



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PLANNING AND ENVIRONMENT

Reference: Annual and financial reports 2003-2004

Members:

**MR M GENTLEMAN (The Chair)
MR Z SESELJA (The Deputy Chair)
MS M PORTER**

TRANSCRIPT OF EVIDENCE

CANBERRA

THURSDAY, 31 MARCH 2005

**Secretary to the committee:
Dr H Jaireth (Ph: 6205 0137)**

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 9.03 am.

Appearances:

Mr Hargreaves, Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services

Department of Urban Services—

Mr Mike Zissler, Acting Chief Executive

Mr Gordon Davidson, Deputy Chief Executive

Ms Anna Lennon, Executive Director, Policy, Compliance and Transport

Mr Allan Egging, Executive Director, Corporate

Mr Hamish McNulty, Executive Director, City Management

Mr Alan Galbraith, Executive Director, Customer Service and Information

Mr Stephen Ryan, Acting Executive Director, City Operations

Ms Susan Ross, Executive Director, City Services

Mr Tony Bartlett, Acting Executive Director, ACT Forests

Mr David Learoyd, Systems Officer, Traffic Camera Office

Ms Karen Greenland, General Manager, Road Transport

THE CHAIR: I declare open the hearing into the annual report of the Department of Urban Services for 2003-04 and welcome the minister, officials, committee members and other MLAs, when they join us later.

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. The giving of false or misleading evidence will be treated by the Assembly as a serious matter.

This morning we are hearing from the minister and departmental officials from urban services. If there are any questions to be taken on notice, the committee would appreciate responses within five working days of the hearings. It is the responsibility of witnesses to ensure that they meet any commitments they have made regarding the provision of information or answers to questions on notice. The secretary will email a transcript to all the witnesses as soon as it is available.

Questions for today's annual report hearing from the committee are to be relevant to the report for 2003-04. A schedule has been provided and, in regard to the minister's generous availability of time, I would ask all members of the committee and other members to adhere to this program. I would also like to ensure that all committee members have an opportunity to put their questions to the minister before we move on to other members' questions. Members are also reminded of standing order 235, which states:

When a committee is examining witnesses, members of the Assembly not being members of the committee may, by leave of the committee, question witnesses.

I now invite the minister to make an opening statement.

Mr Hargreaves: Thank you, Mr Chairman. I am grateful for the opportunity to come before the committee and discuss the department's performance for the financial year 2003-04. First, I advise the committee that I have asked my department to respond to questions on notice in three days, not five. They have agreed to do that. However, if we receive a question on notice that is particularly complicated or requires a good deal of work to extract the information, I have asked the department to notify the committee of an anticipated date for that response. I cannot anticipate what is going to come forward, but I believe that if the questions are reasonable straightforward and information can be extracted quickly from the systems, the committee should get it in three days, not five. I appreciate the generosity of the committee.

There are a couple of things I would like the committee to take into consideration when we have this discussion. The first is that we are talking about a financial year conducted under the stewardship of my predecessor. Therefore, a lot of the detailed knowledge and thinking behind an activity reflected in the annual report will have come out of cabinet considerations and the minister's considerations, around which I was not involved. So there will be that restriction on my ability to respond to some questions that may come forward. A further complication is that the CEO of DUS, Mike Zissler, has had roughly the same tenure as I have. I hope there will not be a difficulty, but I foreshadow that that is a possibility.

We need to consider the role of the Department of Urban Services in terms of providing a range of municipal services to the people of the ACT in the context of our two-tiered system of government. Unlike jurisdictions, such as the one in Brisbane, which have a full-on municipal council, we do not. They also have an overload of state government and federal government, as we know. We need to consider that, when the municipal imperative competes for resources in the ACT, it also competes with agencies such as education and health for those resources. That competition does not exist in those other jurisdictions.

There is a reasonable hypothecation of rates and many other land taxes and municipal charges into those services. There is a correlation for Sydney City Council, Brisbane City Council, Melbourne City Council, all of those, between those revenue sources and the services they deliver. Such hypothecation does not exist in the ACT. I make that point to you. I think that, in the interests of time, we should proceed to questions.

THE CHAIR: Thank you, minister. I would like to open with a question on an issue that I have an interest in. On page 34 of volume of the annual report there is a reference halfway down the page to "our people" and the traffic camera office and safety initiatives. I read in the newspaper over the last few days about the large number of speeding infringements during the 2003-04 financial year that have been withdrawn, and the suggestion that the speed cameras are inaccurate. Can you give me more information on how speed cameras are calibrated and how their accuracy is maintained?

Mr Hargreaves: I will address this for the committee in two ways. Firstly, I will address the specific instance that hit the press recently—the withdrawal of 520 tickets during that financial year. Then, for the benefit of the committee—I mean no disrespect in this at all, but with new members sometimes there are complicated procedures that can make understanding a little difficult—I will ask an expert in my department to walk the

committee through the process of how the actual speed camera system works and what we actually do. You will have heard and read my comments in the media about the calibration of the cameras and all those sorts of issues. I think it would be of benefit to the committee if I got one of the officers up to run through it.

On the issue of the withdrawn tickets, on 28 and 29 March of this year the *Canberra Times* printed articles that referred to there being 520 incorrectly issued speed camera infringement notices during that year. I indicated that one of the major reasons for that was the introduction of the Y plates in New South Wales. You would appreciate, Mr Chairman, that, where a simple question from that august journal is responded to in a complicated manner, only part of the answer will actually find its way into the airwaves or into the printed media. So, for the completeness of the record, I can advise you that 475 of those notices actually applied to one street in O'Connor—Dryandra Street, to be exact. Those infringements were withdrawn when it was identified that the speed limit signs in Dryandra Street were ambiguous.

You might recall when the former government introduced the 50-kilometre speed limit in the suburbs. Under that system, we had speed signs all over the place saying, "You are entering into a 50-kilometre an hour speed zone". When Labor assumed government it changed that to a default system so there was no need for signs around the suburbs saying, "You are entering into a 50-kilometre an hour speed zone". Signs were taken down, but there was this case where it actually didn't occur. When that was identified, the people were contacted and not only were the infringement notices withdrawn but any indication that penalty points or demerit points would apply. It was a specific issue.

I make the point that about 40,200 infringement notices are put out in a year, so we need to understand this is just over one per cent. Of the remaining 45, 44 were incorrectly issued and one was invalid. Details of the specific reasons are being sourced from the files. With the overlap of the Y prefix registration plates between New South Wales and the ACT, there were some administrative process areas in the utilisation of the rego.ACT system that led to a number of incorrectly issued infringements being recorded in 2003-04. Those processes have been reviewed and have been corrected.

Adjudication officers from the Canberra office manually check all images collected by fixed and mobile traffic cameras in the ACT prior to those infringement notices being issued. So you have an operator who looks at the screen and identifies the thing. It is a black and white image; so it is difficult sometimes to tell the colour. Once satisfied that an offence has been committed, the details of the vehicle are then entered into a digital infringement software program, forwarded to rego.ACT to identify vehicle operators—the registered owners, if you like—and infringement notices are prepared.

Speed cameras are calibrated each morning and evening in accordance with the traffic camera office quality assurance program and, as I indicated in the media, if there is a discrepancy in the calibration either in the morning or in the evening, or between the two, the whole day's images are not proceeded with, because the opportunity for error exists. Fixed camera calibrations are also checked every three months, the actual calibrations themselves. This is performed on an alternating basis by the ACT traffic camera office or, independently, by the NSW Road and Traffic Authority in accordance with the traffic camera office quality assurance program. Further, all fixed cameras are certified by the CSIRO every 12 months.

I need to explain to the committee why I chose to talk about the Y plate as opposed to the speeding issue on Dryandra Street in O'Connor. The issue in relation to Dryandra Street in O'Connor was not, in my view, a systemic issue. It was a one-off that was identified and fixed. The concern I had about the confusion with the NSW plates and the ACT plates was that perhaps we had a systemic issue within the software package itself and the opportunity therefore for that particular problem to exist Canberra-wide was a more serious one than a one-off exercise which we have identified and fixed.

It also occurred to me that, for the people who were concerned about their confidence in the traffic camera system, the calibrations and all the rest of it, the issue in Dryandra Street was just episodic. For the people who copped those things, it has been fixed and they have no difficulty about that all. If there had been an issue with the system, the whole of Canberra would be concerned about it; so that was why I wished to assure people, through the media, that that was the case. I hope that helps, with respect to that particular episode. I will now ask an officer from my department to walk you through how it works—from the time that the camera, van or static kicks off in the morning to when they get back at night.

Mr Learoyd: I am the systems officer and also training officer at the traffic camera office. The calibration of our mobile cameras is checked every day before and after a shift. Sometimes those cameras are used two or three times a day, so they could actually be checked two or three times in any one day. The way the calibration is carried out is that an authorised officer, before he starts his shift, sets up the camera at a known point which has been surveyed by a qualified surveyor. He points the camera at a target and takes a laser reading of that target. Obviously, the target is not moving, so it must come up with a speed reading of zero and it must come up with an accurate distance reading which equals or is within the tolerance of 15 centimetres plus or minus of the surveyed distance to allow that camera to be used for the day.

This check is done, as I said, before the operator goes out on the road to do his session and it is also carried out when he comes back at the end of his session. Each time the calibration has to be correct. If the calibration is incorrect in the mornings, then the camera is removed and sent away to be fixed. It is not used at all. If we find at the end of the session, when the calibration is done, that it is out of tolerance the camera is again removed and sent away, and any infringements that are caught by the camera during that session are discarded and nothing is issued.

On top of that, we also have, as per the legislation, annual calibration checks where the device is sent off to what was once called the CSIRO but is now called the Australian government's National Measurement Institute in Melbourne and calibrated there. They are a legally recognised institution to conduct this sort of calibration. That check is carried out by them annually and they send us a report showing us that the device is working. Once again, if the device is not working from that report, it is sent away to the manufacturer to be fixed and when it is returned it is sent back to the National Measurement Institute for checking again before we actually put it back on line.

Mr Hargreaves: I think it would be useful for the committee to know about the calibration of the red light and speed cameras—the fixed ones.

Mr Learoyd: With the fixed devices, they don't use a laser. They use a Trevello box and a peseo strip speed detection device. Once again, annually, as per our legislation, the Trevello box is removed from the site and sent down to the National Measurement Institute where they check the device to ensure that the speed readings it gives are accurate. It is then sealed and a report is sent back to us informing us of the accuracy of the device.

When the device is re-entered into the box out on the sites, we make sure that the distance between the peseo strips—the pressure pads in the road—is still the same, because they have to be surveyed in at 1.5 metres apart. So we have a surveyor come and check to make sure that they have not moved with the slippage of some road surfaces. We also run set vehicles through the site, once the Trevello box has been put in. We check the speed of that device with a laser gun and compare that with the speed readings we get from the actual device to ensure that the speed readings are accurate.

Part of the check is done using a vehicle with a calibrated speedometer and an LAD reading in the back window. That gives us a third check to ensure that all the readings that we receive from the fixed sites are correct. We also have a quarterly maintenance program, which is a bit above what is required by legislation, but we thought annually was a bit too long. So every three months our technicians go out and check the devices to make sure that they are all working. Once again, we run a calibrated vehicle through to ensure the speed readings we are getting match the speed readings off the vehicle, and we also check it with a calibrated laser to ensure the devices are working correctly. This is done every three months. Every six months we have to get an independent body to check our devices—in our case, technicians from RTA NSW come in and check our devices to ensure that they are working correctly.

