



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2013-2014

(Reference: [Appropriation Bill 2013-2014 and Appropriation \(Office of the Legislative Assembly\) Bill 2013-2014](#))

Members:

MR J HANSON (Chair)
DR C BOURKE (Deputy Chair)
MR M GENTLEMAN
MR B SMYTH

TRANSCRIPT OF EVIDENCE

CANBERRA

THURSDAY, 27 JUNE 2013

Secretary to the committee:
Ms N Kosseck (Ph 620 50129)

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

APPEARANCES

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Amended 20 May 2013

The committee met at 9.30 am.

Appearances:

Rattenbury, Mr Shane, Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing

Justice and Community Safety Directorate

Leigh, Ms Kathy, Director-General

Crowhurst, Ms Moira, Acting Deputy Director-General, Community Safety

Mitcherson, Mrs Bernadette, Executive Director, ACT Corrective Services

Taylor, Mr Don, General Manager Custodial Operations, Alexander Maconochie Centre, ACT Corrective Services

Territory and Municipal Services Directorate

Byles, Mr Gary, Director General

Peters, Mr Paul, Executive Director, Roads and Public Transport Division

Roncon, Mr James, Director, ACTION, Roads and Public Transport Division

Gill, Mr Tony, Director, Roads ACT, Roads and Public Transport Division

THE CHAIR: Good morning, minister and officials. Welcome to day 10 of the estimates committee hearings into the budget. It probably will not be as exciting today as it was throughout yesterday, as we were watching on our iPhones as events unfolded. We assume it will not be but one never knows.

The proceedings are being both recorded by Hansard and are being webstreamed. Could I confirm that you have all seen the privilege statement, the pink card? You are all aware of it and its contents. Minister, would you like to make a statement before we go to questions?

Mr Rattenbury: No, I would be happy to go straight to questions, chair.

THE CHAIR: There is some money in this budget for design works for expansion of the jail, and this does concern me. The story so far is that the government said that they were going to build a 374-bed capacity jail for \$110 million. They then reduced that to a 300-bed capacity and the previous minister said, "In it, this will have capacity for 25 years in its current bed configuration." We then saw the jail blow out from the initial price to \$130 million, and I think another \$10 million has been spent on improvements subsequently. We have seen bunk beds put in, and now we have been told that we need to put more capacity in.

What has gone wrong? Were we lied to, did someone make some very bad mistakes or was the minister provided with wrong advice? What has gone so badly wrong that it is now costing taxpayers literally tens of millions of dollars when we were told that it would be good in its current bed configuration for 25 years?

Mr Rattenbury: Rather than comment on the history, Mr Hanson, perhaps I can best speak to the budget initiative. As you have rightly identified, the budget commits the design money of \$3 million for a new design phase of the AMC. That is to do to the

point of final sketch plans. Specifically, the intent is to look at two specific phases. One will be a 30-bed unit, which will be intended for therapeutic community use, but will be flexible enough, and that is at this stage being considered for fast-track preparation. The other component of that will be an 80-bed cell block, which will be a more medium-term solution. That is the intent of the budget appropriation.

THE CHAIR: In terms of those time lines, when you say immediate for the 30-bed therapeutic use, or that it will be soon, what time frame is envisaged?

Mr Rattenbury: That is really a matter for the design phase. The issue throughout this budget is that the government has been very clear in its intent that projects should be properly designed and shovel-ready before further commitments are made. The appropriation very clearly is to do the full detailed study so that cabinet is then in a position to take further decisions about the feasibility and appropriateness of further investment from there.

THE CHAIR: I assume that you have identified the need, and in previous statements you have made you have identified the need because of capacity issues, mixed populations, segregation and so on. This is design work to get it shovel-ready, but surely you have a view on how soon you need to get this done in order to alleviate those capacity issues that you have. Whether you have got a shovel-ready plan or not, you have surely got a view on when this actually needs to get done, when you say that it is over the short term.

Mr Rattenbury: Certainly. One important point to make here is that the population of the AMC does fluctuate. It goes up and down quite a bit. That is something that is subject obviously to a range of external factors. You talked about this in your introductory remarks. For the purpose of clarity, the current bed capacity of the AMC is 332 beds.

THE CHAIR: That is because of the bunk beds that have been put up.

Mr Rattenbury: That is the current capacity.

THE CHAIR: Sure. It was not what was delivered, though. Those 32 beds have been retrofitted.

Mr Rattenbury: I am happy for you to make that point. The current capacity is 332. As I think I have said in the chamber, and I am happy to clarify it here, obviously we are not able to use all of those beds all of the time. Obviously, there are a number of beds in the women's section; if that is not full of women then we cannot use those beds. So there are some limitations within that 332.

In terms of your question about the time line, I have just indicated that the sense is that we want to bring on potentially the first 30 beds in a fast-track manner to give us greater flexibility at the centre.

THE CHAIR: I do not understand what "fast track" means. Does "fast track" mean getting this done in this financial year, in next financial year or is it over a decade? I am just trying to get some sense of what "fast track" means.

Mr Rattenbury: The design phase is to be completed by June 2014, with a decision then.

THE CHAIR: In terms of the 80-bed cell block, you are talking about that being medium term?

Mr Rattenbury: Yes.

THE CHAIR: What does “medium term” mean?

Mr Rattenbury: I make the same point. The design is due to be completed before June 2014 and there are a range of possibilities then as to what the time line would be. I would expect that design phase to examine issues such as whether it is more cost effective to build them sequentially or to build them perhaps at the same time. They are the sort of issues that I want the design phase to look at and to provide the cabinet with clear advice on. So it is undetermined at this point but it is not a decade away. That is perhaps the best way to answer the question you are asking me.

THE CHAIR: Okay. Mr Gentleman?

MR GENTLEMAN: Minister, could you go to page 220 of budget paper 4. It shows, at indicator d., that the average cost per day per detainee for remandees and sentenced detainees was lower than expected for the last budget period, and there is a change to the reporting process for the next one. Can you take us through that change and then tell us why, as it appears that the cost is quite low.

Mr Rattenbury: What is the page number?

MR GENTLEMAN: Page 220 of budget paper 4.

Mrs Mitcherson: Thank you, I will take that question. We realigned the prisoner cost per day with the ROGS accounting rules. You will recall that last year we had three different numbers. There was an annual report reported figure plus two ROGS reported figures. We think it is more appropriate to align with the ROGS accounting figures, so we have done that with our accounting. So there are some differences. For example, for the PDC, we do not include depreciation, superannuation and some of those. So it is just to have two figures rather than three figures.

THE CHAIR: My understanding is that Goulburn jail has been closed by New South Wales as a result of it costing too much per prisoner; is that right? In New South Wales the average price is \$98 a day.

Mrs Mitcherson: If I could answer that question having regard to my experience in that area, with the caveat that I have not worked there for a few years, because New South Wales has up to around 30 jails, there are certainly some that would cost \$98 a day—some of the prison farms that are low security and have no fences. There is a sawmill in Glen Innes; there are farms. So they are very low cost. Some parts of Goulburn would be low cost because they have a minimum security area. They also have a maximum security area and a high needs area. Within the Goulburn site there

is the high security unit. I do not want to quote what that costs per day for that unit as it is not for me to say, but it is considerably high. So there is a combination of—

THE CHAIR: So there are economies of scale—

Mrs Mitcherson: Yes. Some are as low as \$98—when I was there, certainly—and some are higher than us as well. So it levels out at the end of the day. I am not aware of Goulburn jail being earmarked for closure. I have not heard that.

THE CHAIR: Isn't it? I thought there were already pictures of it closing down; maybe not. Maybe I am thinking of somewhere else.

Mrs Mitcherson: Possibly.

MR SMYTH: Could we go back to the additional capacity required for the AMC. With the 332 beds, what is the breakdown? How many are in the women's unit?

Mrs Mitcherson: The women's unit is 25 beds.

MR SMYTH: And what is the occupancy rate there?

Mrs Mitcherson: 12 today.

MR SMYTH: And on average?

Mrs Mitcherson: The average for this year is 14. At the moment that is sitting at around 30 per cent remand and 70 per cent sentenced. Even more interesting in the number for the women is that we have three doing a sentence of five years or more. The average for the remaining women is around 97 days per episode—some less, some higher—and that is a combination of remand and sentence. So there is quite a lot of movement in that population.

MR SMYTH: It is about, on average, 60 per cent full?

Mrs Mitcherson: We have been down as low as five or seven, but this year it averages about 12 to 14 for the year. Just to clarify a bit more with the women's, the general population is 20. We have a high needs area which has five beds, which is only used when we need to use it for women requiring extra care because of their unwell behaviour.

MR SMYTH: For the rest of the AMC there are 307 beds. What is the breakdown there?

Mr Rattenbury: What do you mean by the "breakdown", Mr Smyth?

MR SMYTH: In the different units—high needs, general population, exclusion?

Mrs Mitcherson: I suppose it is an operational figure. Some of those beds also count those in the management unit, of which there are 14, which was not built for general population. It was built to be used when someone needed some more high-level

management. There is also the crisis support unit which has 10 beds. So you would not normally think of those beds as being operational beds and available to the general populace, although we do have to use the management unit for the general populace.

MR SMYTH: What is the difference between the management unit and crisis support?

Mrs Mitcherson: The crisis support unit is for detainees-remandees who are at risk of self-harm or who maybe have some mental health issues that are at acute stage. It does not mean that we do not manage mental health in the populace when someone is stable but it is for someone who has acute unwellness around mental health or self-harm. The management unit is really around behaviour, if someone is behaving in a way that they need a period away from the main population.

MR SMYTH: The other 270-odd beds are—

Mrs Mitcherson: There are 90 remands. I might hand I over to Mr Taylor because he knows the figures off the top of his head more than I do.

Mr Taylor: We have in the general population two styles of accommodation. One is a cottage style accommodation. In that we have five cottages which each hold 24. They are minimum security. Then we have two cell blocks—sentence and remand cell blocks. We have 88 in the remand side and the remainder are in the sentenced. We do have in the health ward a four-bed capability. But that is only, again, used just for people that may be exceptionally unwell and need some very close health observation.

MR SMYTH: The designs are for 30 therapeutic beds and an 80-bed cell block. What capacity does the other part—not the women's—of the prison run at?

Mrs Mitcherson: The capacity can vary. The year to date average at the end of April is looking at 266 but we have been as low as 234. Today we are at 291. I think it is an example of how the figures can fluctuate very quickly. It is not an exact science in trying to understand when you can see that kind of fluctuation just in a couple of months.

MR SMYTH: We were told many times that there was 20 to 25 years worth of capacity in the AMC. The extra beds will give us what capacity?

Mr Rattenbury: What do you mean? Are you asking us to make a prediction on the years?

MR SMYTH: Surely you have done some planning.

Mr Rattenbury: As I have indicated both in the chamber and I think in annual reports, the predominant issue that the AMC is facing at this time is one of flexibility and the issue of needing to segregate the various categories of detainees.

MR SMYTH: These additional 130 beds will not—

Mr Rattenbury: 110.

MR SMYTH: Sorry, 110 beds—will not extend the life of the prison?

Mr Rattenbury: No, that is not what I was saying. Clearly a predominant driver at the moment is one of capacity. In terms of entering into that historical debate of what the various predictions and the like were, my observation is simply that the predominant issue at the AMC at the moment is one of flexibility. Clearly, adding up to 110 beds obviously increases the capacity into the future.

MR SMYTH: How long before we have to go back and build more units?

Mr Rattenbury: That is not a projection I have for you at this time, Mr Smyth.

MR SMYTH: Has that work been done?

Mr Rattenbury: Certainly there have been studies previously. I am just trying to recall. Yes, I recall now that we did discuss this at the annual reports hearings earlier this year. There has been some work done on that but given the tender process we are going to I am reluctant to release that at this point, Mr Smyth.

MR SMYTH: Release what?

Mr Rattenbury: The RPL report that we discussed at the annual report hearings.

MR SMYTH: Sorry, I was not at annual reports.

THE CHAIR: I do not think any of the members of this committee were at annual reports.

Mr Rattenbury: I am sure you were there, Mr Hanson. I seem to recall. No? It must have been Mr Seselja.

THE CHAIR: Mr Seselja would have been.

Mr Rattenbury: I have forgotten him already.

THE CHAIR: He will probably come to your attention in the course of the next few weeks, I would imagine, in one capacity or another.

Mr Rattenbury: I expect him to doorknock my house. We will wait and see.

THE CHAIR: You would be in in the inner north, wouldn't you?

Mr Rattenbury: That is right. Mr Seselja does not go to the inner north, does he?

THE CHAIR: I am sure he does but probably when he sees your Prius parked outside the front door—

Mr Rattenbury: We should return to the matter at hand.

Mrs Mitcherson: The feasibility study on future accommodation for the AMC, which was completed the year before last, included some predictions on figures. But it does contain information that would probably prejudice our tender process if it was made public.

MR SMYTH: Can we have the section on future figures?

Mr Rattenbury: I will take that on notice, Mr Smyth. I will check the status of the document.

MR SMYTH: If we are going to go in and start—building inside prisons is difficult, which we predicted when the government cut back various sections of the construction to fit the costs so that they could deliver it. We predicted that going back in is difficult. I am sure Mr Taylor can tell you that building in prisons is an absolute nightmare. We are about to enter that nightmare. I just want to make sure that we are doing it once rather than doing it several times over the next decade or so.

Mr Rattenbury: Certainly. We just need to clarify your earlier question about population, about the bed numbers.

Mrs Mitcherson: Could I just clarify that the transitional release centre has 15 beds as well.

THE CHAIR: On the issue of flexibility, I recall back in 2009 there was an alleged rape of a remandee by a sentenced prisoner that went before, I think, Justice Refshauge, who raised significant concerns at that stage that if the jail was not a safe place where you could send a remandee, you might just not be able to send them to the AMC anymore. We raised these as issues at these hearings, at annual reports, in the Assembly and so on. We were provided with assurance that these issues were being addressed, that the segregation and the separation of prisoners of varying different categories was an issue that had been resolved.

But I note that there have been other incidents subsequently and there is one that was reported on in the *Canberra Times* titled “Catastrophic injuries from prison bashing”. A prisoner was bashed. It was a protected prisoner, is my understanding. It says in part, reporting from the court hearing, that, “It was due to a failing of prison authorities to separate at risk general detainees.”

It would appear that some four years on from that original case where we were provided with all the assurances that these issues are being addressed, someone received catastrophic injuries. I believe their eye popped out, the bashing was so bad. Again, we are hearing from corrections officials that has all been addressed. Why should this committee believe what we are being told when the evidence is that these issues have not been addressed?

Mr Rattenbury: Certainly, Mr Hanson, the incident that you are referring to took place on 27 January this year. There was a very serious injury in which a detainee suffered a very serious injury to his eye. What I can say is that that incident took place obviously very unexpectedly and took place very quickly. As a result of that incident there have been some operational and infrastructure changes at the AMC. I believe

that those changes will address that style of incident taking place. I do not particularly want to go into details just because—

THE CHAIR: No, that is fine. It just seems very much like the answers we were given last time.

Mr Rattenbury: I have taken this quite seriously. I have had a good conversation with Corrective Services about this. It is obviously a significant concern. At the same time I think that we—the government has a duty of care to fulfil in relation to detainees at the Alexander Maconochie Centre. That said, I think it is also fair to reflect on the fact that it is a difficult environment and that detainees will do things like this from time to time. One cannot always anticipate every action that detainees may inflict on each other. Between these two detainees there was no intelligence of a history, no intelligence of a threat. This was in some regards a completely unanticipated incident.

THE CHAIR: Was it? I thought he was an at-risk prisoner.

Mr Rattenbury: Certainly in that regard, yes.

THE CHAIR: So it was not unanticipated. He had been identified as someone that was at risk, was he not? He was a protected prisoner.

Mrs Mitcherson: Yes.

THE CHAIR: We knew that he was someone that was vulnerable, that was likely to be subject to perhaps violent attacks from other prisoners.

Mr Rattenbury: I was referring to—

THE CHAIR: So it is hardly unanticipated.

Mr Rattenbury: Yes, your point around him being a protected prisoner is accurate. My observation was that specifically between those two prisoners there was no identified issue.

THE CHAIR: Then it is an intelligence failing, is it?

Mrs Mitcherson: Just to add, the incident was very, very unfortunate. None of us in corrections enjoy having to manage that kind of incident. I just want to say that the staff do an excellent job of managing separation issues in the AMC. I would like to put that on the record. Certainly the victim was a protection person and he was accommodated in a separate area. It was a moment where detainees were with officers but being escorted. We do not handcuff them when they walk around. He broke rank, so to speak, and ran to one hit—it was one king hit which caused the injury. It was opportune.

Staff responded as quickly as they could. Yes, we know that he was a protection person. But I just want to say that while it was very unfortunate, the staff do a really sterling job of trying to manage a population that—while many of them come into

prison and want to take the opportunity to do some programs or look to better themselves, others remain in a way that is assaultive. I am not walking away from the issue—

THE CHAIR: No, and I think the staff have an incredibly difficult job to do out there. I think that is made more difficult by the fact that you have got so many different aspects to the prison population between protective, remand, sentenced and so on. I recognise that. It has been one of our criticisms that trying to manage a prison with that amount of complexity makes it nigh on impossible for the staff to do that. I am very sympathetic to what the staff have to deal with. But I suppose it goes to my point to make sure that these issues are being addressed. Can you provide for the committee—you might need to take this on notice—a list of incidents that have occurred that have involved interaction between different categories of prisoners—so where a remandee has been assaulted by a sentenced prisoner and so on? I assume that you have records of that sort of information?

Mrs Mitcherson: Yes, we do. We can take that on notice and do that for you. I think, as we have discussed in this room before, that because there are so many categories—even within protection, there is a strict protection generally based around the offence type. If we only have half a dozen who have an offence type, for example, relating to children, then we will mix remand and sentenced together. So you may have remand and sentenced together in a category that is strict protection because there is only a few in that area. To do otherwise, there would not be enough spaces. So we can provide that, but where they are actually on the same category together, either remand or sentenced, we will give you that advice as well.

THE CHAIR: Thanks for that. I move now to a new issue. In terms of who the superintendent is, is that you, Mr Taylor?

Mr Taylor: Yes.

THE CHAIR: So your title now, your official title is the—

Mr Taylor: General Manager, Custodial Operations.

THE CHAIR: How long have you been there?

Mr Taylor: December 2011.

THE CHAIR: So you came in pretty soon after—

Mr Taylor: Six months.

THE CHAIR: Six months—

Mrs Mitcherson: Nearly six months.

THE CHAIR: Where were you recruited from, do you mind me asking? Were you internal or from somewhere else?

Mr Taylor: No, my career prior to ACT Corrective Services was Corrections Victoria for three years and then 22 years in New Zealand corrective services prior to that.

THE CHAIR: I thought I spotted an accent.

Mr Taylor: I am sorry; I apologise.

THE CHAIR: No, my wife is a Kiwi. If I am on the *Hansard* bashing Kiwis I will get into trouble from her when I get home; so you will get off scot-free. Is there any further action pending with regard to Mr Buchanan? I know that there were some investigations that were occurring in relation to him and he may have put in some claims. I am not sure where that is at. Complaints were made, weren't they?

Mrs Mitcherson: Yes.

Mr Rattenbury: Just bear with us a moment, Mr Hanson; we will work out who the best person is to give you a person answer on that.

Ms Leigh: I think I would prefer to take that on notice, if I can, Mr Hanson.

THE CHAIR: Okay. If you could just let me know whether that has ceased or not. I recall, from reading the paper, that some time after the complaint had been made he had not had any resolution as to whether or not it was still pending and what action was actually being taken. Thank you. Mr Gentleman.

MR GENTLEMAN: Minister, if I could take you to page 214 of budget paper 4. In the output description it says that there is a strong focus on the delivery of rehabilitative, educational and vocational programs for unsentenced offenders. Can you just go through those programs for us and tell us what is being done for those people?

Mrs Mitcherson: Just general programs that we offer?

MR GENTLEMAN: Yes.

Mrs Mitcherson: First of all, everyone that comes in has an induction process. I will also start by saying that we do not restrict remandees, as other jurisdictions do. Remandees are able to access education programs and other programs as well. The only restriction on remandees is where it has a therapeutic content, where it might require a plea of guilty or acknowledgement of guilt. For example, the sex offender program requires that. So there are some limitations for remandees, but not otherwise.

Everyone that comes in goes through an induction process. Part of the education process assesses everyone according to national standards in terms of literacy and numeracy levels. We have an individual learning plan for everyone that comes through, both remandee and sentenced. From there they develop education plans in terms of the kinds of things they might want to be involved in.

We also have a number of programs around different areas that are offence based. There are alcohol and drug programs. The first steps program and the getting smart

program are both about managing addictions or strategies to start getting to that next point. We have the Solaris program and therapeutic community. This is a four-month live-in program. People who join need to go through a readiness point for that. We are pretty happy with the process and the uptake of that program.

In the last two years we have had individual counselling. We have a contract with Relationships Australia. They have both Indigenous and non-Indigenous counsellors for both client groups, men and women. We also have Menslink, which is particularly for men under 25. For women generally—because, as I mentioned earlier, apart from the three women doing a five-year and above sentence, the average length of stay is only 97 days—we made a decision early on that every month most of the women's organisations would come in because there is such a churn factor. The organisations that come in do so on a monthly basis, like the Rape Crisis Centre and legal services. Some come in weekly, like the Toora coming home program for women. I have just signed a memorandum of understanding with the Department of Human Services in relation to them coming in prior to people getting out in terms of Centrelink and other benefits. There is quite a lot of program work in that area.

In terms of access to education, I might just give a couple of little examples. There has been some commentary about women not having access. I have got two examples. One woman who was incarcerated for two months was able to complete a five-unit hospitality skill set, a statement of attainment of five units from business certificate No II, three units from general education or adult certificate No I and a statement of attainment from technology certificate No I. That was in two months.

A woman who did 18 months with us left with a full certificate in IT, a full barista skill set of five units, a full certificate II in business services, a construction white card certificate, a statement of attainment of 11 of 13 units in hairdressing certificate II, a statement of attainment of 10 units of 14 and a certificate I in general education for adults, a statement of attainment in three of 11 units of community services certificate II, a statement of attainment in five of 14 units in retail services and a statement of attainment of seven units of 14 in certificate II of IT. She also participated in the general art classes, including an award for a national prison fellowship competition.

I merely want to make the point that, notwithstanding there is some commentary about access to education, I do not resile from the fact that it is very difficult when you have got different cohorts and classifications. For those who are motivated and want to engage in education or programs, the opportunity is absolutely there. We accept that not everyone is so engaged and some require a lot of encouragement.

MR GENTLEMAN: What would be the level of engagement?

Mrs Mitcherson: The level of engagement is quite high. I can take the stats on notice. For employment, it is around 85 per cent. Education would be in the 70s and 80s. As I said, we do not restrict remandees, unlike other jurisdictions.

MR GENTLEMAN: What level of those taking part would get to a certificate III standard?

