



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

STANDING COMMITTEE ON PUBLIC ACCOUNTS

(Reference: Appropriation Bill 2007-2008 (No 2))

Members:

**DR D FOSKEY (The Chair)
MS K MacDONALD (The Deputy Chair)
MR R MULCAHY**

TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 27 NOVEMBER 2007

**Secretary to the committee:
Mr H Finlay (Ph: 6205 0136)**

By authority of the Legislative Assembly for the Australian Capital Territory

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

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The committee met at 9.34 am.

CORBELL, MR SIMON, Attorney-General, Minister for Police and Emergency Services

LEON, MS RENEE, Chief Executive, Department of Justice and Community Safety

PHILLIPS, MR BRETT, Executive Director, Office of Regulatory Services, Department of Justice and Community Safety

THE CHAIR: Thanks for coming today, minister, and thanks to Ms Leon and the other officials. This hearing is in relation to the appropriation bill. There is the usual privilege statement, but I am going to take it that that is as read. If you have any concerns, do let me know. Minister, do you want to make an opening statement?

Mr Corbell: I do not have an opening statement, but I and my department are very happy to try and answer your questions.

THE CHAIR: I will start off. There is new money under JACS that is dedicated to “improving safety and reducing crime by providing funding for police to support a multi-agency pilot project aimed at addressing crime and anti-social behaviour in higher density public housing”. First, could you let me know how you are working with the department of housing in this and whether this is in concert with measures to provide appropriate services to those people to prevent crime.

Mr Corbell: This is a cross-agency initiative. The justice element of that is the provision of dedicated police resources to assist with safety and perceptions of community issues in higher-density housing centres. The other elements of the program are being delivered by the department of housing and community services, but it is very much a cross-agency approach. Ms Leon might be able to give you some more information, but essentially the justice element is the police presence.

Ms Leon: The project both was conceived and is being implemented very much in a cross-agency fashion. It is being developed out of the crime prevention work being done collaboratively between our department and the Department of Disability, Housing and Community Services and the AFP, ACT Policing. There is a working group that is guiding the project. That includes representatives from both departments and the police.

There will be focus not only on the police presence and visibility, which is the justice contribution, but also on community enrichment. Community organisations will assist residents to coordinate current services to ensure better outcomes across the whole range of sometimes quite complex needs that people in these situations can have. There will also be multi-agency case assessment for people with high-level complex needs, involving representatives from government, DDHCS and an appropriate community organisation. It is very much a joined-up approach that recognises that complex social needs can have a justice consequence and that justice outcomes often reflect complex social needs.

THE CHAIR: Will that be administered by the department of housing?

Ms Leon: It is being oversighted by a cross-agency working group, but the

engagement of community organisations to assist the residents with social needs will be under the auspices of DDHCS.

MR STEFANIAK: You mentioned police presence and visibility, but what exactly is it envisaged the police will do? What do you mean by police presence and visibility? What will they be doing as part of this team approach?

Mr Corbell: It is still to be determined, but it has been identified that there is a need for an additional police resource to support this initiative. The exact nature of the police presence and how police will be deployed are yet to be determined and will be subject to detailed discussions with ACT Policing and, obviously, through the working group.

MR STEFANIAK: Do you know how many police will be involved?

Mr Corbell: I do not have an exact number.

Ms Leon: The additional resource is an additional police FTE, but, as I understand it, it is not expected that that means that you will have one individual who is attached to a particular housing site. Rather, it will be an additional resource to enable the police to expand their community policing activities, particularly their suburban policing strategy, into hot spots of significant need. As the minister says, the exact detail of what will be most effective will inevitably be something of an iterative process as the pilot site is properly scoped and discussions are progressed in the working group about the needs of that site.

MR STEFANIAK: When would you know? How long will this process be taking before you know exactly what you will be doing?

Ms Leon: It is expected that the working group will have a clearer focus on the exact elements of the picture by the end of January or early February.

MR SESELJA: I have a couple of questions about the extra money for the prison. Minister, back in May last year you said that you would not be spending any more. This provides for an extra \$2.5 million in capital. When did you become aware that that promise not to breach your \$128 million budget was going to be broken?

Mr Corbell: I do not agree with your assertion that any promise has been broken.

MR SESELJA: What part of it is incorrect?

Mr Corbell: Leaving aside the political elements of your question, I was advised in the last couple of months that the construction contingency would need to be adjusted to take account of an increasing cost of construction in the construction sector.

MR MULCAHY: Can you elaborate on those increasing costs of construction, minister? In answer to a question without notice on 27 November, the Chief Minister made the same statement, but I am curious to know where those blow-out costs have occurred, given that we are being asked to approve another \$2.54 million. Given that you have ongoing increases in construction costs, particularly on this project, I am

wondering if your government has considered means of locking in or hedging against variations in cost when construction projects are undertaken.

Mr Corbell: There is a range of questions there. I will answer the first ones first. What has occurred is that there has been an analysis of the rate of variations that have occurred since the project commenced.

MR MULCAHY: Were they initiated by—

Mr Corbell: Variations are a normal part of any construction project. Some are driven by the client; some are driven by the main construction contractor as they analyse the details of physically putting the building on the ground and what additional costs may not have previously been foreseen. Contingency is a normal part of managing that. The contingency that we had in place was very modest. I forget the exact figure, but it was in the order of \$1 million to \$2 million.

Ms Leon: The contingency was originally \$3 million.

Mr Corbell: That is small for a project of that size. With a \$128 million construction project, a contingency of only \$3 million is very modest. Following an analysis during the first 46 per cent of the construction, it was determined that the rate of variations would be higher than originally anticipated and therefore additional contingency should be provided for to ensure that we were able to manage any further variations during the project.

MR MULCAHY: What about the other part of the question?

Mr Corbell: Hedging?

MR MULCAHY: Yes—hedging or protecting yourself against variations. You started at \$110 million; you went to \$128 million. You are now at \$131 million.

MR SESELJA: You dropped 74 beds halfway through the project.

MR MULCAHY: So product has been scaled back and your costs have gone up quite dramatically. Did you know of this sort of—

Mr Corbell: Costs are not going up quite dramatically. The costs have risen by less than five per cent.

MR SESELJA: Is that on a per bed basis?

Mr Corbell: Total value of the project—\$128 million—

MR MULCAHY: It was \$110 million initially.

Mr Corbell: The government allocated \$128 million for this project back in 2003. The allocation did not change until this point. The total escalation cost is less than five per cent.

MR MULCAHY: So you did not put anything in place to protect yourself against the inflationary costs of building—

Mr Corbell: The government has always sought to restrain the total costs of this project. We put in place a very modest contingency. In hindsight, that contingency was probably too modest. Nevertheless, an escalation of less than five per cent of the total value of the project is in marked contrast to the massive blow-outs we have seen in other major construction projects in the territory. The Bruce stadium is the most obvious example.

MR SESELJA: You have scaled it back by 25 per cent.

Mr Corbell: The Bruce stadium renovation is the most obvious example—

MR SESELJA: You have scaled back the number of beds by a quarter.

Mr Corbell: which saw a massive—

MR STEFANIAK: Gungahlin Drive is not a bad one, Minister.

MR SESELJA: You were holding on to your headline figure, and now you don't even have your headline figure.

THE CHAIR: One person at a time, please.

Mr Corbell: If you want to score political points on this, I am very happy to draw some comparisons. The most obvious comparison is the additional \$60 million that had to be allocated for the construction of the Canberra stadium under the previous government.

MR SESELJA: But they still built the stadium, didn't they?

Mr Corbell: We have a very modest escalation in costs of less than five per cent of the total value of the project.

MR MULCAHY: Can you explain, Minister, why you did not lock in the price or take any forward contracts to protect yourself against the increase in cost of construction?

Mr Corbell: We are happy to answer that.

Ms Leon: The price is locked in, as with any normal construction contract, for the performance of the contract, to the extent that it is known and detailed at the time that the tender is let. But, as is normal with any major construction work, when the contractor proceeds to the detail, there will be a degree of variation from the original design to the actual construction. That can involve matters as small as needing to move a window, needing to resite a light switch—

MR MULCAHY: Can you give us the major variations, Ms Leon, so that we can understand where those major variations are? Mr Seselja has mentioned the reduction

in beds; what else is significant?

Ms Leon: The reduction in beds is not germane to the contingency fund. The reduction in beds was largely driven by the fact that, due to global events that I am sure members of the committee are all aware of, the price of steel and other construction materials has risen exponentially in recent years. The prison was designed and budgeted with an element of inflation automatically built into it and that was based on the escalation factor for construction that was relevant at the time that the budget was set. I do not think anyone at that stage predicted the dramatic escalation in the cost of steel and other construction materials or the intense competition for subcontractors that would emerge in the Canberra market as a result of the exponential increase in development in Canberra in recent years.

So while that development is very desirable for a range of economic reasons, it does have an impact upon price, as demand and supply equations always do. So, with respect to meeting that exponential increase in construction costs, which was over and above the factor that had been built into the budget for the normal escalation in construction, that was the reason for the scaling down of the facility in order to fit within the originally budgeted amount. That aspect is not related to the variations in design.

Mr Corbell: I make the point again—

MR MULCAHY: Can you provide the committee with a list of the major variations?

Mr Corbell: Just to add to the answer, it is worth making the point that the total increase is less than five per cent of the total value of the project.

MR MULCAHY: I heard that, minister, but we would like a list, if we could, of the major variations. Are you able to furnish that to the committee?

Ms Leon: I think there is quite a lengthy list of minor variations but I will—

MR MULCAHY: No, I don't want the minor ones; I want the major ones, if you could.

Ms Leon: I do not have a list of major variations with me.

MR MULCAHY: We can take that at a later stage.

Mr Corbell: I will take that on notice.

MR STEFANIAK: Why don't you put in all the variations? That would be simple.

MR SESELJA: Minister, will this extra spending avoid the need for the mooted prison labour to be used to build the gym?

Mr Corbell: The proposal to involve prisoners as part of their rehabilitation in some elements of the construction of additional facilities is still an option for government and for Corrective Services. It is a normal opportunity pursued by prison authorities

around the country, where there are additional works to occur within an operating prison environment, that prisoners are given the opportunity to learn new skills—under, of course, close supervision and only in areas where they are able to learn those skills without jeopardising the completion of the project. That will be an ongoing opportunity and I think a very reasonable one. I think it is very appropriate that prisoners are given the opportunity to learn new skills while they are in jail. This gives our community a better chance for those people to be rehabilitated and to have worthwhile skills that will make them more effective citizens when they are released from jail.

MR SESELJA: Minister, can you rule out any further blow-outs in the cost of this project?

Mr Corbell: What I can say is that this is the best analysis to date of the completed project and the budget associated with it. I would be very surprised if there was any further requirement for additional funding.

MR SESELJA: You left open the possibility of New South Wales prisoners coming in because the prison at this stage may not be full. How advanced are negotiations with New South Wales in particular to exercise some sort of arrangements to see New South Wales prisoners come in where appropriate?