MR SESELJA: What happens if there is an error at the three-month check?

Mr Learoyd: If there is any error in the three-month check, the device is removed and sent away to be fixed. We then check previous infringements to ensure that there are no discrepancies, or there are no discrepancies that we can pick up, to ensure that everything is working correctly.

MR SESELJA: How do you pick up the discrepancies in the previous—

Mr Learoyd: Normally, if there is a discrepancy, it is because it is an extremely high speed. We go through the infringements, but in between the three-monthly check, to ensure that no speeds out of the ordinary have been detected during that period.

Mr Hargreaves: It isn't inconceivable that people will believe that their speed going through a fixed or a mobile speed camera is less than that which is on the infringement notice. We have a review mechanism where individuals can write in and make a case. Some of those are withdrawn; some of them found that the infringement be sustained.

In the financial year 2002-03, there were 23 such infringement notices withdrawn. I could not tell you off the top of my head how many were applied for—there were quite a few—but only 23 were found to be reasonable and withdrawn, for a variety of reasons. In 2003-04, there were 520. In the eight months to date in this financial year, there have been five. Given that 500 or something is one per cent, we are now talking about

0.001 per cent of those issued being withdrawn. There might be one, two, three, four or five people out there who feel as though they have paid an infringement notice that they should not have.

There is an indication on the infringement notices of where people can appeal against it and people would, you would expect, look at the details on that infringement notice—I know I would—and then challenge it if it was incorrect. But if they felt that they were not doing that speed they would also do that. I think it is reasonable to suggest that, if we have only had five withdrawn in eight months, there are not a lot of people in the community out there who feel as though they have been harshly dealt with.

MR SESELJA: Just a couple more questions on a technicality. Obviously it is illegal to go one kilometre over the speed limit but what is the tolerance on, say, the laser guns? If someone were three kilometres over the speed limit, would you issue him or her with an infringement notice?

Mr Hargreaves: Mr Seselja, with respect, I would prefer not to indicate publicly what the tolerance is.

MR SESELJA: So it might be one?

Mr Hargreaves: Naturally enough, in all jurisdictions, there is some tolerance. You are quite correct when you say one kilometre an hour over the limit is illegal and should be pinged.

MR SESELJA: Absolutely, they should be pinged.

Mr Hargreaves: I am quite happy to give you a private briefing on this one later, rather than having it broadcast into the office of every public servant in town and the *Canberra Times*.

MR SESELJA: I appreciate it. With the three-monthly checks on the fixed cameras, do you often find an error?

Mr Learoyd: No. There has never been any inaccurate error through speed readings.

MR SESELJA: How many years have they been in Canberra—eight or 10 years?

Mr Hargreaves: Only fixed, and six.

MR SESELJA: So there has never been an inaccurate—

Mr Learoyd: There has never been any in speed readings. We have had an error in red light infringements. Actually, it was not an error; it was just that the connection to the red light had come off, so it was not picking up any red light infringements at all. But there were never any errors in speed readings.

Mr Hargreaves: And we do not have a problem about reimbursing people on that one, Mr Seselja. But, if anybody wants to confess to that period, we are very happy to take their points and their money!

MS PORTER: Minister, I have a question from volume 2 and, given that we are talking about this kind of thing, I thought I might ask it now. Page 95 of volume 2 of the report indicates that 17 per cent of the parking infringement notices issued—almost one in five—are appealed. Obviously, that is a fairly constant figure as the target set was exactly the same as the result. Perhaps that says something about Canberrans; I don't know. But my question is: of those infringement notices that are appealed, how many are subsequently waived?

Mr Hargreaves: I am advised that, in 2003-04, 116,016 parking infringement notices were issued. Of these, 19,896—that is, 17.14 per cent—were appealed. Following appeal, 9,419 parking infringement notices were withdrawn, 8.12 per cent of the fines issued.

MRS DUNNE: So you have about a 50 per cent hit rate if you appeal.

Mr Hargreaves: On appeal.

MRS DUNNE: It is worth the effort.

Mr Hargreaves: I suggest that there is nothing out of the ordinary in these figures. This has been a static position over time. If we go back to other financial years, we will find similar hit rates.

MS PORTER: Yes, I thought it must be, because of the fact that the target set is very similar to the actual result. It would be interesting to know why there is that consistency in successful appeals.

Mr Hargreaves: I can add a little bit of information to the answer I have given. The common reasons for the withdrawal of notices include an authorised label not being displayed. I can remember when I was a new member of the Fourth Assembly, I was given a little sticker saying that Commonwealth car parks are available to exalted people like us. I did not display it and got a bill for \$62. So that is one such reason. Tickets being incorrectly displayed is another. People will have thrown the ticket onto the car's dashboard upside down. The parking inspector will do the booking, of course, but when the driver provides a legitimate image of that ticket we will withdraw the infringement. There are also medical emergencies, where the parking inspector wouldn't have a clue, so when that information, supported by evidence, is provided those infringement notices are withdrawn.

Other less common reasons for withdrawal include vehicle breakdown, faulty parking devices or inadequate signage. Notices may also be withdrawn for administrative reasons, for example in relation to deceased persons. I also need to make the committee aware that the review office is totally independent. When a person approaches my office to have a parking infringement withdrawn, which happens quite frequently, I have to advise them that I have no power under the legislation either to withdraw it or to influence it. I merely refer them to the review office so that it is totally independently checked and done in that way.

MR SESELJA: I have a couple of questions on waste. Page 16 of volume 1 refers to the

bin replacement program. What was the total cost of replacing all of the waste and recycling bins destroyed during the 2003 bushfires? Do we have figures on that?

Mr Hargreaves: That number will be relatively easily extracted. We will get that for you, if it's okay. I would rather not try to guess at it.

MR SESELJA: Sure, thank you.

Mr Hargreaves: Just as a point of clarification, you would be aware that not every block of land has been rebuilt on, so not all of the bins necessarily have been replaced. I would be giving you a figure on the replacements so far.

MS PORTER: On the subject of waste, page 16 of the report indicates the recovery of waste has increased from 49 per cent to 70 per cent over the last six years, whilst page 90 of volume 2 indicates that the tonnes of waste to landfill for the year in review was over 208,000, as opposed to a target of 200,000 tonnes. What strategies are being introduced to increase the recovery of waste over the next six years in order that a zero target is achieved? Also, page 17 of volume 1, under sustainable resource management, mentions a community program to advance a no waste objective. Would you outline to the committee how the programs have reduced waste disposal?

Mr Hargreaves: Yes. As you know, the no waste strategy is being progressed through the implementation of initiatives in the turning waste into resources action plan agreed to by the government in August 2004. So far, we have seen the introduction of the no waste by 2010 strategy, which happened in 1996. Since that time, waste to landfill has steadily decreased from 252,000 tonnes in 1995-96 to 208,000 tonnes in 2003-04. We also indicate there has been a significant increase in resource recovery levels as well.

In 1995-96, only 42 per cent of the waste generated was recovered, compared with 70 per cent in 2003-04. This represents over three million tonnes of waste that was not sent to landfill as a direct result of the strategy implementation. Our resource recovery levels have continued to increase, going from 184,000 tonnes in 1995-96 to 504,000 tonnes in 2003-04. This is despite the fact that the total waste generation continues to increase every year. Waste generation has increased by about 54 per cent from 436,500 tonnes or 1.3 tonnes per capita in 1995-96 to 708,600 tonnes or 2.05 tonnes per capita in 2002-03. This increase is related to increases in population, decreases in household sizes and economic growth.

There is a range of strategies that the government has introduced with respect to the no waste strategy, as you would know, and it is the aggregate of all of those that we hope will bring us closer to the target. For example, we evaluated the issue of compost bins out at the folk festival last weekend. We need to see whether it is an efficacious process so that we can introduce it into major activities such as the multicultural festival, Canberra Day and those sorts of events. If it works, then we will do it. There has been a fairly significant advertising presence, and you would have seen that in the media. We continue to push the second-hand Sunday process. Mrs Dunne was around the Assembly precinct when the concept of the no waste by 2010 target was set. It is a brilliant idea; it was a brilliant idea then and it's a brilliant idea now.

We need to be a bit realistic about changing community attitudes. Whilst I believe the

community of the ACT is a leader in terms of its attitude to waste to landfill recovery, recycling and all that, we have still got a fair way to go. We need to understand, when we say no waste by 2010, what exactly we mean by no waste. There will always be some waste generation and I am struggling at the moment for a definition of what is an acceptable percentage in any given year into the future, because that will be the figure which indicates to me that it is a no waste generation. I do not think that is accepted universally around the world at this point, so we are struggling with that. I am not sure if I have answered your question, but that will have to do for the minute.

MRS DUNNE: As Ms Porter has asked the no waste questions now, I will ask my favourite question, and Mr McNulty will know what it is.

Mr Hargreaves: Are you going to go into the generation of waste questions?

MRS DUNNE: No. You touched on recycling at the folk festival, which seemed to work pretty well. I did not go out and inspect the bins, but people did seem to be doing it and I think that it is a good example because we have lots of other activities where we do not do that. You go to the multicultural festival and there are a few wheelie bins around but there is no opportunity for people to recycle, which I have been critical of. But the big question is: where are we with putrescible waste? You knew I was going to ask that, didn't you?

Mr Hargreaves: I have to confess, I am struggling with the correlation with the question. I do not profess to be an expert in waste generation, time waste generation or any other sort of waste generation, so I will ask Mr McNulty to be specific and answer your question.

Mr McNulty: The position at the moment with regard to putrescible waste is that the government agreed last year to a range of initiatives across the waste spectrum, recognising that the answer to putrescible waste lies not only in probably a combination of more green waste-type processing than we are doing at the moment, but also in a waste processing facility which will ultimately get that material out of the waste stream where it sits at the moment.

The problem we have, as I think we have talked about on a number of occasions, is that in Australia there is still no alternative waste technology working satisfactorily to demonstrate to us that in this country it can be done, and done effectively. There is a plant at Eastern Creek, which was opened in September last year, which they are still commissioning—it is not operating perfectly yet. We are keeping a close eye on that. There is also a zero waste conference in town tomorrow. We have got the people—four overseas experts—from that conference coming to our office this afternoon to have a talk about the issue. I think that, within probably the next one or two years, we will be asking the government to make a decision about a technology. In the meantime, we will be progressing all the other arms of the strategy to try to increase the level of diversion of waste out of landfill.

MRS DUNNE: First of all, can you tell us what the other arms of the strategy are?

Mr McNulty: Sure. There is a government leadership strategy; there is a business strategy; there is the awards scheme, which you may not be aware of, from last year,

which was very successful; there is an education strategy in schools; and there is an ongoing education of the community strategy.

MRS DUNNE: How are those things actually taking putrescible biowaste out of the waste stream? What are the activities that are taking elements of that out of the waste stream?

Mr McNulty: In terms of putrescible waste, apart from domestic, the main source of that is obviously business—restaurants, supermarkets, grocery shops and that sort of thing. The business program will be trying to identify ways to convince businesses to recycle, rather than just throwing everything in the garbage bin. At the moment, the way the waste industry is set up, it is probably cheaper for a business to throw everything in the garbage and have it taken away than to recycle. We are trying to work with the industry to find ways to make it cheaper to recycle the waste at the source. The more we can get out at the source, the less we have to put into a processing plant later.