Mrs Mitcherson: Often it depends on length of service. The example I just gave you

was in 18 months she completed full IT and went on to certificate II. The study is done in such a way that they can continue in the community if they want to do that. All of our vocational work is linked in with that. We also use job service providers as well. We have had our paid workers release program going for 12 months. I think we have had five men released who have had employment and money in the bank to assist with accommodation.

We have two doing an apprenticeship at the moment. One is doing a first year apprenticeship and one is doing trades assistant. We are developing that all the time. That is available to women as well from in their compound, although, again, with such short sentences it is really only available if you have done a bit of time and got some time at the end.

THE CHAIR: We had the minister for education appearing the other day and talking about CIT and the cost of all these courses, the fees and charges. For people who conduct this sort of training—and you outlined a bunch of training there—is there any cost recovery or is that taken out of various allowances?

Mrs Mitcherson: We do not have any cost recovery for education and programs. Many of our clients have had very poor outcomes in the general education system and have not had good experiences in classroom situations. We think that it is an important component of assisting someone to remain out of custody and not reoffend. It is to prevent potential victims at the end of the day and stop the children coming into custody. Certainly, the only cost recovery we do is on paid work release where they pay remuneration to us, a small amount. They have to pay for their keep and then they learn to allocate the lunch money and put the money in the bank for getting out. It is not a great deal of money.

MR GENTLEMAN: What were the two apprenticeships that were taken up, in what area?

Mrs Mitcherson: I would have to take that on notice.

MR GENTLEMAN: Thanks.

THE CHAIR: Mr Smyth.

MR SMYTH: Minister, on page 139 of budget paper 3 in recurrent initiatives it has two for Corrective Services. One is supporting operational capacity and the second is some supplementation for the workers comp premium. They are explained on page 154. What is the operational capacity dilemma that requires supplementation of about \$1.5 million for the next four years?

Mr Rattenbury: I am sorry, I just missed the middle part of that question, Mr Smyth. I just did not hear you.

MR SMYTH: What is the operational capacity problem that requires \$1.5 million a year for the next four years?

Mr Rattenbury: This supplementation covers a range of issues. It is \$6.065 million

over four years. It provides ongoing funding for a number of things, including utilities, which is to cover increasing AMC core utility costs such as gas, water and electricity. There is some money there for detainee costs, which will service additional things such as employment remuneration, food and clothing. There is money there for trainees, which will fund direct salary and administration costs associated with the mandatory training program of 11 weeks for new correctional officer recruits. We do need to undertake a steady program of recruitment to make sure that we have got enough correctional officers. There is also funding there for Remuneration Tribunal outcomes, which is related to members of the Sentence Administration Board. They are the specific areas that are covered by that.

MR SMYTH: As a consequence of this, there will be no extra corrections officers?

Mr Rattenbury: No, the money is specifically for training in that regard. There will be new corrections officers—just to make sure we have got our terminology on the same page.

MR SMYTH: But they will be replacing existing officers who leave? How many corrections officers do you have currently?

Mrs Mitcherson: 182 custodial. That is in courts, PDC, but not casuals though. We have a casual pool as well, Mr Smyth.

MR SMYTH: After this program you will have how many custodial officers?

Mrs Mitcherson: We recruit to vacancies, so—

MR SMYTH: Yes, so it will still be 182?

Mrs Mitcherson: Yes. Our attrition rate is not high, but we do have people that get promoted or go to other parts of the agency. Also, our casual staff are often true casuals; they have other work and move on or become permanent. So we need to have a steady pool.

MR SMYTH: Why do you need supplementation in the coming year for workers comp?

Mr Rattenbury: I think this is an issue that has arisen right across the ACT government. I am sure you have noticed that a whole range of agencies have had insurance premium pressures. It is a fairly consistent pattern across the budget for that supplementation.

MR SMYTH: There are not too many mentioned in the additional recurrent initiatives. Irrespective of that, what is driving—

Mr Rattenbury: I think it is a one-off.

MR SMYTH: the premium and how do you intend to get it down within the year?

Mr Rattenbury: I am sorry; can I have the question again, Mr Smyth?

MR SMYTH: What is driving the requirement for the supplementation this year?

Mr Rattenbury: It is the same issue that is facing all of the other agencies around the costs that have been passed through—

MR SMYTH: None of the other agencies are mentioned. You are the only agency that has picked up \$1 million.

Mr Rattenbury: No, that is not true. We will perhaps come to this later this morning, but ACTION has an additional supplementation for the workers compensation premium. I suspect other agencies have.

MR SMYTH: It is not listed as an expenditure line.

Mr Rattenbury: In other agencies?

MR SMYTH: Yes. Looking at pages 138, 139 and 140, can you point out where else workers comp has received funding?

Mr Rattenbury: I will take that as a compliment for our absolute transparency.

MR SMYTH: Okay, but what is driving it?

Mr Rattenbury: It is the issues that have been identified across the ACT government, including reductions in market interest rates—and these have all come out of Comcare, and I am advised they are general issues, from CMTD. There are changes in actuarial assumptions and forecasts for how long workers are expected to be off work, legislative amendments, such as an allowance for the pension age increase, workers not recovering as quickly as they should, and return to work for long-term incapacity claims. These are the issues that are affecting the Comcare scheme generally right across government. Certainly the ACT government has a very deliberate strategy to tackle some of those issues. I am sure you could ask CTMD about this because they have the details, but I am aware that improvements have been made in the ACT public service in recent years—improved performance on things like return to work. But there is, of course, a lag issue attached to that, as well as some of the broader issues attached to Comcare which I have touched on.

MR SMYTH: Given that you expect the premium to come back down in 2014-15, what are you doing to make that happen?

Mr Rattenbury: As I have just touched on, there is an ACT whole-of-government strategy to improve issues such as return to work. There are several issues. One is about working to make sure that people are not injured in the first place. It is then about working to get them back to work as quickly as possible or to get the right rehabilitative programs so that people are able to return quickly. To my mind, that is for a couple of reasons. One is to reduce costs to government and the other is that I think the longer somebody is off work incapacitated, the worse for their own wellbeing. So there is both that economic and social driver, I think.

MR SMYTH: With the directorate operational reviews that CMTD is conducting, what is it that corrections are not delivering that means they need to be reviewed in this way?

Mr Rattenbury: The purpose of this review is to look at the operational conduct of the AMC, and it is not dissimilar to some of the other reviews. I talked about parks and city services the other day. In some ways it is the same rationale—to look at corrections' operational activities and make sure that we are delivering the services that both the government and the community expects, and also to make sure that it is being done with the best value for money.

MR SMYTH: Have you worked on identifying areas where you can improve the efficiency of the service?

Mr Rattenbury: That is the purpose of the review. Work has already been done.

MR SMYTH: Is there a continuous improvement program inside corrections to ensure that we are getting best value for dollar and, if there is, why is this review necessary?

Mr Rattenbury: Of course there has been because the government has had efficiency dividends in place for a number of years, as you are aware. So efforts have been made. But I think it is about stepping back and taking the opportunity to check the base budget to make sure that the AMC is operating in the best possible manner. I am quite comfortable with this. Certainly, in talking with the staff, I think this is seen as an opportunity to really check in on the operation of the facility after a number of years of being open.

MR SMYTH: Going back to the AMC itself and the numbers, is there an optimal efficient number for percentage of capacity that the centre works at?

Mrs Mitcherson: Our capacity is guided by the courts, Mr Smyth, and it is regardless—it would not matter if we had an optimal or not. We have to take people from the courts. Certainly, Don and I are constantly looking at how we manage the numbers and how we manage the groups within that.

Certainly, in relation to the budget efficiencies review, we welcome the review. I always look for opportunities and provide, I think, good scrutiny and diligence over spending and how we conduct our business. My job as executive director is to make sure that we are always looking at how we do our business and whether we could do it better. For me, that is a given, and I know Mr Taylor feels the same way. But I do welcome the opportunity to have a look at the base funding, because, in terms of what the original was, as we have indicated, the numbers are quite volatile.

MR SMYTH: Notwithstanding what the courts send you—and I appreciate that is out of your control—what is the optimal capacity number? I think in the hospital 85 per cent capacity is what they aim for, because that allows them turnover and full usage.

THE CHAIR: That is the optimal.

MR SMYTH: That is the optimal. What is the optimal in the current 332-bed prison?

Mrs Mitcherson: The issue for us is around the mix. As Mr Taylor pointed out, some of those beds we cannot use. For example, the transitional release centre has 15 beds. There are 12 in there at the moment. We cannot compromise that program by putting someone there who is not suitable for that program. We move people around on a daily basis when the numbers go higher. As I indicated, we have been as low as 230 this year and we are now as high as 291. So there is a constant juggling around, depending on who is coming in to custody, what their offence type is and where they might need placing based on that.

MR SMYTH: In your experience, or perhaps Mr Taylor's, is there an efficiency number that prisons work to that gets you the best outcome both for the staff and for the inmates?

Mrs Mitcherson: I think in other jurisdictions the ability to move people around means that they do not face the same sort of questions.

Mr Taylor: Mr Smyth, from my experience and the experience here, we do not work to a percentage operational capacity that says, "That's where we want to optimise." As Mrs Mitcherson said, we just have to manage what we get. The higher the numbers, obviously we try and make efficiencies to manage those numbers in the best way we can. When there are lower numbers, obviously there is not the same impact. But as we go through, we just try and optimise what we have got.

MR SMYTH: Some of the other departments have—I think this is what Health calls them—sentinel events or serious issues. Do you keep a register of significant events that occur inside the AMC?

Mrs Mitcherson: We have incident reports, yes.

MR SMYTH: How are incident reports reported? Are they graded by minor, major, serious, extreme?

Mr Taylor: With all incidents that occur in the centre, the staff involved report through an official process. All of those reports go up through a chain of command to me. We assess the seriousness of them and implement whatever action we see necessary based on the incident itself. As far as categorising goes, we do not have a specific category process but we do assess each and every incident that occurs.

MR SMYTH: For the last couple of years, say, 2010-11, 2011-12 and 2012-13, how many incidents have you had?

Mr Taylor: I would have to take that on notice.

MR SMYTH: All right, thank you.

THE CHAIR: With the accountability indicators on page 220, I cannot find anything with regard to recidivism. There are a couple there, I suppose, a. and b.; a. is about discontinuing and b. is about completion of community corrections orders. But there

is nothing about recidivism. Why is that?

Mrs Mitcherson: We report recidivism in the annual report in the ROGS, but we have not identified it as an accountability indicator. But it is certainly something that we are accountable for, report on and discuss, in terms of our work.

THE CHAIR: In terms of recidivism rates, how do you measure them and what are they?

Mrs Mitcherson: The ROGS report provides the comparison across the jurisdictions. You can draw some inferences from the ROGS report. The rules around the counting are quite complex. It is based on consensus and the six states and two territories had to agree on those rules. So they are quite complicated and there are certainly some differences. For example, ACT has a very low rate of imprisonment per 100,000 compared to everyone else in the country. That says that the clients that we are sending to custody have a higher risk of recidivating. In a jurisdiction that has a very high rate of incarceration per 100,000, it is more likely that they will have a better recidivism rate because there will be people going into custody that we would not put in custody because we would manage them in the community. So while there is a comparison, you need to put some context around that as well.

THE CHAIR: I suppose what I am trying to do is map how the AMC might have changed recidivism rates, because who goes to jail and who does not go to jail probably has not changed that much since the AMC came in, because people were sentenced in the ACT and then sent to New South Wales.

Mrs Mitcherson: No, we have continued to be a low imprisonment jurisdiction, regardless.

THE CHAIR: I am trying to have a measure where I can map, over time, what the recidivism rates have been for people sentenced in the ACT, so that we can get some sort of comparison between how it was when they went to New South Wales and how it is now that they are in the AMC. One would expect that with the hundreds of millions of dollars that are being expended on the AMC we would start to see some positive benefits in terms of recidivism rates. But I have found it very difficult to get that information.

Mr Rattenbury: Certainly, there is a comparison between New South Wales and the ACT in the ROGS data regarding recidivism rates, and the ACT does have a better result than New South Wales. I imagine you have seen those figures before in the annual data that is released in January. I am happy to read it out to you.

THE CHAIR: What would be—

Mrs Mitcherson: You cannot extrapolate the ACT population that was in New South Wales prior to coming here, so you cannot get a comparator to draw out, say, what was the return rate of ACT clients returning to prison in New South Wales prior to coming to ACT, if that makes sense.

THE CHAIR: Why not?

Mrs Mitcherson: New South Wales do not extrapolate the data in that way. It is not our data.

THE CHAIR: But with recidivism, I assume we are talking about people, generally speaking, who have committed a crime in the ACT and then got sentenced, sent to New South Wales and then came back to the ACT. I imagine that we would have been, or should have been, capturing what the recidivism rates were in the ACT pre AMC, were we not?

Mrs Mitcherson: I am not aware that that is able to be extrapolated. My understanding is that when someone received a sentence, they were transferred from the Belconnen remand centre to New South Wales and the sentencing data became their sentencing data.

THE CHAIR: But the courts would have that data.

MR SMYTH: The department used to do this. In the 2006-07 annual report, on page 246, the department specified a target and estimated outcome for 2006-07 of 65 per cent. So we used to do it.

Mrs Mitcherson: I will have to take it on notice.

THE CHAIR: Could you take it on notice. What I am particularly trying to map are recidivism rates—

Mrs Mitcherson: Where people were going to New South Wales prison and committing—

THE CHAIR: Yes, but they are sentenced in the ACT. So if they are sentenced once, are they sentenced again? It is the sentencing that is the issue, isn't it, really?

Mrs Mitcherson: The sentencing within a two-year period, according to the rules that we measure by. So if someone is sentenced within that two-year period, they would be counted as someone who has recidivated. If they are not resented in that two-year period, they are seen as someone who did not return to custody under those rules, notwithstanding that they might go in three years later.

THE CHAIR: Are they the ROGS rules?

Mrs Mitcherson: Yes, they are ROGS rules.

THE CHAIR: Based on that, can you map, let us say, for the last decade what the recidivism rates have been for ACT-sentenced prisoners? When they go to jail, I am sure that ACT corrections would have maintained that data, or it should have been maintained. Mr Smyth has advised me that it is, or it was.

Mr Rattenbury: We will have a look. We will take that on notice and have a look at it. My advice was that that has actually not been possible. But I hear what Mr Smyth has just said; so we will have a look at that and provide the committee—

THE CHAIR: I do not get why it would not be possible. I would have thought that if you are running a corrections system, if they are not mapping what the recidivism rate is, how are they measuring the effectiveness of that system?

Mr Rattenbury: Certainly it has been a source of frustration for me in the last couple of years. Some of the data around the justice portfolio in the ACT has been lacking. But the government has now invested in improved data collection and I am expecting to see that. I have asked a number of questions in my previous life, Mr Hanson, around justice issues. It has been very difficult to obtain those figures because they all have to be manually extracted from the courts, which is entirely unsatisfactory. But that has been the historical situation.

THE CHAIR: I would have thought that that would be a body of work that you would want to do to see whether the AMC made an effect on recidivism rates in the ACT. It is extraordinary to me that we have spent what—\$200 million on this jail now? We have said this is going to be human rights compliant, that this is going to make all the difference. Nobody can tell me what effect this has had on recidivism rates. I find that extraordinary.

Mr Rattenbury: As you know, this report on recidivism out of the AMC is made for the first year this time because the ROGS criteria do require that it is a two-year period. There has been a lag effect with the prison opening and then waiting for that two-year window.

THE CHAIR: If you are being driven by ROGS, that sounds to me like an excuse. I mean, if ACT corrections—

Mr Rattenbury: No, I am not saying that at all. What I am saying is that we are trying to be consistent with their ROGS data because if we did something else we would be sitting before this committee with you saying, “Why are you not following the ROGS measurement?”

THE CHAIR: I am not saying that you do not have a requirement for ROGS, but if you are saying, “We cannot do it because of ROGS”—

Mr Rattenbury: No, I am not saying that.

Mrs Mitcherson: No, I was suggesting—I think New South Wales extrapolated the data on postcode, all that kind of stuff, when they reported. They did not separate—

THE CHAIR: Surely the recidivism is mapped by the courts. Someone is sentenced to a custodial period and then if they re-appear or are sentenced within that two years that would be pretty easy data to map, I would have thought?

Mr Rattenbury: We have undertaken to take it on notice and provide the committee with the information we can. I think it is probably best that we do that at this point.

THE CHAIR: It may be an explanation of why that data has not been put together before. I find it extraordinary. I would have thought that this is one of the key pieces

of information that corrections should be mapping and it is not available. I cannot understand it. There does not seem to be an adequate reason other than, "It is difficult because of ROGS."

Mr Rattenbury: It is quite clear—I can see what you are wanting to put on the record here. But it is quite clear that recidivism data is being tracked. The particular bit of information you want is not currently available. But you cannot sit there and say that recidivism is not being tracked because the figures are available. They are not available in the format that you want them, but there are clear figures in this year's ROGS papers about recidivism in the ACT. It directly compares us with other states on an apples-with-apples basis.

MR SMYTH: What was the percentage for the ACT and what was the national average?

Mr Rattenbury: The percentage for prisoners in the ACT released during 2009-10 and returned to Corrective Services within the two-year period was 40.8 per cent. New South Wales was 42.5 per cent—slightly higher—and the national average was 39.3, slightly below the ACT.

MR SMYTH: Why are we higher than the national average?

Mrs Mitcherson: If I can add to what I was saying before, the measure is a really simple measure for what is a really complicated story. I mentioned earlier the low imprisonment rate in the ACT which means that our clients that go into custody are much more complex. I would want to state publicly that we are very committed to reducing re-offending because we do not want people returning to jail and we do not want their children coming to jail. We want to potentially prevent further victims.

Because some of our clients are so complicated, we need to start looking at different ways of measuring how they are going. If a client was staying out of custody for three months, and we are now keeping them out of custody for nine months, that is actually a small win for that client. The next time we keep them out a bit longer. I think that we need to start acknowledging the very complex client group that we are managing and that their lives are very chaotic.

Most of the ones that are going back into custody have very significant alcohol and drug issues. I just indicated to you that the average sentence for women is 97 days. That is combined with remand and sentence. I think the average sentence for the general population of men is under 12 months. It is not a lot of time for us to do a lot of work. We try very hard.

When someone comes into custody they may be unwell, they may be angry, they may be going through a court matter and not willing to settle down and engage in anything. Often by the time we get them to engage or by the time they have gone through their remand period and it is backdated, we might only have a short window.

I think because our population is so complex we need to start thinking differently in our community about how long we can keep someone out of custody. That is a long-term thing and there is no silver bullet for some of our clients. They are very, very

chaotic.

THE CHAIR: I think that point is well made. I just want to see what the comparative data is over the last 10 years so that we can see whether the AMC is making a difference. I am not saying it is not. I just do not know. I find it extraordinary that we cannot answer that question off the cuff—

Mr Rattenbury: I will take that question and get back—

MR SMYTH: particularly when in your prison communications strategy it says, if I can find it now, that, “The design, operation and staffing of the AMC reflect a commitment to prisoner rehabilitation, reduced recidivism, the maintenance of family relationships and community engagement.” So what do we do to achieve that if we are still above the national average?

Mrs Mitcherson: Absolutely, that is our strategy. We are very committed to community engagement. I would say that my experience, and I would suggest perhaps Don’s, is that the amount of community groups and government and non-government agencies that work with us in terms of working with clients is significantly high. We are very committed to family relationships. We look at family counselling and we will start working with families. That is why we have a through-care unit. We are very committed to keeping our clients out of custody.

MR SMYTH: South Australia has the lowest rate—29.1 per cent. Why are we not even close to that?

Mrs Mitcherson: Again, it is a very simple measure for what is a very complex argument—

MR SMYTH: Sure, but—

Mrs Mitcherson: So I cannot answer that question, particularly about South Australia.

Mr Rattenbury: I think it would be a more valuable discussion to be had when there is a bit more series data for the ACT.

MR SMYTH: I think that is the point Mr Hanson makes.

Mr Rattenbury: Yes, indeed, but this is the first year that we have reported since the AMC has opened. So most statisticians would not take a one-off result as a definitive indicator of how something is performing.

Mrs Mitcherson: I think the only other comment I would make is that our numbers are so small that a small change of not very many can actually have a big difference with the percentage.

THE CHAIR: Yes.

Mrs Mitcherson: With New South Wales where they are sitting around the 10,000 mark—

THE CHAIR: Sure. I will probably put a recommendation in the report to the effect that I think it would be useful so we can map perhaps an underlying trend. There will be ups and downs but—

Mr Rattenbury: You mean for any accountability indicator as well?

THE CHAIR: Yes, I think that that is probably where I am heading, that we do that.

Mr Rattenbury: I would be open to that.

MR GENTLEMAN: We do not have a lot of time left. I would like a go.

THE CHAIR: Yes, I just note that we are finishing at 10.30.

Mr Rattenbury: I thought it was 10.45, but that is fine.

THE CHAIR: I have 10.30 and we are breaking until 10.45.

Mr Rattenbury: I am happy to go. No, it is TAMS that comes at 10.45.

THE CHAIR: It is TAMS at 10.45. You are not escaping. You are just changing into a different guise. We do need to keep the answers brief.

Mr Rattenbury: Yes.

MR GENTLEMAN: You mentioned the transitional release centre and the amount of beds that are in there. Can you tell us how that actually works?

Mrs Mitcherson: The transitional release centre is 15 beds. It is for clients generally in the last 12 months, give or take, of their sentence. So they are still under a sentence and there are certain privileges, I guess, living outside the fence. Then they are eligible to be involved with job search agencies. Our aim is to get them engaged in employment. For those that have alcohol and drug issues, many of them have come through the Solaris Therapeutic Community. They will continue working with outreach workers from the community.

What we do know is that if we engage detainees with workers from the community before they get out, they are more likely to stay engaged with that group. For example, they will go out to an AA meeting rather than do the AA meeting in custody. They will also get to a point where they might have day or weekend leave with family, depending on what their family might look like. What we hope is that when they leave they have got a job, they have got somewhere to go and live and they have got some supports set up in terms of some outreach work.

MR GENTLEMAN: How do you measure the success of that system?

Mrs Mitcherson: I guess the measure is always when someone does come back into custody. I guess for us that what we are wanting to do in the next 12 to 18 months is actually talk to people who do come back into custody and to find out what went

wrong. "What did not work for you, at what point do you think it fell down for you?" As I said, we have had small numbers. We have five released in work and we have had three maintaining employment.

MR GENTLEMAN: That is good.

Mrs Mitcherson: They are the kind of things. If you can get through that first six months and maintain employment and some stable accommodation, there is a good chance that you might not come back again. With alcohol and drug issues, people can do very well in custody. It is a structured environment. They can go through a community. They can be clean. They can go to AA; they can go to NA. But life is different when you are back out in the community and you have got your old buddies there who want to engage with you. This is not easy. It is not like ticking one box, do it and you are through. We might have to put people through two or three times to get them to a point where they do not re-offend or engage in that kind of risky behaviour again.