Mr Corbell: The point I have always made on this is that, as a jurisdiction with its own correctional facility, we will participate in the arrangements that already exist between jurisdictions for the transfer of prisoners as and when it is requested by other jurisdictions and as and when it is deemed appropriate by the ACT authorities. For example, there may be occasions when it is desirable, either at the request of the prisoner or at the request of the prison authorities, for a prisoner to be transferred to an interstate facility. We rely currently on the goodwill of other jurisdictions to do that. Equally, I am sure that other jurisdictions will rely on our goodwill to accommodate prisoners that they believe should be, or at the request of a prisoner are seeking to be, transferred to the ACT. So we will participate in the normal interstate transfer arrangements.

MR SESELJA: So it would be on an occasional basis rather than on a broader basis if it looks like the prison is going to be—

Mr Corbell: It is not the government's intention, and it has not been the government's intention since the government agreed to commence this project, to make the prison a first call, if you like, for New South Wales prisoners.

MR SESELJA: The cost per bed for the facility now is around \$435,000. How does that compare to other prisons around the country?

Mr Corbell: We do not cost this prison on that basis, Mr Seselja. I think you are the only person who does. No other jurisdiction and no other government in the country cost prisons on that basis.

MR SESELJA: You would know how many beds and how much it costs, I assume?

Mr Corbell: The reason is that it is a very simplistic and quite immature way of costing the prison because—

MR SESELJA: Is it because you don't like the outcome?

THE CHAIR: Let him finish, please, Mr Seselja.

Mr Corbell: it fails to have regard for the broad range of other facilities that are needed to be provided for in a prison, such as health services, training, educational, recreational, security and all the other elements that go to making a secure correctional environment.

MS MacDONALD: I understand there is a focus on the cost of building the Alexander Maconochie correctional facility, but I am curious to know, in terms of the future running of the facility, and having regard to the focus on climate change, what sort of mechanisms we have in place to ensure that the prison is built in the most sustainable way.

Mr Corbell: We anticipate that the prison will achieve an effective five-star energy rating. That is partly down to the orientation of the buildings and the ability to access solar gain during the day and to use that at night to moderate the temperature of the buildings. That means savings to the taxpayer and to the community in terms of energy costs, as well as, obviously, a better environment for prisoners and the people who work in the facility.

The other very significant element is in relation to water use. There is extensive water recycling on site and extensive rainwater capture on site. There is a series of very large underground rainwater tanks that collect all of the run-off from all of the buildings on the site, and that is used for irrigation. A large number of the prisoners' accommodation areas also have grey water recycling, to provide for the capture of water from shower and other sources of wastewater in the building, and that is recycled for toilet flushing and so on. I think the government very much is setting a leading example for a large-scale correctional facility to reduce water use and to reduce energy use in the buildings.

MR STEFANIAK: Minister, getting back to the number of prisoners, given that currently only about 100 ACT prisoners are in New South Wales jails and that about 60 per cent would be regularly on remand, why are you ensuring that there are only occasional transfers between systems rather than coming to an arrangement with New South Wales whereby they will be able to supply us with a number of prisoners to fill the prison, to get some money in from New South Wales, which was originally envisaged when the prison project was first mooted?

Mr Corbell: It may have been envisaged when the Liberal Party actually thought it was a good idea to build a prison. I note that the Liberal Party has changed its mind. Only you can explain the hypocrisy of the opposition, but in relation to the accommodation of New South Wales prisoners, it is not the government's belief that the prison should be run at a profit. It is not a money-making arrangement.

MR STEFANIAK: We are not talking about a profit, Minister; we are just talking

about offsetting and actually filling the prison so that you do not have a half-empty prison.

Mr Corbell: The government has indicated, and the figures also indicate, that the costs of running the prison are equivalent to the costs of paying New South Wales for our current prison population.

MR SESELJA: Do you have those details, because we have asked for them—the detailed running costs?

Mr Corbell: I have answered these questions previously—

MR SESELJA: You have never given the detailed running costs.

Mr Corbell: in annual reports. I am very happy to answer them again.

MR MULCAHY: Could we formally request that of you—to provide the committee with that information?

Mr Corbell: Could I clarify exactly what it is that you are seeking?

MR SESELJA: Detailed projected running costs of the prison.

Mr Corbell: We can certainly provide you with the projected running costs of the prison.

MR SESELJA: Without any detail—just a headline figure that you are going to try and stick to, or will you provide some detail? In the past you have just given us a headline of around \$20 million. What I would like is some detail that will actually show whether that is a reasonable figure that you are aiming for or that you are going to stay with.

Mr Corbell: We will seek to provide some further detail on that.

THE CHAIR: Have you done the working out, or could the working out be done, on how much the sustainability measures have added to the building bill, and could we have an estimation of how much will be saved in the running of the prison by the energy efficiency and the water-sensitive design?

Mr Corbell: I would imagine that that sort of analysis has been done. I don't have that to hand; we would have to take that on notice.

THE CHAIR: If possible, could you also provide that?

Mr Corbell: That would be a normal consideration in a project's costing. I am sure some information could be supplied.

THE CHAIR: You realise there is a very short turnaround time in getting information to us in order to get it into the report, and we would appreciate very prompt—

Mr Corbell: Yes, we will certainly endeavour to do that.

MR MULCAHY: Attorney, the Chief Minister expressed concern about ensuring capacity with respect to the project. He was particularly concerned about the winding back of the transitional release centre. You have said your extra funding is to deal with the shortage in terms of contingency and the blow-out of construction costs. What is the situation with the transitional release centre, and how much extra have you had to inject into that aspect of the development?

Mr Corbell: All of these questions were asked less than a couple of months ago—

MR MULCAHY: Well, I am asking today, if you wouldn't mind, Attorney.

Mr Corbell: Certainly. I am just indicating that I have previously answered these questions and this information has previously been made available to the opposition. I do not have all of those details to hand, simply because it is not within the scope of the specific request for funding that is in this second appropriation. I can certainly provide that. The transitional release centre is smaller than was originally provided for. I forget the exact number of beds. I think it is about 30-odd beds now.

MR MULCAHY: This funding is not related to it; is that what you are saying?

Mr Corbell: No, it is not.

MR MULCAHY: The Chief Minister told us on 22 May—I think you may have been in New Zealand—that this funding will go some way towards addressing both of these issues. This is supposedly part of those.

Mr Corbell: 22 May?

MR MULCAHY: Sorry, 22 November—last week, while you were in New Zealand.

Mr Corbell: That is not correct.

MR MULCAHY: So he is wrong in that belief.

THE CHAIR: Turning to the sexual assault reform program, we have heard quite a bit about some aspects of this, but could you spell out further what is involved in the additional resources for ACT Policing and specialist staff in prosecutions and witness assistance. How much of this appropriation is related to human resources?

Mr Corbell: Sure. The staffing component is as follows, Dr Foskey. There is one additional police officer for the ACT Policing sexual assault and child abuse team, or SACAB, as it is known. There is an additional specialist prosecutor for the Director of Public Prosecutions. There is one coordinator of victim support position; one specialist witness assistant to assist victims of sexual assault in preparing and going through the process of giving evidence; one crisis counsellor, who will be provided through a community organisation; one training and development officer; one specialist legal policy officer to assist the government in developing a comprehensive law reform package to deal with elements of the law and court procedure that need to

be reformed and, finally, one additional technology support officer for the courts.

THE CHAIR: Are they all full-time positions?

Ms Leon: They are all costed as full-time positions, although, obviously, if any of those agencies wished to run them on a job-share basis, they could. They are all provided on the basis of being FTE—full-time equivalent positions.

THE CHAIR: Will they be working mostly through the court system or housed in JACS or with the police?

Mr Corbell: They will be working in their respective agencies. Some of these positions are provided for the courts, some are provided to the DPP, some are provided to the police and some are provided to the department. This project and the work associated with it is overseen by a task group that I asked Ms Leon to convene and which comprises representatives of the police, DPP, the courts and JACS as the main participants. It highlights the importance of having an across-agency approach to these issues.

THE CHAIR: Is this it? Is this the wish list? Are the findings or recommendations of this task force complete or do you image stage 2?

Mr Corbell: This is stage 1 and I am very pleased that the government was able to support in full the proposal put forward by that working group. Stage 2 is related to, in particular, legislative reform. Stage 1 funding includes the specialist legal policy capacity we need to develop, as a matter of priority, the reforms to the law and to court procedures to enable stage 2 to be implemented.

MR STEFANIAK: Minister, I think I asked you a question without notice in the last sitting of the Assembly in relation to a now seven-year-old girl whose evidence was not able to be taken in the Supreme Court despite both the prosecution and the defence agreeing to it being tabled. So she effectively had to give evidence twice. You indicated in your answer to that that you were still mindful of immediately putting in place steps to ensure that victims, especially child victims, only had to give evidence in court once. You indicated that you did not want to do a piecemeal approach. Minister, have you speeded up your review of the legislation and can we actually see some action, not half way through next year but a bit earlier than that to ensure that there are not too many more victims put in the situation of that little girl?

Mr Corbell: This is a real priority for the government and this package—over \$4 million worth of investment—is designed to tackle this issue in a comprehensive way. I do not support piecemeal, ad hoc changes to the law made in isolation from other issues that need to be addressed. That does not do a service to victims or to the judicial process and the criminal justice process overall.

The best way of helping victims and the best way of improving the performance of our criminal justice system is through a wholesale and holistic reform of the law and of court procedures so that court procedures and the law are in harmony and work effectively to support victims in giving evidence and removing, amongst other things—it is not the only thing—the requirement to give evidence on multiple

occasions.

My answer to you is essentially as it was before, Mr Stefaniak. This is a major reform item now for the government. It is funded in this appropriation with the provision of an additional specialist legal policy officer to give us that capacity to draft the changes and to make sure they are properly informed by the experience in other jurisdictions. It is a demonstration of the government's commitment to fix these issues.

MR STEFANIAK: But, minister, given that other jurisdictions already have legislation in place and the procedures in place, why cannot you simply uplift, for example, the New South Wales legislation or some other jurisdiction's legislation where the court procedures are there and they seem to work? Why cannot you do that?

Mr Corbell: The New South Wales approach, as you would appreciate, in relation to many of these matters is different from the ACT approach. The most obvious in-principle difference is that we are parties to the uniform national criminal code and we want to make sure that our legislation is consistent with the undertakings the territory has made and which the territory has implemented to have a uniform criminal code.

New South Wales does not work entirely within the same framework. It is not comparing apples with apples. To simply say that we will do what is in New South Wales, we would need to do it in a way which is consistent with our commitment to having a statute book and a criminal code which is consistent with agreements for national harmonisation.

MR STEFANIAK: Just one final question on that. Where both the defence and the prosecution agree to use the evidence of the child which has already been given, surely a court should not be able to reject that? Surely that, in itself, would not take too much as at least a first step?