MRS DUNNE: But there is no particular strategy for, say, collecting food scraps and things from restaurants, shopping centres and places like that, for instance.

Mr McNulty: They are the strategies we are looking at developing at the moment, yes.

MRS DUNNE: But there are no activities at the moment.

Mr McNulty: There is nothing in place at this moment, no.

MRS DUNNE: The other part of the question is that you said there are no technologies that are working in Australia at the moment. Are there any technologies that are working somewhere?

Mr McNulty: Yes. As you probably recall, Mr Thompson and I went overseas in February last year and had a look at some technologies. They ranged from technologies based on a sorted organic waste stream to a mixed waste stream. The sorted waste streams were producing a better compost product—that's the end product of most of these technologies—than the mixed waste. Even then, I think it is fair to say that no technology would produce a compost that you could sell into the market as domestic-use compost, for instance, at the moment because levels of contamination are still too high.

MRS DUNNE: What sort of contamination?

Mr McNulty: Glass is a common problem.

MRS DUNNE: Even in sorted waste? That was the problem with the Port Stephens-type project.

Mr McNulty: Yes, it was. I was amazed, when we went to these plants in Europe, when they said, "Here's our feedstock." The level of contamination in a sorted organic waste stream was absolutely huge. They are still having a sorting process at the start of their plant to get the contaminants out of their supposedly single-stream waste.

Mr Hargreaves: One of the other things that bothered me with regard to this was that

I wasn't absolutely sure that we had a market for the product at the end of the day. I think we need to understand that the strategy around this has to be not only the non-delivery of waste to landfill, but also what do we do with the stuff when we have recycled it. I think we need to wait until we have a plant or a system that picks that up; we need to work out what we are going to do with the stuff in the whole strategy of it. If there is some delay in the formulation of a strategy, that will contribute to it.

MS PORTER: On page 17 it is indicated that the strategy of increasing commercial tip fees as an incentive for business to use alternative recycling services has not been successful. I presume those other incentives that you were mentioning before are the other incentives that you have decided to use in place of the increase in the commercial tip fees that has not been a successful strategy. You may want to comment on that.

Page 33 mentions a new initiative to reduce waste being dumped around charity bins. The decision by St Vincent de Paul to remove their bins, evidence through letters to my office and other approaches that have been made about this from people concerned about these bins and my own observations would indicate that the strategies we have tried thus far have been unsuccessful. What other plans do we have to manage the growing concern about these charity bins and people dumping what is obviously rubbish, that does not belong in those bins at all, next to them?

Mr Hargreaves: Ms Porter, thanks for that. You will have seen some publicity around that in the not-too-distant past. I think we did something around Christmas time about that. We have, as you know, stiffened up the fines for this sort of thing. I have to report to the committee that we have not taken too many people on about that in the past. I have to say that I do not find that particularly acceptable.

One of the difficulties, of course, is the burden of proof. That is very difficult. So we have a two-fold problem. People dumping things in the dead of night without any identification is something we have to discourage and try to police. Sometimes we have even tried staking a place out, if it is a regular thing, or that sort of stuff. I have to confess to you that we have not had much success.

We were hoping that, when we jacked up the fines and put the publicity out, we were sending a message that we were going to get tough on it. I have not noticed a discernible drop in dumping around the bins. I do not think it is any worse than it has been in the past, but it is certainly at an unacceptable level, in my view. It is our intention to be more vigorous about attempts to identify. We have to be a bit careful in saying to people, "Dob in a dumper", or that sort of thing. That did not work particularly well when trialled elsewhere. I am also not very keen on that particular method.

Notwithstanding that, the department is treating particularly seriously anybody who reports anybody doing that sort of stuff, and we will take action. I have asked the department to give some thought to how we can toughen up that process. We have not come to a conclusion about that yet, so I will only share with the committee some of the contemplations that are going on around that.

It occurred to me that we have certain other antisocial behaviours in legislation where there is a presumption of guilt. With speeding tickets, for example, there is a presumption of guilt. People get an infringement notice in the mail. Then, if they feel

that they are not particularly responsible, they can appeal it and dob in someone who was—all that sort of stuff. I wanted some thinking to go on around that sort of concept.

We have to be particularly careful about vexatious complaints and those sorts of implications. I share with the committee a frustration about this; the charity people put those bins out there hoping to provide some relief to disadvantaged people, only to find themselves a de facto dumping ground.

I do not think there is a correlation between tip fees and the dumping outside charity bins. I think that the people who dump outside those things are bone idle; they just do not want to take it to the tip. They would rather take it to the local shopping centre in the middle of the night and just dump it. I think those people are irresponsible, quite frankly, and we need to get tough on them.

Whilst I do not have an answer at the moment, I can assure the committee that that is reasonably high on our list. I am not happy to have thousands of reports during the year of people dumping stuff. It is followed up by the rangers—you will have noticed that the stuff is removed. I think, Mr Pratt, you had an issue at some stage about whitegoods dumped at Forrest. I am sure you will congratulate the rangers on removing that with some speed.

The issue about that is that Mr Pratt reported to us that somebody had reported to him the dumping of these whitegoods and that there was, I understand, a registration number. We have removed the whitegoods, but we await the registration number. We cannot follow it up unless we have that sort of information. Firstly, we have to make sure the stuff gets removed. The rangers will do that. We can ask them to act a little bit more speedily on that, although I am quite comfortable with the rate at which they do it.

We also need to have the community come behind this, understand that this is unacceptable behaviour, give us information and, if they give it to Crime Stoppers, it will be passed on to the rangers. Let me put this to you: we will be a little bit more energetic in pursuing people when we have that sort of information. They can plead their case at court and then the judiciary can worry about it.

MR PRATT: The point you make is valid about how many inspectors you can have around the place to clean up after people dump rubbish in charity bins. You cannot do that. I go back to the point you made, though, that you are not particularly happy with the concept of people dobbing others in. Surely, without having the inspectors on the streets—and I do not think we have the resources to be able to police the dumping of whitegoods or rubbish in bins or on the streets—what else can you do? You cannot rely on public education alone.

Mr Hargreaves: I think you have slightly misunderstood what I said—and it's possibly my fault. I am not saying that I do not like the idea of somebody dobbing in a person who is doing it; I am saying that the dob in a dumper campaign which was mounted was not as effective as people thought it would be when we introduced that program. I would rather go on the record as saying to people, "I encourage you to get the registration numbers and details of vehicles that you see doing this sort of stuff."

For example, people also come across material which is identifiable. I can recall my own

experience on the Kambah Pool road. I saw a whole stack of domestic rubbish dumped a little bit off the road behind some bushes. Inside a clear plastic bag was an electricity or rates bill—I've forgotten which now, it was so long ago—on which were the details of the person who owned the garbage.

We still have the burden of proof that that person did the dumping, but I think there is a presumption that we might be able to pursue here so that the burden of proof that it wasn't them is transferred. That has legal ramifications, bill of rights ramifications and things like that. I would need those things considered, but I can assure you that we are pretty serious about this now.

I think the time has come for us to stop letting people get away with it. We will try to do a few other bits and pieces along the way. I would like to enlist your support in this way. If you can think of some other way in which we can do it, I would love to hear it. Let's have a chat next time we meet on an annual report to see how we have gone.

MR PRATT: Would you consider increasing the fines?

Mr Hargreaves: We have already done that significantly.

MR PRATT: What are they now?

Mr Hargreaves: I think they are a couple of thousand bucks a hit, if you are a business, anyhow, and something like \$500 a hit otherwise.

MR PRATT: So they are prohibitive.

Mr Hargreaves: Actually, I think we doubled it or something like that—it was a savage increase. When we did that we went public and said to people, “Be aware, if we catch you, you're gone!” We need to start bringing the community along with it and saying it to them. Reports of graffiti, for example, are tackled very quickly. We have a number of good strategies in place that are slowing that down. We would like to have the community regard significant littering in roughly the same light. To answer your question specifically about the fines: for aggravated littering, which is where the dumping of stuff is likely to cause injury to a person or an animal or damage to property, the maximum penalty is now \$5,000, imprisonment for six months, or both.

MR SESELJA: Does the littering have to be deliberate in some form? Say you had rubbish recklessly falling off the back of a trailer.

Mr Hargreaves: Where commercial waste is deposited at a public place, the maximum penalty is now \$5,000, six months in jail, or both. So we have separated it. It is the same penalty. You might be better placed to answer that question, given that your legal training is much greater than mine, I think, Mr Seselja.

MR SESELJA: I don't know how the legislation is worded, but I imagine that would catch people who have a trailer that is not tied down properly, were they to drop things on the road which could cause injury.

Mr Hargreaves: In fact, there are penalties for not having your load secured. If that

were identified, we would pursue people under that particular thing. That is not a deliberate dumping of waste. As you know, we have inspectors, for example, out at Mugga Lane from time to time to make sure that that sort of thing happens. We do advertising blurbs telling people to make sure that it is tied down—all that. If there is an accidental thing, we will still ping them and we will still fine them. The situation we are talking about here is where, for example, we find a whole stack of cement on the side of the road, which clearly damages the shoulder. If the truck that dumped that is identified, we will pursue the driver. Whereas in the past we have tried to pursue them, let me assure you we will pursue them!

MRS DUNNE: I would like to go back to the table on pages 90 and 91 of volume 2. Ms Porter referred to the tonnes of waste to landfill and the result being above target, et cetera.

Mr Hargreaves: I thought I answered that.

MRS DUNNE: No. This is the stepping-off point for some questions. When we measure tonnes of waste to landfill, do we measure that just at the Mugga Lane tip, or do we measure waste that goes to, say, Canberra concrete recycling, et cetera?

Mr McNulty: The tonnes of waste to landfill is the waste that goes over the weighbridge at Mugga.

MRS DUNNE: Do we report anywhere on the amount of waste that goes over the weighbridge at Canberra concrete recycling at Pialligo?

Mr McNulty: I think we report on the amount they recycle. That is included in our recycling statistics.

MRS DUNNE: Yes, but what about the stuff that goes into the bin there?

Mr McNulty: I am not sure. I will have to take that on notice.

MRS DUNNE: Could you take it on notice; and could you perhaps report back to the committee, as best as you are able, about how much waste goes into the undifferentiated heap at Pialligo?

Mr McNulty: Sure.

MRS DUNNE: Without having that, I do not think we have a true picture of how much waste there is.

Mr Hargreaves: That might substantially increase the tonnage.

MRS DUNNE: I feel it might. That is my concern.

Mr Hargreaves: I think we need to provide you with a response, to make sure that we have talked about that stuff as being waste and not stuff on its way to recycling. We might make that clear in the response.

MRS DUNNE: I am not sure, but you would probably have to have a conversation with Canberra concrete recycling, because they do recycle quite a lot of it. The trouble that occurs to me—and it has been put to me by a range of people involved in the recycling and waste industry—is that the fees to take undifferentiated waste to Pialligo are much less than they are to take it to Mugga Lane. They are considerably less, and therefore there is an incentive to take your undifferentiated waste there.

Mr Hargreaves: Mr Chairman, before we go any further, I refer you to the fact that we are talking about the 2003-04 financial year.

THE CHAIR: We do seem to be moving away from the report.

Mr Hargreaves: Indeed. In fact, I think it might be helpful for the committee—I take Mrs Dunne’s point about clarifying the picture—if we try to include that sort of information in the 2004-05 annual report.