THE CHAIR: We might have to leave it there. Thank you very much, minister and officials, for appearing today. We certainly all agree that it is not easy. It is a difficult and complex area. It does strike me that we never have enough time for corrections. I might recommend as well that we actually increase the time to an hour and a half for our consideration of the forward estimates so that we can have that time. Questions on notice should be answered within 5 days, please. I will see you back here minister at 10.45.

Mr Rattenbury: Sure.

THE CHAIR: Thanks very much.

Mrs Mitcherson: Thank you.

Sitting suspended from 10.30 to 10.47 am.

THE CHAIR: Hello, minister and officials. Welcome back, Mr Byles.

Mr Byles: Thank you, Mr Hanson.

THE CHAIR: It is lovely to have you here.

Mr Byles: It is a pleasure to be here.

THE CHAIR: No, it is not, but well said!

MR SMYTH: Sorry, this is estimates. Are you thinking you were somewhere else?

Mr Byles: No, I stand by my comment.

THE CHAIR: Mr Rattenbury is appearing as the Minister for Territory and Municipal Services. These proceedings are being webstreamed. Can I confirm that you are aware of the privilege statement? You should have all seen that and read that.

That is great. Minister, we are going to look at roads and sustainable transport, as part of municipal services. We will then move to ACTION after that. Do you want to make a statement?

Mr Rattenbury: No.

THE CHAIR: I have a question to start off with which contains a little bit of self-interest, I have to declare. What is going on with Cotter Road in Weston Creek? When is that going to be finished?

Mr Peters: I might ask Tony Gill, Director of Roads ACT, to update you in some detail on those roadworks.

THE CHAIR: There was some thought that there was a conspiracy to cut Weston Creek off from the rest of Canberra at one stage, Mr Gill. I am sure that was not the case. Hindmarsh was still operating, it seemed, but everything else was being cut off.

Mr Gill: The roadworks in the vicinity of Cotter Road are associated with Molonglo, so there is no conspiracy—

THE CHAIR: No conspiracy?

Mr Gill: No conspiracy. With the works that you are seeing at the moment, there are a few different types of work. In the vicinity of Curtin, around Lady Denman Drive, McCulloch Street and Yarralumla Creek, that is Cotter Road stage 1 improvements, which TAMS has carriage of. It is the first part of a three-part upgrade of Cotter Road, which is, I suppose, a direct response to the development of Molonglo. That stage 1 works is progressing. It has been affected by the weather. It is scheduled to be completed by the end of August, early September, weather dependent.

In the current budget there is also design for stage 2 of the Cotter Road upgrade, which goes from Yarralumla Creek back towards the Tuggeranong Parkway. That is currently a work in progress. The works closer to Molonglo are being managed by the Economic Development Directorate. Works are about to commence, if they have not already commenced, at the intersection of Streeton Drive and Cotter Drive, and Unwin Place. That is signalisation of the Unwin Place intersection and some improvements at the Streeton-Cotter intersection. That will take place over the next 12 months. So the roadworks in that vicinity will be ongoing for quite a while.

THE CHAIR: With regard to the roadworks in Curtin, have you had any concerns raised with you about safety there? I have had some representations made to me and I personally have found it very difficult to negotiate those roadworks, particularly at night. As an anecdote, I was driving along there the other night and there was a four-wheel drive that had gone into the wrong lane and was driving down the right-hand lane. It realised what it had done and was trying to get back into the left-hand lane, which is just separated by witches hats. It appears to me, not as an expert but as a road user, that it is very dangerous.

Mr Gill: Over the duration of the works to date we have had a number of concerns raised about the safety of the measures put in place. We also inspect it on an ongoing

basis, and we have put in some measures to improve the delineation and lighting at night-time. But you are right; we have had a number of concerns similar to what you have raised. We continue to try to improve it and work with the contractor to get a safe outcome.

THE CHAIR: Has someone gone out there and performed a risk assessment and said, “Yes, this is—

Mr Gill: Yes, we have. We have an officer within Roads ACT whose task primarily is to visit worksites, both daytime and night-time, and try to implement improvements.

MR GENTLEMAN: Minister, this is probably for Mr Gill. On page 378 of budget paper 4, indicator 1.2 shows the target percentage of territorial roads in good condition, and last year you achieved above the target. Can you tell us how you achieved that and what you will be doing to try and continue that achievement?

Mr Gill: That performance measure, roads in good condition, uses a national performance measure, which is referred to as safe travel on main roads. It is based on a collection of condition of road pavement over a three-year cycle. Every year there is likely to be a little bit of movement. Each year we physically measure the condition of a third of the network. So the figures that you see this year are for the current year and the two previous years. The figures that you were seeing last year would have stepped back one year. So there is a little bit of variation between the years. You will never get the same result. Also you will see some of the improvements regarding the investments that have been put in in recent years.

MR GENTLEMAN: How do we compare with other states?

Mr Gill: Most jurisdictions would have, for their main road networks—and we are talking about main roads—similar measures and similar achievements.

MR GENTLEMAN: I will go to a personal question as well. With the Ashley Drive duplication, you are now up to stage 2, I think, of that program. How is that going?

Mr Gill: With the Ashley Drive duplication, the tender for the contract for the construction of stage 1 is currently being evaluated and will be let within the next month. With Ashley Drive stage 2, there is some funding flagged in the 2013-14 budget over two years to basically progress the detailed design documentation of the section south of Erindale Drive to Johnson Drive.

MR GENTLEMAN: What has the community feedback been like for that work?

Mr Gill: It has been over an extended period. With Ashley Drive stage 1, the progress of that was slowed to some extent by the extended consultation that we went through and also some comments that we received during the development application process. That was a project that we would have liked to have got in the field sooner than is currently the case. The feedback has been pretty positive. There has been a fair deal of discussion about proposed intersection treatments and proposed measures along Erindale Drive. Generally it has been positive, because I think there is a general understanding by that community that a single road carrying 23,000 vehicles a day or

more basically needs some attention.

MR GENTLEMAN: It had some difficult crash data, I understand, as well.

Mr Gill: Yes. The project from a technical point of view has a good basis to be improved. With crashes at individual intersections, Ashley Drive and Clift Crescent is the site of some serious crashes, including fatalities. Along the route there is a justification to do improvements. At the northern end, people just have to drive through there on a regular basis to understand the level of congestion that can occur on a typical morning or afternoon peak.

MR GENTLEMAN: Yes, I have been there.

THE CHAIR: Mr Smyth..

MR SMYTH: I will defer to Mr Coe.

MR COE: Minister, would you please give an update on where things are at with regard to the traffic management and speed humps in Holt?

Mr Rattenbury: Yes. There was a period of consultation, as you will recall, in February or March this year. I attended a meeting at Holt to discuss that matter. There are really two issues there. There are the treatments that have already been done on Spofforth Street and the community feedback on that. The particular purpose of the consultation was to look at further measures in Holt due to some other traffic issues in that suburb. I have just received in my office a brief on that, so I have not made any decisions on where it goes yet. So it is progressing.

MR COE: What is the technical information in the brief?

Mr Rattenbury: I have not read it yet.

MR COE: I imagine Mr Gill helped to prepare it. Is he able to shed some light on it?

Mr Rattenbury: There have been no decisions made on it. Let us come back to it when that has been done.

MR COE: I understand that, but it is technical information; it is not a cabinet document.

Mr Gill: I can talk in broad terms.

Mr Rattenbury: Sure.

Mr Gill: There are four locations that are currently being looked at as part of the local area traffic management scheme. That includes Spofforth Street as part of the broader Holt area. We have gone through a process of collecting information. The four locations are Spofforth Street, Holt; Coyne Street, Fadden; Clift Crescent, Richardson; and Heagney Crescent and Hambidge Crescent in Chisholm. So those are the four areas. Three of those were nominated last year through an Assembly process. The last

one is that there is work being looked at in Namatjira Drive and Streeton Drive in Weston.

The process that we have gone through is that we have collected technical information, traffic volume, speeds and crashes at each of those sites. We have consulted with residents about what their concerns are. We have developed an overall plan for each of those locations. Within that plan we have identified stage 1 works, which are the priority works. That is the nature of the advice that we are passing to the minister.

The types of treatments are standard types of treatments. Without going into detail on specifics, they range from line marking, signposting, some speed humps, some small roundabouts and some intersection improvements. Those are the types of treatments. As part of the advice there are also a number of options in relation to Spofforth Street in Holt. There are a number of options that the minister has to consider, ranging from taking out the existing measures, staying with what we have and some variations on those, noting that the measures in Holt have resulted in a speed reduction on Spofforth Street from 76 kilometres per hour to about 45 kilometres per hour.

MR COE: As it relates to Spofforth Street?

Mr Gill: As it relates to Spofforth Street.

MR COE: You are probably right but they flow on to Beaufort—

Mr Gill: That is the context. The local area traffic management scheme in Holt does look at Spofforth Street in the context of Holt and looks at the impact on streets such as Trickett, Messenger and Beaufort.

MR COE: From what I understand, Spofforth Street is designed to take heavier traffic; is that correct?

Mr Gill: Spofforth Street is a minor collector road, by our definition.

MR COE: Are you aware of many vehicles that are heavy vehicles that are using Beaufort, Messenger and/or Trickett rather than using Spofforth Street?

Mr Gill: The analysis that we have done has showed that some traffic has basically been transferred onto other streets. To some extent that is why we are looking at that. So the scheme that we have come up with on this occasion deals with the overall local area, including Spofforth Street in the context of the other streets, and tries to encourage commercial traffic to use streets such as Southern Cross Drive.

MR COE: With regard to the temporary traffic management plans as they relate to construction sites, I have received a number of concerns and complaints about the plan in place at St John's Church in Reid. The entrance is now signalised and the signals are quite unreliable. For a while there they were meant to be sensor driven. The sensors were not working so they were time driven. When they were time driven, there were cars stopping for no reason and on a few occasions buses were seen going through the red light. There was complete apathy, complacency, towards these lights that were stopping regularly. They have also been flashing amber on occasion. There

are pretty serious concerns. The broader policy question is: how are temporary traffic management plans assessed when they are submitted and also assessed on an ongoing basis to ensure that they comply with the intentions of a plan?

Mr Gill: Any developer, any contractor, doing work is required to develop a management plan in terms of how the traffic arrangements around the site or within the site are controlled. The onus is on the developer to come up with a scheme that is fit and appropriate for that site. Roads ACT, within TAMS, is the area that provides an approval for a contractor to put those arrangements in place. There are a list of conditions that go with any approval and provision for various users—cyclists, pedestrians, ACTION buses. General access to and from the site are some of those considerations.

We have staff that go out and inspect traffic management measures that are in place. If there were problems along the lines that you have described—and I am aware of some of the problems in terms of that particular development—we would basically liaise with the contractor and try to address the concerns raised. If the traffic management scheme was inappropriate and basically resulting in unacceptable outcomes we would look at seeking to have those arrangements changed.

There is day-to-day involvement from Roads ACT staff in traffic management approval and implementation. Given that in a typical year there are about 2,000 temporary traffic management approvals that take place, it is quite a task. They range from small to large developments and it is quite a significant task. We work through that to the best of our ability.

MR COE: With regard to the specific site at St John's, has that been assessed since my letter or other correspondence?

Mr Gill: It has; it has been inspected by our staff.

MR COE: And is it performing satisfactorily?

Mr Gill: Some deficiencies that had been identified have been addressed, yes.

MR COE: In the event that you have a single laneway that is signalised, what happens when the signals break down? How many times do they need to break down before the system is deemed to be unworkable or unreliable?

Mr Gill: If the safety of a particular location is dependent on the safe operation of the traffic lights they need to be in working order or, if they are not in working order, there need to be alternative arrangements put in place, such as traffic marshals.

MR COE: Do you know whether, for that site, consideration has been given to keeping the entrance on the two-lane road and having the footpath on the grass as opposed to on the bitumen?

Mr Gill: Mr Coe, you are getting down to a level of detail that I do not have. We would have to take that question on notice and provide you some advice on that—if that is the detail you want.

MR COE: Yes, that would be good. Thank you.

THE CHAIR: Do you have that other detail, minister?

Mr Rattenbury: No. I was going to ask Mr Coe how giving cars access to the footpaths was going to make a difference, but I am sure that is not where he was going. So I will keep it to myself.

MR COE: Just by way of background, part of the road is barricaded off to upgrade the footpath. I was wondering whether it was reasonable to move the present traffic onto the grass, which I understand might be heritage listed.

Mr Gill: The hedge is heritage listed.

MR COE: The hedge is heritage listed.

THE CHAIR: Heritage grass? What sort of grass are we talking about here?

MR COE: Where the heritage zone starts I am not sure.

Mr Gill: We will provide some advice. For that level of detail we would need to provide some advice.

MR COE: Thank you.

THE CHAIR: I wonder if you could advise me, minister or officials, if there are any plans to upgrade William Hovell Drive.

Mr Gill: If you look at the budget papers you will see, under the Economic Development Directorate, a feasibility project looking at the need to upgrade William Hovell Drive. That is associated with some development that is basically, at this moment, in the planning and development stage. TAMS had identified the need to upgrade the section of William Hovell Drive from—

THE CHAIR: So EDD is doing that?

Mr Gill: Coppins Crossing up to Drake Brockman, but given that there is a range of other activities, we—

MR COE: Are you talking about Riverview?

Mr Gill: Yes, that is the development. As part of that development they are looking at William Hovell Drive. TAMS has basically stepped back and—

MR COE: It must already be taking a lot of traffic.

Mr Gill: The traffic volume hits the technical thresholds that warrant some level of upgrade but, given that it has already been looked at in that context, there is no merit in TAMS separately looking at it.

THE CHAIR: So you will wait for what they come up with?

Mr Gill: We will contribute to that process. Obviously we would ultimately be the approving authority for any upgrade.

THE CHAIR: How about William Slim Drive?

Mr Gill: In the 2012-13 budget there were funds identified for the upgrade of William Slim Drive forward design. That is currently a project work in progress. That would be considered for inclusion in a future bid. The sorts of dollars involved—

THE CHAIR: Where is that design work at? Is it completed yet?

Mr Gill: Forward design will be completed—it is part of the 2012-13 year—this year. It is almost complete at the moment.

THE CHAIR: It would have to be pretty close then, wouldn't it?

Mr Gill: Yes, it is almost done. It would be used as an input into the 2014-15 budget process. We have a design, we have a project costing and we can put together a justification for it to be included in a future program.

MR COE: Would it be reasonable to say that that project, relatively speaking, would be less expensive than one might think due to the bridge work and planning for a dual carriageway which must have existed at the time of upgrading the roundabouts 10 or 15 years ago?

Mr Gill: You might think that.

MR COE: I thought it was a reasonable assumption.

Mr Gill: Only if you can use the infrastructure that was put in place in the first instance. When we have looked at William Slim we have looked at it in the context of that corridor—William Slim, the large roundabout at the Barton Highway and Gundaroo Drive. Just talking specifically in terms of William Slim, when it was originally built it was built with some foresight. The excavation for a second carriageway was done and there were also some bridge foundation works done. There are some savings. Having said that, it was done about 20 years-plus ago, I would suggest.

MR COE: A lot more, I think.

Mr Gill: Bridge or structure designs have changed a bit since that time, so some of those structures would have to be upgraded.

MR COE: Some of those bridges have been strengthened recently, haven't they?

Mr Gill: Some have been strengthened to take the higher strengths, yes. The overall cost of the project for William Slim Drive is about \$28 million from Ginninderra

Drive to the Barton Highway. It is still a substantial project.

MR COE: Twenty-eight?

Mr Gill: Yes.

THE CHAIR: How about Gundaroo Drive? You mentioned that.

Mr Gill: Gundaroo Drive—the overall cost of that project is about \$60 million.

MR COE: What plans are there for that?

Mr Gill: Similar plans as I have described to Mr Hanson. Basically, we have got a detailed design and we are developing a business case for a future funding bid. In the case of Gundaroo Drive, and possibly in the case of William Slim, we would look at how we might stage that works so that we can do it in reasonable stages that deliver some benefit without having to deliver it all in one go, because it is a very large amount of money.

MR COE: A lot of those intersections, whether they be signalised or roundabouts, would have been planned with an assumption that at some point they would be going to dual carriageway; is that correct?

Mr Gill: They would have been designed originally with the intention to be a dual carriageway, yes.

MR COE: At the Gungahlin Drive and Gundaroo Drive intersection, for instance, you have that sort of chicane-type effect.

Mr Gill: That dog leg effect, yes.

MR COE: I imagine that is so a dual carriageway could relatively easily be laid?

Mr Gill: The reason why Gundaroo Drive is an expensive project from that point of view is that there are a lot of structures involved in it. That is where, in terms of roadworks, a lot of the costs are.

MR COE: Is that stretch northbound of Gungahlin Drive going up towards Magnet Mart—and the huge traffic you get seven days a week there—deemed to be the top priority?

Mr Gill: The priority within Gundaroo Drive is from Mirrabei Drive down to Gungahlin Drive or, more importantly, more specifically—

MR COE: To the roundabout and the petrol station.

Mr Gill: Ginn Street—yes. We have gone to the Gungahlin community council recently and highlighted the five or six road traffic priorities that for the last few years we have been promoting and they have been gradually working through the capital program, through feasibility, through forward design and, ultimately, at some stage

they will be considered under the construction program.

THE CHAIR: You identified a couple of cost estimates—is that what they are?—the \$28 million and the \$60 million.

Mr Gill: Yes.

THE CHAIR: With William Hovell Drive, do you have a cost estimate for that yet or are you waiting for what EDD comes back with?

Mr Gill: I do not have a cost estimation because we have not done the feasibility study. So I do not have the cost estimate for—if EDD were not looking at William Hovell Drive, our initial approach would be to seek a feasibility study to undertake an assessment of it.

THE CHAIR: That work is being done by EDD this financial year. So it has only got a couple of days to run.

Mr Gill: In 2013-14.

THE CHAIR: In 2013-14?

Mr Gill: If you look at the papers, there is funding for William Hovell Drive in 2013-14.

MR GENTLEMAN: Minister, on page 388 of budget paper 4, there are two line items there for transport for Canberra walking and cycling infrastructure. One is feasibility and the other one is design. Can you tell us what plans you have to spend that money?

Mr Gill: There are two items there for the \$900,000. There is a \$900,000-odd item. That is basically for a continuation of works such as the Civic cycle loop and Bunda Street. Also, there are some other projects around Lake Burley Griffin in relation to Bowen Park and the completion of a connection from Kings Avenue to the Boat House. That covers that \$900,000 work.

In terms of the second amount, which is \$773,000, there are two components in that. An amount of \$400,000 basically is for ESDD to have a look at the Molonglo super-cycle highway. TAMS will be involved and be contributing to that, but the lead will be taken by ESDD. That is associated with the Molonglo development and trying to improve cycle access from Molonglo to the city and back. The balance of that money, which is \$373,000, TAMS will use as feasibility for looking at a number of projects that are coming out of the strategic cycle network that ESDD are currently finalising. So ESDD will identify an overall plan in terms of the network. What TAMS will do is basically take the priority projects in that and test the feasibility and also identify a project cost. Then they would become part of the TAMS program in future years.

MR GENTLEMAN: I see.

Mr Gill: So it is an iterative process. We work closely with other directorates but you

need to undertake feasibility for design prior to putting in a bid for construction in our view.

MR GENTLEMAN: Whilst we are on paths, there has been continuing work on the cyclepath just up from the Royal Military College at Duntroon. I understand that there was a wash away and the cyclepath fell away.

Mr Gill: Yes.

MR GENTLEMAN: How is that work continuing?

Mr Gill: This is the Molonglo River part?

MR GENTLEMAN: Yes.

Mr Gill: Yes, almost two years ago now—it seems a while—as a consequence of heavy weather and flooding up the Molonglo River, and also to some extent, I suppose, some changes to the vegetation in that area, the existing path collapsed. An interim arrangement was put in place. While it is a safe arrangement, it still was a bit inconvenient for a number of people. We have progressed the design of a replacement of that path. The solution that we have come up with is, in our view, quite innovative. We are making use of a bridge that was taken away with the redevelopment of the Belconnen mall—the old red bridge.

MR SMYTH: The ultimate act of recycling.

Mr Rattenbury: Absolutely.

Mr Gill: It has been quite challenging to actually get it done but we are going to re-use that because that will provide a better technical solution. Rather than just replacing the existing cyclepath as it is in that area, which is still prone to flooding and still prone to some problems with the embankment, the bridge solution basically spans the area that is considered at risk. So it is a good solution. It will be, perhaps unfortunately, painted grey. That was a requirement, a condition of the works approved by the National Capital Authority. There were efforts made to sustain the red colour but in the scheme of things it is only a colour.

MR SMYTH: Can you not heritage list it?

MR GENTLEMAN: Is there any concern for the roadway itself with that erosion?

Mr Gill: As part of the works, basically, we are also doing some work—there is a retaining wall adjacent to the roadway. As part of the works we are strengthening the existing retaining wall. It is a combination of the path collapsing and also some weaknesses identified in terms of the existing retaining wall. It is a substantial project. The contract has been there for a while, but there have been some environmental considerations that have meant that the program has had to wait until after winter before it can be progressed.

MR SMYTH: Further to the earlier discussion on everybody's favourite local road, is

it possible to get a list of all the road projects currently underway, the cost of the projects, the estimated completion date and all of the road works that are currently in the planning stage?

Mr Gill: Existing?

MR SMYTH: Yes.

Mr Gill: Yes, that information is readily available.

MR SMYTH: Thank you.

Mr Gill: Subject to the minister agreeing to it, yes.

Mr Rattenbury: Yes, that is fine.

MR SMYTH: Thank you. On the Monaro Highway recently there has appeared a range of signs that started with, I assume, no stopping—it was a big “S” with a red circle on it and a cross bar. Then they were rapidly changed some days later to, I assume, a sign which means no parking. Is this covered in this area or is some other area of the department responsible for the signage?

Mr Gill: We responded to another directorate in terms of people basically parking there and literally selling cars—or trying to sell cars—in the area.

MR SMYTH: There are four signs on either side of the road. What would they have cost each?

Mr Gill: I will take that question on notice.

MR SMYTH: How many complaints do you have to have before you do that? I drive there twice a day and I have to say that it is probably an area where—I do not know if it is for any good reason—there are very few cars on that stretch. There are some at either of the stop, revive, survive sites occasionally, but—

Mr Gill: I will take that on notice, but normally our consideration is basically—I mean, the overriding consideration is whether there are any public safety concerns.

MR SMYTH: How would you have assessed that there was a public safety concern there?

Mr Gill: I will take that question on notice.

MR SMYTH: This is a question probably for you, minister. The Greens have not always been supportive of new road works in the ACT. What directions have you given the department in terms of consideration of new roads? Have you stopped the construction of any existing projects that were underway?

Mr Rattenbury: No, I have not. I have indicated to Roads ACT that I have a long-term view that we need to provide better public transport alternatives. But at the

moment we are a city that is heavily reliant on our road network and we need to maintain it in a good condition.