Mr Corbell: The preliminary advice I have on that is that there was no reason for the court to refuse the request of both the DPP and the defence in relation to that particular case. The advice I have—and it is only preliminary advice—is that the law currently does not prohibit that arrangement from proceeding.

MR STEFANIAK: Maybe you could do a change which would simply ensure that, where both parties agree, that has to happen and the judge, for whatever reason, cannot stop it happening.

Mr Corbell: I think it would be inappropriate for me to discuss further the particular matters of that case. It is currently before the courts. But I think I have indicated to you that the law currently, as I am advised on preliminary advice, does not prohibit the use of evidence from transcript.

MR STEFANIAK: Thank you.

THE CHAIR: Ms MacDonald, do you have a question on this?

MS MacDONALD: Not on this, but I do have to go soon.

THE CHAIR: Yes.

MS MacDONALD: Attorney and Ms Leon, part of this package, as well as previous measures, has been about making the ACT government buildings more energy efficient in relation to our climate change strategy. I know that JACS had to move out of their building a couple of years ago where they were. Where are you currently located?

Ms Leon: The main office of the department is in 12 Moore Street. But it is a very diverse department and so the department exists in a number of locations throughout the territory. Corrective services is in a different building. Obviously our emergency services are in another building and our regulatory services are in another building. The department operates from a number of locations.

MS MacDONALD: So there is no definitive strategy for one particular building in terms of climate change?

Ms Leon: We have as part of our infrastructure team within the department the development of a strategy to deal with climate change and environment sustainability across the whole suite of JACS locations. Some of those are territory-owned buildings and some of those are leased buildings. So the strategies that we will be able to employ in those different environments will differ according to the nature of the ownership of the building. But there certainly is a strategy on foot that is being developed for all of the sites that JACS operates from.

MS MacDONALD: How do the courts measure up? They are fairly old buildings, except for the maggies court, of course, which was built about 10 years ago.

Ms Leon: All of those issues will be developed in the development and implementation of the environmentally sustainable design strategy.

MR MULCAHY: Are there other strategies that are being taken up by JACS with regard to environmental sustainability?

Ms Leon: I can perhaps give you one example of that. We are, over the coming year, going to pilot the use of one of the fire stations to install rain water tanks and use the rain water tanks to wash the emergency vehicles so that we are not using potable water for vehicle washing. That is being funded by the climate change infrastructure fund that the government established that enables agencies to invest in capital such as rain tanks that will enable us to decrease our impact on the environment and better prepare us for climate change.

Mr Corbell: Probably also we are highlighting, Ms MacDonald, that the government has appropriated funds in the last budget for detailed design of a new police station for Belconnen to allow the government to make a decision on whether or not that should proceed to construction in the coming budget next year. One of my very clear objectives that I have indicated to the department and to the police is that I expect that new building design to meet the highest standards of energy and water efficiency. I will certainly be wanting to highlight it as a project that really does set a new

benchmark in terms of performance of a building, the sort of building that is occupied 24 hours a day, seven days a week. It is an opportunity to demonstrate that a building that is used on that ongoing, continuous basis does have excellent energy performance and does have excellent water conservation performance as well as a design which is attractive and engages the community as a key public building. Those are things which are also under detailed development at the moment.

MS MacDONALD: The Woden police station was built or opened only in the last couple of years. How does it measure up?

Mr Corbell: Normally there is a post-occupancy audit done about 12 months after the building is occupied. We would be coming up to that. I do not have details of that at this stage.

MS MacDONALD: While you are talking about the police, Ms Leon mentioned washing of vehicles. There has been a directive to take up four-cylinder vehicles. Can you tell me how much that has been taken up within JACS and within the other areas relating to JACS?

Ms Leon: The department has comprehensively implemented a four-cylinder vehicle policy. Whenever any departmental or executive vehicle is replaced, it is required to be four cylinders unless there is an operational reason for it to be six. Obviously some of our major vehicles, such as fire trucks and so on need to have a considerable amount of horse power, but all the ordinary passenger vehicles are being replaced by four-cylinder vehicles as their leases expire.

MS MacDONALD: And the judiciary? What about them?

Ms Leon: The Supreme Court judges are tied to the federal court conditions by legislation and so they are not affected by the policy on four-cylinder vehicles. The magistrates who were already appointed at the time the policy came in are entitled to retain their existing conditions, but all new magistrates appointed after this policy will get four-cylinder cars as part of their package.

MR MULCAHY: In relation to judges, there is an item here under the judges pension scheme that will provide for the initial expenses for the judges pension scheme payments and long service leave. I was curious why it was in this appropriation and not in the normal budget process. Could you explain that to me?

Mr Corbell: Provision has not normally been made for the judges pension scheme in terms of a payment to JACS. Because these events are quite rare, that is, a retirement of a judge or obviously the very unexpected and tragic death of Justice Connolly, the normal way of managing this is simply for the request to be made at the time the payment is required from Treasury and then that is appropriated to the department.

MR MULCAHY: What about long service leave? Do not you normally make provision within your finances for long service leave payments?

Ms Leon: We usually see the judges take their long leave at the time they retire. There has not previously been a call on that.

MR MULCAHY: With respect, it is a normal accounting standard requirement to make provision for that. It is not a matter of taking a gamble on somebody not taking it. It is a requirement. I have been assured in previous hearings that in the ACT we do make provision for long service leave.

Mr Corbell: Again, the amounts in total terms are quite small and unpredictable and therefore, given the very small number of people involved for Supreme Court judges when the bench is fully occupied, the approach has generally been to make that provision as and when it is required because it is very difficult to predict. It is not like making provision for a large agency with 600 or 700 employees.

MR MULCAHY: It is the same principle, with respect, attorney: you make provision based on what the liability is; it does not matter whether you have one person or 100 people. I find it very strange that you do not make provision for long service leave for the office holders whether they are judges or people in the administration.

Ms Leon: This is providing that provision but it has not been needed until now because our quarter is quite young and so this is our first retirement.

MR MULCAHY: No, long service leave I am talking about.

Ms Leon: Yes, I appreciate that, Mr Mulcahy. This is the first occasion that a judge has retired and the tendency amongst judicial officers is to take their long service leave at the end of their career.

MR MULCAHY: I do not think you are really getting the point: you make provision for the liability; you cannot pursue people when they take it.

Mr Corbell: It is a fairly esoteric argument, I must say, given that it is a very small element of the justice process and—

MR STEFANIAK: Mr Mulcahy has asked the financial questions on that. Attorney, I saw today in the *Canberra Times* on page 3 a very disturbing piece about a defendant who was already on a suspended sentence who rolled four women, including two women over 80 who are now terrified to use ATMs. The judge made all the right comments about what a horrendous crime it was and then put the offender on another suspended sentence. Do you intend to talk to the DPP about this in relation to an appeal and also are you contemplating any legislative steps to ensure that there are proper sentencing practices put before the court for the court to use? I do not expect you necessarily to adopt my bill but are you contemplating any legislation, because clearly this sentence would tend to send all the wrong messages, especially to the community, and it would be of real concern to victims?

Mr Corbell: The DPP is an independent statutory officer. It is the DPP's role to determine whether or not there should be appeal from decisions of the court. It is not my practice to micromanage the work of the DPP and to ring him up every time I am unhappy or happy with a sentence or otherwise. That is not my role. That is the DPP's role. I respect his independence and I do not get involved in those day-to-day matters.

MR STEFANIAK: Not at all. I do note it is a practice interstate, appreciating the DPP is totally independent, at least for attorneys, that when there is genuine community concern, as I would imagine is the case here, the attorney would at least express that concern to the DPP and obviously leave it to the DPP to make the final decision. You say you do not do that at all?

Mr Corbell: It is my practice not to, as a rule and as a matter of principle, get involved in micromanaging the work of the DPP. The DPP is the person best placed to determine whether or not there is merit and it is in the public interest to appeal any particular decision of a court, and that is a matter for the DPP. I will not as a rule get involved in the work of our prosecutors; that is, they have a particular responsibility and a particular independence and I think the politicising of that activity is pretty unhealthy for the criminal justice system.

MR STEFANIAK: It is a role of the legislature, however, to try to protect the community and also to make changes to the law as a result of—

Mr Corbell: It is the role of the legislature to set the law, not to administer the law; that is a matter for the courts and the prosecutors and defence and other parties in the criminal justice process, and I am not going to get involved in individual cases.

MR STEFANIAK: I appreciate your answer to that, attorney, but as the attorney you can introduce laws that guide the courts, and as a result of this case, and might I suggest a number of others, there are clearly some problems in terms of the laws relating to sentencing in the ACT. Do you intend to make any changes to those laws to ensure that community expectations can be realised and victims supported?

Mr Corbell: I do not think this is an appropriate forum to announce government policy. The government has announced a very major package of reform for supporting victims of sexual assault—over \$4 million to improve support for victims of sexual assault, improve resources for our police and public prosecutors and improve resources for law reform. But I do not believe this is the appropriate forum to announce government policy.

MR STEFANIAK: Okay. Thank you, minister. I have just been handed one other piece of paper which follows on from this, although it is probably more generic. I have been asked to ask you why the police feel they are not being backed up by the court system. And I have been asked what you will do about that. I suppose that follows on very much from what we have just been discussing in terms of what the community would probably regard as very much inappropriate sentences.

Mr Corbell: Some people may regard it as an inappropriate sentence; some may not. The matter for me is to make sure that our police have the resources they need to do their work and that the prosecutors have the resources they need to do their work. I am not going to comment on individual cases in the court. The courts deal with thousands of cases every year. It is not my role to make judgement—nor is it yours, I would argue—about the rights or wrongs of each individual case. We have not heard the evidence. We have not been in the court. We do not know what the mitigating or other factors are. The only person who really fully understands that is the judge who has heard all the evidence as an independent arbiter.

In relation to support for police, I am very pleased that in the latest package, which is the detail at this appropriation, there is additional money for additional police to support victims of sexual assault. There is additional money for additional prosecutors in the Director of Public Prosecutions' office. There is additional money for prosecutors in the most recent budget or the budget before last in relation to supplementing the resources of the DPP, so the government has provided significant additional support to our DPP, to victims of sexual assault—and of course there are the 107 extra police officers that this government is funding since we first came to office.

THE CHAIR: We might move on from here, thanks, Mr Stefaniak. The OH&S commission is another major item. Minister, is this admitting that the slashes from the functional review and the budget that followed it last year were too harsh? I note that after restructuring the Office of Regulatory Services we are now requiring an extra appropriation in order to retain an independent OH&S commissioner. Can you tell me what problems were encountered after the effects of the last budget and what this appropriation will do?

Mr Corbell: I think it is fair to say that the ORS was in a significant period of flux following the government's decision to establish that office. The bringing together of a wide range of varying agencies into a single regulatory services function did present challenges and I think it was only when the in principle decision was made to bring those different functions together that we were able to properly understand the detail that was involved in doing that, what the resourcing issues were. One of the key issues that the government needed to clarify, following the establishment of the Office of Regulatory Services, was that it was still our intention for there to be an independent statutory commissioner for occupational health and safety and so the flow-through of that is that we understood then what resources were needed to support the work of that independent commissioner and we clarified that resourcing in this appropriation.