MRS DUNNE: That would be good, but I would also like some backcasting, if that is possible.

Mr Hargreaves: We will give you “to date”, of course, because it flows from this. We are bordering on the sort of information we are going to put in the 2004-05 one, but I take your point. I think that would be helpful.

MRS DUNNE: I think it would be. Could I just check? Minister, you gave figures of 1.3 tonnes per person, rising to 2.05 tonnes per person. What was the timeframe for that amount?

Mr Hargreaves: The 1.3 tonnes per capita was in 1995-96; 2.05 tonnes per capita was in 2002-03; and calculations are still being made for 2003-04.

MRS DUNNE: Thanks. I have some other questions on waste, while we are in a no-waste mood.

Mr McNulty: The one that is aligned to the report?

MRS DUNNE: Yes.

MR PRATT: How much waste is there, Mrs Dunne?

MRS DUNNE: There is lots—208,000 tonnes that we know of.

THE CHAIR: The questions are supposed to go to the witnesses!

Mr Hargreaves: I am being entertained something fierce here, Mr Chairman. Don’t let me interrupt!

MRS DUNNE: I would like to touch on the development of what is called the recycling estate in West Belconnen, beyond the old West Belconnen tip. I have had representations from constituents about the recycling estate. First of all, I would like to ask a philosophical question. Why is ACT No Waste a land manager or an estate manager in

this instance? There are some problems out there, it seems to me, from my constituents' point of view. Rather than having people who are in the business of land management, such as the Land Development Authority, managing the land, why is ACT No Waste the estate manager? I was surprised to discover that.

Mr Hargreaves: It is a very good question, deserving of a very good answer—and it is steeped in the deep, dark mists of history. Can I say at this point, though, that that particular estate, as you can tell by the level of amenity out there, is an area that has been left alone for quite a period of time. Certain issues out there and the freedoms with which people enjoy occupation are more steeped in convention, in my view, than in proper contract.

In terms of being land use managers, I do not believe that that is so. That particular estate had some significant recycling things, and not all of those businesses are that way anymore. Can I say to you that I do not find that particularly acceptable at all, if in fact we are about recycling. That is about a recycling entity, if you want, as part of it. There are people who have developed businesses out there who have to be treated sensitively, but there are contractual issues which I do not believe it is appropriate to go through in this particular forum, particularly as they do not relate to the 2003-04 financial year.

MRS DUNNE: It relates to our capacity to lower the amount of tonnage going to landfill. Why is there an arrangement to licence people's occupation of the land out there, rather than giving them some sort of lease?

Mr Hargreaves: I would prefer at this point—because there are ongoing discussions with the operators out there—not to go into too much detail about this. But I would like to advise you, Mr Chairman, that I understand that the content of Mrs Dunne's question is, in fact, the subject of an outstanding question on notice. It would be inappropriate of me to respond to that at this juncture. Can I, however, advise you, in answer to the first part of your question, that I understand that that particular estate was transferred to the property group yesterday, so this department no longer has responsibility for that in totality. I will ask Mr Zissler to be a little more specific about that.

Mr Zissler: Yesterday, we had a meeting about this estate and I made clear directions to the no waste 2010 people that they should transfer land management issues across to the property group.

MRS DUNNE: So who are the property group?

Mr Zissler: They are part of urban services as well. Their core role is, in effect, the real estate manager of government. They control leases, licences and the like for government and, as of yesterday, they were directed to transfer. That transfer will take a few weeks. As of yesterday, they were directed to transfer it. Your question is exactly right: it concerned me and we have undertaken to do that.

THE CHAIR: Minister, I would like to bring you back to page 28 of the first volume of the report, where it talks about the look of Canberra—asset management, improving asset management and also integrated outcomes. What is the integrated asset management system?

Mr McNulty: The integrated asset management system is a new computer system that city management is implementing at the moment which will, if you like, standardise the way we manage our assets across a full range of assets to group managers. That ranges from road-related assets to the urban park and park-related assets and there are some no waste assets like bins. Previously, all this information was managed in a large number of separate and discrete databases and there wasn't any great correlation between the way one particular asset was managed in one database compared with the way another one was managed in another database.

In fact, the impact of one asset on another was not necessarily highlighted because they were sitting in different databases. Think about the impact of tree roots on footpaths and on stormwater drains. If, when you are looking at a tree asset, you do not know there is a stormwater asset under the ground next to it, decisions may not be optimal. If all of that information is in one database, and you are getting presented with the full picture of where these assets are, they can all be managed in a coordinated way, an integrated way, and that is what we are aiming to achieve with that system.

MRS DUNNE: There was some discussion towards the end of last year or early this year about the management of the tree database and whether the tree database was being kept up to date. There was work done by the ANU a few years ago and then there was some criticism that there was not the ongoing maintenance of the database. Would that be addressed by this sort of superior system?

Mr McNulty: Yes.

MRS DUNNE: What is being done to address what was considered to be a shortfall in the maintenance of the tree database?

Mr McNulty: You are testing my memory. I believe that the ANU has been engaged to do more work on that tree database, but I will have to check on that and confirm it. That is my recollection.

MRS DUNNE: Okay, so that would be to bring it up to date.

Mr McNulty: Yes.

MS PORTER: Page 4 of the first volume states that, through partnerships with community groups and Greening Australia, a massive regreening program is helping to restore the lost beauty of the parks, reserves and forests after the 2003 bushfires. You will probably need to take this one on notice. I am unable to find any mention of the number of volunteers, nor the numbers of hours that they contributed to the massive regreening program. I was wondering whether you could advise me of this contribution, and also the ongoing contribution of the 15 park care and land care groups which regularly contribute their services.

Mr Hargreaves: Yes, it is a numerical question that I will have to take on notice and get back to you. It may be that the figures that we give you will be approximates as well. In fact, I talked about this when I publicly applauded the work of Greening Australia and a whole stack of volunteers who did garden restoration after the bushfires. A stack of people were involved in sticking trees in the ground, whether it was in their own garden

or on public land or rural properties. I remember talking to Mrs Dunne about going out to rural properties—I did a couple out there—where a couple of thousand trees were planted by a stack of volunteers. How many there were exactly, I cannot tell you. We will attempt to find out. But I might just temper that undertaking by saying that it may well be a projection and an estimate rather than an exact figure.

I would like to take the opportunity at this point to say that without those people it just would never have happened. Without those people, their labour and their imagination, it would not have happened. We put a whole stack of trees and plants into the system. Had it not been for people taking responsibility for the refreshing of our town, we would still have heaps of people sticking trees in grounds. I have to confess that I do not know the answer to your question, but we will do our best to get back to you with numbers.

MS PORTER: Minister, would it be possible in the 2004-05 report and in subsequent reports to make it a regular entry so that we know the contribution of these static groups? I know they are not static, that they are changing all the time, but the standard groups that work all the time in the community, such as the park and land care groups. Perhaps there is some way the department can gather those statistics so that they can be included in the reports rather than us trying to dig back into what has gone on before. I was just wondering whether there might be some way of us recording that in the future.

Mr Hargreaves: I will not undertake to do it, but I will undertake to give it a considerable amount of thought. What concerns me is that we would need to make sure, as you would know, that those organisations are happy enough to have their activities reported in a public forum such as this. They may be and they may not be. But, until we actually test it, I would not want to make that undertaking.

MS PORTER: No, of course.

Mr Hargreaves: I think your suggestion that this information should appear in annual reports is a valid one. In terms of reporting on departmental activities, we need to talk about the deployment of resources, and these are non-cash resources. I might suggest to you a number of things. One is that it would probably be more efficacious if Environment ACT took on that task, largely because they have contact with those organisations more frequently than we do. Secondly, it might be that it is not only the environment and parks portfolio where the community might have an interest in the role of volunteers in the quality of our town. I suggest somewhat boldly, Mr Chairman, that the committee might like to consider approaching the Chief Minister about having a general entry in all annual reports about the activities of volunteers in those portfolios, if it is possible. It would need some investigation, I assume.

MS PORTER: That is an excellent suggestion; thank you.

Mr Hargreaves: Before you do, I refer you to volume 1, page 197, of the annual report, and it is only really by way of an indicator, where it talks about the number of Environment ACT grants that have been issued and to whom they have been granted. You get a bit of an idea there of the size of the involvement by some groups. I do not think it is the information that you seek, but it may be of some assistance to you.

MS PORTER: Thank you very much. I think that was a very good suggestion of yours

and, no doubt, the Chair will pursue it.

Mr Hargreaves: It may be that it would not be possible for the 2004-05 financial year because systems would have to be geared up to collect it along the way as activities emerge, but if we talk about it as a target for the 2005-06 annual reports the committee can ask about progress and the development of particular strategies to effect it.

THE CHAIR: Minister, while we are on environmental issues, page 22 of volume 1, under "Look of Canberra", talks about compliance with water restrictions. Can you tell us what steps have been taken to reduce the effect of water restrictions on sportsgrounds?

Mr Hargreaves: Yes. We are applying the required level of 40 per cent water savings under level 3 water restrictions. Canberra Urban Parks and Places made the decision that irrigated parkland would take a proportionately higher reduction than sportsgrounds. CUPP manages the 120 hectares of irrigated parkland and 280 hectares of sportsgrounds. To achieve the 40 per cent savings over all areas, 160 hectares were required to have irrigation discontinued. This was made up of 97 hectares of parkland, an 83 per cent reduction, and 63 hectares of sportsgrounds, a 23 per cent reduction.

Twenty-three hectares of sportsgrounds are now irrigated with recycled effluent, grey water. CUPP is experimenting at the moment with the use of turf varieties that require less water, as a means of reducing the effect of water restrictions on sportsgrounds. We are also investigating improvements to the control system and irrigation system to ensure optimal efficiency from irrigation as well as looking at opportunities to switch to non-potable water supplies where feasible. We, as local members, receive complaints from our constituents about sportsgrounds being dry and, in some cases, people even driving cars over them. I have to say that the aerial photos in the *Canberra Times* tell the story, actually. I was somewhat taken aback with the aerial photograph of Pearce just the other day.

MRS DUNNE: I knew you were going to say that.

Mr Hargreaves: My favourite constituent pointed out to me just the other day how it was that the government sportsgrounds, ovals and parklands around the Pearce area were particularly brown, but that the sportsgrounds at Marist College were particularly green. I do not know how that is so, but let me assure the committee I intend to find out.

MRS DUNNE: I think they have a bore, Mr Hargreaves.

Mr Hargreaves: They have a bore, they certainly do, and he is now the Leader of the Opposition. I also need to clarify for the record that saving target of 40 per cent. It was at the direction of the Chief Minister to do that. So any supplementary questions on this may be better addressed to him.

MS PORTER: I have a quick water question as well. I was delighted to see on page 46 of volume 1 that water consumption at the Mitchell site has been reduced by 28 per cent as a result of sprinklers being turned off and an improvement in the linen rewashing process. Are you able to advise whether further savings can be made as a result of recycling the water used in the washing process and using it as grey water?

Mr Zissler: Absolutely. Prior to the transfer of Totalcare Linen back to the ACT government, a number of pilot strategies were implemented which are reflected in this savings. Capital Linen Service have been working with a company called Perpetual Water, which has an ACT business grant, and they are looking at grey water recycling systems, both domestic and commercial. While these goals here are fairly modest and the outcomes are fairly modest, working with scientists from Perpetual Water, which includes the CSIRO and a whole bunch of others, they are looking at having up to anything between 85 and 95 per cent recycling capacity of grey water.