MR SMYTH: In terms then of the expansion of the network, how will that affect you making bids in cabinet for additional funding for major new roads or major upgrades?

Mr Rattenbury: It certainly has not made any difference this year. You will see in the budget that there are a number of areas that have been funded for future works.

MR SMYTH: You have just said that it has not made any difference this year. Will your presence there make a difference in the coming years?

Mr Rattenbury: I think we will need to make a strategic assessment each year relating to factors around what demand is, how much money is available in the budget and what cabinet wants to prioritise. They will be matters for next year's budget.

MR SMYTH: This is the practical TAMS minister rather than the Green eco-warrior approach?

Mr Rattenbury: I will pass that question, Mr Smyth.

MR SMYTH: No, people see you as a Green—

Mr Rattenbury: Sure.

MR SMYTH: The Greens are on the record, for instance, as not wanting to build Gungahlin Drive. You are in a position that drives the delivery of key infrastructure in the city. What will your approach be in the coming years?

Mr Rattenbury: I have just indicated to you my approach.

MR SMYTH: There will be no change—your being there will see no change in the approach taken to the delivery of roads in the ACT?

Mr Rattenbury: I have indicated to you that I think we need to be a city that has better public transport, a better active transport infrastructure, which includes cycle lanes, pedestrian activity and the like. I will be working to make sure that we develop a city of the future that is more sustainable than the current one. What that practically looks like remains to be seen.

MR SMYTH: You do not have a view on what should happen with the expansion of the road network and road funding—for new roads, I mean? Obviously, you will maintain the existing roads.

Mr Rattenbury: I think that is an unanswerably generic question.

MR SMYTH: What—you do not have a view on the expansion of the road network?

Mr Rattenbury: I do not. I think it is an unanswerably generic question because—

MR SMYTH: The Greens policy stated previously in this place—

Mr Rattenbury: I know the Liberal Party policy is to build as many roads as possible as fast as possible. I will be taking a more strategic approach than that. I will be looking at what is needed, what is affordable, what is the best use of the resources we have available to us.

THE CHAIR: Minister, you just said that the Liberal Party policy is to build as many roads as possible as fast as possible. Have you tabled the evidence for that statement?

Mr Rattenbury: That is my analysis of the commentary I have seen in the chamber over the last years, Mr Hanson.

THE CHAIR: Is it?

Mr Rattenbury: Just as Mr Smyth is providing his analysis of the Greens party position.

MR COE: I will happily accept that criticism, by the way.

MR SMYTH: So basically no change, even though the Greens in previous Assemblies, particularly the last one, railed against roads like the Gungahlin Drive extension where your former leader said that the Greens view is that it should never have been built. Now that you are in the ministry there is no change to the existing government's roads policy?

Mr Rattenbury: I have told you what my position is, Mr Smyth. It is that as the minister responsible I will be taking a strategic approach to assessing what transport infrastructure we need in the territory.

THE CHAIR: But Mr Smyth just asked you what that strategic approach is. It is one thing to say, "I am going to take a strategic approach," but Mr Smyth is asking you what that is.

Mr Rattenbury: And I have answered that.

THE CHAIR: And then you are saying that is too broad a question.

Mr Rattenbury: No, I have answered Mr Smyth twice but I will say it for a third time. I intend to look at it on the basis of—I have made it quite clear that we need more sustainable transport, we need more public transport, we need more active transport. I have also made it clear that we are a city that is heavily reliant on the private motor vehicle. I have made clear comments to the department that we need to ensure that we maintain a good, safe road network in the ACT. I have indicated to Mr Smyth twice now that I will take those decisions on the basis of demand, advice from my agency and the available resources.

MR SMYTH: So there was—

Mr Rattenbury: You had asked me for the criteria on which I am going to make

decisions; that is them.

MR SMYTH: There was a motion in the last Assembly, if I remember rightly, calling on the government to delay the construction of Majura Parkway, that more studies be done and questioning whether money may be then be directed to public transport. Do you still hold by that view?

Mr Rattenbury: That is an academic question, Mr Smyth, because the contract for Majura Parkway has been signed and that piece of work—

MR SMYTH: Academically, do you still hold that view?

Mr Rattenbury: Let me finish. That piece of work is now under construction and as the responsible minister I am now working to ensure that that piece of infrastructure is delivered within the money that has been allocated and on the time line it has been decided.

THE CHAIR: Don't you think you are being a little bit hypocritical in that you are building and delivering road infrastructure on the scale that you are, including Majura Parkway, whilst your votes in the Assembly and your stated position is contrary to that?

Mr Rattenbury: There is no hiding what is on the public record, Mr Hanson. The Greens had an alternative view on how the Majura road should be redeveloped last term. I am now the minister responsible. That contract was signed by the previous government in the previous term. I am now the minister responsible and some people might find an irony in that.

THE CHAIR: What other decisions are you prepared to compromise—positions you have taken in the Assembly, statements you have made publicly, positions you have stated that you hold dear to yourself? What other elements are you prepared to compromise now that you are a minister? Are there any other things that we should deal with?

Mr Rattenbury: No.

THE CHAIR: No? That is the only one, is it?

MR GENTLEMAN: We are dealing with roads at the moment.

Mr Rattenbury: I think, Mr Hanson—

THE CHAIR: In terms of roads or transport policy, perhaps parking?

Mr Rattenbury: you are setting up a dichotomy that suits your political agenda. I am not prepared to enter into that.

MR COE: On that political agenda, we have already had mention in this committee of Riverview as a huge greenfields development. This year alone, there are projected to be around 4,000 dwellings come online, many of those—

Mr Rattenbury: At Riverview?

MR COE: No, across the ACT elsewhere, separate to Riverview, which is at least two or three years away. So there are several thousand greenfield blocks coming online. What is your view on this matter of greenfield development, from both a ministerial point of view and as a member of cabinet?

Mr Rattenbury: I think the ACT faces some challenges in terms of what is the appropriate way for the city to develop. Obviously, there is demand for some greenfield development. At the same time there are challenges to that. In proceeding with greenfield development, we have to build even more infrastructure to service it, which comes at considerable cost.

We find that people end up further and further from the city centre, which for some people is problematic and can result in essentially transport poverty, where they are forced to live such vast distances from the areas where they work that it can be problematic for some people. So I think there are issues around greenfields development. Certainly, that is why I am of the view that we need a level of infill to create greater urban density in the city. I do not mean the city as in Civic; I mean as in Canberra.

MR COE: What is your view on the Riverview development?

Mr Rattenbury: I am still having a look at that. I think there is a long way to go. It has been announced as an initiative. I think that the people behind it have done some considerable thinking about how to make that a good community, how to ensure that it has the infrastructure that it needs. Clearly, there are some issues to be looked at when it comes to environmental assessment. I think the processes are in place to make sure that issues related to endangered species, areas we were discussing last week in the previous TAMS hearing, the issues of the former Belconnen landfill site and possible environmental impacts from that—all of those sorts of things will need to be assessed as part of looking at Riverview.

Certainly, as the Minister for Territory and Municipal Services, I have strongly taken up the issue of ensuring that there is adequate fire protection for that proposed development because it borders up against New South Wales. As the ACT, we must take responsibility to ensure that we do not simply build to the edge of the border and then say, “Well, that’s New South Wales’s problem to do fuel reduction on that side of the border.” That is one issue that I have particularly taken up on that development.

MR COE: You are, of course, in a difficult situation, but a situation of your choosing, of course. With the decision-making process which you go through on things like the kangaroo cull and new roads, there must be tremendous pressure on you from within your core constituency, the Greens party and Greens supporters, to do things which are contrary to the advice of your agency. So how do you balance that ideology with the rational advice coming from your directorate?

Mr Rattenbury: That has not been an issue, Mr Coe.

MR COE: It has not been an issue?

MR GENTLEMAN: Mr Chair, I would like to go back to roads, if we could.

MR COE: There is consistency between your ideology and the advice from the directorate?

MR GENTLEMAN: We are straying a bit from the—

Mr Rattenbury: Mr Coe, we can sit here and talk about individual members' consistency with our own ideology. I find some of the things the Liberal Party comes out with in this chamber extraordinary, in terms of a party that struggles to decide where it wants to sit on the scale of populism, and more often than not finds itself at the populism end of the spectrum.

MR COE: You are the minister, you have got the directorate and you are before estimates; that is why I am asking you.

Mr Rattenbury: I am happy for you to ask me about any specific issue you would like to. If you want to have an ideology debate, let's go to the pub tonight.

MR SMYTH: We are asking about your attitude as the roads minister.

MR COE: I think it is quite reasonable in your first estimates hearing to ask about the decision-making process that you employ.

Mr Rattenbury: What decision-making process do you employ? How do you want me to actually answer that question? I receive advice from the directorate—

MR SMYTH: Well, honestly, hopefully.

Mr Rattenbury: I receive advice from the directorate, I sit down and weigh up the various bits of evidence and I make a decision. That is my decision-making process.

THE CHAIR: Thanks. Mr Gentleman, do you have any questions?

MR GENTLEMAN: I do, yes. In budget paper 4 at page 388, there is \$120,000 there for park-and-ride design. Can you tell us, firstly, what that design program is for? I would then like an update on the park and ride at Calwell.

Mr Peters: That design money is for three facilities next year. We are looking at design of a facility at Gungahlin, essentially at the corner of Efkarpidis Street and Gozzard Street, down behind the club, further down behind the Big W section of that. So that is one site that we would be looking at for design. The second site is a site at Wanniasa, more or less across from the shops. We have one under construction at Kirkpatrick Street, Cotter, and we have got one under construction at Calwell, as you are aware. As you are aware, we had some difficulty there with the contractor. We have relet that contract. We have got another guy to step in and build it for us. That has caused a little bit of a delay on that project but it should be happening soon. The name of the third escapes me—Erindale is the third one, and that is under design.

MR GENTLEMAN: Good, and the—

MR SMYTH: Mr Byles knows where Erindale is.

Mr Byles: Yes, I do actually know where Erindale is.

MR SMYTH: You have been to Erindale?

Mr Byles: I have been there. I actually have been there, several times.

MR SMYTH: That is good.

MR GENTLEMAN: And the park and ride at Wanniasa—

Mr Byles: Down the Monaro Highway.

THE CHAIR: You have driven past it at speed; is that what you are saying, Mr Byles?

Mr Byles: Not at speed, Mr Hanson. I do not speed.

MR GENTLEMAN: With the park and ride at Wanniasa, where is that going to be delivered? What is the physical location?

Mr Peters: If you know the shops at Wanniasa, if you head south there is a pedestrian crossing culvert-type thing connecting the community. The current plan, and this is part of what the design work is about, is to have it on the shop side, down there, so that people can cross the road using the culvert.

MR GENTLEMAN: Will access to it be from the shopping centre or from Athllon Drive?

Mr Peters: Access will be from Athllon Drive. Again, it is a design detail, but the concept is that access to that facility will be off Athllon Drive, with stops on Athllon Drive.

MR SMYTH: Where will the access to the park and ride at Calwell be from?

Mr Peters: From inside the shops. So you come in and turn left, and the park and ride is on the Johnson Drive side of the club. You come in, virtually use the club entrance, and the park and ride is at the front end of that car park fronting Johnson.

MR SMYTH: So there is a bridge across the stormwater drain?

Mr Peters: No, it is actually just an extension, more or less, of the existing club car park, into the road reserve.

MR SMYTH: Was there any consideration given to safety, if the cars parked in the park and ride obscure the corner? It is a very busy roundabout. How close will the

parking actually be to Johnson Drive?

Mr Peters: It is a fair way away. I can get you that detail. If you know the extent of the existing car park, this is just an extension of that. I would not imagine that visibility would be a problem with the roundabout. There is still quite a distance between the edge of the park and ride and the roadway.

MR COE: With regard to the provision of parking across the territory, I was wondering where things are at with TAMS's interaction with ACTPLA on the parking code and provision of parking planning.

Mr Gill: Parking in the territory is covered by the parking guidelines developed by ESDD. On an ongoing basis we liaise with ESDD in terms of provision of parking variations, such as disabled parking, the mix of short stay and long stay, and also the requirements for things like loading zones and taxi ranks. So it is an ongoing process. What particular aspect are you looking at? Is it operational or is it—

MR COE: No, just in the generality. We regularly get told that there are parking plans in place and that there is a broader territory parking plan coming. I was wondering whether TAMS have been involved in that process or whether that has simply been done out of ESDD.

Mr Gill: My response would probably be very much of an operational focus in terms of the day-to-day management of the road network; also, what parking provisions have been made as part of any development application and how that would interface with existing parking arrangements. If you are talking about some broad policy changes to the parking code, which I sense you are, I cannot answer that.

MR COE: The parking strategy.

Mr Gill: Parking strategy? I cannot answer that question.

Mr Peters: Mr Coe, that review is being led by ESDD.

MR COE: With regard to road projects which are undertaken by another agency—such as, for instance, the roundabout on Lhotsky Street at the ESA facility—how does TAMS liaise with the relevant agency? I think that you discussed this at annual report hearings. The background is that there are some pretty cranky traders at Charnwood who are concerned about all the changes which are happening at both Woolworths, in the car park, and the roundabout to get into the car park. They would prefer to see the project staggered a little bit such that people do not get turned off and then create new habits by shopping elsewhere. How does TAMS manage the timing of roadworks, especially when it involves other agencies?

Mr Gill: TAMS get involved in these types of projects on a number of different occasions. At the initial one, in relation to the one you are talking about, we would have had a role in the development application, which would have approved that work in the vicinity of Charnwood shops for ESA. We would have seen it at that point and we would have commented on the permanent arrangements and the suitability or adequacy of those suitable arrangements.

The next time that we would get involved in that process would be when the contract had been awarded to progress those works and requests for tender for traffic management requirements were being sought. We would have considered those traffic management arrangements, with an understanding of basically what else was happening in the Charnwood area, and tried to ensure that the overall arrangements could be managed. While there have been some concerns raised by people in Charnwood about the number and scale of some of the development, we believe it can be managed adequately.

MR COE: I would have spoken to at least half a dozen traders who are all really cranky. Whilst you are confident it can be managed, the traders are saying it is not being managed properly.

Mr Gill: The Woolworths development in Charnwood has been happening for some time and that has had an impact on the far car park. The car park on the other side has been subject to some resurfacing in recent times. Combined with that, there is the ESA development across the road. There are a number of activities that some traders might see as a concern. From our point of view, we try to manage it as best we can. We consult with traders. We take on board reasonable concerns and try to include that as part of our management approval.

MR COE: When you say you give advice to agencies at the DA stage—

Mr Gill: At the DA stage you generally do not have an understanding of when the works are going to get constructed.

MR COE: Yes, but would it be usual for TAMS to provide technical feedback but then also say, “Bear in mind there are other works happening up until this date; can it be done afterwards”?

Mr Gill: We are very mindful of those works as part of our comment on the DA but also our consideration of the traffic management arrangements for that ESA development.

MR COE: But that is after the contract has been let, though, isn't it?

Mr Gill: Yes. We made a comment at the DA noting that there was a range of activities happening in Charnwood. We also basically reinforced that as part of our temporary traffic management approval. But that does not remove the fact that some traders will have concerns.

MR COE: That is right. So whose responsibility is it, then, to manage the timeliness of all of this? If ACTPLA are looking at that issue in relative isolation, it is not their view to look at what is happening with the Woolworths car park. With all this isolated decision making, who actually takes a coordinated approach to all the government decisions and says that, collectively, this is not best for the community?

Mr Gill: In our assessment of the various activities we arrived at a view that those activities could be managed. If in our assessment there was too much happening in

that area which meant that one of the developments had to be staggered or postponed for some period of time we would provide that advice.

MR COE: When will the ESA roundabout be complete?

Mr Gill: I would have to take that on notice.

THE CHAIR: Mr Coe, we might have to leave it there. We are moving now on to our next output class, which is ACTION. Mr Gill, you might be off the hook now.

Mr Gill: I was never on the hook!

THE CHAIR: Never on the hook? I thought you were on the hook wriggling for a while, but you slipped off. Those officials that were responsible for roads and sustainable transport I think can change with those now responsible for ACTION. Some of the suspects remain the same.

Moving to ACTION—when I look at budget paper 4, page 408, there are a number of accountability indicators under public transport. There are a couple of issues there. Firstly, a lot of the indicators are not being met; targets are being missed. There is another issue in terms of the indicators changing. If we could just go through perhaps what is going on with those indicators in terms of, for example, fare box recovery, boarding costs, total cost per vehicle and so on. Perhaps we can have an explanation as to why ACTION is not meeting many of its targets and then why the accountability indicators have been changed.

Mr Peters: We will start with customer satisfaction. Do you want me to just run down the list, Mr Hanson?

THE CHAIR: Sure; why not?

Mr Peters: The customer satisfaction survey—the estimated outcome this year is 85 per cent. You will be aware that we had a finding in the annual report around whether we measure this stuff as satisfied, somewhat satisfied, dissatisfied or somewhat dissatisfied. The advice was that we should make it a lot clearer as to where that lands. The customer satisfaction survey this year is being done around that. I have not got the results yet, but it will be interesting to see what they are. We have cleaned up how we do that survey in accordance with the recommendation previously.

In terms of the percentage of the fleet fully compliant with the standards under the DDA Act 1992, it is correct that we did not hit the target that we wanted to hit. I guess the legislated target that we need to hit was 55 per cent by December 2012. The next legislated target is 80 per cent by 2017. We anticipated that we would have fleet delivered this year that would enable us to get to the 63 per cent. Some of that stuff is taking a bit longer to get here. It will not here by the end of June; it will be here in the next six months.

THE CHAIR: What is the reason for that delay?

Mr Peters: Mr Roncon?

Mr Roncon: There has just been some slippage in terms of delivery dates. This is part of the 33 articulated buses that were to be delivered over a 12-month period. We have received 23—or as at 30 June we will have received 23.

THE CHAIR: Why has that slippage occurred? What are the reasons for that?

Mr Roncon: Just delays that were experienced by the manufacturer, Custom Coaches, in terms of their—

THE CHAIR: So they are manufacturing delays, are they?

Mr Roncon: Yes. Certainly, we expect to receive 23 by the end of June. The remaining 10 will come over the next few months through to the end of the year.

Mr Rattenbury: In the bottom line there, and it is an important part of that, ACTION did in fact exceed the legislated targets under the disability standards for accessible public transport requirements. Whilst the proposed target in the budget papers has not been met, we are actually a little bit ahead of the legislated targets and continue to improve on that.

Mr Roncon: Yes.

Mr Peters: The third one there was “Percentage of in service fleet Euro 3 or better Emission Standard compliant”. That is the same explanation as the previous. We had planned that we would be at 54 per cent because we have not taken receipt of the buses by the end of June. We expect to be a bit below that, but we expect to make that up again when the buses turn up in the next six months.

THE CHAIR: When your new buses turn up does that increase the size of the fleet or does it keep the fleet static and you retire the old buses?

Mr Peters: These are replacement buses, so it is one for one.

THE CHAIR: What do you do with the old buses? Do you auction them off?

Mr Roncon: Yes. We have been using Pickles of late as part of our ability to auction them off and that has been quite successful. We had previously just done tenders and those sorts of things.

THE CHAIR: What are you getting for an old ACTION bus? What is the estimate on that? What is the rough price?

Mr Byles: \$1,500, from memory, but I stand corrected. James?

Mr Roncon: The latest, through the auctions, have been up around about the \$3,500 to \$4,000 mark.

MR COE: How many have been bought by current or former ACTION staff?

Mr Roncon: I do not know. I would have to take that on notice, but they are very popular amongst current or existing staff.

MR COE: Yes, I understand they are.

THE CHAIR: What do they do with them? They go into business by themselves, do they?

Mr Rattenbury: Somebody showed me some photos a couple of weeks ago. He has painted it silver and he is converting it to a thing that he can drive around Australia as a retirement package.

THE CHAIR: Really? It is like *Priscilla, Queen of the Desert*, is it?

Mr Rattenbury: It is a bit like that. I am not sure that I would ascribe that personal behaviour to him.

THE CHAIR: No.

Mr Byles: If I might add to that: from memory, I think we have given some retired buses to other agencies—James, I stand corrected on that—the AFP, for instance?

Mr Roncon: Yes, we did, just an old bus that we had gutted and taken into parts and so on. They were just using it for—

Mr Byles: Training exercises.

Mr Roncon: Training exercises and those sorts of things.

Mr Rattenbury: There was an example on TV the other night. Emergency services ran a test and they were actually evacuating people out of a bus that had been bombed.

MR COE: How did your drive go?

Mr Rattenbury: My drive went fine. It is quite hard work. I think the steer-tags are the hardest, given the length of the wheel base.

THE CHAIR: The what, sorry?

Mr Rattenbury: The steer-tag buses. They are the new longer buses that have a greater capacity. Because they are rigid the whole length, one has to think quite carefully as you get to a corner about how to get the whole vehicle around.

THE CHAIR: They are different to a Prius then?

Mr Rattenbury: They are rather different from a Prius. I did avoid the kangaroos that hopped across the track.

THE CHAIR: Did you? They are still trying to get to you even when you are in a bus?

Mr Rattenbury: Apparently so.

THE CHAIR: Let us move down the indicators.

Mr Peters: Indicator d., Mr Hanson, is about total cost per vehicle kilometre. It did go up; we were hoping for \$4.48 and it has gone up to \$4.52. That is very simply how much the business costs us to run, divided by the vehicle kilometres that we expected. Essentially, our expected costs in the business were up more than we have anticipated.

THE CHAIR: What drove those costs up?

Mr Peters: There is an increase in workers compensation premium, an increase in our insurance costs. On the other side we did not get as much revenue as we had expected, plus some other bits and pieces around employee stuff.

THE CHAIR: Total cost per passenger boarding?

Mr Peters: Again, that is the same logic there. Our total expenses were more than we had planned for during the year. Our revenue and boardings did not get up to the 18.5 million and we do not expect that they will get up to the 18.5 million. So total expenses divided by less boardings means we end up with a higher figure. Of course we are very hopeful that some of the initiatives that we are going to put in place in the next little while around reducing the age for free travel for people over 70, plus the real-time passenger information stuff which will be coming later this year, will help us to drive patronage over the next 12 months.

THE CHAIR: Good. Where are we up to?

Mr Peters: Fare box recovery, f. Again, Mr Hanson, that is simply a proportion of how much the business has cost us to run versus how much we pulled in the door with fares. We did not quite meet our fares target this year and the business cost us more to run. That is why that indicator has gone backwards.

MR COE: That seems to be pretty disastrous, to be honest—84 per cent, from a taxpayer's point of view. What is the long-term strategy to turn this around? People become very sceptical about investing more money in the bus network, even though it could be justified to get a better outcome, when they see these sorts of figures. What is the long-term strategy?