MR MULCAHY: But it is just to retain the commissioner, and given that the latest bill on OH&S moved the regulatory functions to ORS I do not understand why you have had to significantly increase the outlays for this role as a retention.

Mr Corbell: The government has made it clear that the role of the commissioner is very important in terms of advocacy and of promoting a positive occupational health and safety culture in the broader community. The provision of funding is to support, first of all, the payment of the statutory officer themselves and, secondly, the provision of a very small staff—I think it is about one staff member—to support the work of the commissioner in their role. They will be able to draw on the resources of ORS in terms of the regulatory and inspectorate functions that now sit within ORS, but the government feels strongly that at the end of the day we want occupational health and safety to still be overseen by an independent commissioner who reports to the responsible minister directly on what is going on in terms of OH&S in the community, both in the public sector and in the private sector.

MR MULCAHY: But you had an independent commissioner before, did you not?

Mr Corbell: We did.

MR MULCAHY: So why is the independent commissioner now costing a lot more, apart from one staff member which I presume is not costing \$400,000?

Ms Leon: The cost for the commissioner is not the \$400,000, Mr Mulcahy; the cost is the commissioner, one staff member and administrative funding to enable the commissioner to carry out promotional activity.

MR MULCAHY: I am still struggling; you are saying here that it is to retain the person and yet you have got \$1.7 million over four years and you have said there is one extra staff member. Can you help us understand what that \$1.7 million is made up of?

Ms Leon: That is made up of the funding for the salary of a statutory office holder whose salary and other conditions are determined by the remuneration tribunal.

MR MULCAHY: But what was the previous basis of funding that person?

Ms Leon: The funding for the Office of Regulatory Services, as it was restructured, envisaged that all of the functions, both regulatory and statutory, would be undertaken by the executive director of the Office of Regulatory Services. This enables the creation of an independent position separate from the executive director of the Office of Regulatory Services. It does not really compare to the former structure because the former structure no longer exists.

MR MULCAHY: But the former officer was an independent officer?

Ms Leon: Yes, but there was an independent statutory authority that now no longer exists so there is not really a relative comparison to be made to the former position. This office of an independent OH&S commissioner is to sit alongside the Office of Regulatory Services, which is a new body created last year.

MR MULCAHY: Yes, we understand that.

THE CHAIR: It sounds as though, after the functional review, we lost the independent OH&S commissioner and now are reinstating—

Mr Corbell: Perhaps I can clarify. The assumptions the government made when the ORS was established was that all of the functions of the statutory officers would be performed by a single executive director of the Office of Regulatory Services and therefore funding adjustments to ORS were made on that basis. The government, following that very major shake-up, went and had another look at how ORS was functioning, took the decision that it was important to maintain a statutory officer when it came to the position of OH&S commissioner and has adjusted the funding to have regard to the maintenance of that role.

THE CHAIR: And do we have this person on deck?

Mr Corbell: There is an acting commissioner at the moment pending a permanent filling.

MR MULCAHY: So, just so I am clear, this \$425,000 is the cost of the statutory independent commissioner and a support staff member? Does it cover anything else?

Ms Leon: And the administrative costs of promotion.

MR MULCAHY: Do you have a breakdown roughly of what that is?

Ms Leon: I can certainly provide that to you. Obviously, all staffing costs have an element of administration incorporated in them, and this additional administrative expense recognises that a significant function of the OH&S commissioner is to undertake promotional and community education work and that that will require costs for the production of materials and for advertising.

MR MULCAHY: But the cost of the commissioner is within this figure?

Mr Corbell: Yes.

THE CHAIR: May I please also ask: does this restore the ability of the commissioner, which it used to have, to visit workplaces and make sure they comply, or is it still pretty much a complaints-driven process?

Ms Leon: Can I just return to Mr Mulcahy for a moment? I am advised that that additional amount of administrative expense is within the vicinity of \$100,000 per annum and that enables the commissioner to do promotional work, advertising, production of brochures, the holding of the occupational health and safety awards and the like.

MR MULCAHY: So the remaining \$325,000 is for the commissioner and his—

Ms Leon: And his staff—that is correct—and their pay. The commissioner's pay and conditions are determined by the remuneration tribunal, so it is in line with the normal costs of a statutory office holder.

Dr Foskey, in relation to the functions of the commissioner, the functions of the commissioner are the statutory functions that are provided in the act, which are to promote understanding, acceptance and compliance with the Occupational Health and Safety Act and associated laws and to review those laws to ensure their consistency with the primary act, the OH&S Act. The regulatory functions, inspection of workplaces and so on, rest with the Office of Regulatory Services.

MR MULCAHY: How many of those ORS people are involved with occupational health and safety enforcement as opposed to this role where you obviously have one officer and an assistant?

THE CHAIR: And how many people are there in the entire office?

Ms Leon: The whole staff of the office is in the vicinity of 150. That is the Office of Regulatory Services, which encompasses all the functions that previously included fair trading, the Registrar-General, WorkCover and a range of other regulatory

functions, including parking. The part that deals with enforcement—the compliance officers of OH&S—has about 20 inspectors in that field.

But I would add that there is a process being undertaken within the office of reviewing all the service delivery of the office to assess the extent to which we can increase the amount of multiskilling across functions. For example, where we have fair trading inspectors who have to go out to a work site to inspect for one set of functions, former WorkCover inspectors who have to go out to a workplace to inspect for another set of functions and workers compensation inspectors who have to go and inspect for another set of functions—we are exploring the extent to which those functions can be multiskilled across inspectors so that we will be able to perform the service more efficiently and also more effectively for the recipient of the inspections.

MR MULCAHY: Are you aware of complaints from industry organisations about, first, the balance between education and enforcement and, second, the level of communication that they suggest does not really exist between those two functions?

Mr Corbell: It is fair to say that there is always some commentary around that. There is inevitably the potential for tension between the regulatory enforcement agency of government and some employers.

MR MULCAHY: I am not talking about an occasional complaint; I am talking about major organisations in the employing area that are frustrated by this arrangement.

Mr Corbell: I would not characterise it as widespread.

MR MULCAHY: I would.

Mr Corbell: You are entitled to, but I would not. The reason I do not is that we have a very cooperative relationship with many employers. I was at the most recent OH&S award ceremony, which I think Dr Foskey was at as well. A number of awards were funded by very significant employers in the ACT—a number of large construction companies but also a number of small and medium enterprises that sought to promote their achievements.

MR MULCAHY: That does not diminish their concerns, though.

Mr Corbell: I am just making the point that I do not accept what you may characterise as widespread—it would obviously be to your political advantage to do so—and I do not believe it is the case. There have been a number of vacancies in the position of inspector. That has not been a result of reductions in funding in terms of those positions not being funded; it has been as a result of the very tight labour market in the ACT and a number of inspectors choosing to work in other areas and leaving our employ. The office is actively recruiting where those vacancies exist.

THE CHAIR: Mr Phillips, do you have something to add?

Mr Phillips: We are currently looking at communication strategies in relation to business to see how we can go and talk to them on an educational basis across regulatory concerns.

MR MULCAHY: Are you aware of the concerns I have raised?

Mr Phillips: I am aware that the focus of WorkCover changed over the last five or six years, prior to any creation of regulatory services in relation to the compliance work and whatever. In addition, the acting Occupational Health and Safety Commissioner has been widespread in his consultation with businesses over the last two or three months. He is opening a number of doors that were previously left ajar. So we are aware that we need to do more work in the educational field.

Meeting adjourned from 10.35 to 11.00 am.

BARR, MR ANDREW, Minister for Education and Training

BRUNIGES, DR MICHELE, Chief Executive, Department of Education and Training

DONELLY, MR ROBERT, Director, Finance and Facilities, Department of Education and Training

SHEPHERD, MS SIMONNE, General Manager, Australian Capital Tourism

SAVERY, MR NEIL, Chief Planning Executive, ACT Planning and Land Authority

THE CHAIR: We will start with education, and then go to tourism, sport, IR and planning. We have a lot to cover in this hour. I am not going to bore you—or inspire you, whichever it is—by reading the privileges statement.

Mr Barr: I think we have all done this before.

THE CHAIR: I will start with one question. Mr Barr, in regard to the student welfare pastoral care package, how do you anticipate that this initiative will work with the youth services that are already delivering programs in high schools, and how was the youth services sector consulted on any implementation of the program?

Mr Barr: Obviously, these are additional resources that will supplement the work that is already occurring. It is worth noting that the level of the positions that we have made available to the student welfare leaders—as school leader Cs, they are executive positions within each high school structure.

I am sure you would all be aware, as you have reminded me on numerous occasions, of the government's election commitment in 2004 for a \$12 million package. This is a \$14.6 million package. The reason for that increased cost is around elevating the pastoral care coordinator positions in each high school into an executive position, a school leader C position. They will be supplemented by the team of non-teaching professionals across a range of disciplines and will work with the existing youth workers within our high schools. This is a complementary initiative but one that we certainly welcome.

In terms of consultation around implementation, that is occurring now. Each individual school has different needs. Obviously each school gets the additional position, and recruitment has commenced there. But as to the operation on the ground at each school, that is something that is negotiated with each school principal.

MR MULCAHY: I note from page 149 of the supplementary budget papers that the second appropriation bill will appropriate \$1.42 million for supplementary funding for the construction of the primary school at Harrison. I also note, from the Chief Minister's answer to a question without notice from Mrs Dunne on 22 November, that the supplementary funding is required to meet the cost of a number of tenders that came in over budget. I have a multi-part question here. I wonder whether you could tell us what tenders did in fact come in over budget, how much each of these tenders was over the budgeted amount, which tender came in at the highest level over budgeted amount and why it was higher than expected.

Mr Barr: The tenders related to landscaping. I do not have in front of me the detail of each of them; it is certainly not something that comes across my desk in terms of the

tendering process. But they were in relation to the landscaping agreements. Dr Bruniges or Mr Donnelly, are you in a position to provide some more information?

Dr Bruniges: Yes. They were partly landscape costs. I will ask Mr Donnelly to elaborate on the other costs for you.

Mr Donnelly: There were a number of tenders that did come in over budget, most notably steel work and block work, which were collectively \$960,000 over budget, and landscaping, which was \$0.92 million over budget.

MR MULCAHY: Can you explain why they were so significantly higher than budget?

Mr Donnelly: I think it probably has a bit to do with the buoyant nature of the ACT construction industry. A number of the tenders, particularly around this school but also around other schools, have not had the level of interest that we might have had in the past; some tenders have had only one or two, or perhaps three, companies bidding for the tender whereas previously we might have expected five, six or even more. There is plenty of work around. As a result, some companies are choosing not to tender and other companies may be choosing to put in a price which allows them a little more contingency if things go wrong.