The current pilots are working on the domestic side. There were some hiccups there with the health requirements about the nature of the turbidity of that water. I have to say, we are talking about micro measures here. They have now resolved those domestic challenges and I believe they will go into production very shortly and we will have a product on the market for probably new houses, rather than retrofitting, but certainly a grey water recycling retrofit system. We will come back to the more commercial product once it has been tested there. The issues are the same; it is just about quantity. As you know, Capital Linen Services is one of the largest single users of water in the ACT. It washes a lot of linen, some 110 tonnes a week. So any water recycling would make a significant saving in terms of cost to the territory and, of course, in meeting all its obligations about recycling and better water use. In the next few years you will see significant changes.

MR PRATT: I have a follow-up question on sports ovals. Page 6 of volume 1 claims that about 85 per cent of the sportsgrounds were watered in 2003-04. Page 22 points to the fact that irrigation of some sportsgrounds was discontinued during the stage 2/3 water restrictions. Can you tell me how many community ovals have actually been withdrawn from service as a result of those 2003-04 restrictions?

Mr Hargreaves: About 30.

MR PRATT: About 30 ovals. What percentage would that be? Is it roughly 15 per cent, if we assume that 85 per cent could be watered?

Mr Hargreaves: I am not going to attempt to do an arithmetic calculation on the trot.

MRS DUNNE: Take it on notice.

Mr Hargreaves: No, I am not. You can go and figure it out. It is a question on notice at the moment. If it is a question on notice, it is inappropriate to answer. I am advised that it is the subject of a question on notice which has not been responded to at this point.

MR PRATT: Okay. Can you go on to advise us how many of those 30 have degenerated to the extent that they may now not be recoverable? Do you have a view on that?

Mr Hargreaves: We have not made any declaration that an oval or a sportsground will never be recovered. So the answer to your question is nil.

MR PRATT: So you actually believe that they are now all recoverable. Okay.

Mr Hargreaves: Mr Pratt, you have asked me a question. If you would do me the

courtesy of being able to respond to it, it would be pleasant and we could both have an enjoyable morning. You are putting words into my mouth. I also said that we have not made any declarations about that. It is our hope that when the drought recedes and we start to get some natural water some of it will regenerate on its own. We also know that due to the state of these ovals—the soil compaction and a whole stack of other things—these ovals will not come on line as a community facility in the same fashion until a certain period has elapsed. We need to implement a range of strategies, from prayer to the Almighty for a deluge to the recycling of grey water and the introduction of drought tolerant grasses. It is presumptuous to suggest that we will recover every single one of them, as much as it is presumptuous to suggest that we will recover none of them.

MR PRATT: If we went back into stage 2/3 water restrictions—and that may happen—do you think it would be likely that we would again see that level of reduction in the watering of community ovals?

Mr Hargreaves: It is a hypothetical question, Mr Chairman. I do not propose to answer hypothetical questions.

MR PRATT: Can I rephrase it?

THE CHAIR: If it is related to the report, Mr Pratt.

MR PRATT: It is. Given that a CSIRO study found that water saving of 20 per cent could be made on the irrigation of sportsgrounds, would you consider a different approach if we had to go back into 2/3? Have you learnt from the results of the last phase and would we be better prepared now, should we have to go back into 2/3 water restrictions?

Mr Hargreaves: We learn daily about the condition of our sports fields and the way in which we manage them, particularly as it relates to the drought. As I mentioned to you, we are trying a whole range of things—the introduction of grey water and different grasses. We have to satisfy ourselves that some of the older sportsgrounds are even needed. Some communities have said that they do not necessarily bother about them. So we need to be a little bit strategic about that. So the answer to your question about have we learnt is yes. The answer to your question about whether we are doing something about it is yes. In answer to your question about what we are going to do in the future, that is not subject to the 2003-04 annual report.

MR PRATT: Surely the aim of the report is to learn the lessons so that we can plan for the future.

Mr Hargreaves: I have answered that question.

MRS DUNNE: Page 28 of volume 1 refers to the GDE. I know that you could answer this question by saying that these hearings are about the 2003-04 annual report, but could you give the committee an update on where we are with the GDE?

Mr Hargreaves: Yes, I can, Mrs Dunne. We, the community, are completely fed up with the people who are obstructing the construction of this road. That is where we are up to at the moment. It is still before the court; there is an appeal before the court.

MRS DUNNE: Sorry, at the full bench of the Federal Court or something like that?

Mr Hargreaves: Yes, that is correct. The issue is that the challenge has been mounted and the required deposits have been lodged. I think it is \$10,000 for the ACT and \$10,000 for the National Capital Authority on top of the \$50,000 that it already has in the system. We need to take this in two bites. Firstly, it is quite within the rights of any citizen to take into the judicial system a challenge to a government decision and we need to respect the right of people to do that. Against that background, we need also to weigh up the right of the people of Gungahlin to be isolated from the rest of Canberra because the road is just not being constructed. It is also costing us a packet every day that this work does not proceed. In terms of how much it is costing us, the figures is about \$2.2 million or something around that to date.

MRS DUNNE: Are we still paying Kennos \$23,000 a week?

Mr Hargreaves: No, Mrs Dunne. We are currently suffering the effects of price escalation—that is the big hit on us—for every month that goes by. The price escalation on buildings and major infrastructure works around the country at the moment is running at 17 per cent, give or take a bit. So, for every month that goes by, you can add one per cent and a bit to the cost of the project. That is the amount of money the price escalator is affecting us by, because of this challenge.

What we are trying to do to ameliorate that is that, where there are works for the extension which are not the subject of the challenge, we are getting on with doing them. Where there are opportunities for us to cut short administrative delays, we are doing that. For example, there is quite a lot of work around Glenloch interchange. There is a select tender process with that. There is no reason why we cannot proceed to a certain point in that tender process, the delay of which would just add to our woes if we did so. That actually presumes a successful outcome at court. I have to say to you that I do not believe that we have any alternative, because the cost blowout is just going to be huge.

I would suggest to you that, if we had to stop dead and forget it, the cost to us, not so much of a breach of contract because we would not actually sign off on the contracts, but of the reimbursement of people for work done, would be less than the amount of money that we would lose in a day-by-day delay. I can advise you that the tender for the Masterman Street works contract was issued; it is out now. That is for the work between the Barton Highway and Aranda. Mr McNulty will give you some more details on it.

THE CHAIR: Mr McNulty, you might like to take this on as well in answering the question: what further steps have we taken to expedite the construction of the GDE?

Mr McNulty: We have done a couple of things. On the project, there has been an identified deficit of fill material of 180,000 cubic metres, which we have now sourced all of and are placing on the site, so that when the contracts are issued we will not have that problem. That solves one risk with the project. There is a package of works around the Institute of Sport to deal with the fact that Tucker Street and Masterman Street get severed by the GDE.

Mr Hargreaves: Are we going to remove Tucker altogether from the map,

Mr McNulty?

Mr McNulty: We are, yes.

Mr Hargreaves: About time.

Mr McNulty: Because that work is all on territory land, tenders for it were called recently and the contract for it was awarded recently. So that work will start shortly.

MRS DUNNE: That is the rectification for Tucker.

Mr McNulty: Yes. It is about \$1.6 million worth of work. At least it gets some expenditure happening. As the minister said, we have taken some administrative steps on the rest of the tenders to try to get a lot of the preparatory work done so that when the court case is resolved we can just get straight into construction.

MRS DUNNE: Do we have a hearing date?

Mr McNulty: The full Federal Court hearings are to be in May. I have been endeavouring for the last month to find a hearing date. It is rumoured that the court hearings in Canberra will be in the second week of May, but we cannot get any confirmation of that. The GSO is in contact with the Federal Court registrar on a regular basis but, to date, we do not have the dates.

Mr Hargreaves: Mr Dunne, I think that it is also important for the committee to be aware in respect of this very major project that there is whole stack of players in it besides the ACT. The NCA, of course, is the other major player. The committee would be aware that the success of this challenge in court would have enormous ramifications across this town in terms of planning rules and planning regulations and laws, as you well know but other members of the community may not. It is not impossible, if a challenge were successful, that the federal government would move legislatively to fix that. So we are talking about further delay. We are not talking about the cancellation of the road. I firmly believe that people ought to get to used to the idea that we are going to go ahead with the road and we are determined to do that.

For your information, we have also sought approval, and been granted it, from the NCA and ACTPLA wherever necessary to have those done, in place and kicked off. The Glenloch Interchange is a good example of that. All of those processes that we need to do administratively are either done or well advanced. So, if this challenge in this instance is unsuccessful, we then will await Save the Ridge's attitude about a High Court one. But, let me say this, at the end of that the bulldozers will roll. In fact, we will have work done, every bit of it apart from those in the challenge, the best we can in this time. If I can use the opportunity at this time, Mr Chairman, to send a message to the people of Gungahlin: we are firm in our resolve; that road will be built.

MRS DUNNE: You have let a contract to fix up Masterman Street and do away with Tucker Street.

Mr Hargreaves: No, a tender.

MRS DUNNE: Sorry, the tender has gone out.

Mr McNulty: The letter of acceptance has been issued.

MRS DUNNE: So we have actually got a tenderer.

Mr McNulty: Yes.

MRS DUNNE: What is actually being held up is the bit between Belconnen Way and Glenloch interchange, roughly?

Mr Hargreaves: There are actually two bits, if my memory serves me correctly.

Mr McNulty: The issue under challenge at the moment is the NCA's variations to the national capital plan, one of which changed the line on the national capital plan between the Barton Highway and Belconnen Way from a proposed arterial road to an existing arterial road, just changed it from a dotted line to a solid line. Save the Ridge's assertion is that that has an environmental impact. The other amendment was the one at Aranda where they shifted the road boundary back marginally into the nature reserve—hills, ridges and buffers area—to facilitate the widening of the road at that intersection. Save the Ridge are asserting that the making of those two amendments to the national capital plan were actions under the EPBC Act which have to be referred to the department of environment.

MRS DUNNE: I had not realised that the first one of those was an element.

Mr McNulty: No, it is both national capital plan variations.

MRS DUNNE: I thought it was only the Black Mountain one.

Mr Hargreaves: There are the two.

MR PRATT: Minister, just following up on that in terms of your frustration with the delays and, of course, the frustration of the entire community, or at least 98 per cent of it: short of other actions that may be carried out at the Federal Court and High Court level, would you be considering bringing legislation to this place to change the landscape and make it a damn sight easier to thwart these ridiculous legal challenges?

Mr Hargreaves: There are a couple of issues with that, Mr Pratt. One, we have already with the GDE authorisation act. You would be aware of that. Secondly, it will depend really on what flows out of the federal government's actions in changing their planning rules and regulations, because we are joint parties to this action. As I said, if Save the Ridge are successful, havoc will reign supreme around the planning regimes in this town and some significant changes to legislation will have to go through the federal parliament. At the time, we will make sure that there is no inconsistency between the legislation. But I have to tell you that I don't know the detail of this because it is a planning issue and it is really something within Mr Corbell's portfolio. He would know considerably more about that than I and I suggest that you follow it up with him. But I can assure you, with respect to this road, that we will be acting in concert with the federal government through its agency, the NCA, to bring it off.