Mr Peters: If you look at other operators, they are probably at least over 20 per cent. Public transport services are notoriously difficult to get full return on. I think people accept that bus services are provided as a service to the community as well as a mass passenger transit function. If you look at the way Canberra is set out, there are lots of open spaces in Canberra that we run our buses through where we do not actually pick up passengers, as against some other cities where they will have development along some of those corridors which means it is easier for them to run a bus down there and have more chance of picking up passengers.

If you look at our fare structure, it is very competitive compared to other cities. People

would say that the fares that we have on ACTION are very competitive with anywhere else and are very much value for money. In terms of a strategy going forward, yes, we want to keep increasing that fare box return. There are two sides to that. One is to look at our expenses, and the minister may wish to comment on the review that—

THE CHAIR: Can I interrupt you there? You just said that you want to keep increasing your percentage of fare box recovery, but you are reducing your targets. You are going from a target of 18 per cent down to 16 per cent. So your strategy is actually to decrease.

Mr Peters: Mr Hanson, the first column there shows target, 18 per cent; the outcome was 16 per cent. With the target in 2013-14, if you look down the bottom, I can explain in a bit more detail how that one is calculated and why we have changed that.

MR COE: This has been going down for the last five years, and I do not know how many years before that. It has been going in the wrong direction. So what is magically happening now which is going to turn the bus around?

Mr Rattenbury: That probably goes to your question earlier about the forward strategy, Mr Coe. There are a number of things that we need to do. Mr Peters has just mentioned that we will be delivering real-time passenger information this year. That will be something that passengers will find attractive. Of course, the upgrade of the buses, greater accessibility—all of these things improve or certainly make the service more attractive. As you would be aware, there is currently a review of the network being undertaken. ACTION is working very hard to make sure that that provides a network that is more attractive to passengers to, again, seek to drive passenger uptake.

MR COE: Would it be fair to say that a root-and-branch review of the network—not just an iterative network 13 but a root-and-branch review of the network—as well as a root-and-branch review of the EBA is required? If you keep having iterations, how do we expect to have massive changes?

Mr Rattenbury: You would be pleased to know that the current review of the network is far more comprehensive than an iteration. We are looking more comprehensively at what the network should look like.

MR COE: So will we see the integrated 300s or will we return back to the 333s?

Mr Rattenbury: There has not been a decision on that yet. The network is being worked up at the moment. They will be out for community consultation shortly. I will just remind myself; bear with me a moment. I can tell you some of the features that we are looking at in the new network—services for new and growing suburbs in both Gungahlin and Molonglo, the introduction of a rapid service between Gungahlin and Belconnen, improved services for Dunlop and west Macgregor, an improved service between Erindale and the city, and increased Xpresso services between Weston Creek and the city, including an Xpresso direct to the city from Cooleman Court. Certainly, Mr Hanson, you will know how much the residents of Weston Creek have been looking for some improved direct services during that time. There are a number of other features. That gives you a feel for the kind of things that are being looked at in

the network.

MR COE: They are, in effect, increasing the frequency. There is already the 51 and the 52 which are fairly direct between Gungahlin and Belconnen. Obviously, it will be more direct, I guess.

Mr Rattenbury: When was the last time you took it?

MR COE: More often than you think. So there are the 51 and 52. The 200 series is a good service. The more services there are like that, the better it is going to be. But it is all dependent upon feeder services and shuttle services getting into these hubs.

Mr Rattenbury: That is a fair point. I agree with you.

MR COE: What changes are we going to see to create more shuttle-type services and create more feeder points along the rapid routes?

Mr Peters: If you look at how the Gungahlin network is set up, Mr Coe, it is starting to look like that, where we have loop services running around Bonner and Forde, for instance, and then dropping people at inner Gungahlin. You would be aware, or you may not be aware, that we are upgrading those major bus stops there, with better shelters so that it is comfortable for people to sit there and wait. With that model of dropping people at a hub, we are starting to get that in place in Gungahlin.

This review, as the minister said, is quite comprehensive. It is the first time we have really been able to use the MyWay data to look at people's travel patterns, look at some of the directness of some of these routes and also look at the frequency during the day. It is probably no secret for people to know that some of our night services do not really carry many people. Is there a better way to do those? The type of stuff that you are thinking about is the type of stuff that we are starting to think about as well.

MR COE: The philosophy of the old interchange system was that the feeder buses would service the 333s. With the old interchanges, I cannot remember about Woden and Tuggeranong but I remember that Belconnen used to have the red and green lights above the buses, to give the all-clear as to when to go. In case a feeder bus was running late, you would have red for a minute longer and then get the green light after the feeder bus had arrived. With the bus station model that you have in Belconnen and what has been toyed with perhaps in Woden, and who knows where else, are you going to have that kind of regulation, in effect a lights-type system, to ensure that all the feeders actually synch in with the rapid services?

Mr Peters: The short answer to that is no. The key thing about designing bus routes is that every time a passenger needs to interchange, there is a time penalty. The way a passenger perceives that time penalty is three to four times greater than what it actually is. So if it takes you five minutes to wait between a change of service, you actually perceive that, as a bus passenger, as, "I'm sitting around here waiting for 10 or 15 minutes; I'd be better off driving."

THE CHAIR: So it is like estimates: it is only an hour but it seems longer.

Mr Peters: I cannot quite say that.

MR COE: Slow time. It is like prison time!

Mr Peters: I do not quite have the same enthusiasm as Mr Gill; nonetheless I understand the process. There is that time penalty, unless we can ensure that that interchange is seamless. The way to do that is to make sure that the frequency of both your trunk services and the connecting services is high enough so that if you get there you do not have to wait for a long time.

So the short answer is no. However, the introduction of the real-time passenger information system towards the end of this year will ensure that the schedulers know exactly where the buses are in terms of these connections. And that data is real time. So we are anticipating that we will be able to use that data to make sure that people make their connections with more certainty. That is a really big advantage of the system.

MR COE: Is network 13 being designed given the framework of the existing EBA or is it being designed in the interests of the travelling public in the first instance and then the EBA will be sculpted around the needs of the transport system?

Mr Peters: Thanks for that question, Mr Coe.

Mr Rattenbury: The answer is that it is being designed around the best possible performance for passengers.

Mr Peters: Yes, within the overall budget.

Mr Rattenbury: Yes. That is something I should point out. You might have noticed in the budget papers that there are two years of funding for ACTION. That is something I worked with the Treasurer to secure, to ensure that we have the capability to be clear about what the future funding is for ACTION so that it operates within that budget. One of the problems in previous years has been some uncertainty about what the funding would be, and the networks have been designed without knowing what the envelope was. We now have a very clear envelope. I have been very clear with the directorate staff that now that we have a clear funding envelope, we need to design a network that fits within that funding so that we are not going back for a Treasurer's advance somewhere down the line.

MR SMYTH: When is network 13 due?

Mr Rattenbury: It will actually be rolled out in February 2014.

MR SMYTH: Network 13 will come out in 2014?

Mr Rattenbury: The new network will come in February 2014.

MR COE: We are still waiting for network 2008.

MR SMYTH: Yes, I know. We skipped 2008.

THE CHAIR: I can see the cartoon now.

MR COE: And will that be weekend—

THE CHAIR: Mr Coe, we—

MR COE: Finally, will that be—

THE CHAIR: No, you will get another chance. We have to move on now to Mr Gentleman.

MR GENTLEMAN: Minister, in budget paper 4, page 388 allocates some finance for the real-time passenger information system. I know Mr Peters mentioned it earlier. Can you tell us how that will roll out? Is it going to be an application for phones as well or is it a physical system on bus stops?

Mr Peters: With the real-time passenger information system, the simplest way I would describe it is that if you go into an airport terminal, you see the board up there that tells you when the planes are coming and when they are departing. That is the sort of information that we will have up at key interchanges and our major bus stops in the first instance.

Obviously, the expense of the system is all the gear that needs to go in behind that, so that we know where the bus is and that information is then put into a form that feeds the screens and also feeds the mobile website, which, for all intents and purposes, would be an app, so that people will be able to access this information on their smartphone: “When’s my next bus due?” They will be able to get that certainty and reliability around when the bus is due and when they can catch it. For instance, if you are out at Belconnen and it is a bit cool, you may choose to wait in the Westfield interchange inside the building, knowing that your bus will be along in two or three minutes, so that you are not sitting out there waiting in the cold.

MR GENTLEMAN: I have seen it operate in Germany. It is absolutely fantastic. On the smaller bus stops—this was many years ago now—they actually had an LED readout showing how far away the bus was. But I think the application on the phone is going to be a lot better. Can I also ask about the bus stop upgrades. Again on page 388 it talks about bus stop upgrades to disability standards—stage 3 project. Where are you up to with that?

Mr Peters: I may need to get Mr Gill back. I do not have that information to hand, but we did meet the disability DDA target of 55 per cent in 2012 to have all our bus stops DDA compliant. That program is a continuing rollout of that, towards the target of 80 per cent compliant by 2017. I can provide you with more detail on that.

Mr Rattenbury: The \$2 million to be provided in 2013-14 will address access issues at a further 300 locations across Canberra, bringing the total number of locations addressed in recent years in this program to more than 1,100. As Mr Peters said, it is certainly within the legislated guidelines, but in the sheer number, you can see that it is quite a lot.

MR GENTLEMAN: Excellent. While we are on bus stops, are you still working with Adshel to provide covers for bus stops?

Mr Peters: We did have a contract with Adshel. Again, I may need to get Mr Gill back up here to give me some more advice as to where exactly that contract is up to. I understand the first part of that contract had finished. We then went and looked at redesign of our shelters. We were not completely happy that Adshel shelters were appropriate in all of our locations. We looked at the redesign of those. You will see some of the new shelters that we have around the place as well. I am just not sure where the current Adshel contract is at.

Mr Gill: The current Adshel contract is actually coming to a close this year after implementing about 220 stops. When I say it is coming to an end, the construction component is coming to an end. There is still an ongoing maintenance component of 15 years. The deal was that Adshel designed and installed the stops and then basically were responsible for the maintenance of them for a 15-year period at no cost to government, but obviously the revenue is generated by advertising. They have completed 220 shelters, which was part of the contract. The remaining part of the contract will be focusing on the maintenance aspect.

MR GENTLEMAN: What has been the feedback from the community on the Adshel stops?

Mr Gill: Generally positive. There are people that basically are very fond of and attached to the concrete bunkers. Generally, the response for Adshel shelters has been positive. We have modified them over time, I suppose, to better suit the Canberra winters. There have been some minor modifications. The version in Canberra is slightly different from the Adshel shelter that you see in Sydney and perhaps Melbourne. It is generally positive. It is so positive to some extent that in some areas such as in Gungahlin, in the new suburbs, there have been requests to have shelters put in place and some activities by developers. We will facilitate that in the future.

MR GENTLEMAN: Minister, if you receive requests from the community for an Adshel at their local bus stop, you will consider that?

Mr Rattenbury: As Mr Gill indicated, the contract is coming to an end. Of course, being an advertising agency they are driven a bit by the location.

Mr Gill: Yes, Adshel is not the only way that we have delivered bus shelters. We have delivered 50 shelters last year that are outside that contract. So there is an ongoing mechanism in place for where there is a need for a bus shelter. Where there is a need for public transport infrastructure, there are programs in place to deliver it.

MR COE: How many are scheduled for next year—2013-14?

Mr Gill: How many what?

MR COE: You said that Roads ACT have delivered 50. How many—

Mr Gill: That was last year.

MR COE: Okay; so how many in 2012-13 and how many in 2013-14?

Mr Gill: I think it is about 25.

MR COE: For both years?

Mr Gill: Shelters.

MR COE: Twenty-five in 2012-13.

Mr Gill: 2013-14.

MR COE: Sorry?

Mr Gill: 2013-14.

THE CHAIR: There is confusion about what is this year and what is last year. We are currently in this year.

Mr Gill: We are currently in this year. Basically we have achieved—

MR COE: We are always in this year.

THE CHAIR: That is probably a point worth clarifying, that we are not in last year.

MR GENTLEMAN: That is estimates for you, is it not?

Mr Gill: To clarify for the committee, in 2012-13 there were 30 shelters. In 2013-14 there are 25 proposed. That is part of just our ongoing program.

MR SMYTH: The capital metro project, what analysis has ACTION done on the effect of the capital metro on its patronage?

Mr Peters: I can answer that, Mr Smyth. As you would be aware, that project is being led by ESDD. There was a transport integration study that is currently being—actually, I think that is being undertaken by capital metro office now. That study will actually look at how ACTION's services integrate best with a future capital metro project. The things that we would look at in that study are obviously what sort of routes would be competing with the light rail? The rapid would be one that obviously springs to mind. How best would loop services or suburban services hook into existing stations? Is there a need for joint depot infrastructure? That sort of stuff will be picked up in that study, which is this year.

MR SMYTH: Is there any analysis of where your revenue comes from? What percentage of it comes from the through routes and what percentage of it comes from the suburban routes?

Mr Peters: I can get that detailed analysis to you, but generally most of our revenue

does come from the rapids and what you would call the trunk routes out to the centres. There is no secret there. You will see that they are very well patronised, particularly in the peak periods. Some of our other runs—the one from Watson also is quite a well performing route, 39. But generally most of our revenue does come from those that you would call trunk services. Less of it comes from the suburban services; not quite 70-30, but something like that.

MR SMYTH: Would you take that on notice and give us a breakdown?

Mr Peters: Yes.

MR SMYTH: Is it possible to get the breakdown by routes?

Mr Peters: I do have that. The reason for the delay is that I am not sure if I have got it absolutely up to date. But if I have got it for the last couple of months or so, I will provide it.

MR SMYTH: No, that is okay. If you can provide it, that will be fine. Minister, Mr Corbell said, when he was asked in the Assembly, that capital metro would not have any effect on ACTION. In fact, he thought ACTION would deliver more services as a consequence and that there would certainly be no job losses. Could you guarantee that when capital metro starts there will be no job losses in ACTION as a consequence?

Mr Rattenbury: I think Mr Peters has just outlined to you that the integration study is taking place. Clearly ACTION will deliver a potentially different service as a result of capital metro. I would expect that you essentially will have a spine effect delivered by capital metro with ACTION operating around that. I do not know if there is a clear analysis yet of exactly what that is going to look like.

MR SMYTH: On that logic, therefore, ACTION will become even more unprofitable and require even higher supplementation?

Mr Rattenbury: I do not know that there is a direct causal logic there. As I said, I think ACTION will—

MR SMYTH: If you are going to the less profitable suburban services and metro is picking up the trunk routes which are currently the most profitable—

Mr Rattenbury: I was going to say, as I just said, that ACTION services will look different. It is quite possible, through increased uptake of people actually being more attracted to public transport by provision of a better service, that the number of passengers may be higher. I do not think there is necessarily a straight line linkage. It is unclear what the outcome will be at this time. That is the work that is being done.

MR SMYTH: Will you give a guarantee that as a consequence of capital metro's introduction there will be no job losses in ACTION, as Mr Corbell—

Mr Rattenbury: I do not have that level of analysis yet.

MR SMYTH: Mr Corbell seemed quite confident and quite happy to give that guarantee.

Mr Rattenbury: I would have to have a look at the basis on which Mr Corbell made those comments.

MR SMYTH: So there are potential job losses in ACTION if capital metro goes ahead?

Mr Rattenbury: I did not say that, Mr Smyth. That is what you chose to say.

MR SMYTH: I did not say that you said that. It was a question.

Mr Rattenbury: What I have said to you is that it is unclear what the consequences will be. At this time work is still being undertaken on that basis—on those outcomes, I should say.

MR COE: How many people use the 200 service do you know, roughly?

Mr Roncon: 4,216 on average a day.

MR COE: A day?

THE CHAIR: Could you be more specific, Mr Roncon?

MR COE: That is superb. So 4,216 a day use the 200. So that is roughly 2,000 in the morning and 2,000 in the evening?

Mr Roncon: I do not know if you could necessarily break it down like that but—

MR COE: Yes, because they are saying that the light rail is going to carry 4,500 people down Northbourne. That is what the minister has given to me in writing. The 200 series, which is I think perhaps the best service in the whole network, is already carrying 2,000 people. How do the economics of the light rail stack up when you are only talking here about an extra couple of thousand people?

Mr Rattenbury: I am sure you have had the constituent complaints as I have had, Mr Coe. I get it on Twitter and I get it by email. People cannot get onto services. We simply cannot provide enough capacity out of Gungahlin in some of those peak times to meet demand.

MR COE: On that then—on that capacity issue—you have recently announced the free travel service for 70 pluses. Usually around Australia and, indeed, around the world when free travel is issued, it is usually restricted to out-of-peak hours. It is usually off-peak travel that you get that free travel. Was that considered? The risk is that you are just going to get a lot more people travelling free on commuter services which are the most popular services by definition.

Mr Peters: Thanks, Mr Coe. If you look at that demographic you will find that they probably do travel a lot more inter-peak anyway. They are not so much heavy am

peak users. It is hard to be generic about this but the anticipation is that they will use the service more during the day than during the peak.

MR COE: A lot of these people are early risers.

Mr Peters: Yes.

MR COE: I guess the MyWay system is going to be able to record the times and the number of free rides that people are going to get with their specific MyWay card and also what time they board?

Mr Peters: If they do tag on, Mr Coe, which we will encourage them to do, yes we will. As you would be aware, some of the seniors have a joint seniors MyWay card. They may choose to continue to use that.

MR COE: Sure, but they still have to tag though, do they not?

Mr Peters: Yes, if they—

MR COE: How do you get on the bus without tagging?

Mr Peters: Yes, they will need to tag on. We encourage them to tag on and tag off, yes, to get their free travel.

MR COE: That is right. So you will be able to record how many boardings there are and what time those free boardings are?

Mr Peters: Yes.

MR COE: Are you able to take on notice a more up-to-date figure, given it is now the 27th—provide it next week, obviously—the total boardings for the year for ACTION? Are you now able to say what the average journey distance is for an ACTION traveller, because this has been a few months away for a very long time now?

Mr Peters: Yes.

THE CHAIR: That is for 2013?

MR COE: This year.

THE CHAIR: Which is currently this year, but next week it will be last year.

Mr Peters: The answer to the first question is yes, we can provide you with the up-to-date patronage boardings. As I say, that is somewhere around 18 million rather than 18.5—down to 17.956 apparently to yesterday.

MR COE: Yes.

Mr Peters: The second question is: can we use the MyWay data to tell the average length of a journey? We did respond to you recently and say that no, we cannot

actually do that.

MR COE: I thought that the back-end system was being updated in about 2011 or 2010, or thereabouts, and by the end of the year it was going to have that capability. This is a couple of years on now.

Mr Peters: I know it has been a while away for a while. With a real-time system, we will use that system together with the MyWay system to give us that best data set and that will then feed into netBI, which is our management information system.

MR COE: All these things were promised as part of a new ticketing system, that you would be able to have all these you-beaut figures to make calculations about optimising the network. What data are you extracting from the MyWay system which is helping you develop the 2013 network which is coming in 2014?

Mr Peters: We got a lot of useful data which is around where people get on and where they get off. We know boardings; we know how many passengers are using particular routes. So we can make some judgement as to whether a route is really value for money and what times it might be operating at its best. That information around boardings, for instance, we use to program where we might do our bus stop upgrades. Before that it was more or less anecdotal almost.

MR COE: Do those boardings have a GPS coordinate attached to them?

Mr Peters: Yes, they do.

MR COE: If you know where someone gets on and gets off, can you not calculate the average distances?

Mr Peters: We can estimate, but we cannot calculate, because sometimes buses do not exactly travel on the routes. Sometimes there might be detours due to roadworks and that sort of stuff.

MR COE: I understand that, but that is going to be the same with any network.

Mr Rattenbury: I guess I am unclear exactly why you want this data. I mean, anything is possible. To what end is the purpose of the data?

MR COE: I would just like to get—and I have been seeking this for years—an understanding of how far people are travelling on ACTION. Are we actually seeing people go long distances? Are they using it to go across town to save petrol? Are the majority of travellers just going two or three kilometres, because by the time you drive and park and everything it is a hassle? I am really curious as to that behavioural side of ACTION passengers. If you are able to provide an estimate on average distances, that would be very helpful.

Mr Rattenbury: I guess there are a lot of ways you can interrogate the data that comes out of MyWay. One can think of all sorts of permutations you would want to use.

Mr Roncon: Absolutely.

Mr Rattenbury: What I can say is that ACTION is using the data to do things like improve timeliness. I wanted to make sure we got a chance to tell you about this today, Mr Coe, because I know we were debating this a couple of months ago.

MR COE: Can it be taken on notice to get an estimate?

Mr Rattenbury: I guess the point I am making is—

THE CHAIR: Just before you make your point, can we just confirm that that is being taken on notice and you will provide that information?

Mr Rattenbury: I am not sure. I have not quite decided. I want to discuss this as to what end this data is actually going to serve. It may suit Mr Coe's curiosity as to how far people are travelling, but the point is, as I say, that we can interrogate data for anything we like, but does it serve a useful purpose other than satisfying Mr Coe's curiosity? What we are using the data to do is to improve timeliness of services.

THE CHAIR: I would suggest to you, minister, that it is really not for you to judge. If you have got the information that is available and you can provide it for this committee and it is not going to be a massive impost on the directorate if the committee requests it, I do not think it is really for you to judge, "Do I like what the committee or members are going to do with it?" I think that if you have got it available and you can provide it based on that data, it would be appropriate for you to provide it to the committee. It is not really for you to judge what this committee does or does not do with that information.

Mr Rattenbury: This comes back to my decision making you were asking me about earlier. Each of these requests has a reasonableness implication. It is not necessarily data that we do have. As you have noticed over recent times, I am very happy to provide information the department has and that various of my directorates have—I want to be as transparent as possible—but if it is data that is not necessarily available and requires an extra process of interrogation, there is a resource implication to that. What I am trying to understand is exactly what this is going to deliver.

MR COE: Well—

Mr Rattenbury: The point I was about to make—I will quickly finish this; I will not speak for long—is that we are using the data, for example, to improve timeliness. Since the timeliness data last came out, it has improved about two per cent just in the last few months because ACTION has been able to use the MyWay data for that purpose, to improve timeliness. That is a measurable and material difference.

MR COE: Good. I can say that there are a number of organisations that are keen to provide submissions to ACTION on some potential changes to the network. This is the sort of information that they have been seeking to get.

Mr Peters: There is some considerable work involved to analyse the data. You need to understand that there are those imperfections around it, when a bus does not travel

exactly where we said it would go.

MR COE: Okay. It amazes me that the system is not capable of doing this. I am happy to contact the manufacturers and see if they will tell me about the system and whether there is a query that can be written quite easily to generate this. I imagine there is. Surely a query that can be written that says what is an average point A to point B?

Mr Peters: Yes, it just needs to be done.

Mr Rattenbury: All right. We will take it on notice and I will reflect on the resource implications of undertaking it. Mr Byles might assist me here, but from an overall implementation point of view—

MR SMYTH: I am sorry, did Mr Roncon just receive some data that might answer the question?

Mr Roncon: No, I would need to analyse it and understand what I have got.

MR SMYTH: Sure. But you have some data?

Mr Roncon: I do not know.