MR MULCAHY: This might be for you, minister, but surely in this current climate you have to be mindful of and knowledgeable about the fact that there are these circumstances. Are you just off the money in terms of your budgeting? Has Shared Services had a role in this?

Mr Barr: There is a contingency built into capital projects of this size, but of course there are a range of pressures that need to be addressed. The school opens in the first term next year. I am not having a school open in the ACT in the first term next year with the landscaping incomplete.

MR MULCAHY: I understand that but I am just trying to go back to the process. What is your contingency and do you think that it is realistic in the current building climate?

Mr Barr: I will get Mr Donnelly to provide some advice on the level.

Mr Donnelly: The contingency—I could not tell you the precise contingency on this project, but the contingency we tend to allow is between five and 10 per cent. But I guess we need to bear in mind that this project was funded in the 2005-06 budget and over the last two or three years the escalation in construction costs has been far in excess of what it has been over previous years.

MR MULCAHY: So it is really that your forecasting is not in line with what is going on in the market, by the sound of it.

Mr Barr: There are numerous examples of construction projects across the city.

MR MULCAHY: We have been hearing about them this morning.

Mr Barr: The best example I can think of is the building that the commonwealth government invested many millions of dollars in for the Australian Federal Police, which turned out to be too small for them before they even moved in. There are many examples across the territory where—

MR MULCAHY: That has nothing to do with building costs, though.

Mr Barr: There is a range of issues there that face the construction industry. Within the total budget for this primary school, the additional \$1.4 million is relatively minor—in a \$23 million or \$24 million project. We have these escalating costs; we have to meet them.

MR MULCAHY: I have one last question on this. Who handled this tender process? Was this under Shared Services or was it done within the department?

Mr Donelly: Education contracts with Procurement Solutions to a project manager, who in this case was Manteena. Manteena worked with Procurement Solutions and the department to package up the set of works for each of the different sets of works and then issue them as tenders out to industry.

MR MULCAHY: Sorry, I do have one last question. In other projects going forward, are you revisiting these escalating factors in light of this experience?

Mr Barr: There are contingencies built in for the other major projects in the education area.

MR MULCAHY: There is a difference, as you would know, between contingencies which are basically for unexpected events and rising and falling construction and having a clear handle on what the escalation factor is in the construction industry, in particular at the moment. We have already heard from the attorney this morning that they got it wrong there with the prison.

Mr Barr: Those provisions have certainly been made for both the Gungahlin college and Tuggeranong.

MR MULCAHY: So they are at a higher percentage, are they?

MRS DUNNE: What about west Belconnen?

Mr Barr: West Belconnen is nearly complete.

MRS DUNNE: So is Harrison. We are being asked to appropriate more money for Harrison, which is nearly complete.

Mr Donelly: The costing for west Belconnen was done before the costing for Harrison.

MRS DUNNE: And it has gone up twice.

Mr Donelly: So we did not have any opportunity to work additional escalation in for that project. But, as the minister said, Gungahlin and Tuggeranong have a higher level of escalation built into them.

MR MULCAHY: What is the percentage?

Mr Donelly: I believe it was 10 per cent.

MRS DUNNE: Can you get back to us? You said you did not know what the escalator was for Harrison. Can you get back to us with the escalator—

Mr Donelly: The contingency?

MRS DUNNE: The contingency, sorry.

Mr Donelly: I could do that, yes.

MRS DUNNE: There is one other question that is related to Harrison. Is any of the money appropriated here, the \$1.4 million, to deal with the issues that have been raised with me—and you, minister—in relation to the floor covering?

Mr Barr: No.

MRS DUNNE: What has been done to address the concerns of people who have raised issues with you and me about the floor covering and the—

Mr Barr: There has been extensive dialogue between the department and the individual who has raised that concern. There has been extensive consultation in relation to the different floor coverings. There is just a fundamental disagreement between the department and that individual. I am not going to completely change the floor coverings in the school on the basis of the views of one individual. We have investigated the concerns and responded thoroughly to that individual.

MRS DUNNE: Have the concerns raised about volatile organic compounds been addressed?

Mr Barr: Yes.

MRS DUNNE: And does the floor covering that is going down in Harrison, in whatever form, meet standards in relation to emissions of volatile compounds?

Mr Barr: Yes.

MRS DUNNE: It does?

Mr Barr: Yes.

MRS DUNNE: And that has been transmitted?

Mr Barr: That advice has been provided to the constituent who raised the concerns,

yes.

MRS DUNNE: Are there standards for floor coverings that are generally used in the ACT?

Mr Barr: Generally used in ACT schools?

MRS DUNNE: ACT schools, yes; sorry.

Mr Barr: Yes.

MRS DUNNE: When you upgrade floor coverings, are there standards in relation to emissions?

Mr Barr: Mr Donnelly can give you some information in relation to that.

THE CHAIR: Before you do, can I seek some clarification on this? You are starting halfway through this issue with a great deal more knowledge than others have. Is this an issue about allergies due to certain chemicals?

MRS DUNNE: Anaphylaxis and things like that.

Mr Barr: A constituent raised concerns about the use of carpets in schools.

THE CHAIR: Particular glues and things like that?

Mr Barr: It was more the carpet generally.

MRS DUNNE: But the glue is one of the problems. Mr Donnelly, you were going to talk about the standards.

Mr Donnelly: We have two levels of standards for carpets. There is the building code, which is the minimum standard that anyone doing construction in the ACT needs to meet. For our new schools, we increased the level of standard and are using an extract from the green building council's green star rating system and seeking that our carpets receive the green star tick for volatile organic compounds, degassing and the like. For existing schools, we are currently reviewing our specifications to see whether that should be something that can be worked into carpet replacement in existing schools as well.

MRS DUNNE: Thank you.

THE CHAIR: I would like to move to the area of Indigenous education. Will the expenditure here and the strategies be aimed at particular schools? If so, which schools?

Mr Barr: They are across the education system. We have Indigenous students across our system. The program here is to provide that additional support for students in early years—so an early intervention strategy—but also to provide support for Indigenous students in years 6 and 9. This is across the range of achievement, too—to

assist Indigenous students who are performing well to stay at school and pursue further study, and to provide intensive learning support in areas where, through both our local testing and from classroom teachers, we have identified a need for additional intensive support. We can go into quite some detail here if you would like to explore the full detail of the package, but I am conscious of time.

THE CHAIR: I am too. I am interested in the full detail. I do not know if that is able to be provided.

Mr Barr: Perhaps I could provide you with a briefing later on around the detail of the package.

MRS DUNNE: You say that, but if you are going to report on this appropriation for next week it is reasonable to have at least a vague outline of what the package consists of.

THE CHAIR: You talk about transition to high school for students. I am interested in transition from the early childhood schools to the broader primary system. That will affect Narrabundah school in particular, which has quite a high percentage of Indigenous students. It would seem to me that that is a new point of vulnerability in the system.

Mr Barr: You raised this issue with me in a question on notice. In your question on notice you talked about P to 3 schools moving to year 4; it is a P to 2 and it would be moving to year 3. Of course, the students have to transition at some point, and there has been a difficulty that we have identified in moving from year 6 to year 7. Following the consultation around the changes at Narrabundah, it was certainly strongly felt that making the transition earlier would be beneficial for the students, particularly given that, when you look at the relative performance levels, in those early years there is comparatively little difference between Indigenous and non-Indigenous students' achievement. Where we start to see a difficulty is in years 5 and 7. So we need to address that. Dr Bruniges will be able to give you some more information around the thinking on that.

Dr Bruniges: The package contains three elements. The first one is the K to 4 element that the minister has spoken about regarding looking at some of the successes in programs that we have had for Indigenous students. When we look at year 3 Indigenous results and then track those students to year 5, we find that the rate of change is now identical to non-Indigenous students. That is a huge success for the ACT in terms of our being able to now look at those strategies that work. So part of the package further expands that in the K to 4 setting.

Another component of the package looks at leadership for our principals in Indigenous education and making sure that, in professional learning for our school leaders and their understanding of Indigenous culture and their communities, we have that professional learning component. The other is picking up at year 6 level those Indigenous students who performed very well in our ACTAP results in year 5. We need to make sure that we are developing those students who are gifted and providing ample opportunities for gifted Indigenous students to pursue interests beyond year 6. So they are the three main, key components of that package.

THE CHAIR: What will the funding be used for? Are we talking about people here or physical resources?

Dr Bruniges: We are talking about a combination of both. In our K to 4 strategy, we are looking at increasing the number of literacy and numeracy supports in the early years, in terms of working with our literacy and numeracy team. For our principals, Indigenous cultural awareness may require us to purchase programs. The national program Dare to Lead has a great wealth of resources that we may call on to support that training.

MRS DUNNE: So when you say literacy and numeracy support, Dr Bruniges, does that mean people, curriculum materials or what?

Dr Bruniges: It means a combination of both. In terms of literacy and numeracy, one of the first things we need to do is to make sure that we have individual data for those students, that we analyse that data in a way that enables us to tell the strengths and weaknesses of individual students and then be able to program and plan to best meet those strengths and weaknesses.

MRS DUNNE: So at this stage we do not actually know—

Mr Barr: There will be additional teacher consultants—additional people to come in and provide support. So, yes, it does mean more people.

MRS DUNNE: With respect to the curriculum support item on page 148, can you give me a breakdown, because it covers three areas—physical education, arts and languages—of how much goes to each area? Can you also give me a breakdown of how much of that is professional learning, how much of it is new teachers and how much of it is new resources?

Mr Barr: In the PE area, we will be funding three additional specialist PE teachers.

MRS DUNNE: So that is \$300,000, roughly?

THE CHAIR: That is this year's, is it?

Mr Barr: Yes, \$1.2 million over the outyears to fund those three additional positions. In languages, it is \$300,000 committed to language training for primary school teachers and language teachers. The desire here is to offer a language in every school by 2010. At the moment only 34 of our 63—

MRS DUNNE: How many hours?

Mr Barr: How many hours will we purchase with \$300,000?

MRS DUNNE: No, how many hours of language training per week per student are you thinking of introducing? You are saying you want language training in every school.

Mr Barr: No, we are going to offer a language other than English in every school.

MRS DUNNE: You want to offer a language in every school, so when you are offering that, how many hours of language teaching per student per week are you proposing?

Mr Barr: It is 60 minutes a week for years 3 to 6—

MRS DUNNE: A waste of money.

Mr Barr: and 150 minutes a week for years 7 and 8.

THE CHAIR: I want to follow that up. The resources involved in language other than English are very small. Is the aim to train existing primary classroom teachers so that they are delivering the language other than English or is it to hire a language specialist to come in for that hour per week?

Mr Barr: It is a change in the delivery model, in the first instance, so in schools where we are not currently offering a language program we will look at being able to share resources—in particular, a language teacher. Some primary schools are still too small in their staffing establishment to be able to have specialist teachers in each of the areas that we would like. So we need to have cluster arrangements in order to share those skilled teachers across the board. There is also investment in training. We are looking at the online delivery of some language programs, using our \$20 million IT network and broadband network to be able to deliver classes. You do not necessarily have to have all the kids in the one room; you can undertake language delivery using an online process.