MR PRATT: So, beyond the planning phase and in terms of the implementation phase, there are no—

Mr Hargreaves: The challenge by Save the Ridge is all about planning approvals. So, any legislative response to that will need to address planning regimes, and that's Simon Corbell's issue.

MR PRATT: And you do not envisage any challenges at this point in terms of the ongoing implementation phases.

Mr Hargreaves: No. In fact, the action that Save the Ridge are taking is challenging the NCA's role in this process. They are the first party to this action and we are the secondary party to the action. There is no part of our legislation that is being challenged by Save the Ridge. The challenge that they mounted before we fixed up with the GDE authorisation act.

MR SESELJA: At this stage the GDE is one lane each way; is that right?

Mr McNulty: It will be when it is constructed, yes.

Mr Hargreaves: It certainly is. It is one lane in either direction. It is rather a dirt road at the moment, I have to tell you.

MR SESELJA: You were saying before that the people of Gungahlin deserved good road links. They didn't quite deserve a dual-lane highway. Is there a reason that they are not getting a decent road?

Mr Hargreaves: I did not say they do not deserve a dual highway. What they need, in fact, is proper access into and out of Gungahlin.

MR SESELJA: Is there a fear that that will just extend the bottleneck to where the one lane comes in?

Mr Hargreaves: We are building the road the best we can with the resources that we have to make sure that these people do not suffer the isolation that Save the Ridge is imposing on them. I suggest to you, however, that the roads into and out of Belconnen and the roads into and out of Tuggeranong—particularly the Lanyon Valley—started off in that way. I can recall Belconnen Way being a two-way street in my time in the 1970s. Sorry about this; that is what we are getting. We have been down that street—two-way or dual carriageway—a number of times. I do not think we will usefully conclude much by having a stoush on that.

MS PORTER: I have a question about cycle lanes. On page 5 of the first volume the report mentions that cyclists are beginning to benefit from the Woden to Dickson on-road cycle lane. Are you able to advise the committee of the processes undertaken to measure the usage of the cycleway, and what feedback you have received from cyclists and motorists—particularly ACTION bus drivers—about the effectiveness of the new cycle lane?

Mr Hargreaves: In general, I have had very positive feedback on the use of those lanes. I have noticed the stoush in the newspaper about motorists saying, “Get off the road, you bunch of cyclists” or, “On your bike!” All manner of very clever comments have come out in the press, but I have to suggest to you that they are from a minority of people.

MR SESELJA: Have you got figures on that?

MR PRATT: I could do with those figures.

Mr Hargreaves: I suggest you hop on your bike, go down one of those cycle lanes and have a go. When that stuff first hit the press, I thought I would become a little bit more observant about that. I did it for a while along the parkway and along Adelaide Avenue. I went along those places deliberately in the mornings in commuting time to check. At the times I was travelling I found something like four or five people trundling along, dressed in gear other than lycra with swept-back helmets. A week later I found 12 in a row doing that.

I suggest to you that the introduction of it is still new, to the extent that commuters are picking up that option and using it. We are finding, though, that there has been a significant increase in adult bus patronage, and we know there has been an increase in commuter cyclists. That indicates to me that there is a very gradual community attitudinal shift away from the motor car.

It is a bit early to be able to trot numbers out and then hang us up to the wall to dry about this, but I can report to you that there have been no fatalities with cyclists being clobbered in the cycle lane—none. There have been a couple of cyclist fatalities, but there have been none in the cycle lanes. The health benefits of cycling are well recorded. To anybody who would dispute that I would say, “Have a chat to the Minister for Health.” The improvement in the environment, in my view, will be evident some way down the track.

MR SESELJA: Apart from your personal observations of seeing people on road cycle lanes, is there any analysis—not just of the usage, I guess? I am interested in how the money spent on the cycle lanes has increased the overall number of people cycling to work. Has there been any analysis done of that? If not, are there plans to do that kind of analysis?

Mr Hargreaves: Yes. We will be measuring the usage of the road cycle lanes in the next 12 months, and then on an ongoing basis. I think you need to understand, with respect, that the introduction of that concept was made in the election campaign of 2000-01. It then took a certain amount of time to put them in. The government committed initially to the Dickson to Woden stretch, which has been done. We also committed, over time, to having cycle lanes on the major arterials connecting the town centres, and also that in all new major arterial road construction there will be a cycle lane put on.

As to the costs, I think the Dickson to Woden one was about \$3 million, or something of that order. We would know that any health measure will find its efficacy proven a generation down the track. It is a little early in that process for us to try to test the health efficacy of this particular initiative, three years after the first piece of green paint went down. I discern from conversation an increase. I do not have the numbers here with me

at the moment and I do not know if it would be of help to get them. We know there is an increase in cycle usage in this town because of the results. We know that, because there has been an increase in commuter cycling going on. There has also been an increase in the use of recreational cycling around the bike paths. We are going to increase the maintenance of those bike paths to make sure that those amenities are done in a staged way.

MR SESELJA: Are you able to provide to the committee the figures that show the increase in usage as a result of on-road cycle lanes?

Mr Hargreaves: We will attempt to get for the committee, if we can, a comparison over the last couple of years, but I have to qualify that undertaking yet again. I believe that is the subject of a question on notice. We will examine the question on notice. If it prevents us from answering the question in this context, you will receive your answer to the question on notice, which will be published in *Hansard* anyway. That may prevent us; but, if it doesn't prevent us, we will do that comparison for you.

MS PORTER: Page 122 of the first volume of the report mentions the travel smart survey undertaken with the staff that work at Macarthur House to improve travel choices available to staff. Would the strategies that were used to improve travel choices, such as car pooling, cycling, walking and using the bus, have an application across the whole of government?

Mr Hargreaves: Essentially, these things are OH&S issues which we leave to the CEOs of each department. There is not a government policy saying, "You will do this in every department." No is the short answer. We are introducing a number of initiatives, some of which are in my colleague Mr Corbell's portfolio and some are in mine. For example, the opportunity to have bike racks on buses is really Mr Corbell's issue.

What we are trying to do is, through a series of initiatives, encourage people on bikes. You would know that at bus depots we have bike racks now for safe and secure bike storage; we have got the cycle lanes—and we publish that. We encourage Pedal Power to convey health messages to their members and to really push it. You would know that Pedal Power is very vocal about the benefits of cycling. All of that needs to be considered against the background of the sustainable transport plan. That is the key thing, you know. We shouldn't fall into the trap of considering on-road commuting cycle lanes in isolation of the total plan.

MR PRATT: I refer to the stretch of road where you have the cycle paths now, running out of the city north—down the northern exits from the city.

Mr Hargreaves: Northbourne Avenue?

MR PRATT: Do they meet the Australian standard?

Mr Hargreaves: Yes.

MR PRATT: As you expand the plan, as you are now doing—there are works around the place—do you intend to put bicycle lanes on roads of the same width as that stretch of road?

Mr Hargreaves: It is the intention of the government to connect the major arterial connectors of the town centres with bike paths, and retrofit them, complying with Australian standards—both the width of the road for motorists and the width of the lane for cyclists. Both of those standards must be complied with, and we will comply with them. Secondly, we have folded both of those standards into the design of any extra roads that we might have—for example, the Gungahlin Drive extension.

MR PRATT: There is a peculiar characteristic of the Northbourne Avenue stretch compared to other stretches. We have, of course, the many left-hand turns for traffic, with cars cutting across bicycle lanes. Are you reviewing that particular plan? Are we looking at perhaps preferential green-light treatments for bicycles crossing those crossroads?

Mr Hargreaves: No.

MR PRATT: Given the number of concerns that we are hearing expressed about Northbourne Avenue particularly—and there are a lot about the width of car lanes versus the width of cycle lanes—are you prepared to continue using that same template on other stretches of road?

Mr Hargreaves: Yes.

MRS DUNNE: Thank you, Mr Pratt, for coming back to that. One of the things we saw on Northbourne Avenue in particular was a reduction in the speed limit when cycle lanes went in. Is that going to be the case when you retrofit other arterial roads? I think there was also a reduction in the speed limit over Commonwealth Avenue and Adelaide Avenue, but I am not quite certain.

Mr Hargreaves: The speed limit for every stretch of road in this town is examined by traffic engineers with regard to the technical ability of the road to handle a certain speed, and also the crash record of that particular stretch of road. Each stretch of road which has a cycle lane retrofitted to it will be examined by the experts and a decision will be taken at that time. There won't be a global decision taken that every time we whack one of those in we will bring the speed limit down. Each stretch of road will be examined in its own case.

MRS DUNNE: You also said before that the long-term plan is to build cycle lanes on all arterial roads. Presumably when you are building new arterial roads, you will be building cycleways. When doing that, will you be building them—you will have more flexibility—so that they can accommodate cycleways and arterial road speeds, which are usually 80 of kilometres an hour?

Mr Hargreaves: Yes, absolutely. In the same approach, can I suggest to you that the stretch of Adelaide Avenue that goes from the Phillip roundabout to the Curtin overpass is a decent sized piece of road. People get up to infringement speed on that little stretch. The width of the cycle paths there is quite able to accommodate that.

MR PRATT: But you have a very generous carriageway with it.

Mr Hargreaves: As I said before, when we build these arterial roads, there are Australian standards which apply to both motoring lanes and cycle lanes. Both of those standards will be applied to our roads, arterial or not.

MR PRATT: In terms of the standard and the characteristics, I refer to where Hindmarsh Drive runs east from the junction near Canberra Hospital up to Mount Mugga. Can you confirm that you plan to build a cycle lane up that gradient? That has been put to me.

Mr Hargreaves: I understand that some of Hindmarsh Drive will have cycle lanes in it. I will have to get you the exact information about whether that stretch is involved.

MR PRATT: Can you just confirm whether you intend to run that? I ask because that is a very dangerous stretch of road in terms of variable traffic speeds, slow cycles and cars generously going over the limit on the carriageway.

Mr Hargreaves: I suggest to you that going up the hill is not a problem; it is coming down. I don't say that frivolously. In a former life I was responsible for the employee who killed himself when he rolled a motor car down that hill. I am aware that the downhill stretch is a terrible stretch of road in this town. I cannot answer your question about that stretch of road. I can tell you that not all of Hindmarsh Drive will have a cycle lane, but I will find out whether that stretch will. If the answer is yes, I will tell you; if the answer is no, I will tell you that too.

THE CHAIR: Perhaps I could bring us all back to the report. On page 22 the last paragraph talks about the refurbishments at the Holder shopping centre. Have the various communities accepted the recent upgrade program?

Mr Hargreaves: Mr Chairman, as you know, local shopping centres at Higgins and Holder have been recently upgraded, with works currently in progress at Holt—not before time at Holt, I have to tell you. The upgrade or refurbishment process involves three distinct stages. The first one is that shopping centres are assessed and prioritised by officers from ACTPLA in accordance with various criteria addressing social and physical needs. Those centres ranked high priority are then listed for forward design funding in the capital works budget process.

Secondly, forward designs are developed for the nominated centres following funding authorisation. This involves an extensive community consultation process whereby both the local community—that is, the public using the shops—and building owners and traders are asked to contribute their ideas on how their local centre could be improved or changed to better suit their needs. Their aspirations are collated and used by the design team, in accordance with internal stakeholders, to produce an agreed conceptual design plan for each centre. The third phase is construction. Funding is then sought via the following year's capital works process. If successful, a second design and construction program is developed and implemented in accord with the agreed concept design.