MR SMYTH: Or just very helpful public servants giving you advice?

Mr Byles: The only point I would make—Mr Coe, you are probably well aware of it, as are other members of the committee—is that the MyWay system has, in fact, been an enormous success, particularly when you compare it with other jurisdictions, which I am a bit reluctant to do in this forum. Given the funding base, given the fact it has been implemented, and notwithstanding the issues you raise, Mr Coe, I would rather trumpet the success of MyWay to date.

MR COE: I am not bagging it out. I am actually saying it has got a lot of capability. That is the point. It has got capability. Let's use it; let's max it out.

Mr Byles: I understand your point, and I think the minister has indicated we will take that on notice and see if that can be provided.

MR COE: Sure.

THE CHAIR: Mr Gentleman.

MR GENTLEMAN: Minister, I just wanted to see where we are up to now with the feasibility study for the bus depot at Woden.

Mr Peters: Thanks, Mr Gentleman. You would be aware that we intend to reopen Woden as an operating bus station. There are essentially two stages to that project. The first is to remove or rehabilitate the fuel storage tanks that are on site there. There are quite a number of those, more than 20. It is taking a bit of time to work out exactly how that needs to be done because a couple of those are actually close to the existing

workshop facility. We need to make sure we do that properly and safely. That has not quite been worked through yet. Once those fuel tanks are removed then the second part of the project starts, which is to refurbish it so that we can start using it as a depot, probably late next year or early the year after at this stage.

MR GENTLEMAN: You mentioned fuel. Are you looking at providing—or you might have done it already—a further CNG fuelling depot?

Mr Roncon: No. We have got about 67 to 70 CNG buses in the fleet. There is one fuelling point, which is at the Tuggeranong depot. There are no plans to expand that out any further.

MR GENTLEMAN: Thank you.

THE CHAIR: Are there any further questions?

MR SMYTH: I will defer to Mr Coe.

MR COE: Just on that, does the government have plans to procure more CNG buses?

Mr Rattenbury: I am just not sure what the new buses are. I think all the new buses are Euro 3 diesel. I will just double-check that.

Mr Roncon: There are no plans at this point. Certainly, we go out to tender and we keep an open mind about these things. To date the tender has been for Euro 5 or better, so diesel buses essentially. It is my understanding, Mr Coe, that that technology, Euro 5 technology—I think Euro 6 may be being introduced in Europe, so it is a little way away here—is cleaner and more environmentally friendly than CNG.

MR COE: Has ACTION explored selling the CNG buses?

Mr Roncon: Not to this point. Certainly, they have their life cycle. I think they might be around that eight to 10-year mark now. Over the next three or four years they will start factoring that into a future replacement program, at which time that will be considered.

MR COE: Do they hamstring the network plan as much at the moment in terms of refuelling?

Mr Roncon: No, not really. Certainly you know what you have got and you work that into your plans. A lot of those buses, because of the nature of where they sit, tend to do south side runs and/or the blue or red rapid runs. So you always know where they are going to be. They all operate out of the Tuggeranong depot and probably tend to stick to that side of town as a general rule.

THE CHAIR: We might have to leave it there, Mr Coe.

MR COE: Sure.

THE CHAIR: Any further questions can be placed on notice. I note that you have an

interest in the purchase of a bus. I am not sure if we will be seeing—

MR COE: \$1,500 is a steal, isn't it?

THE CHAIR: Perhaps in the next campaign we will see the Coe for Ginninderra bus.

MR GENTLEMAN: That is not new.

THE CHAIR: Maybe he will be competing with the Rattenbury for Molonglo bus. Thank you very much, minister and officials. If you could make sure that questions taken on notice are responded to within five days of receipt of the written question and the ones that you have been asked today—so if you can provide those within five days. Are you back before us, minister, or are you done?

Mr Rattenbury: No, I am back tomorrow for Community Services.

THE CHAIR: Fantastic. See you then.

Sitting suspended from 12.28 to 1.30 pm.

Appearances:

Corbell, Mr Simon, Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development

Environment and Sustainable Development Directorate
Ekelund, Ms Dorte, Director-General
Fitzgerald, Mr Bruce, Chief Finance Officer, Finance
Meyer, Mr John, Executive Director, Regulation and Services
Traves, Mr Alan, Executive Director, Policy
Walters, Mr Daniel, Director, Environment Protection and Water Regulation
McKeown, Ms Helen, Conservator Liaison Officer, Conservation Planning and Research

THE CHAIR: Good afternoon, minister; good afternoon, officials. Welcome to the afternoon of day 9.

MR GENTLEMAN: Day 10.

THE CHAIR: Sorry, day 10. Time flies when you are having fun. This afternoon we will be going through output class 1.4, heritage; 1.5, environment policy; and 1.6, environmental protection and water. Then we will deal with the Conservator of Flora and Fauna. Be aware that these proceedings are being live webstreamed. Can I confirm that you have all read the privilege statement?

Mr Corbell: Yes, thank you, Mr Chairman.

THE CHAIR: Minister, would you like to make a statement?

Mr Corbell: No, thank you, Mr Chairman.

THE CHAIR: No? Mr Gentleman.

MR GENTLEMAN: Minister, I bring you to budget paper 4 and the output class on page 258. There is a note there for legislation arising from the review of the Heritage Act. How is that legislation progressing?

Mr Corbell: I have introduced into the Assembly the new bill for a new Heritage Act. That legislation is now lying on the table, the Heritage Legislation Amendment Bill. That bill sets out a range of reforms to the heritage legislation. I have asked stakeholders for comment in relation to the proposal. The government is taking those comments on board prior to considering the bill and bringing the bill on for debate in the Assembly. Comments closed on 14 June. My directorate has received 23 submissions on the bill.

MR SMYTH: Minister, how many heritage listed duplexes are there in the ACT?

Mr Corbell: I do not have that information to hand, Mr Smyth. I would have to take your question on notice.

MR SMYTH: There has been a recent case of a duplex where half of it was demolished and the other half finds itself in trouble. Was the Heritage Council consulted before that duplex renovation went ahead?

Mr Corbell: I am not aware that that duplex was heritage listed, Mr Smyth. I am advised it was not.

MR SMYTH: Are there concerns at the changing landscape in the older suburbs? For instance, half a duplex can be knocked down and half left standing, changing the very nature of the buildings.

Mr Corbell: The duplex is not protected for its heritage values in relation to the particular circumstance you mention.

MR SMYTH: In regard to the general heritage value of a suburb and given that suburbs change over time, what consideration have you given, or has the Heritage Council given, to how these issues will be addressed in the future?

Mr Corbell: They are addressed in accordance with the heritage legislation. The Heritage Council makes assessments based on nominations as to sites—buildings, broader precincts, individual artefacts or, indeed, particular landscapes that may have heritage values. They determine whether or not they do have a heritage value. If they do, they list them if they believe they are worthy of listing. They look at what particular conditions, controls or plans of management need to be in place to address those issues.

I am advised that the Heritage Council is looking at particular precincts that it believes may warrant further investigation. For example, I am advised that in relation to a possible precinct listing, consideration is being given to a precinct within the suburb of Turner.

MR SMYTH: Is that the only precinct that the council is looking at?

Mr Traves: I understand that nomination for Oaks Estate will be made shortly by community groups. That will be examined in the same way.

MR SMYTH: So one area of Turner and the Oaks Estate?

Mr Traves: Yes.

MR SMYTH: Given that there are areas where duplexes predominate the landscape, how do we protect that architectural heritage that the ACT has if there is no consideration of heritage issues when these places are put up for redevelopment?

Mr Corbell: The Heritage Council does its work in terms of assessing whether or not particular sites or locations are of heritage significance. They are the experts in this area and they make those assessments as and when required. Whilst duplexes represent a particular architectural style and a particular development period within the ACT's history, whether they have any particular heritage value would be a matter

for the Heritage Council to determine.

MR SMYTH: Thank you.

MR COE: Minister, would you advise what the process of communication is between the Heritage Unit and the Heritage Council, especially the chairman?

Mr Corbell: The Heritage Unit provides secretariat support to the operations of the council.

MR COE: However, separate to that, what role does the Heritage Unit play in actually implementing the agenda of the council?

Mr Corbell: The Heritage Unit is responsible for enforcement of heritage listings—so dealing with any concerns around compliance with the heritage listing, for example, and other functions that they may have as a result of the heritage provisions in the legislation.

MR COE: And how much—

Mr Corbell: The Heritage Unit also undertakes a range of activities to promote heritage in the ACT. For example, it runs the annual Heritage Festival. It also undertakes research on issues surrounding heritage matters in the territory that should be subject to further government consideration.

MR COE: What role has the Heritage Unit had in the centenary celebrations?

Mr Corbell: First and foremost, the Heritage Unit has had a role in terms of the most recent Heritage Festival during the centenary year, which has been promoted and sponsored as a centenary event. There are a range of other activities that they have also been pursuing. Mr Traves might be able to give you some more information.

Mr Traves: The Heritage Festival itself has been running for several decades now. But its funding was augmented for this particular heritage year to the extent where 120 events were supported during the period and 22,000 Canberrans and surrounding regional residents did attend those events. We also conduct the heritage grants process which generally ranges between \$240,000 and \$300,000 per annum. They are made to various community and cultural groups to support, protect or develop heritage.

MR COE: Does the unit provide ongoing advice to the centenary coordination unit in CMD?

Mr Traves: They have been consulted on particular issues but they do not have a formal role.

MR COE: With regard to heritage listed properties up and down Northbourne, what consideration has been had about the impact of light rail and trains-oriented development?

Mr Corbell: Yes, those are matters which the government is taking into account.

There is one precinct along Northbourne Avenue. I always get their names confused; I think it is the Northbourne Flats, is it, which is heritage listed?

Mr Traves: Elements of it.

Mr Corbell: Yes, elements of which are listed on the register for their heritage value. The government, and in particular the Community Services Directorate, which is the custodian of those properties, has engaged with, first and foremost, the architects of those properties, recognising the intellectual property rights that the designers of those estates continue to retain and to ensure that any redevelopment of those sites is first and foremost consistent with both the heritage arrangements in relation to those sites and also the intellectual rights associated with the design of those sites, which are held by the architects.

MR COE: Are all the architects still with us?

Mr Corbell: They or their firms—

MR COE: Their firms, yes.

Mr Corbell: continue to hold intellectual property rights over those properties.

MR COE: How does that differ to any other property whereby the architect has IP—

Mr Corbell: It does not. It does not.

MR COE: It does not? So the process you are going through is more for advice and due process as opposed to a requirement.

Mr Corbell: There is a national legislative framework that recognises the intellectual property rights that architects have of the buildings that they design. It imposes obligations on the owners of those buildings to engage with the original designers of those buildings should they propose substantial changes to the design of those buildings.

MR COE: What about demolition?

Mr Corbell: And that includes demolition.

MR COE: Do you know the name of that framework, just for—

Ms Ekelund: It is called moral rights legislation. You may recall that the art gallery had a lot of problems with the change to their facade because the architect of the original building was opposed to changes.

MR COE: Does that fall under copyright? Is it a provision within copyright?

Mr Corbell: I would have to take some advice on the exact arrangements, but it is a principle that has been recognised in law. There are precedents in terms of court decisions that recognise there are moral rights associated with the design of a property

on the part of an architect and there are obligations on the part of a building owner to engage with the designer of the property should they propose any substantial deviation from the original design.

MR COE: Because I know, for instance—

Mr Corbell: It is not an absolute veto, but it is an obligation to consult and to take into account the original design of the building.

MR COE: Yes, because I know, for instance, that if you take a photo of an artwork there are often obligations as to how you are meant to acknowledge or do justice to the artwork. Is that a similar sort of framework that you are referring to? It is a convention as opposed to—

Mr Corbell: The principles recognise that buildings are objects which are designed and have a certain artistic merit because of the design and that that intellectual property around the design remains with the designer. Therefore, there is a need to engage with the designer—ie, the architect—when it comes to any substantial variation to that design concept as it is realised in a building.

MR COE: Is demolition of Northbourne flats an option which the government is considering?

Mr Corbell: No final decision has been taken in relation to those buildings. I would suggest you need to ask the Community Services Directorate about that matter as they are the custodians of those buildings and have responsibility for any potential reuse of those sites.

MR COE: But as heritage minister, and especially if the proposed changes to the Heritage Act go through, which do give you a call-in power, in effect, would you consider proposals to honour the heritage value through other means, such as photography, oral history, keeping a facade or reusing elements of the demolished building?

Mr Corbell: Mr Coe, the question is hypothetical at this point in time, but in general terms it is possible through the provisions of a conservation management plan to recognise, commemorate or retain the heritage value of a place in a range of ways, and those are matters that have to be addressed on a case-by-case basis.

MR COE: With regard to the powers that you as minister would hold should the proposed legislation go through the Assembly, in what circumstance could you envisage using those powers?

Mr Corbell: Consistent with the criteria set out in the bill.

MR COE: Are there any particular examples that you can think of whereby the current framework has not been as robust as you would like it to have been?

Mr Corbell: It is more a case, I think, of reflecting the range of issues that arise in relation to proposed heritage listings, in that often an assessment purely on the

technical criteria of heritage alone may not have broader regard to broader public interest considerations which cannot be exercised by the Heritage Council. It is not their role and not their expertise to try and reflect a broader weighing of what is in the public interest.

It is quite proper that the Heritage Council has the power to determine a listing strictly on heritage criteria as set out in the Burra charter and so on. But there will be instances where more contentious proposals may involve a balancing of heritage considerations and broader public interest considerations. In those circumstances it is the government's view that the people or person who is most properly in the position to make an assessment about public interest is an elected official, not an unelected official, who is politically accountable in this place and in the broader community for their judgements on these matters of what is or is not in the public interest. That is the rationale behind providing for the minister to be engaged.

I would make the point that in a number of jurisdictions around Australia the minister is the sole decision maker on heritage listing in a number of states and territories, including at the commonwealth level, where the commonwealth minister is the minister that makes decisions on heritage listings alone. There is no other body that makes it. In the other jurisdictions where the minister is not the sole decision maker, the minister does retain the power to step in and to call in and determine a proposal themselves. At the moment, under the current legislation as in force, we are the only state or territory where there is no role for the minister in determining a heritage listing.

MR COE: I have not had the briefing yet, nor can I recall from when I looked at it—would that decision be a disallowable instrument?

Mr Corbell: No, it is not proposed that it is a disallowable instrument. It is proposed to operate on the same basis as—

MR COE: As the planning call-in.

Mr Corbell: the planning law, which is a notifiable instrument, and a requirement to report to the Assembly and outline reasons and so on.

THE CHAIR: Mr Gentleman.

MR GENTLEMAN: Minister, could I bring you to page 265 of BP4. There is \$135,000 for capital upgrades to be used. How will this be used and what will be the benefit of this for heritage in the ACT?

Mr Traves: \$135,000 is the tail end of an appropriation that was made some time earlier by the previous Chief Minister, who was particularly concerned about the paucity of heritage signage around the territory. Most of these moneys go towards the Canberra tracks program, which is signage to go at various and topical locations. But there is also provision in there for the establishment of an emergency fund for the repair of critical heritage items around the city which the current owner does not have the capacity to actually maintain or repair. That was most recently used in the repair of some gravestones that were vandalised, you may recall, 18 months ago, at one of—

Mr Corbell: At St John's.

Mr Traves: At St John's. We have a component of emergency funding in that.

MR GENTLEMAN: Excellent.

Mr Traves: But mostly it is the signage program.

MR GENTLEMAN: Can you detail what the \$65,000 for the heritage register will be used for?

Mr Traves: At the moment the heritage register is operating out of a spreadsheet, which, given the huge volumes and associated notes that have to go with each nomination, has become unwieldy. We are looking to upgrade it to something which is more practical and more in line with the expectations of the community who actually want to access the register and do research.

MR GENTLEMAN: Excellent.

THE CHAIR: Mr Smyth.

MR SMYTH: Minister, on page 255 of budget paper 4, in output class 1.4, heritage, the budget drops by a neat \$200,000 this year. Why is that, and how will you make that saving?

Mr Fitzgerald: That saving is largely related to the overhead allocation attributable to that output. The majority of that is in relation to the corporate costs that we expect to save in the next financial year.

MR SMYTH: What makes up that saving?

Mr Fitzgerald: I do not have the exact figures. I can take that on notice.

MR SMYTH: That would be good. How many FTE are there in the heritage unit at the moment?

Mr Traves: From day to day, it is quite difficult to say how many. There are quite a number of people who work part time and are on long-term maternity leave at present, but there are normally 16 desks occupied within the unit.

MR SMYTH: So most of the costs for the unit are taken up in staff costs?

Mr Traves: Yes, they are.

MR SMYTH: Can we have a breakdown of what is staff costs and what is discretionary money, as it were?

Mr Traves: Certainly, we could work with the CFO to get that.

Mr Corbell: We can provide that, Mr Smyth.

MR SMYTH: What is the discretionary? Sixteen staff at approximately \$100,000 is \$1.6 million, so you have only got about a quarter of a million dollars for activities. What do you spend that money on?

Mr Traves: Most of that goes towards the heritage festival.

MR SMYTH: And how much—

Mr Traves: And there is an element of the grants program as well, which I believe is a separate line item in the budget. That varies between 240 and 300, depending on the year.

MR SMYTH: How much is spent on compliance?

Mr Traves: There are two officers who have been trained in compliance. One is an architect and the other is an administrative officer. So they work on that principally most of the time. They exercise their compliance role when something is brought to the attention of the Heritage Council. There are two current investigations.

MR SMYTH: So there are two current. How many were there in, say, 2010-11, 2011-12 and 2012-13?

Mr Traves: I would say there was nil.

MR SMYTH: There are two current. What are the two current?

Mr Traves: With the two current ones, one belongs to Yarralumla cottages, which was to do with the partial demolition of two cottages close to the Yarralumla shops, and the other one is to do with the Crace scarred trees.

MR SMYTH: What proactive activity does the area undertake?

Mr Corbell: In relation to what function—compliance?

MR SMYTH: All of its functions—protecting, education, compliance.

Mr Corbell: As has been outlined, there is quite a proactive program of education and awareness raising around heritage matters—whether that is the deployment of new interpretive signage across a range of sites to educate Canberrans about the value of particular sites and why they have been heritage listed, whether it is activities such as the heritage festival itself, which is quite a comprehensive program that runs for over a week, or whether it is a range of activities across the city and the region. So it is a very proactive program in terms of education and awareness raising. Compliance is based on complaints and responding to complaints, and obviously there is a proactive program around advice to government on heritage policy matters that should be considered as well as support to the Heritage Council itself, preparation of its agenda, documentation and so on.

MR SMYTH: You will give us the breakdown of the split? Thank you.

THE CHAIR: We will now move to environment policy, output 1.5. Minister, when it comes to environment policy and the government's plans to reduce carbon emissions, its carbon abatement strategy, the 40 per cent target, can you provide for the committee an explanation of all of the whole-of-government measures aimed at achieving that outcome?

Mr Corbell: In terms of overall abatement or carbon emission reductions in relation to government's own operations?

THE CHAIR: In terms of the ACT—not just the government's operations but across the ACT.

Mr Corbell: The government set out its plan and proposed actions to deal with carbon emissions reduction through action plan 2, which sets out both the specific targets and the range of sectoral responses that are required to achieve those targets. Principally, there are a range of actions—18 actions in total—that deal with emissions across a range of sectors. I draw your attention to, for your reference, page iv of AP2, which sets out actions across the residential sector energy use, non-residential sector energy use, transport sector emissions, waste sector emissions, energy supply sector emissions, climate change adaptation, and monitoring and reporting.

The strongest level of action is in the residential sector energy use space, as well as in energy supply sector emissions. Action plan 2 outlines the estimated emissions reductions to be achieved in each of those sectors. The government therefore is pursuing the measures as outlined in action plan 2 to achieve those emissions reductions, and we have started work on those already. Some key elements of that are the energy efficiency legislation, which was adopted by the Assembly last year and is now being deployed in the household sector across the ACT. That program will last for approximately three years. It will reach approximately 70,000 Canberra households. It will achieve emissions reductions of around three-quarters of a million tonnes over the life of the scheme, and it will deliver, on average, savings to households on their electricity bills of approximately \$300.

That is a good example of the government's implementation of measures to achieve emissions reductions in a range of sectors. We are continuing also to pursue our program in relation to encouraging the uptake of renewable energy generation in the territory. Members would be aware that the government has completed the first round of its large-scale reverse auction solar auction to support the deployment of large-scale solar generation through a feed-in tariff scheme. That scheme has already had 20 megawatts allocated to support the deployment of a solar farm at Royalla, which is to be developed by the Spanish renewable energy company FRV. That plant, when developed, assuming that it receives all of its required approvals, will deliver enough electricity to power the equivalent of 4½ thousand Canberra homes and will deliver substantial emissions reduction as part of its operational life.

The government is also finalising its decisions in relation to the allocation of a second 20 megawatts of renewable energy generation under the large-scale solar auction, and I expect decisions on that auction round to be completed by government in around the

middle of this year. So those are two examples where we are pursuing—

MR COE: We are pretty close to that.

Mr Corbell: We are pretty close to that. We will continue to be pursuing a range of other programs and activities. At the moment the government is giving consideration to the expansion of the energy efficiency laws to cover small and medium enterprises, to engage with them and help them to reduce their electricity consumption, save money on their electricity bills and, obviously, reduce greenhouse gas emissions.

We are also targeting opportunities to achieve further levels of emissions reduction in relation to waste. My directorate has recently completed a call for expressions of interest from the industry in relation to the deployment of waste to energy facilities at the government's landfill sites. Finally, at the completion of the current solar auction round, the government has indicated its intention to review the legislative framework and decide whether any changes are required before we embark on a program which will include potentially further tranches of both solar and wind to support our deployment of renewables in the city and the region.

THE CHAIR: Thanks for that update, minister. In the budget papers, I have looked at the accountability indicators, and I cannot find anything that relates to the program of meeting those targets. Maybe there is one, but could you—

Mr Corbell: The targets are actually set out in legislation. So the greenhouse gas reduction targets are legislated targets. There is a requirement for annual reporting and auditing, and that auditing is undertaken by the ICRC, independent of government. So if you cannot find a measure—

THE CHAIR: I am just thinking, because there are often measures—

Mr Corbell: and you do not have advice to the contrary, I would indicate that that would be because we have a legislated target with statutory reporting arrangements in terms of audit and progress that must be reported.

THE CHAIR: I accept that they are reported elsewhere. I was just thinking it would be a useful measure to perhaps put in the budget. We might make a recommendation to that effect so that we can track that progress.

MR COE: Especially if the work is already done.

THE CHAIR: Yes, that is right. It is just a matter of transcribing it across so that we can all see it. That would be a useful measure.

Mr Corbell: If you look at the accountability indicators on page 259, you will see output 1.5, environment policy, accountability indicator f., “oversee the actions of weathering the change action plan 2”, which includes “publish an annual inventory” and “publish an annual report on emissions targets”.