MR MULCAHY: I am struggling to understand how all these things are achievable within this first year for \$308,000. As Mrs Dunne said—

Mr Barr: If that was the only money we were providing for languages, Mr Mulcahy, I would agree with you.

MR MULCAHY: No, all the other things too.

Mr Barr: This is additional. As I say, it is about a more efficient delivery of language programs.

MR MULCAHY: What is that made up of—the \$308,000?

Mr Barr: That is the combination of additional training for language teachers.

MR MULCAHY: How many personnel is that meant to cover?

Mr Barr: We won't get additional staff out of that money.

MRS DUNNE: So where are you going to get the language teachers from?

Mr Barr: We will look to recruit in the years ahead, but we will also have to change

the delivery model and look at where we can provide additional training for existing teachers in the system to improve their skills.

MRS DUNNE: That goes back to Dr Foskey's question: are you proposing to take classroom students who currently do not have language training and turn them into language teachers or are you proposing to recruit specialist language teachers?

Mr Barr: It is both.

MR MULCAHY: What about the phys ed and sports people? Where are they coming from?

Mr Barr: We are recruiting new specialist PE teachers.

MR MULCAHY: They won't be part of this budget?

Mr Barr: They are part of this budget. The initiative is funding three additional specialist positions.

MR MULCAHY: How much are they going to cost?

MRS DUNNE: \$100,000 each a year.

Mr Barr: That is the \$1.2 million.

MR MULCAHY: Can you help me to understand this?

MRS DUNNE: If you break down the \$1.2 million over—

MR MULCAHY: Or even the \$308,000 in the first year. If you are saying you have three people and roughly with on-costs you are probably close to—

Mr Barr: So it is three additional specialist positions.

MR MULCAHY: So it is \$300,000.

Mr Barr: Yes.

MR MULCAHY: And there is nothing left for the rest.

Mr Donnelly: We only have a half-year effect in the first year, as debt.

MR MULCAHY: Okay, fair enough.

Mr Barr: It is a half-year effect, yes.

MRS DUNNE: So there is \$150,000 left for arts, language and training this year?

Mr Barr: Yes, because it is a half-year effect. We are commencing this for the 2008 school year.

MRS DUNNE: What you are actually saying is that you have \$300,000 over this year and the outyears for these language initiatives, to find the extra language teachers, to change the service delivery and to buy the language drill software—all of that sort of stuff, which is good and laudable—and to identify teachers who may be in the classroom that you can retrain or upgrade their skills to be language teachers. You are going to do all of that for \$300,000?

Mr Barr: Over the next three years, in addition to the existing resources within the base budget of the department, plus the money we get from the commonwealth, plus, with the election of Mr Rudd as Prime Minister, we have additional money coming for the teaching of Asian languages in Australian schools—

MRS DUNNE: So you anticipated when you brought this in that all of those things would come together?

Mr Barr: The only variable there was the election of the Rudd government. Everything else is built into our base into the future. But we are changing the delivery of language programs—and I note that the shadow Treasurer is in the room—to be more efficient in the delivery of our services and seek to achieve better outcomes. Not everything has to involve massive injections of additional money. We recognised we would need more to implement the change in structure, and that is why there is this money into the outyears. But it is about efficient delivery of services.

MR MULCAHY: The issue is whether you have the capacity to do all these things.

MRS DUNNE: I have two more questions on this initiative. What languages are involved?

Mr Barr: We have already within the system a number of languages. I presume you are pursuing in particular the Italian—

MRS DUNNE: No, I want to know what languages are involved.

Mr Barr: There will be Mandarin, French, Indonesian, Spanish, German, Japanese, Italian—

MRS DUNNE: You won't be adding any?

Mr Barr: No. We have to recognise the capacity across the system. As I was saying, the languages are Chinese, French, German, Indonesian, Italian, Japanese and Spanish.

MRS DUNNE: What research have you done to indicate that 60 minutes is enough for primary school children? What work have you done to ensure continuity between what happens in a primary school and where the children go afterwards so that they build on it rather than having to reinvent the wheel?

Dr Bruniges: That is a really important issue. Continuity is something that we need to look at. Across those seven language areas, I have had a number of meetings going back to last year with our languages teachers network, looking at the untapped

resource that resides in our system of teachers who are not currently teaching languages but are qualified to teach language. We also need to take a cluster approach to ensure that we do get that continuity where possible, so that our feeder primary settings feed into a high school setting and college setting. If we can get that continuum, that is extremely important.

In terms of exposure to languages, we know that the immersion programs and LOTE are two different kettles of fish. We know that coming back into the school in the continuum is incredibly important. The research is very clear about starting exposure as early as possible. I am not currently aware of any research that quantifies the number of minutes; it is more about the quality of teaching, the quality of provision, the quality of interactive materials that we are able to locate for teachers to use that are a high-quality resource. That comes down to how well students in those early years and beyond relate in terms of a LOTE setting as opposed to an immersion setting.

MRS DUNNE: I see we have killed the immersion setting. I don't suppose the government will go down that path again.

Mr Barr: I don't think there is any justification for that.

THE CHAIR: I am interested in one or two issues. First of all, under the item "water demand management", I would like a list of the 15 schools that are targeted for this program.

Mr Barr: We can provide that for you.

THE CHAIR: Is there a future program with other schools and a time line for it? What about plans to install tanks at schools? I seem to remember both are contenders for the commonwealth government making such an offer.

Mr Barr: There is indeed a future and a past to the Control program, in that some schools have already moved onto that system, and more have been funded to do so through this initiative. We can certainly provide the rest of the information that you requested.

MR SMYTH: When the 15 are installed, how many schools will not have that Control system?

Mr Donnelly: Thirty-two will, Mr Smyth, so I think there are not quite 60—56.

THE CHAIR: So we need the forward program on that, if possible.

MRS DUNNE: Also an exposition on what Control is—

Mr Barr: It is a computer-controlled irrigation system.

MRS DUNNE: So it is just an irrigation system; it doesn't actually address some of the schools' desire for a range of other water efficiency measures? They have X number of single-flush loos that do not work, urinals, old-fashioned taps et cetera.

Mr Barr: There has been a comprehensive program through the capital investment that commenced in the 2006-07 budget to redress just those issues, plus, Mrs Dunne, we looked at and identified our 10 biggest users both in terms of energy and also, through this funding, water—the schools that were way out there; not surprisingly, they were in the senior secondary area—and provided additional funding through the green schools initiative to address just those issues. But across the board every public school is receiving money. A lot of it is not particularly sexy, if you like, in terms of—

MRS DUNNE: No, I do not expect it to be.

Mr Barr: but it is important work around toilets, around boilers, around all of those key infrastructure items that have a big impact on a school's energy and water usage.

THE CHAIR: Don't forget the tanks.

MRS DUNNE: Just on this subject, I have had discussions with a couple of people from different school boards who have access to this money and they also have investing in our schools money. They are also somewhat concerned that they feel they are having to reinvent the wheel; they are having to design and come up with their own mechanisms. What should we do with this money? Should we put it into dual-flush loos? Should we do something about flow controls on the taps? What is the best and most efficient mechanism? They are feeling that they are alone. What sort of advice is coming out of the department to help individual school communities address those issues?

Mr Barr: A lot of what you are talking about is commonwealth programs. From the ACT education department's perspective we have certainly been engaging. We have to consult. I am sure I would be getting questions if we just marched in and said, "It will be like this—right?"

MRS DUNNE: No. I understand that. I am asking what sort of advice, because the schools are saying to me, "I don't know what we are supposed to do."

Mr Barr: I think you are talking about commonwealth programs and the advice I have from the department—Mr Donnelly may be able to provide a little more detail on this—is that the sorts of issues that have been raised with you relate to some of these commonwealth programs and do not relate to the ACT government expenditure.

MRS DUNNE: So the ACT government expenditure to address the unsexy stuff like urinals and flow-out of taps we have a standardised system and you have got people out there giving advice. Who is doing the installation? Is it on a school-based management approach or is it being done by the department?

Mr Donnelly: We have a number of different programs with water efficiency. One of them is that for the last several years we have been installing dual-flush toilets as standard wherever we do a toilet replacement. Obviously in that case it is generally as part of a larger upgrade of the school or the toilet facilities or something that has been instigated by the department as part of our capital upgrades program and in that case

the department administers that program.

We have recently conducted water audits across a number of government and non-government schools, and for the government schools there has been a program of remediation which might include dual-flush toilets, low-flow taps et cetera, which again is being centrally organised by the department. And of course schools at any time have the opportunity to perform their own upgrades. In that case they will organise it themselves but they do have access to a specialist officer within the department who can provide advice on what to do.

MRS DUNNE: Access to particular advice, but does the department, without imposing too much longer on it, because we do have school-based management, have recommended courses of action so that you actually recommend particular fitments, so that if people want to address flow in taps do you recommend particular sorts of taps or particular sorts of additives to the taps?

THE CHAIR: Are you suggesting some sort of resource that is available across the system to all schools to guide them through water efficiency?

MRS DUNNE: So there is some sort of consistency, yes.

Mr Donnelly: We do have a standard set of building specifications which include some of those things. As a general rule we do not just hand them out to schools, but if they were to ask they would certainly be able to access them.

THE CHAIR: Thanks. We will just go to tanks. Would you mind responding to the question about plans to utilise federal or ACT money to assist schools to install tanks?

Mr Barr: There were a number of programs on offer from both sides in the federal election so we await the detail on that. I would presume that there will be a considerable program as ACT schools have a considerable amount of roof space with which to collect and store water. So it would be an entirely sensible path to go down and we will be aggressive in seeking commonwealth funding where it is available. Of course, through the range of initiatives in our sustainable schools framework across both the Department of Territory and Municipal Services and the education department, we encourage schools to go down that path.

THE CHAIR: There was a question asked of the Chief Minister yesterday, which he said to address to you, with regard to the Gungahlin wellbeing precinct, which is apparently related to the campus of Gungahlin college. Can you tell me in what way it is the Gungahlin wellbeing precinct? What does that mean? What organisations are involved in that? What are the plans for the wetland?

Mr Barr: The precinct involves the town park, the Gungahlin college, the CIT facility, a sport and recreation facility and an enclosed oval. The funding here is around the design of the present park and the stormwater works because there is a significant stormwater channel that runs through the site and down into some wetlands, or potential wetlands opposite Burgmann college, right down the end near the scout hall. So this brings in sport and recreation, it brings in ACTPLA, so all of my portfolio areas with the exception of industrial relations are involved.

THE CHAIR: And tourism too?

Mr Barr: Okay, not tourism, but certainly sport and recreation. We have engaged with the Gungahlin Community Council. There have been a number of meetings held with the various school communities in relation to the college. The CIT are of course extensively involved, and the library service as well because there will be a joint library on the site as well.

