se. It takes a long time to correct that damage. By motorising that process we have stopped any future incidences. We are now managing people who have no claims in that area.

Mr Corbell: Committee members should be aware that the average age of the ACTION work force is over 50.

Mr Thurston: It is coming down.

MRS CROSS: The average age is over 50?

Mr Thurston: The median age has come down from 54 to just over 50. There are as many people over 50 as there are people under 50.

Mr Corbell: So the ACTION work force is relatively old compared to the overall work force. Obviously, that brings with it a higher incidence of some physical injuries. As Mr Thurston pointed out earlier, ACTION takes comprehensive steps to try to encourage better practice amongst employees. The report highlights some of the campaigns that ACTION runs in-house to encourage basic physical activity in the morning. Bus driving, by its very nature, is a sedentary occupation. ACTION requires drivers to extend their arms and to participate in other activities.

MRS CROSS: I am encouraged by those activities.

Mr Corbell: ACTION is taking steps to try to address these issues.

MRS CROSS: I refer to the psychological claims that are being made. A number of people that have come to see me—I will not mention names—have been faced with severe psychological challenges on the job due to passenger harassment. I am not referring to mildly verbal harassment; I am referring to severe verbal harassment that borders on physical abuse, or the threat of physical abuse. What is ACTION doing to address that issue?

Mr Thurston: We have had instances of the nature that you have described. Fortunately, there are not many such incidents. We encourage people to try to be aware of these sorts of situations and to diffuse them. There is no physical way of stopping that from occurring. It is better to be prepared to deal with someone who is drunk, who is under the influence of drugs or who is psychologically disturbed. Drivers have to manage or

interact with those people. We have found through experience that if drivers are able to perceive where someone is coming from they are better able to manage and diffuse any situation. We do not encourage them to escalate any incidents. It is pretty futile asking someone who is completely spaced out for a concession card. Drivers just have to accept that such a person is off the planet and they should just let them sit down.

MRS CROSS: Are these incidents more prevalent in certain areas? Should the government think about installing cameras to protect bus drivers? In some instances drivers have been accused of provoking harassment. Whose word do you accept—the word of the bus driver or the word of the other person? It is difficult to deal with these sorts of situations. Have you thought about installing cameras in incident-prone areas?

Mr Thurston: Referring to your first question, this is not related to just one area; this can happen anywhere in the ACT. We have cameras on some buses. We have had them for some time. We use those cameras at night.

THE CHAIR: Is there film in those cameras these days?

Mr Thurston: Yes.

THE CHAIR: And at the interchanges?

Mr Thurston: There are digital cameras at interchanges and videotapes in 13 buses.

THE CHAIR: At one stage there were cameras at the interchanges but they did not capture any information.

Mr Thurston: The cameras at Belconnen, Woden and in the city are digital. The cameras at Tuggeranong are about to be upgraded to digital.

THE CHAIR: So you actually capture and store information?

Mr Thurston: We store information for the benefit of the police. If they want to view an incident they have an opportunity to do so.

MRS CROSS: I refer to page 98 of the report, which deals with liquidity. According to the information on that page, over the next four years ACTION's current ratio is predicted to decline substantially. Will you expand on the reasons why ACTION's liquidity is falling so dramatically?

Mr Corbell: No, I cannot, but I will ask Mr Thurston to outline it.

Mr Thurston: Primarily, it is a reflection of the capital program. I will ask Mr Quirke to explain it.

Mr Quirke: We have a major capital program. In the year 2002-03 capital funds were in the bank awaiting expenditure. On a bus project you have a fairly long lead time in the expenditure of funds. From 2003-04 onwards the ratio will be about 0.81. From ACTION's perspective, that is its operating capital, which is about \$2.8 million to \$3 million. That is why there is a change from 1.24 down to 0.79 and 0.7.

THE CHAIR: I have a liquidity-related question. We have a purchasing program for 44 or so compressed natural gas buses.

Mr Thurston: It is for 42 CNG buses.

THE CHAIR: How far have we progressed with that program?

Mr Thurston: It is close to completion. We have the first gas bus in our workshops in Tuggeranong. We expect some announcements next week in that regard.

THE CHAIR: What sorts of buses are they?

Mr Thurston: They are compressed natural gas-powered buses. They have low floors and they are airconditioned.

THE CHAIR: What sorts of buses are they?

Mr Corbell: They are Scania.

THE CHAIR: Another announcement was made. I do not wish to criticise the announcement or the initiative, as I support it. However, ACTION took the opportunity to buy some buses from the United States. Were they also CNG buses?

Mr Thurston: No, they are diesel.

THE CHAIR: That wasn't a planned expenditure but taking advantage of some opportunities that just came about?

Mr Thurston: That's correct.

THE CHAIR: I don't want to appear to be critical of this, but does that have any impact on (1) liquidity and (2) the workshop, because you are actually working on a range of different buses—Renaults, MANs and Scania's and now another beast. Does that have implications in the workshop?

Mr Corbell: I will ask Mr Thurston to deal with the detail of that. To give you a bit of background on the purchase, the Iris buses came up because another private bus operator had ordered the buses, they had been purchased and then the purchase fell through. The manufacturer was obviously keen to get rid of these buses and we got them at a very competitive price. They are diesel and that was an issue that I considered closely because we are committed to try to move to more sustainable fuels and CNG is the preference. That said, the air quality of the new diesel buses is very good and I think it meets the new European—

Mr Thurston: The UO2 standard.

Mr Corbell: The UO2 standard, which is very high. That said, and given that it would greatly assist the government to meet our obligations for accessibility and our obligations under the disability discrimination act, we moved to purchase those buses. They have a

low floor capability and are airconditioned and they are in fact the buses with the new livery that you can see running around town at the moment. I thought they were the gas buses but they are the new Iris buses, in a green and white livery with “ACTION” on them.

THE CHAIR: How long have they been around?

Mr Thurston: Since yesterday.

THE CHAIR: I see. My next question was going to be: when will they hit the road?

Mr Corbell: Keep your eyes open for them. They have one pod on the roof. So, if there is one pod at the front, they are the airconditioned buses; if there are two pods, they are the gas buses.

Mr Thurston: To answer your question on another type of bus: the attractiveness of the Iris bus was that they are Renault and we are the largest Renault operator in the country. Also, the body, which is classed as a CB60, is exactly the same body as the Scania buses. So, other than the gas pod, the uninitiated would not know the difference.

THE CHAIR: So it is because we have got the Renault. I have two transport policy questions which are slightly esoteric and possibly out of left field and they relate only marginally to this minister. But while Mr Macdonald is here, can you tell me how much it has cost to buy and install the parking machines.

Mr Corbell: I think it is unreasonable to ask the officer questions without his minister present. Mr Wood is the responsible minister.

THE CHAIR: Okay. I will put that on notice. Could you also clarify something—it may be scuttlebutt—that was put to me. You have in ACTPLA a transport planning cell.

Mr Corbell: There is a senior transport economist in ACTPLA, along with a number of other officers.

THE CHAIR: So what is the structure?

Mr Corbell: It is approximately three or four staff.

THE CHAIR: Do they have free car parking spaces at Dame Pattie Menzies House?

Mr Corbell: I’m afraid I am not generally across the parking arrangements for the staff at ACTPLA but, if you would like to put the question on notice, I will find out for you.

THE CHAIR: Thank you.

The committee adjourned at 2.01 pm.