THE CHAIR: I suppose that is a report, again, that can be referred to elsewhere, and I certainly do not doubt that they are published in other areas. I am just wondering if

we could get some accountability indicators that actually gave us progress on those targets—or maybe it is not that simple.

MR COE: Some of those key indicators that are published to be also incorporated in the budget.

THE CHAIR: So that we can get a measure in the budget of—

Mr Corbell: The government is always happy to consider recommendations that the committee is willing to make.

THE CHAIR: Okay, we will consider that one. Another issue—and I have mentioned this before—is trying to capture the costs or potential savings of all those measures, because when you add them all up—the feed-in tariffs and other measures in the budget—there is a cost often to the budget. There is potentially a cost to business—it could be ActewAGL or it could be someone else—and there is also potentially a cost to households. For example, the feed-in tariff has an impact on electricity price across the territory. What I am trying to capture is: where are the costs attributed to all these programs detailed?

Mr Corbell: There is a specific chapter in action plan 2, Mr Hanson, that sets out the potential economic costs and savings of AP2 initiatives. That is on page 27 of action plan 2. It sets out the potential economic costs and savings to householders and businesses of the various measures. That is set out very clearly.

THE CHAIR: Given that that information is already available, could you provide for the committee, please—this is a question on notice—a detailed breakdown of all of the measures that the government has across the whole of government aimed at CO₂ reductions and the estimated cost of each of those programs? I think it would be useful to capture the cost of doing this. I am not trying to put a subjective question about it; it is simply about what are all the measures and what are all the costs. The costs need to be, if we are going to capture the full costs, the cost to business, the cost to the budget or the cost to households in terms of increased bills. Someone has to pay for it somewhere. Is that feasible? I assume you have that information?

Mr Corbell: I beg your pardon, Mr Hanson; I will give you an answer. I am just getting some advice. The maximum price impact per household per year by the year 2020 is anticipated to be between \$270 and \$305 per household in the year 2020. That assumes that certain measures do not continue, for example, that the energy efficiency savings do not continue in outyears—

THE CHAIR: Sure, but, for example—

Mr Corbell: and they may very well. So that is the maximum price impact.

THE CHAIR: With the energy efficiency savings, someone has to pay for that. That is the \$300 subsidy, is it? That is a cost borne by somebody—I assume ActewAGL, the government or someone. So it might be a saving for someone over here but it is a cost borne by someone else over there. I am trying to capture what that whole—

Mr Corbell: The energy efficiency savings in relation to the energy efficiency scheme are net savings—

THE CHAIR: But if you put—

Mr Corbell: Sorry, if I can answer your question—after cost. The energy efficiency scheme, for example, is delivered by ActewAGL. That comes at a cost to ActewAGL and, because it is a statutory scheme, ActewAGL can apply to the energy price regulator to pass through the reasonable cost of that scheme to consumers to recover their costs.

The savings figure that the government quotes in relation to the operation of that scheme is a net saving—that is, cost less savings. And there is a net benefit to households. So after the pass-through cost is attributed, there is still a saving. So it is a net saving of approximately \$300 a year for households. It is important to stress that if that scheme, as the government has said, runs for three years and then concludes at the end of the three-year period, ActewAGL are not able to pass through any further costs at the conclusion of that three-year period because the scheme is finished. But, conversely, the savings will continue to accrue to households because they will continue to use the energy efficiency measures that have been deployed into their homes and they will continue to achieve the energy savings.

It is important to stress that, in relation to that scheme, that is how it operates. It is a pass-through cost, but the assessment as set out in the regulatory impact statement that accompanied the bill when it was presented to the Assembly last year made it very clear that there were net savings to households. Any household can participate in the scheme, so all households can potentially participate. The regulatory impact assessment makes an assumption that about one in two households will participate. But if the take-up is higher, the emissions savings will continue to be delivered but the cost will be lower, and the reason for that is that more low cost measures will be deployed at a cheaper per unit price.

THE CHAIR: Can you provide the costs and the anticipated savings breakdown in that so that we can—

Mr Corbell: It is on the public record. It is in the regulatory impact statement.

THE CHAIR: I suppose the point being that there are a lot of measures, and trying to find each of them and going to all the various sources is the issue here. What I am trying to do is get a consolidated view of all the measures. So in budget paper 3, page 270, last year's budget had a \$5 million carbon neutral government fund, for example. There are a lot of measures and I am not asking for a detailed explanation of them now. There are other questions and we have limited time. What I am trying to do is get that consolidated view, because whenever I try to look for these, I get put over here and put over there and then I have to go to the regulatory impact statement. If we could have that consolidated—

Mr Corbell: I have to profess some frustration because I know the opposition, Mr Hanson, ask me this question a lot. But I would really encourage the opposition to read, at the very least, page 27 of action plan 2. It sets it out very clearly. It is there in

a table—table 5, page 27 of action plan 2.

THE CHAIR: Does it refer to the carbon neutral government fund?

Mr Corbell: Page 27, table 5 of action plan 2 has the potential costs and benefits of each of the measures in each of the sectors.

THE CHAIR: Does it refer to the \$5 million carbon neutral government fund?

Mr Corbell: No. In relation to the carbon neutral government fund, the carbon neutral government fund does not come at a direct cost to households.

THE CHAIR: But it is to the budget?

Mr Corbell: It is a cost to the budget, because it is a use of consolidated revenue.

THE CHAIR: Yes, absolutely.

Mr Corbell: But that scheme itself is not resulting in any additional costs to households. It is important to stress that that scheme is actually saving taxpayers money in terms of further calls on the budget. The reason for that is that the fund supports the deployment of energy efficiency programs within government departments that reduce government departments' electricity bills.

When the carbon price took effect, the government had two choices. One was to fully supplement the expected increase in electricity prices that resulted and simply pick up the tab for increased power costs. Or we could make an investment in a fund which would encourage departments both to reduce their emissions, therefore assisting us in our carbon neutral government target, and to reduce their operating costs, and therefore their call on the budget because of their reduced electricity usage.

It is important to stress that in addition to that, the carbon neutral government fund is actually the re-diversion of money from the government's green power purchase. The government has set out very clearly that we are not continuing with the same level of green power purchase that we did in the last term. Instead, we have decided to reduce our green power purchase and divert the money that would have gone to paying for the green power premium in the government's electricity bills to funding the carbon neutral government fund.

When it comes to the carbon neutral government fund, there is no additional expenditure being called on in the budget. We are directing money that we previously used to pay for green power into a fund that helps reduce power consumption in government agencies.

THE CHAIR: Sure, but the point—

MR COE: But can you say—

THE CHAIR: Could I just finish, Mr Coe?

MR COE: Yes.

THE CHAIR: The point is that we have just found in action plan 2, page 27 a \$5 million budget appropriation that is not detailed in there. I am not trying to put a value judgement on that. I am simply saying that there is a \$5 million budget initiative that is not detailed, for example. It is not a comprehensive view. What I am trying to get is that comprehensive view of all the measures that are in the budget, not just this year's budget but that have been put in the budget, like the budget for the \$5 million carbon neutral government fund. It might be green power purchase and what that amount is or is not anymore. But I would like all of those measures so that I can get a comprehensive view of it. It does go beyond those measures that are just indicated in action plan 2, page 27.

Mr Corbell: Sure. I am happy to provide you with a list if that would assist you further.

THE CHAIR: It would. It would be useful.

Mr Corbell: I simply make the point though, and I am not trying to be argumentative, that conceptually this is arranged in this manner. Action plan 2 deals with emission reductions at a whole of economy or territory-wide level. It is fundamentally based on a range of measures that involve market-based mechanisms that send price signals into the market or result in pass-through of costs and then also result in pass-through of savings through, for example, reduced electricity consumption, better energy efficiency and so on.

Action plan 2 is a territory-wide or economy-wide strategy. The government, then, as an organisation within the broader ACT economy has its own programs to deal with its own efficiency of its own operations and emissions intensity of its own operations.

THE CHAIR: I want to capture those as well.

Mr Corbell: Like a private business.

THE CHAIR: In many ways what I am trying to capture is where—I accept that there might be savings that come out of the action plan, this green government fund, the \$5 million carbon neutral government fund. I accept that. But I want to make sure that that is balanced against the appropriation in the budget so that we are not just talking about the savings that come out of increased efficiency somewhere but we want to identify the fact that that was appropriated as well so that I can get a balanced view of all the measures.

Mr Corbell: Yes, I understand.

THE CHAIR: It is difficult to capture it all and I appreciate that the information is there in various resources but I want to capture it all. Thank you. Did you have a supplementary, Mr Coe?

MR COE: Yes. Would it be possible to get a statement of where that \$5 million is being spent? Separate to the totality of measures, as to that specific \$5 million fund,

are you able to table that?

Mr Corbell: Yes. I can give you a summary now, Mr Coe, if that would assist. Rounds 1 and 2 of the funds allocation occurred in the 2012-13 financial year. Eight applications were received from government agencies requesting support for projects totalling \$4.978 million. Round 1 supported one project with funding of \$1.7 million to the ACT Property Group within TAMS for energy efficient lighting at 28 government sites. Round 2 supported three projects totalling \$1.8 million for energy efficiency, lighting upgrades and solar hot-water system installations at a range of government sites.

Round 3 is expected to open for applications from within government from August to October this year. The available pool of funds at December 2013 is expected to be \$5 million, including amounts transferred to the fund as part of the temporary reallocation of the ACT government's green power budget.

MR COE: Did you say round 1 and 2 were \$1.7 million and \$1.8 million?

Mr Corbell: Yes.

MR COE: So there is \$1.5 million more to be spent; is that correct?

Mr Corbell: It is a revolving fund because the principal is repaid from government agencies. As government agencies achieve their savings, they repay into the fund and then that money is used again.

MR COE: Do they repay the full amount of the savings or do they split the savings between themselves?

Mr Corbell: No, they repay the amount loaned to them and the savings that they achieve, they keep.

MR COE: Thereafter; right.

Mr Corbell: No, they do not pay any savings back. They simply repay—well, they may be using savings to repay the principal, but what they repay is the principal that is loaned to them.

MR COE: But when do the agencies repay it?

Mr Corbell: Consistent with the business case that has been approved for allocation of money from the funds; so it has different periods of time.

MR COE: Right, because if it was immediate there would be no point in it, really.

Mr Traves: They must make annual payments. There is an annual instalment payment which is always made. If you are looking at the figures and wondering why it does not add up to around \$5 million, the two issues for that are that this builds upon a fund that was initially established under AP1, which had a very much lesser balance in it. We still had moneys retained at the end of that period which were added

to by this fund. The timing of those repayments and the size of those repayments varies the balance up and down. It is managed a bit like a lending portfolio within a bank and strict criteria are applied. Not every application is successful. They are all judged on very strict criteria.

MR COE: Are there any directorates that have not put in applications?

Mr Traves: Yes, there are some directorates that have not put in applications. That would be a choice of those directorates. Either they do not have projects at that state of readiness or they are focusing on other priorities of government.

DR BOURKE: Minister, you have commenced the second stage of the large-scale solar auction. Could you give us more information about how that is progressing following the success of the first stage and the awarding of the tender to FRV? Can you tell us in a little more detail how the second stage is progressing and talk about the interest it may have attracted in industry?

Mr Corbell: Yes, thanks Dr Bourke. As I indicated earlier, the first round of the auction process, or the fast-track stream as it was known, was completed last year in September. Out of that, 20 megawatts feed-in tariff support was allocated to the FRV proposal for the 20-megawatt solar farm at Royalla.

That proposal is currently at the stage of having its development application assessed. Contingent on receiving its development approval FRV are on track to commence construction of that project in approximately September this year. The government has called for bids in the normal stream—the regular stream or the second stage, if you like—of the large-scale solar auction.

We have had 15 proposals received. So there is a continuing very strong level of interest from the private sector. Local, national and international-based proposals have put their bids forward. The government is currently finalising its consideration of those bids, whether or not bids should be awarded an allocation and, if so, how many of those bids should be awarded an allocation under the second round. I expect that to be announced, as I said earlier, around the middle of this year.

DR BOURKE: Are you able to provide us with any more information about the mechanism used to assess those bids?

Mr Corbell: Yes, Dr Bourke. The process involves advice to me from an independent expert panel. As minister, I have appointed an independent expert panel comprised of four members who come from a range of technical and expert backgrounds in the national electricity market and also in the deployment of renewable energy.

They provide me with advice and recommend to me which bids, if any, should be considered for a feed-in tariff allocation under the large-scale scheme. The expert panel is supported in its work by the Solar Auction Secretariat within my directorate who assist with the commissioning of technical analysis of each of the bids which is provided to the expert panel to assist them in their analysis of the bids.

There are clear criteria set out in the auction process against which the expert panel

gives points for performance. Those criteria each have a relative weighting in terms of the overall score that is finally determined. They also undertake financial due diligence tests of all of the bidders to ensure that their financial arrangements are robust and that they have both the financial wherewithal and the technical expertise to deliver their projects on the ground in accordance with the time frames that they have set out.

Locally Dr Mike Sargent, who is a former chief executive of ACTEW prior to the privatisation of ACTEW, is one of the members of the expert panel which advises me on FIT allocations.

DR BOURKE: In respect of the criteria for the assessment that you talked about that the expert panel is considering the bids against, are you able to tell us a little more about what those criteria are?

Mr Corbell: Mr Traves might be able to assist you with that. He has probably got a better recollection than I have.

Mr Traves: Certainly it is a very detailed set of criteria which touches on the technical, the reputational, the financial and also the resilience of some of their underlying suppliers in terms of their reliability. As this process is still current, I cannot really give you full details but there will be a full debriefing done as part of the auction review referred to by the minister. We could lead you through the work that was done, but it certainly was developed in conjunction with JACS, with our probity adviser and with Procurement Solutions. So it is, we would have to say, a state-of-the-art approach.

DR BOURKE: Thank you. You mentioned a review of the solar auction process, minister. Is that the previous stage 1 or a review of the current stage, or is it the whole thing?

Mr Corbell: It will be of the two rounds that have been conducted to date and the outcomes from those rounds, as well as a review of any relevant operational or regulatory statutory elements of the scheme that may need finetuning as a result of our experience in the two auction rounds either undertaken or about to be completed.

DR BOURKE: Just coming back to the FRV proposal for Royalla, are there any relevant environmental issues with moths or lizards that are going to impinge upon those developments or does the way the solar panels are installed mean that those considerations are obviated?

Mr Corbell: There are no major environmental matters on the site proposed by the FRV Royalla proposal. The land in question is land under rural lease and is, in most areas, quite heavily altered as a result of long-term grazing—sheep and cattle grazing. The proposal was required to go through the arrangements under the EPBC legislation, the commonwealth environment protection legislation. There were no declared actions determined by the federal minister as requiring to be dealt with under that, which means that there were no matters of national environmental significance triggered on the site that required further EPBC assessment or approval. That was dealt with quite early in the process by the proponent.

I also exempted the proposal from a requirement to develop an EIS because of the work that had already been done to the satisfaction of the commonwealth in relation to the assessment of environmental matters on the site. There are no major issues of environmental concern. There are a number of conditions attached to the commonwealth's decision—that is, matters that FRV have to continue to ensure they appropriately manage to mitigate any impact on some areas of the site where there could be some disturbance of certain ecological communities, but these are not determined to be significant enough to warrant further triggers under the national EPBC legislation or under the territory's environmental impact processes. Therefore, FRV will deal with those matters as potential conditions of their approval should their development application be approved.

DR BOURKE: As a rural leaseholder they would be required to manage pest animals and noxious weeds?

Mr Corbell: FRV have entered into a sublease arrangement with the rural lessee, I understand. They effectively are renting, or are a subtenant, if you like, of the rural lessee and they have a contractual arrangement with the rural lessee for the use of the land for a certain period of time. There is a payment scheme to that lessee for that arrangement. They are required, as the development proponent, to meet all of the necessary requirements under territory law. For example, they have had to develop a bushfire mitigation strategy for the site. They have had to develop other elements of the proposal to the satisfaction of our planning laws. Those matters are currently under consideration through the planning process.

DR BOURKE: You said the development application was lodged and is undergoing its process. Has the time for objections to the DA passed, and were there any objections?

Mr Corbell: The public notification period has closed on the development application. I understand there were a number of submissions made by interested parties in relation to the proposal and those are currently under assessment.

DR BOURKE: Thank you.

THE CHAIR: Mr Gentleman.

MR GENTLEMAN: Minister, you talked earlier about Canberra households reducing energy and therefore reducing emissions. The government sets some pretty high targets for emission reduction. Action plan 2, I think, is the vehicle that gets you there. Have you done any comparisons with other cities across the world that are taking on the same sorts of targets to see how Canberra is tracking and would be tracking once action plan 2 is completed?

Mr Corbell: Canberra is certainly not alone in relation to the strength of its emissions reduction targets compared to other cities around the world, and that is both small and large cities, a large number of which have set emissions reduction targets which are similar to or, indeed, even more stringent than those that are set out in action plan 2 and in our greenhouse gas reduction legislation.

The most obvious and perhaps the most well-known example of a city which is making significant changes is Copenhagen, which have a carbon neutrality goal by 2020. That is a very significant target for them as a city. They are doing similar things to what we are doing—a strong shift to the use of renewables, a strong program around the delivery of energy efficiency into buildings and homes and a strong focus on improvements to transport to reduce reliance on the private motor vehicle and, therefore, emissions from transport use.

I would be very happy to provide the committee with a list of a range of cities and their emissions reduction targets, which I think really does highlight that Canberra is not going it alone. Our targets are not somehow out of the ballpark compared to many other cities, large and small. I hope that would be of interest to you and other members of the committee.

MR GENTLEMAN: Indeed, thank you.

DR BOURKE: I would appreciate that.

MR SMYTH: Minister, there was a motion earlier in the year in the Assembly about a single nature conservation agency. What action has been taken and when can we see the agency come into being?

Mr Corbell: That is a matter which is currently under consideration by government and is subject to a cabinet process.

MR SMYTH: So when is the announcement likely to be made?

Mr Corbell: That time frame has not been determined yet by the government.

MR SMYTH: Has it been determined where the agency would sit?

Mr Corbell: No.

MR SMYTH: Is there an allocation in the budget for such an agency?

Mr Corbell: No, not beyond the allocations already made as part of the respective roles of each of the TAMS and Environment and Sustainable Development directorates. It would be reasonable to expect that in the instance of a combining of those two elements into a single agency the necessary arrangements would be made under the Financial Management Act for transfers to occur for the establishment of the agency from the relevant directorates where those functions currently reside.

MR SMYTH: Why is it taking so long to establish such an agency?

Mr Corbell: The matters are subject to cabinet deliberations, and I am not at liberty to disclose the details of those deliberations.

MR SMYTH: What are the impediments to such an agency being established?

Mr Corbell: I would refer you to my previous answer.

MR SMYTH: Is it the government's intention to establish such an agency?

Mr Corbell: Yes, it is.

THE CHAIR: Mr Coe.

MR COE: Minister, would you please talk the committee through the methodology of calculating emissions?

Mr Corbell: You mean the territory's emissions profile?

MR COE: Yes, whenever the government talks about emissions, whether it be the territory's emissions, departments' emissions or anyone's emissions. The government regularly talks about it. How do you do that? How do you verify it and who audits it?

Mr Corbell: The calculation of the territory's emissions is based on nationally and internationally agreed criteria and considerations. The commonwealth sets out a range of nationally agreed methodologies for the calculation of emissions from various sources.

MR COE: Who publishes those?

Mr Corbell: The commonwealth department of climate change and energy efficiency. The government adopts—

THE CHAIR: Is there a commonwealth department of climate change?

Mr Corbell: Yes, the commonwealth department of climate change and energy efficiency—DCCEE.

THE CHAIR: I thought that got wrapped into something else.

Mr Corbell: Well, it or its successor organisation. It is published by the relevant—

THE CHAIR: Does it exist?

Mr Corbell: It does still exist.

THE CHAIR: Does it? I thought that one had moved somewhere.

Mr Corbell: It does, as of, I think—

MR COE: As of last night.

Mr Corbell: No, I think until 1 July, the end of the current financial year. There are nationally agreed methodologies. In terms of the way it is done here in the ACT, the ICRC applies the relevant national methodologies. The ICRC is mandated under the greenhouse gas reduction legislation of the ACT to prepare and publish an annual

inventory on the territory's emissions profile, including the overall level of emissions and movements in the level of emissions on a year-by-year basis, and that is what it does. I would refer you, Mr Coe, to the inventory reports which are published on the ICRC website. As part of that report, the ICRC sets out the methodology it uses to calculate our emissions profile.

THE CHAIR: I think there is no doubt that the national government has a commitment to recycling, as we saw last night.

MR COE: And reusing.

THE CHAIR: And reusing.

MR COE: That is right. Does the government have an internal audit process or external audit process for those reports and information provided to the ICRC by the agencies?

Mr Corbell: The ICRC obtains much of its information from the commonwealth as part of the reporting that is in place under the national greenhouse gas reporting arrangements.

MR COE: Does the ACT government report as a whole to the commonwealth or is it agency by agency?

Mr Corbell: No, there is a range of reporting arrangements. For example, under the carbon pricing mechanism there is a requirement that all eligible entities—that is, those entities that are liable for the carbon price arrangements—must report their emissions. They have to do so to calculate their liability under the carbon pricing arrangements. So they report their emissions.

There are a number of those entities here in the ACT, including the ACT government. Entities such as ActewAGL report, because they are also liable for the carbon price. The emissions created by the operations of those agencies are known and are taken into account in calculations of the national emissions profile. The ICRC then determines a subset of that national profile which is relevant to the territory to create the territory's emissions profile and reports on that in its annual report.

MR COE: What variables does the government feed in as part of that report? Does it feed in just the calculated emissions or does it feed in variables which the commonwealth then calculate?

Mr Corbell: What do you mean by “variables”?

MR COE: Do you feed in how much fuel you have used, how much electricity, the weight of landfill or whatever?

Mr Corbell: Mr Traves can assist you.

Mr Traves: The ACT government itself contributes between four and five per cent of our emissions within the territory. So the bigger question for the ICRC is dealing with

the 95 per cent. Most of that information is sourced from two places, or from two major sectors. The two big contributors to emissions in the territory are stationary energy, largely electricity and gas. About 74 per cent of our emissions are associated with the creation of those energy sources. The rest mostly comes from transport.

If we are looking at the amount of electricity which enters the territory then you deal with the national energy grid managers. They measure the flows of electricity because every unit is worth money and someone tracks it. So you know exactly where it is and where it has gone. So they get that basic information. They then look at the national calculations for the relative emissions intensity of that electricity—how much was made up of green sources, how much was made up of brown coal, black coal, for instance—and they come out with an average for that. That is a major input for them.

They then look at things like the fuel. Liquid fuels are not generated within the ACT. We do not have a refinery as such, so everything is shipped in. Again, there are records of those things coming in and there are records of sales. There is legislation in the ACT that requires petrol stations to report the litre sales for various types of fuels each year. That is then fed into the calculations as well. That makes up the great majority of the emissions calculation.