THE CHAIR: We will look forward to that one. I think we had better move on from education given the time, in which case thank you very much, Dr Bruniges, Mr Donnelly, Ms Davy and other education officers. We will move on to tourism.

MR MULCAHY: Minister, one item here refers to the tourism events acquisition strategy, a \$75,000 provision. I read there that it is going to “identify short, medium and long term event acquisition targets and estimate the economic benefit and visitation outcomes”. What has been going on in this regard to this point? Did you not have this data or not have ongoing research undertaken? Was this something that you decided to embark on as a new measure?

Mr Barr: We do, but there is the opportunity to look ahead. We have some new venues that the government has funded and provided, such as Stromlo Forest Park, that provide the opportunity to expand the range of events that we offer. But from time to time it is important to take stock of where we are at and look for opportunities to attract new events to the city.

MR MULCAHY: You have no capacity in house to do this? I assume that this is another consultant project, is it?

Mr Barr: We have some capacity, but—

MR MULCAHY: How many people do you have in tourism now?

Mr Barr: It is 41.

MR MULCAHY: You cannot do that—

Mr Barr: Obviously there are some staff involved in this, because this is a particularly specialist piece of work. It will, of course, draw on the research that we have within Australian Capital Tourism, but it is a particular piece of work that will require some additional specialist advice.

MR MULCAHY: What are they going to do for you?

Ms Shepherd: The question around expertise—we have people in house who have expertise around operational delivery, if you like, but looking ahead to what the ACT could be capitalising on in terms of events is very much a specialist role in terms of somebody out in the industry who has contacts up to a global level, I would say, in terms of identifying what events are out there that could be matched to the capacities of the ACT now and then identifying what events may be out there in the future,

either developing events or existing events, and who, if we grow our infrastructure et cetera, we could approach to see if they were interested in holding that event in the ACT.

MR MULCAHY: I assume that you have a pretty good knowledge of what resources we now have here so I am just a little intrigued that you have to go and spend \$75,000 to get somebody to tell you that there is the new Stromlo facility but we do not know who the people are that use it.

Mr Barr: It is not so much looking at the facilities we have in the ACT but looking at the events that are available.

MR MULCAHY: Didn't you do that before you spent the money?

Mr Barr: Sorry?

MR MULCAHY: Wouldn't you have thought about that before you spent the money on that sort of infrastructure?

Mr Barr: On Stromlo?

MR MULCAHY: Yes—just as an example.

Mr Barr: We are already hosting a number of events there, but Stromlo not only acts as a community facility but also provides the opportunity to become a national or international facility—as we are seeing: we are hosting the world mountain bike championships—

MR MULCAHY: I am just curious that you need to hire somebody to go and start—

Mr Barr: There is a world of events that are available and, with the right strategic approach, could be brought to the ACT. There are a number of events that operate within regional areas of Australia that perhaps have outgrown their existing home and are looking to move up the event ladder, if you like, to a slightly bigger city. We have the opportunity, through this strategy, to look at our short, medium and longer-term goals.

Some of the things that have been floated by various organisations are perhaps ambitious and audacious. For example, ACTSport is pitching for the Commonwealth Games in 2022. That is at one end of the ambition scale, it would be fair to say. But there is a range of other events and the opportunity to build on existing ones, to take them to the next level and look at establishing some new events like we did a couple of weekends ago with the opening of the Rob de Castella cross-country track and that invitational event. Mr de Castella is very interested in using his name to be able to pursue the development of that event and establish it on the international running calendar. It is a world-class facility in Stromlo Forest Park, and we have the opportunity to build on that investment.

MR MULCAHY: I have a supplementary.

THE CHAIR: I want to just ask my question and then—

MR MULCAHY: It is on that issue.

THE CHAIR: Okay; mine too. Will this serve as a feasibility study on the idea which I heard about—possibly hosting the Commonwealth Games—

Mr Barr: No.

THE CHAIR:—which I believe would require a very huge number of resources beyond what a town like ours would be expected to provide.

Mr Barr: In short, no. And yes, as I have indicated in all the public comments I have made vis-a-vis the Commonwealth Games, it is a very ambitious project and would require a change in the way the Commonwealth Games sought to deliver their event. It would be a regional event. It would have to involve the federal and New South Wales governments. That is a conversation that has to be had, but we have not committed a cent to any funding towards a feasibility study in relation to the Commonwealth Games.

MR SMYTH: Just on the strategy, how will it be spent? Will this go out to tender?

Ms Shepherd: Yes, it would.

MR SMYTH: When will that be advertised?

Ms Shepherd: We are working on the scope of works at the moment and we would like to have that out in the new year.

MR SMYTH: Is the scope of works or terms of reference available?

Ms Shepherd: We are currently developing those further to get them out into market. Yes, they will be available.

MR SMYTH: And the report will be due by—

Ms Shepherd: We have said delivery by June.

MR SMYTH: That will be made public?

Ms Shepherd: Yes, I believe it will.

THE CHAIR: Do you have more questions on tourism?

MR SMYTH: I have two on the tourism awards.

MR MULCAHY: I have no more on tourism.

THE CHAIR: Mr Smyth, if you would like to go on to tourism, there is probably five minutes maximum.

MR SMYTH: Sure. On the tourism awards, I note that your press release says that it is to provide a creative director. Was that not bid for in the original bid?

Mr Barr: As the host city, we were required to provide an investment in terms of—all jurisdictions chip in, and then the host city is required to put in some additional money. There was advice from our organising committee that they felt that some additional resources would take the event to the next level and provide the opportunity for us to market it effectively at each of the state awards. It was certainly the case that in the first instance we recognised that we wanted to do something special with this event. But, following advice from the organising committee—they came back to us and said, “An extra \$50,000 would take it to that next level.”

MR SMYTH: Was it not before it for the original budget this year?

Mr Barr: There was an amount provided for hosting the awards in the original budget.

MR SMYTH: There was \$50,000 in this year’s budget.

Mr Barr: Yes.

MR SMYTH: This is \$50,000 on top?

Mr Barr: Yes. This is another \$50,000.

MR SMYTH: Was the original bid for \$100,000?

Mr Barr: From me or from the organisers?

MR SMYTH: From the organisers.

Mr Barr: They did talk about a range of options, depending on the scale of the event and what we wanted to do.

MR SMYTH: Was the original bid from the organisers for \$100,000?

Mr Barr: I do not believe that it was for \$100,000, but it might have been close to that.

MR SMYTH: Wasn’t it your original intention to make it the best that we could be, and have we sold ourselves short?

Mr Barr: We wanted to set some parameters. Potentially you could have a limitless budget.

MR SMYTH: Potentially?

Mr Barr: Indeed. Within the environment that we faced and the competing budget pressures within the tourism portfolio, we set the initial budget but did indicate that we would want further advice on the delivery of the project. Then, following that

advice, through Australian Capital Tourism, we recommended that, if we wanted to offer the event at a certain level, we would need to provide additional funding. I took that case forward and won an extra \$50,000 for the event.

MR SMYTH: Does that mean that you actually bid for money for an event at a lower level but you have now woken up to yourself and want to provide at the high-quality awards night the taste of how fantastic Canberra can be?

Mr Barr: Again, you could pick any level of funding. You have to be realistic. Following the advice of the committee and Australian Capital Tourism, I provided an additional \$50,000. That will undoubtedly make it a better event than what we would previously have been able to deliver with the existing budget.

MR SMYTH: So this money would be all spent on a creative director?

Ms Shepherd: No. It is across a range of activities. The arrangement is basically that there are a number of partners on this event. The original bid was to secure the event here in the ACT. Every state and territory, in order to have the event, must put up the \$50,000 as a base minimum. Over the course of the year—I believe this was decided on nearly 12 months ago—the partners all work round the table to basically ensure that they can get the maximum out of the event in terms of sponsorship and in-kind sponsorship. The partners are the national travel alliance. There is Tourism Australia. Qantas is a major sponsor.

Last year we had events in Sydney, for example. If anybody attended that event, there were certainly some criticisms around the event in terms of the entertainment that was delivered. They were able to deliver that off the back of a lot of in-kind sponsorship as well. For example, Tourism New South Wales leveraged the fact that they had *Priscilla*, the stage show. With some of those activities—Tourism Australia, through their media partnerships, were able to deliver some entertainment and MC capabilities.

MR MULCAHY: Can we just take you back to what you were about to say, though. You were going to tell us what the extra \$50,000 is going towards.

Ms Shepherd: Sorry. We are looking towards MC and entertainment, effectively. The creative director is also included in that.

MR MULCAHY: But that is in the first \$50,000, isn't it?

Ms Shepherd: No, that is in the additional \$50,000.

MR MULCAHY: The first \$50,000 is just a fee to come to Canberra, basically?

Ms Shepherd: It is a combination. It is to secure the event, but those funds are utilised towards the event, if that makes sense. It goes to things around venue hire, production and staging. The whole budget of the event is a combination of the partners that I identified earlier.

Mr Barr: Every jurisdiction contributes, but the host city has to contribute that little bit more.

THE CHAIR: So this is February 2008, two months away? So the creative director has been employed already?

Ms Shepherd: Yes.

THE CHAIR: How long have they been on the job?

Ms Shepherd: Paul has been working with us for the last three weeks, I believe.

THE CHAIR: It is a tall order. There is time for one more question on tourism.

MR SMYTH: No, I am right. I have something on sport.

THE CHAIR: We will move to sport then. We are still on page 103, under TAMS. Who will administer the sports in school initiative and who will conduct the sport activities? I note that this is seed funding: it is not actually funding the program—

Mr Barr: This is to kick-start the children's physical activity foundation. The government contribution will be a quarter of a million dollars to kick-start the foundation. We are pursuing a range of business, community and sporting partners to further establish the foundation, which will then provide the money that schools can use to purchase either sporting equipment or the delivery of programs from organisations such as Blue Earth and other providers.

So it establishes a fund and, through our sponsorship and partnership, we look to have community sporting ambassadors. I have had discussions with the AFL, the Canberra Capitals, the Brumbies, the Raiders, Cricket ACT and a range of organisations to provide not only role models to come into schools and promote sport and physical activity but also in-kind support. We are also seeking major corporate sponsors to contribute to the foundation in an ongoing sense. The government's involvement is managed out of sport and recreation services.

THE CHAIR: So the actual sports tuition will be delivered through football players and existing sports people?

Mr Barr: And organisations like Blue Earth which currently come in and deliver programs within ACT schools. We can build on the existing models and expand them but also have the opportunity—really it will be in the hands of individual schools as to how they will apply to the foundation for funding for particular projects. It might be simply for the purchase of sporting equipment to enable them to deliver them across the entire school within their existing programs. It is very much devolved down to the individual school level, but this is about providing the ongoing financial support through a partnership with government, community, business and sporting organisations to roll out the program through our school systems.

THE CHAIR: And you can assure us that this program will not replace core funding for schools to deliver.