Forward design stages were undertaken for Higgins and Holder in 2001 and 2002 respectively. The Higgins upgrade was completed and opened by the Chief Minister in December 2003, and Holder was completed and opened by the Minister for Planning in July 2004. Holt is currently being refurbished, with works expected to be

completed by the end of June this year. The Speaker launched the construction works in March of this year.

All of these recent upgrades have received the full support of their local users, building owners and tenants. A special effort is made by the design team to involve diverse community representatives such as local schools, aged persons and representatives from community organisations. Of special interest, of course, is the involvement of local school kids with the design and implementation of artworks in each of these recent upgrades, ensuring pride in ownership of the local shops by the general community.

Members of the design team visit the various centres following completion of the work, to ensure that any user queries and reported defects are rectified or attended to. The response to date has been extremely positive for the works undertaken. You will note that a number of shopping centre precincts within our electorate have received attention in the past—Kambah Village is one.

While additional work could always happen at Kambah Village, a lot of the refurbishment there received the blessing of the traders and the people who use it. So I would say that, generally speaking, communities have embraced this with some pleasure. If anything, our difficulty is keeping up with the demand for other precincts to be upgraded which, as part of the program, will happen. It is a bit like Rachel Hunter's hair: it won't happen overnight, but it will happen.

MS PORTER: On another subject, page 33 of the report details savings made as a consequence of upgrading of the lighting, heating and airconditioning of the Magistrates Court, the ACT Health building, the Callam offices and the former North Curtin primary school. I was wondering whether there are plans to extend this particular program?

Mr Hargreaves: Mr Zissler whispers sweetly in my ear. The answer is yes.

MS PORTER: It did not take long to answer that one, did it?

Mr Hargreaves: No, it did not.

MRS DUNNE: I asked you before about the Parkwood recycling estate and said that, as there was a question on the notice paper, you could not answer.

Mr Hargreaves: That is my understanding, yes.

MRS DUNNE: Can you tell me what the question is?

Mr Zissler: It is question on notice 166.

MRS DUNNE: Who asked it?

Mr Zissler: You did.

MRS DUNNE: Are you sure that is right?

Mr Hargreaves: On 16 February of this year I signed off a response to you, I think.

Mr Zissler: The question was on the 18th of this month.

Mr Hargreaves: Sorry. It was sent to my office on the 4th. We have provided the answer to the question on that. You should have it by now.

MRS DUNNE: No, I haven't got it.

Mr Hargreaves: I signed off on it, didn't I, on the 18th?

Mr Zissler: Yes.

MRS DUNNE: I will ask my office to check. I didn't think there were any questions answered. Thank you for that.

Mr Hargreaves: In respect of this, for the record, my reluctance to go down this track is purely procedural. If we have provided information, then that information is available to members. If, in fact, we have not provided information to a question on notice, I am procedurally prevented from doing it. I don't want the committee to feel that we are trying to dodge a question on this.

MRS DUNNE: I understand. I just couldn't recall that there was a question that related to the questions I asked.

Mr Hargreaves: Mr Chairman, following on from Mrs Dunne's point, where a question on notice has been responded to it will, as you know, appear in the *Hansard* record. There may very well be supplementary questions flowing from that question on notice which the question here alludes to, but it doesn't make a connection in my mind in terms of its response. I am quite happy for Mrs Dunne to put her question on notice to you and have the two compared. We will then respond within the time frame I have indicated. Are you happy with that?

MRS DUNNE: That is fine. I have just asked my office to check. I couldn't recall it and my staff did not have a copy of the question I had asked, so there is obviously a glitch in the system. We look forward to the answer—and I will take up your offer.

Mr Hargreaves: I thought we might have had the question here and we would have been able to provide it. That is why we checked.

MS PORTER: My question is about ACT motor vehicle inspection arrangements. Page 77 of the report mentions a review. I was wondering if one of the questions in that review was whether people would want a return to the previous system of 12-monthly inspections and if the committee could be advised of the feedback from the discussion paper that was released subsequent to this review.

MRS DUNNE: There was a discussion paper early last year.

Mr Hargreaves: Yes. I have information here on what the inspections are about, but I'll have to take the specific question on notice.

MS PORTER: Thank you.

Mr Hargreaves: I am not sure whether people were asked whether they wanted to go back to 12-monthly registration or not and what their response was. But I have to tell you that I think the majority of people in the ACT are not overly keen on going back into queues. That is my anecdotal experience, anyway. By the same token, there are people quite legitimately concerned about whether we have safe vehicles on the road. With your leave, Mr Chairman, I will ask Ms Greenland to join us at the table. She may be able to shed some light on this and save us some time later.

Ms Greenland: The review that was conducted invited people to make comment on the current scheme and also comment on any alternative schemes, including the scheme that had previously applied where there were regular inspections. There was a fairly low return in terms of formal comments that were supplied. I would have to check the exact numbers, but my recollection is that there were fewer than 30 responses and they were almost evenly divided. From recollection, some people did want to return to the former scheme and other people felt that they were quite happy with the current arrangements.

The review also had a look at the arrangements that are in place in other jurisdictions for motor vehicle inspections. In fact, the ACT is consistent with most jurisdictions insofar as it relies on random inspections. Only the Northern Territory and New South Wales at the moment have regular vehicle inspections and the view was taken that, based on the information that came out of that review, there was not a justification for changing the existing random inspection scheme.

MR PRATT: I would like to go to the subject of Canberra Urban Parks and Places and bushfire fuel reduction. I will start at page 10 of volume 1. I note the statement there about the significant challenges and priorities for the ACT government in that program. How much more money was spent in 2003-04? I hope that you do not need to take the question on notice. What is the feeling about how much more was spent in 2003-04 on reduction in the urban fringe areas?

Mr Hargreaves: Firstly, before I go on, I wish to clarify something we said a little earlier with respect to Parkwood estate. Our understanding was that it was subject to a question on notice. I am advised that it was initially the subject of a freedom of information request and work was actually being done to provide similar information, and that is where the confusion lay. That is just to clear the air on that.

MRS DUNNE: I will come back to those questions later, Mr Chairman.

Mr Hargreaves: I have got no problem with that. Mr Pratt, I am sorry about that interruption. I do not know whether the amounts of expenditure are split down into that category. I do know that the expenditure for 2003-04 is contained in the budget papers for the 2004-05 financial year, and I refer you to those papers.

MR PRATT: Have you actually spent to the planned budget? How much more activity is there?

Mr Hargreaves: The funds which have been allocated to the Emergency Services

Authority for bushfire mitigation have been spent in accordance with its charter to protect the people of the ACT.

MR PRATT: Okay. Going to page 21 and the urban pine management project to reduce fire hazards that was carried out in 17 suburbs, should I presume that these 17 suburbs only included the western and south-western fire approaches, or are you also talking about the likes of Fadden, Macarthur and Isaacs, with their easterly and south-easterly approaches?

Mr Hargreaves: The answer is yes, Mr Pratt

MR PRATT: With those suburbs with a western fringe stand of pines—western, south-western and north-western—is there a much higher standard of clearing compared with those on the eastern fringe?

Mr Hargreaves: No. The answer to the question, supplementary to that, is that the bushfire mitigation is based on the risk analysis for those particular suburbs and we would err on the side of caution, regardless of whether the suburb was Fadden, Macarthur, Duffy or Holder.

MR PRATT: Have you planted any new pines of that particular species, *pinus radiata*, on the western fringes of suburbs?

Mr Hargreaves: Not that I am aware of.

MR PRATT: With respect to grassland management inside the BAZ but along the urban fringe, what is the standard that you work to in cutting back from the urban edge? What sorts of metreages are you working on for the western fringe? Do not worry about the eastern fringe.

Mr Hargreaves: It depends. I do not wish to duck the issue, but can I just say that the bushfire strategic plan, strategic bushfire mitigation and all that sort of stuff, also has as a component bushfire operational plans from the land use managers which control that bit of ground. Some of those areas are not within the authority of the Department of Urban Services. The land use managers can be ACTPLA, Environment ACT or two elements of urban services, such as Canberra Urban Parks and Places and forestry. The way it actually works under the Emergency Services Act is that these bushfire operational plans are submitted to the Commissioner for Emergency Services, who certifies that the bushfire operational plans can actually do what they purport to do and then funds are sought to do that.

In that process, there is a risk analysis undertaken of the particular area we are talking about. So there may very well be a different regime of mowing in, let us say, the areas bordering the nature park than there would be in the suburban areas—Oakey Hill, for example. I cannot answer your question specifically because it depends, quite clearly, on, firstly, whether the area is within my portfolio, but I would know about it anyway, and, secondly, whether a particular area would differ from another one. But it is contained, let me tell you, quite specifically in the bushfire operational plans which are submitted to the commissioner.

Mr Zissler: Each parcel of land is individually assessed for its level of risk; so the amelioration or treatment depends on the level of risk, and that is independent of who owns or manages the land. Our bushfire operational plans for CUPP, for forests and for environment are all unique, but each parcel of land is unique as well, depending on the risk.

MR PRATT: When CUPP or any of the other land managers in the urban services-related portfolio submit their bushfire reduction plans, are you satisfied that ESA is signing off on those?

Mr Hargreaves: What happens, Mr Pratt, is that there are various levels of risk. A minimum level of risk which is unacceptable is not signed off by the commissioner for ESA; it depends on the area you are talking about. But above that there are various levels of risk which may be acceptable, depending on the conditions prevailing at the time. If, for example, we have a particularly wet season, there is one approach. If we have a drought, there is another approach. If we have a particularly windy and anticipated lightning season, there will be a different approach again. The level of risk is matched against the amount of resources going into that and the bushfire operational plans can be changed to reflect that in any given year, but I am satisfied that the commissioner, in the discharge of his statutory duty, will not sign off on a bushfire operational plan unless he is satisfied that it can do the job.

MR PRATT: Is the commissioner working with CUPP and the other managers to inspect all areas under the responsibility of those land managers to ensure that the proper plans are being put in place? How does the relationship work there?

Mr Hargreaves: First of all, that particular piece of the legislation and the actual introduction of the bushfire operational plans are very new; you have to understand that. They have just been submitted, I think for the first time this time, to the commissioner to tick off, so there are regimes in place for the evaluation of whether people actually did do the work that the bushfire operational plans were requiring of that agency. So, yes, at various times during the year the commissioner would satisfy himself, if there was an undertaking in the bushfire operational plan, that it actually was discharged.

The answer is yes to that, but that has not happened yet because the bushfire operational plans are still in that process. As you would know, the strategic bushfire management plan is out for public consultation at this time and it has to be accepted by government and then published as the way to go. That has not happened as yet either. We are still in the formative stage, but I am confident that the process is as far down the track as it can be and that it is being implemented with integrity.

MR PRATT: Even though the regime is still new and, of course, the 2003-04 report cannot measure how it has gone so far, does the commissioner of the ESA currently have the authority or is he directed by you to go into all of these land management areas—CUPP, ACT Environment—which have responsibilities to ensure that plans for fuel reduction are submitted for those areas?

Mr Hargreaves: Firstly, Mr Chairman, we are in a way straying into Emergency Services Authority things, but I will finally respond to this particular question. The commissioner takes no direction from me with respect to this activity. His powers are

those of a statutory officer under the act; so he is absolutely independent in doing what he does under this part of the act, the same as any other statutory officers have independence from their ministers.

Secondly, he has authorities contained in the Emergency Services Act to require departments to do X, Y and Z. He does not ask them to do it. Naturally enough, he talks to them and consults with them and they develop it together. At the end of the day he has the power to require certain things to be done if he so chooses.

THE CHAIR: Minister, on page 35 of volume 1, in future directions under property management there is reference to the integration of Totalcare businesses. How successful was that integration and how sustainable are these government business enterprises?

Mr Hargreaves: I will get Mr Zissler to give you some details, Mr Chairman, but I can say to you that it was a particularly successful integration, a move from what was essentially a sad and sorry case into some thriving and very effective operations. The reason I wanted to make this statement to you before Mr Zissler tells you about it is that he was the change agent that effected it, as you would know from your own experiences of it, and the units integrated into the department very well.

I will, however, put this caveat on any transition or any business entity within DUS. All business operations within the Department of Urban Services are from time to time scrutinised for their commercial efficacy, for their service efficacy and for their community contribution efficacy, and we are in the process of doing that. You might recall that when we went from taking one element of Totalcare and putting it into DUS there was a review mechanism in place. With respect to those units, I think that those reviews have been done—it depends on which element you are talking about—and we are still processing some of that information, so it may be that we cannot provide you with all of the information that you require, but we will give you a very good idea of it. Over to you, Mr Zissler.

Mr Zissler: Thank you. As identified, I was responsible from the Totalcare end of the business for the transfer to urban services and Gordon Davidson, who is the current deputy CEO of urban services, if you like, was responsible on the government side to receive those. The three core businesses transferred back were facilities management, road maintenance and the capital linen service. All three have successfully integrated back, all staff transferred, and all the residual issues of Totalcare for those discrete businesses were resolved on return.

This was done in concert with the union movement. They were fully involved and part of that transfer required an MOU between the union movement and the government and Totalcare about what would happen. As the minister just highlighted, part of that MOU was indeed a review process. Each business unit now—roads, facilities management and linen—has been reviewed. The linen one is complete, there are some recommendations for government there and they are currently being considered by the minister and government.

The roads one was completed late last year and, likewise, it is with the minister and government to consider and there are some recommendations around that. The last one, facilities maintenance, is just about finalised. I suspect there would be another three or

four weeks there. The reason we have taken time is to make sure those reviews are thorough and those reviews are highlighting the commercial viability and putting forward a way forward for these businesses back in government. It is being done in full consultation with the employees, with management and again the union movement and, so far, has delivered on the outcomes we are expecting. I cannot, clearly, discuss those because they are subject to government decision making.

THE CHAIR: Mr Zissler, just in relation to the capital linen service, did the review show how competitive that service was, and is it income producing?

Mr Zissler: Absolutely. The linen service is quite interesting and fairly unique to the ACT. It is a very large organisation and I welcome anyone to visit it at an appropriate juncture. It is in a large factory at Mitchell. It currently washes and cleans in excess of 100 tonnes a week with about a 50:50 percentage breakdown between the work they do for government—that is hospital work in the main for both Calvary and Canberra hospitals, which is critical to the ongoing viability of those organisations—and the private sector. It is the largest single laundry in the ACT, with one or two minor competitors, and, yes, it is very economically viable.

MS PORTER: Mr Zissler may be able to answer this question, seeing as we are on to talking about the capital linen service. It is with regard to the expansion of its service to the growing aged care sector. Have you been able to gain any contracts with, say, hospitals and aged care facilities in New South Wales and the surrounding area?

Mr Zissler: As I alluded to, it is a semi-commercial business. Half the business is in the government sector. The market share in the private sector is critical to its ongoing economic viability. So all the time we have people seeking work both in the commercial hotel/restaurant type business and in the aged care sector. We have looked at the New South Wales surrounding area. We, of course, treat it as a region, but there are competitors in New South Wales that have different opportunities to us. But, for example, we are talking to—forgive me if I get the name wrong—the New South Wales health region which surrounds us. We are having discussions with them about opportunities.

MRS DUNNE: Greater Southern.

Mr Zissler: Greater Southern, yes. They keep changing their name. We are having discussions with them. However, you need to understand that in the aged care/health sector in New South Wales, New South Wales health has its own laundry system which is totally subsidised by government; so they are a bit less keen, shall we say, to hand business to us than they might otherwise be.

MRS DUNNE: Page 35 of volume 1 talks about the proposal to install PV cells on Macarthur House. How much generating power—this looks like a question for Mr Ryan—and at what cost?

Mr Hargreaves: Mr Chairman, with your leave, I will ask Mr Ryan to join us at the table, knowing of Mrs Dunne's fondness for PV cells. I would like to let the committee know that the proposal to put a wind turbine on the top of Macarthur Avenue was taken away because it would be far too expensive; so we thought we would go with PVCs.

Over to you, Mr Ryan.

Mr Ryan: We are spending \$50,000 on photovoltaic cells. They are going on the roof and they will be used for the hot water system. I will have to take on notice how much power they will actually generate, but they will handle producing hot water within Macarthur House.

MRS DUNNE: So you are going to use PV cells to produce hot water, rather than a solar hot water system. It is a very expensive hot water system.

Mr Hargreaves: It might be a fairly expensive hot water system, Mrs Dunne, but if government does not take the lead in doing these sorts of things the cost is always going to be exorbitant, isn't it? So the answer to your question is yes.

MRS DUNNE: You are going to use photovoltaic cells to generate electricity to run a hot water system; is that correct?

Mr Hargreaves: We are talking about Macarthur House here; we are not talking about a three-bedroom house in Waramanga.

MRS DUNNE: Yes, I know, but why would you use PV cells to generate electricity to heat hot water, rather than directly heating hot water by using a solar hot water system?

Mr Hargreaves: We will have to take that question on notice, but I will just put a caveat on it again. We really need to have a series of energy sources. I remember the time we spent on the planning committee. We need to push for all sorts of alternative energy applications. If we have to go out on a limb to do it once or twice, then so be it. It goes to whether the government is going to take the lead in this stuff. I remember the committee suggesting that the ACT government get off its backside and do something about these things. I would like Mr Zissler to talk about the application of this stuff at Amaroo middle school, which may give the committee a bit more of the flavour.

Mr Zissler: While it is outside the urban services portfolio, the ACT government has used Amaroo primary and middle school as an exemplar of how we might use alternative energy sources. As you know, the most recent phase of that school was completed and opened earlier this year. It will be formally opened later, I suspect. There we have photovoltaic cells on the roof. We also have hot water systems on the roof. Indeed, there is windmill energy to be produced there. These are on the science block and the children have access to the meters below the building so that you know how much energy is being generated and utilised and that is integrated into the curriculum there. That is going to be used in education and the exemplar going forward for future schools, but also clearly we are looking at that work as well. I cannot answer the question you posed. We will take it on notice.

Mr Hargreaves: I can. The question that you posed was: why not stick a solar hot water system on the building?

MRS DUNNE: Solar hot water systems are cheaper than PV cells.

Mr Hargreaves: They might be, but at the moment the roof is too small. It is flat and we

are refurbishing the roof. It has not got enough area. Putting black plastic on there just would not work; it just would not work on that particular building.

MRS DUNNE: Perhaps I could get a briefing on what is happening.

Mr Hargreaves: I am happy to arrange for a briefing on it for you, Mrs Dunne. If you contact the office, we will fix that for you, easy as.

MRS DUNNE: Excellent.

MR PRATT: Minister, if I can just go back to page 34 of volume 1 on the camera issues.

Mr Hargreaves: I thought we had been past that, but okay.

MR PRATT: In 2003-04 there were the 520 infringements that were discussed earlier, so I do not need to go through all that. Do you know whether you have covered all of the possible infringements?

Mr Hargreaves: Mr Pratt, with respect to those 475 people, the main bulk of them, we tracked them down. So, yes, I am confident of that. I have to put on the record my appreciation to the camera office because what happened, in fact, was that we had a person raise the issue with us and they moved like greased lightning on that and fixed it.

MRS DUNNE: Does that mean that the camera office used section 31 of the Motor Traffic Act to institute a review and give people back their money rather than people having to appeal?

Mr Hargreaves: We actually did not proceed with many of the infringement notices that were already out there because of the timeframe. Also, where people had paid, we repaid the money to them and we restored the demerit points where they were removed.

MRS DUNNE: So you used the provisions in the Motor Transport Act.

Mr Hargreaves: I cannot tell you what provision we used, but I can tell you that I gave approval under the appropriate legislation for the reimbursement of people's moneys if they had paid the thing and also we restored any demerit points which were taken out of that. It was with some speed, I have to tell you, that this thing occurred. The issue was actually referred to us by the ombudsman's office and whenever that happens you move like greased lightning, don't you?

MR PRATT: When people contest these fines, what do they pay?

Mr Hargreaves: They do not pay anything.

MR PRATT: They do not pay anything at all.

Mr Hargreaves: No.

MRS DUNNE: But don't they have to pay to get the photo?

Mr Hargreaves: To get an image and that sort of stuff, there is a nominal fee.

MRS DUNNE: It is \$10, is it not?

Mr Hargreaves: Yes. It is a nominal fee. It is an administrative charge only and it would apply to your decision on whether to proceed with the challenge or not. You must remember that, with respect to the 475 in this lot, we actually went with every one of them. If somebody said that they had received an infringement notice between that date and this date, we just said, "Fine, it does not exist. We will give you back your money and we will give you back your demerit points," and they got a letter of apology from us, as far as I know.

MR PRATT: Does anybody who does contest a fine and is proved to be correct get reimbursed the amount of money that they pay to contest, the \$10 or so?

Mr Hargreaves: In my time, Mr Pratt, I have never been asked to do that, so the answer is: in my lifetime in this thing, no.

MR PRATT: Would you consider doing it? Wouldn't it be fair?

Mr Hargreaves: I am not sure. I would have to take advice on that. For example, if I contest a traffic violation at the courts and if I use a police report that I paid for in it and I am successful, I do not get that money back.

MR PRATT: Surely that begs the question that that situation should be reviewed.

Mr Hargreaves: I am saying to you that I would need to take some advice on that sort of thing and the precedent which applies to it. I do not have a closed mind on it, but I would need to take some advice on it.

MR PRATT: Can you point out in the report where this issue of 520 invalid infringements has been reported upon?

Mr Hargreaves: No.

MR PRATT: Why not?

Mr Hargreaves: Remember that the compilation of annual reports for 2003-04 starts a lot earlier than that. You might know that we were not backward in coming forward about this matter. It was actually put out there in the media by us. There was no hiding of anything. We have not tried to shirk our responsibility on this sort of stuff.

MR PRATT: So the report does, in fact, spell out these issues warts and all.

Mr Hargreaves: As far as I am concerned, the annual reports do that where information is to hand at the time of compilation.

MR PRATT: Will there be a report on this matter in the 2004-05 report?

Mr Hargreaves: Mr Pratt, the 2004-05 report will talk about activity in that year. If people in the ACT are interested in obtaining information on this matter, I can refer them to two pieces of information: the truth, which is the information we have provided, and your own press releases.

MR PRATT: I will sleep tight tonight, minister.

THE CHAIR: Thank you, minister and officials. The time has drawn to a close for this hearing. I thank you and members for your time today.

Mr Hargreaves: Thank you, Mr Chair.

The committee adjourned at 11.31 am.