Mr Barr: No; this is in addition and is around an agenda that I, as the only education

and sport minister in Australia, have to see a revitalisation of sport and physical activity across our school system. You would all be aware—I have talked about this extensively since I have had the portfolios—that I am now delivering additional resources and an innovative model to achieve the goals that we have set in this area.

MR SMYTH: Just to follow that up, why isn't this an education initiative if you are funding a program for raising activity levels in schools?

Mr Barr: We are looking at the appropriate area for it to sit in. It is particularly around sport, and the partners that we are looking to deliver the programs with sit largely in the sport and recreation area.

MR SMYTH: So when you made your announcement about raising activity levels in schools, earlier this year, it was totally unfunded?

Mr Barr: No. We provided support around these areas through both the education and the sports portfolios. Again, these are additional resources on top of what we already provide. Through both the physical activity foundation and the additional money through the education portfolio for the specialist PE teachers, we look forward to building on our existing resources for the mandated time in the school curriculum and look to build partnerships with the key sports across a whole range of areas and the recreation industry. We need to acknowledge that competitive sport is not going to be for everyone, but physical activity is important for everyone.

THE CHAIR: We have a time issue here. We need to move on to IR.

MR SMYTH: I have a quick question before we move on. Is there a document detailing the aims and purpose of the trust? Is it based on the UK youth sports trust? It was a good seminar, wasn't it?

Mr Barr: Indeed, it was a very good seminar, Mr Smyth. That certainly does form the base of it. Of course, we will have to tailor it to local conditions. I have no qualms about acknowledging that the reason for calling that national seminar and for inviting Sue Campbell and Steve Grainger over from the UK was to look at different delivery mechanisms and how they were able to achieve the outcomes they achieved in the UK through a combination of government funded programs and the involvement of business, community groups and sporting groups. So, yes, unashamedly I think it is a good model and I look forward to delivering it in the ACT.

MR SMYTH: On the sports drought proofing scheme, what is the split between the master plan and the capital grants of the \$2 million?

THE CHAIR: We actually explored this yesterday.

Mr Barr: There is \$1.6 million in the grants program, \$200,000 will be used to undertake the detailed diagnostic work on the facilities, and a further \$200,000 is to progress the development of a long-term sustainability strategy for sport and recreation—the “where will we play?” strategy that I released, which talks about the ultimate goal by 2013 of no sporting ovals relying solely on potable water.

MR SMYTH: With respect to synthetic surfaces, how many will that provide? It says “pilot programs”. Will you get more than one surface?

Mr Barr: I believe we will, but we are still in the middle of that grants round. We will know once the applications are in.

MR SMYTH: That closes on Friday?

Mr Barr: 21 December.

THE CHAIR: We will move on to IR.

MR MULCAHY: Minister, there is one area that I wanted to explore with you that we have had some discussion about—that is, your \$75,000 party to celebrate Family and Community Fun Day. There was a little degree of confusion yesterday when the Chief Minister was here about what the future of this idea is. He indicated to the Assembly on 22 November the prospect that, if a federal Labor government came in, there would be the restoration of union picnic day. The minister indicated yesterday there would not be funding for that along the lines that has occurred with the Family and Community Fun Day. Can you confirm it is your intention to abolish Family and Community Fun Day if union picnic day is allowed under industrial relations reforms and therefore it will be removed from the calendar next year?

Mr Barr: You would be aware that I gazetted the additional day for 2007. So it is simply using the provisions of the Holidays Act to gazette an additional day. That was in response to the loss of union picnic day and to provide for those ACT employees who had had one of their days taken off them.

MR MULCAHY: The awards provided an entitlement only for people who were members of a union to use that day—those 18 per cent.

Mr Barr: Yes; nonetheless those people lost their entitlement.

MR MULCAHY: Just so that we are clear on that.

Mr Barr: Indeed. The happy election result on the weekend and the clear rejection of Work Choices will provide for, I believe, the restoration of union picnic day and a return to the previous arrangements. There is a question, given that the Canberra Day public holiday has now moved to the second Monday in March, as to whether union picnic day should be relocated to a different day of the year. We will undertake negotiations with UnionsACT in relation to when that day might be.

MR MULCAHY: What will your role be? At the end of the day, if they deem it to be union picnic day, what is your role?

Mr Barr: The Holidays Act specifies that union picnic day will be held on the first Monday in March.

MR MULCAHY: Will it still apply in the same terms in which it used to exist?

Mr Barr: Yes, provided that Work Choices is—

MR MULCAHY: Assuming that happens.

Mr Barr: So that the federal override is removed.

MR MULCAHY: Let us assume that happens.

Mr Barr: A lot of this, of course, will depend on the timing and whether, as the old Senate remains in place until 30 June, the repeal of Work Choices is possible before 30 June or whether that will occur on 1 July, depending on what happens. We can only speculate on that at this point. But I have been quite up front when I gazetted the additional day in saying we would revisit the matter pending the abolition of Work Choices. That is now almost a certainty, depending on what happens in the Senate. My position would be that if union picnic day is restored, there would not be a need to gazette an additional public holiday for the ACT in 2008.

THE CHAIR: We will move on to planning now. In relation to the first item, the new metropolitan development sequence and a concept planning program, I notice that it is to deliver an accelerated program to supply residential land to the market over the next two financial years. I am interested in how that will be achieved within the framework of the climate change strategy, action 21, which commits the government to integrated land use and planning, and whether there is any tension between getting land on to the market as soon as possible and doing planning that takes into account issues that the climate change strategy addresses.

Mr Barr: You would be aware that, in June this year, I released a statement of planning intent for the Planning and Land Authority. A key part of that was the provision of five years supply of planning-ready land. So this funding and this initiative enable ACTPLA to achieve that goal, to get about 11,000 planning-ready lots. Prior to this we were seeing about 5,000 to 8,000. This will enable the planning authority to achieve that target that I set in the statement of planning intent. I also indicated in that document that responding to climate change was another key issue for ACTPLA. The Chief Minister then released the climate change strategy, and ACTPLA will take due account of that strategy as a whole-of-government policy in terms of developing the concept plans for these new estates. Mr Savery might be able to expand a little on the detail of the strategy.

Mr Savery: I think it is fair to say from the outset that development generally has a tension with climate change. There is no development, or very little development, that is occurring in the world that does not have some environmental impact and our objective, obviously, throughout all of our planning and design work is to minimise the impact of urban development on the environment and on issues like climate change.

I think, as we have discussed previously through the planning and environment committee estimates hearings, we are intent on improving the standard of residential subdivision design. I recently attended a presentation, again by Derek Wrigley and John Sandiland, last week and again responded positively to the sorts of principles that they are enunciating through their work. We are looking again through both

national and local exercises to deliver on improved environmental design in our subdivisions which would provide the greatest prospect for individual buildings—dwellings in this case—to get better solar orientation of thermal mass within those houses so that they can not only achieve improved comfort for the residents but also reduce their potential impact on the environment.

Nevertheless, there is some development that is already in the pipeline in terms of land release that is working to our current controls. So a lot of what we are talking about is still subject to further development of planning regulations. They have to go through policy changes. I think it is fair to say that we had hoped that we would be able to introduce some new policy through the territory plan exercise, but, as a result of the community conversation that occurred around that and the question of policy neutrality, we have not been able to do it or will not be able to do it through this version of the territory plan. But we will be coming back to the minister very soon in the new year advising him of some new policy direction that responds to his statement of planning intent and a climate change strategy.

MR MULCAHY: In relation to this outlay, you have said here that provision is also made for documenting standards required by TAMS, ActewAGL and ESA and so on. It is good to have them documented where there has been litigation in the past, and certainly other conflict where different points of view have surfaced and people have been left believing they are operating to one standard and somebody else has come in over the other. So this is a step in the right direction. But what is the dispute resolution process if ACTPLA say one thing and ActewAGL say something else?

Mr Savery: In fact, we have already attended to that issue because the auditor made comment on that particular matter. In our application form it is a prerequisite for an applicant to demonstrate that they have got Actew's agreement. We have removed any scope for that situation to arise again and, as far as I am aware, it has not arisen again since the issue, the matter that you are referring to. We think we have attended to the process side of it. This money will be used to assist us in getting the content right.

MR MULCAHY: Are there still conflicting standards or not?

Mr Savery: It was not so much conflicting standards, because we did not set the standards for the provision of easements. They are set by Actew. It was more that our process created a loophole whereby we could potentially approve an application without referring it to Actew and Actew saying to us down the track or, in the case that you are referring to, to the builder as they started to build, "Hang on, you haven't got our approval." There is no issue around the standard. It is an Actew standard, and that has been resolved. It was more that our processes in some cases did not capture—

MR MULCAHY: Did not capture the fact that they did not approve?

Mr Savery: Yes.

THE CHAIR: In relation to the Gungahlin town centre planning report and precinct code—a study that you are planning there—is this a study that is being conducted in response to inquiries from people who would have interests in developing commercial

land or is it more on the part of the government then to work out what exists and then try and go out and sell it?

Mr Barr: Dr Foskey, you would be aware that there has been an ongoing debate around the potential to locate a major commonwealth department in Gungahlin. The current height limits on the commercial land in Gungahlin would make that not economic, and under the current provisions you could not get a big enough floor space in a building. I have funded this work to be undertaken to run in parallel with some other work in the Gungahlin town centre that we have discussed earlier in relation to the college precinct, so ACTPLA are having a broader look at the commercial side as well.

The Gungahlin Community Council, for example, would like me to raise the height limit to eight storeys and bang that into the new territory plan. I do not think that is the appropriate way to go. We need to have consultation and to undertake a planning study. That is what we are doing here. Certainly it would be the government's intention that, following the satisfactory completion of the study and the identification of the various issues, it would be appropriate then to go to community consultation on the ability to increase the height. There is a particular block that most people are aware of that would be suitable for a major commonwealth department. Again, following the change of government on the weekend and with the strong support of the local member, I think we can be optimistic.

MR MULCAHY: Are you talking about Senator Humphries?

Mr Barr: Well, I am not sure that Senator Humphries will be in a position to deliver much, Mr Mulcahy, for the next three years. Certainly Mr McMullan has indicated his support. He will certainly be active in lobbying within the new federal government for the relocation of a major commonwealth department to Gungahlin. I believe it is appropriate that we undertake the planning work that would be necessary to achieve that outcome.

THE CHAIR: So the \$200,000 has to be at that amount more than putting together some arguments to raise the height?

Mr Barr: It is more than just that one site. That is a major driver for the need to undertake this further study, but there are other elements of the commercial precinct in the Gungahlin town centre that are worthy of further examination. I have a very strong personal commitment to ensuring the ongoing development of the Gungahlin town centre and, through the planning, education and sport and recreation portfolios, intend to deliver some major new projects. Many of them are already on the table and are funded. We look forward to building on that work through this initiative.

THE CHAIR: I think we will probably have to leave it there because of time, not a lack of interest, I assure you. Thank you very much.

Mr Barr: I thank the committee for their interest.

The committee adjourned at 12.12 pm.