The ACT itself is obviously a user of electricity, we are a user of fuels, and that is captured in the big pictures. We have our own internal recordings of that for our own purposes, but we do not necessarily need to provide them to the ICRC for the territory-wide calculation. But the thing that we do have to do which is separate is for emissions associated with methane seepage out of the tips and the landfills. That is where TAMS reports directly into the national body, which then flows through to the ICRC's data. So all of the information is essentially independent of the ACT government, which is as it should be.

MR COE: So that five per cent which is produced in the ACT—

Mr Traves: No, it is—

Mr Corbell: No, which is a result of government operations, ACT government operations.

MR COE: Right. So that comprises the fuel and—

Mr Traves: Largely stationary fuels and transport.

MR COE: Going back to the original question, when you report on the ACT government emissions, are you simply reporting how much electricity you used and how much fuel or are you actually doing the calculations yourself?

Mr Corbell: Electricity and fuel would already be calculated as part of the territory-wide calculation—that is, we get fuel delivered to our bus depots and so on which is already captured as part of the territory-wide fuel sales.

Mr Coe: For carbon tax you will have to calculate it, though.

Mr Corbell: Carbon tax does not apply to all fuel sales. The reporting requirements imposed on the government directly, as Mr Traves indicates, relate to landfill emissions, which are a reportable emission. Because we are the operator of landfills, we are required to report directly to the commonwealth in relation to that matter. Electricity and fuel are part of the broader calculations, as outlined by Mr Traves—that is, whole-of-sector electricity use and energy use includes energy use and electricity and gas use by the ACT government. So we are already captured separately through those arrangements, and the same for transport fuels.

DR BOURKE: You capture those emissions at Mugga, at the recycling facility there. How much escapes recapture there, or do you get it all?

Mr Corbell: There is leakage from the landfills.

MR COE: Can you recycle that?

Mr Corbell: It is recyclable but you cannot capture it all.

MR COE: Not for the recycling plant, though, not for the MRF?

Mr Corbell: No, this is the landfill—the tip, the dump.

MR COE: Yes, that is right. I thought Dr Bourke's question was about the recycling—

Mr Corbell: No, it was about the landfill site.

DR BOURKE: No, it was about landfill.

MR COE: Does that mean that the only variables for emissions in the ACT are transport, stationary fuel and methane from the tips?

Mr Corbell: No, but they are the main ones. There are a range of smaller matters that are also taken into account by the ICRC. For example, there are nationally agreed methodologies around the impact on greenhouse gas emissions and abatement as a result of land clearing, and those methodologies are also applied.

MR COE: They are the ones that I am interested in. How are you reporting that? If you are clearing 15 hectares for stage 1 of a suburb in Molonglo, how does that get fed back into the calculations?

Mr Corbell: It is a calculation derived from an overall national assessment and relevant attribution to the ACT in accordance with our size.

MR COE: What is the reporting line of that process? Does someone at the LDA—

Mr Corbell: No, it is part of national reporting methodologies that are administered by the commonwealth, not by the ACT government.

MR COE: Regardless of that, what is the actual reporting line, though? Who is

feeding this information into this organisation up above?

Mr Traves: Certainly, the various smaller activities alluded to by the minister between them come out to maybe one to 1½ per cent of our emissions. It is probably best to talk with the ICRC about how they treat that data and how significant it is to their overall reporting formats. As a matter of choice, the government has distanced itself from dictating to the ICRC how they source and utilise the data, to get the very independence which is in their name.

Mr Corbell: The government does not prescribe the methodology applied to measure our emissions profile. That is done by the ICRC. So the ICRC determines the relevant methodology to give an accurate assessment of our greenhouse gas profile each year.

MR COE: But it has to be the government's responsibility to feed in the inputs so that they can do their calculations.

Mr Corbell: Where appropriate, yes, and I think we have outlined to you how that occurs.

MR COE: Not really. I still do not know whether, when land is cleared—

Mr Corbell: We have explained electricity; we have explained transport fuels.

MR COE: When land is cleared, how does the ICRC know that land is cleared? Who is reporting the—

Mr Corbell: The land clearing calculation is a very complex calculation and—

MR COE: That is the point.

Mr Corbell: if you do want further information, I would suggest perhaps a briefing from the ICRC or, alternatively, when the ICRC appear, if you have not seen them already, you can ask them in relation to the specifics of how that methodology works. We are not experts in that area. That is why we have appointed the ICRC and the ICRC do that calculation.

MR COE: But you are not aware of what information ESDD feeds into the ICRC?

Mr Corbell: Land clearing has an agreed national reporting framework, but if you want to know the intricacies of that framework, Mr Coe, I would suggest you ask the ICRC how that operates because I do not have anyone at the table today who can tell you the specifics of how that operates. It is a very technical question and I would direct you to the ICRC to give you that explanation.

MR COE: What information does ESDD have to, as an agency or as the responsible agency, feed into the ICRC on a regular basis?

Mr Corbell: Land clearing impacts would be assessed, for example, through approvals or otherwise under national environment protection law. The EPBC legislation and any approval under the EPBC legislation would highlight and pinpoint

the impact of land clearing and that would be fed in. At the same time there is land clearing which is outside the government's control done by private landholders and there are agreed national methodologies for calculating that. I cannot tell you exactly how that operates. It is a very technical issue.

MR COE: Yes, I understand the methodologies—

Mr Corbell: I am not trying to be evasive; I am just trying to be very clear with you that this is a very technical process, a highly technical and complex calculation, and one which the ICRC, as the independent auditors of our emissions, are best placed to give you further advice on.

MR COE: I understand all about the methodology, that it is done by the ICRC, but I am curious to know what mandatory reporting there is downstream so that the ICRC can make their calculations using that complex methodology.

Mr Corbell: As I said to you, it comes from a range of datasets, some of which would be contributed to by the ACT government, and it is best that you ask that question of the ICRC.

MR COE: Okay.

MR GENTLEMAN: Minister, you mentioned earlier some opportunity for waste to energy at our tip sites across the territory. Could you give us some more information on that?

Mr Corbell: Yes. The government in its waste management strategy has highlighted a range of measures to further reduce the amount of waste going to landfill in the territory, recognising that further reductions in the amount of waste that end up in landfill means reductions or a decrease in the amount of emissions coming from waste which is buried in landfill, recognising that emissions from landfill are often methane emissions, which are 10 times as potent a greenhouse gas as carbon dioxide. So the government has identified a range of measures to further reduce waste to landfill.

First of all, the issue that needs to be addressed is organic waste. Food wastes, in particular, currently account for a very large amount of waste that is ending up in landfill. If I recall correctly, it is approximately 60,000 tonnes per annum that ends up in landfill which is food waste, and that is food waste that at the moment we all just chuck into our general household rubbish bin.

If we are able to extract that waste from the waste stream, not bury it but reuse it, then we are having a significant impact both on the amount of waste that is going into landfill and on how that contributes to greenhouse gas emissions. The government has proposed the development of a materials recovery facility to mechanically extract the organic component from the household waste stream, and—

MR COE: Is that the dirty MRF?

Mr Corbell: Otherwise known as a dirty MRF, that is right. The government is currently testing the market in relation to the development of a dirty MRF. There are

then a number of other elements within the waste stream which could be utilised for waste to energy technologies. Those include technologies that may create particular energy sources. There are a range of fuels that could be used in a waste to energy plant, including tree waste, wastes such as tyres, which do not have many other uses, all of which are currently separately stockpiled.

We have undertaken an expression of interest and asked the market to ascertain which of our waste streams they believe are potentially available and can be utilised for a waste to energy plant, what it would mean for them to establish a waste to energy plant and what sort of technology they would propose. As a result of that expressions of interest process, we can now develop further policy settings and potential legislative settings to provide support similar to what we are doing with the feed-in tariff scheme for large-scale solar to support the deployment of waste to energy.

Alternatively, we may not need to use a price support mechanism like a feed-in tariff. It may be commercially viable based on the waste to energy operator being able to secure certain parts of our waste stream as the fuel source for the waste to energy plant. Alternatively, again, there may be a mixture of government support and access to the waste stream to make the waste to energy plant stack up and able to operate.

MR GENTLEMAN: Excellent, thank you.

MR SMYTH: Minister, I refer to page 259 of budget paper 4, output accountability indicator e. The Nature Conservation Act review was to lead to some legislation. That has not been achieved and it is now due by 2013. Are we on schedule to meet that?

Mr Corbell: Yes, we are.

MR SMYTH: This has been going for some years—this review or the whole process. Why was it not achieved?

Mr Corbell: There has been extensive engagement with stakeholders, a very comprehensive consultation program with stakeholders, which has led to the development of the new legislation. In addition, the government was cognisant of a December 2012 COAG decision which agreed that all Australian governments would work together to eliminate duplication in our regulatory frameworks. We needed to take account of the consequences of that COAG decision as well in the development of our new legislation.

MR SMYTH: When you say “December 2013”, I think the last sitting this year is in—

Mr Corbell: The Chief Minister has already indicated, I think, in her statement on the spring sitting program that it is due for introduction in that program.

MR SMYTH: So we will have it by November?

Mr Corbell: By?

MR SMYTH: By November.

Mr Corbell: Yes, before the conclusion of the spring session, that is correct, it is due to be introduced.

MR SMYTH: Back on page 251, strategic objective No 4 talks of the review of the Environment Protection Act 1997. Where is that at?

Mr Meyer: The review of the act itself is probably about halfway through the process. We conducted the public consultation stage late last year. We have had the assessment of submissions received presented to us. We are now consulting with other directorates across the ACT government service and related stakeholders. We expect their comments will be in in early July. So in respect of the progress of that, we would expect to have recommendations to the minister some time during August, Mr Smyth.

MR SMYTH: Are we likely to see amendments by the end of this year?

Mr Corbell: No. My expectation is that contingent on my agreement to the proposals put forward by the directorate, any subsequent changes that may be required and any further policy development that may be requested, a bill is proposed for the 2014 sitting year.

MR SMYTH: Why will it take so long if you got the report in August?

Mr Corbell: It is not that long when you consider the cabinet time frames engaged for, first of all, the cabinet agreement to draft, then cabinet consideration of the bill and then, finally, cabinet agreement to introduction. There will need to be three separate rounds of cabinet consideration of this bill, which is normal for any new piece of legislation. The time frames around that process usually take at least six to eight months to complete.

MR SMYTH: Strategic objective 3 is on page 250. It is about sustainable water. At the top of page 251, the second dot point refers to “Review the environmental flow guidelines”. What is involved there and when are we likely to see a result?

Mr Traves: Are you asking what would be involved in that process or what time lines are we talking about, sorry?

MR SMYTH: Both, please.

Mr Traves: Certainly. I might take you back to the bigger picture. We are looking at a review of the think water, act water strategy, which is going to set the guidelines and the targets for water use of all different types across the territory in future years. That will be, I believe, released shortly by the minister for public consultation. I believe it is called “Striking the balance—a new water strategy for the ACT”.

It is prudent to make sure that the community is on board with the types of targets which are being looked at into the future in taking into account this review. We have to rate the relative importance of environmental flows, sustainable diversion limits and human consumption of water in getting a balance there. We will be doing that but we want to wait until we have this strategy pinned down because that is what is going

to dictate the direction of water reform, water management and catchment management within the ACT and the adjacent region in the next five to 10 years.

MR SMYTH: What did you call the successor of think water, act water?

Mr Traves: Striking the balance.

MR SMYTH: So striking the balance is due when?

Mr Corbell: Shortly; for public comment, I intend to release it shortly.

MR SMYTH: What is shortly—a Ted Quinlan shortly? Is it a Ted Quinlan “it is coming out tomorrow” or is it next month—

Mr Corbell: It is imminent.

DR BOURKE: Imminent.

MR SMYTH: In what—a couple of weeks, a month, a couple of months?

THE CHAIR: Which is longer—shortly or imminent?

Mr Corbell: Imminent.

THE CHAIR: Imminent is the—

Mr Corbell: Very soon—

MR SMYTH: There you go.

Mr Corbell: is what imminent usually means.

MR SMYTH: So there you go. When that strategy—

THE CHAIR: Not when this government is telling us.

Mr Corbell: I am sorry; I am not able to give you any further clarity on that.

MR COE: It is like getting an election date.

MR SMYTH: Just remember what happened in 2004 when you had data and you did not release it to an estimates committee, minister. So once striking the balance is out there, when will it be finalised?

Mr Traves: It would be subject to the normal protocols for consultation. It would be a minimum of eight weeks public consultation. It would go out—

MR SMYTH: It used to be for 12 weeks for major policy documents. Why has it been reduced to eight?

Mr Traves: It is a minimum of eight. We may choose to go further depending upon the interest. There are certainly industry stakeholders as well as community stakeholders involved in this process. Once that is concluded, and there will be a series of public meetings which will be conducted around the city as part of that process, the information will be taken back in, and an overall new direction given to the government for their consideration. I would expect that that process would be back for the government to consider around about October.

MR SMYTH: And only when that is done will we start with the environmental flow guidelines?

Mr Traves: I think it would be imprudent of us to proceed independently of that and then have to go back and revisit it.

MR SMYTH: Are not the environmental flow guidelines independent of the larger strategy? Surely the requirements for river health and flows are somewhat independent. In fact, even flows may inform such a thing as the success of the think water, act water?

Mr Corbell: Ultimately the strategy is the overarching document that sets all the other policy settings and the other operational settings. There are a number of set knows. For example, the sustainable diversion limit under the Murray-Darling Basin agreement is a set known and that will be a key input—

MR SMYTH: Exactly, and given that that is a set known—

Mr Corbell: but it is sensible—

MR SMYTH: why cannot we do the guidelines earlier?

Mr Corbell: The government believes it is appropriate to establish the strategy before decisions are taken about the operationalisation of the strategy, which would include the environmental flow guidelines. Strategy first, implementation second.

THE CHAIR: Try and spell that word.

MR SMYTH: Operationalise.

Mr Corbell: Operationalise.

THE CHAIR: Operationalise the—

Mr Corbell: Operationalise.

DR BOURKE: I think you meant “implement the transformative phase”.

THE CHAIR: The meaning of that is imminent.

Mr Corbell: I have to get my tongue around that word.

THE CHAIR: I am sure Hansard will work it out one way or the other.

Mr Corbell: They will. Operationalise.

THE CHAIR: There was an “ing” on the end of it, I’m sure. Operationalising.

Mr Corbell: Operationalising.

THE CHAIR: Got it, well done.

Mr Corbell: There you go.

MR SMYTH: Operationalisation.

THE CHAIR: Operationalisation.

Mr Corbell: Implementation is perhaps an easier word.

THE CHAIR: Right, Mr Coe, have you got any more questions or did you want an early mark?

MR COE: Both.

THE CHAIR: I do not think they are mutually compatible, I am afraid.

MR COE: I should just give you this list and say, “Come back to us in a month’s time,” shouldn’t I?

THE CHAIR: You could put them on notice if you wish to, but I am sure that—

MR COE: With regard to page 259, there is a number of rebate programs, including the wood heater replacement program, the energy audit and the home energy advice team. Underneath that there is ToiletSmart and the ToiletSmart appliance program, IrrigationSmart and the GardenSmart program. Are you able to give a breakdown as to the success of those programs, or those components of the rebate programs, by way of how many people have participated? I seek the participation, the cost and also the level of savings, whether it be water, whether it be smoke, whether it be energy use, whatever.

DR BOURKE: Sorry, which page are you on, Mr Coe?

THE CHAIR: 259.

MR COE: The rebate programs as listed in page 259.

THE CHAIR: 255 and 259.

Mr Corbell: I am happy to start.

MR COE: 255, sorry.

Mr Corbell: It is quite a detailed question, Mr Coe, but we will certainly endeavour to provide you with that information. So the heat program—

MR COE: Yes, wood heater replacement.

Mr Corbell: Wood heater replacement; look—

MR COE: Would it be easier to take it on notice?

Mr Corbell: I will deal first with the suite of measures under the program known as the ACTSmart programs, which are programs designed to assist households with energy and water use in their homes. In terms of savings, these are measured either by greenhouse gas savings achieved by the program or alternatively by water savings where relevant.

The heat program is a program focused on energy use. So the savings are measured in terms of greenhouse gas savings. The heat program has been operating since the 2004-05 financial year and concluded in its current form at the end of this financial year. Greenhouse gas savings are estimated based on conservative assumptions of 19,163 tonnes of CO₂ equivalent. The outreach program, which commenced in the 2009-10 financial year, is estimated—again, these are all conservative assumptions—to achieve savings of 4,265 tonnes of greenhouse gas.

MR COE: What program is that?

Mr Corbell: The outreach program. That program is providing low income and vulnerable households with assistance with their energy consumption.

MR COE: Is that separate to the energy advice team?

Mr Corbell: Yes. The energy advice team is the HEAT team. The outreach program is delivered by non-government sector partners such as St Vincent de Paul, Belconnen Community Service, Communities@Work and so on. It is deliberately targeted at low income households, both rental and owner occupied, who do not have the financial means to make upgrades to improve the energy performance of their homes.

The ACTSmart business energy and water program, which is providing support to small businesses to improve their energy and water efficiency, has been operating since July last year and is estimated to have achieved savings of around 150 tonnes of greenhouse gas emissions in that time. The ACTSmart government energy and water program, operational since September last year—this is the delivery of the ACTSmart energy and water program within government—has estimated savings of 784 tonnes of greenhouse gas emissions.

The achievement of greenhouse gas and water savings under total residential water programs contributing to think water, act water—8,414 tonnes of greenhouse gas emissions and 1,201,000 kilolitres of water saved. The water smart homes initiative, which existed prior to the operations of toilet smart—7,700 tonnes of greenhouse gas emissions and 728,000 kilolitres of water saved.

MR COE: How do you calculate emissions from a water initiative?

Mr Corbell: Water efficient appliances. With water efficient appliances such as shower heads and so on, you use less water; therefore, you have to heat less water.

MR COE: Right. So it is from a heating point of view—

Mr Corbell: Hot water systems.

MR COE: as opposed to, say, a toilet.

Mr Corbell: That is correct. So you can achieve that saving. Toilet smart—714 tonnes of greenhouse gas emissions and 265,000 kilolitres of water. The rainwater tanks rebate—water savings only of 208,000 kilolitres.

In terms of the number of people or households assisted, there is a range of programs. For example, the Australian sustainable schools initiative has reached all schools, primary and secondary schools, in the ACT. That is approximately 68,500 students. The ACTSmart business and office waste programs cover 640 sites, with 37,000 staff across all those sites, approximately. The ACTSmart homes programs are estimated to have reached 88,000 households. The outreach program is estimated to have reached 3,000 households. None of this helps answer your question.

THE CHAIR: Maybe you could take any further information on notice.

Mr Corbell: You also asked about the wood heater program.

MR COE: Are you going to replace the program?

Mr Corbell: The wood heater replacement program provides a monetary incentive for households that have an in-service wood heater to replace it with a gas mains heater. Since the implementation of that program in 2004, 1,008 wood heaters have been removed from service and replaced with a cleaner emissions source heater.

MR COE: Unless it is underneath one of the other ones you mentioned, what about irrigation smart and garden smart? Is that in the home smart?

Mr Corbell: Yes, that is included in—

MR COE: The 88,000.

Mr Corbell: the item I referred to as total residential water programs contributing to think water, act water.

THE CHAIR: It being 3.15, we will suspend the hearings until 3.30, when we will recommence with output class 1.6, environment protection and water regulation. Thank you, members and officials, and particularly for your questions today, Mr Coe.

Sitting suspended from 3.12 to 3.33 pm.

THE CHAIR: Welcome back, minister and officials. We are now moving to output class 1.6, environment protection and water regulation. Minister, would this be the right area to talk about Lake Burley Griffin and what is going on there in terms of management of the lake and particularly blue-green algae?

Mr Corbell: There is a cross-over between 1.6 and 1.5, which is environment policy that deals with water policy matters. All the relevant officials are here.

THE CHAIR: There is a review being done, isn't there, a body of work that is part of the Labor-Greens agreement, in terms of Lake Burley Griffin?

Mr Corbell: The Labor-Greens agreement provides for the establishment of a catchment management authority and implementation of a range of measures to address water quality issues in ACT lakes and other water bodies and in the broader catchment. The government has been successful, as part of our negotiations on the Murray-Darling Basin agreement, in having in-principle support from the commonwealth government for the allocation of \$80 million under their basin priority projects money to improve catchment water quality in the ACT catchment, which includes our urban lakes, ponds and, upstream from those, the Molonglo and the other tributaries to improve water quality.

The government has submitted a detailed business case to the commonwealth that will secure, pending the commonwealth's agreement, funding for the implementation of a range of measures to improve catchment water quality and overall catchment management. This includes a range of measures which are identified in the Commissioner for Sustainability and the Environment's report into water quality in Lake Burley Griffin as well as the work undertaken by the Chief Minister's task force established last year to look at similar issues.

THE CHAIR: What structure will the catchment management authority have? Who will be on it and when will that be established?

Mr Corbell: Governance arrangements and the exact form of the authority are yet to be determined. I have indicated in general terms that its role should be a coordinating role, but I do not see the need to establish a large-scale piece of bureaucracy. There should be a clear point of coordination for all catchment management efforts, but I do not see the need for some big administrative unit to do that work. With those provisos, the government is yet to make a decision on the exact form and governance of the authority. That will be determined in part once we know the outcome of the commonwealth's agreement or otherwise for the \$85 million for catchment management and their consideration of our business case on that.

THE CHAIR: What about time lines for the authority?

Mr Corbell: Again, that is contingent on when we know the outcome of the success of our business case proposal to the commonwealth on the \$85 million.

THE CHAIR: What is the status of that business case in terms of—

Mr Corbell: It is currently with the commonwealth.

THE CHAIR: Have they indicated a time line for that response?

Mr Corbell: Our hope and expectation is that a decision will be taken prior to the commencement of the federal caretaker period.

THE CHAIR: Is that imminent?

Mr Corbell: It depends if you know when the federal election is, Mr Hanson. I have no knowledge and no insight—

THE CHAIR: I think that is a secret now, isn't it?

Mr Corbell: I have no inside knowledge. Our hope and expectation is that the commonwealth minister will approve our business case prior to the caretaker period.

THE CHAIR: Who is the commonwealth minister at the moment?

Mr Corbell: Minister Burke.

THE CHAIR: He is still the minister?

MR SMYTH: He tried to resign but they would not let him go.

Mr Corbell: I am not quite sure—

MR COE: Stephen Smith has just resigned.

THE CHAIR: Stephen Smith has gone, so—

Mr Corbell: I am not quite sure what the status of ministers' commissions are at this point but I am sure that will be made clear shortly.

MR COE: You will survive?

Mr Corbell: I do not have a commission.

THE CHAIR: Dr Bourke.

DR BOURKE: Minister, if we turn to page 260 of budget paper 4, output 1.6, indicator e., there is a new indicator there, "administer water resources trading entitlements within 20 working days using the stop the clock methodology". Could you tell us about that new indicator and the work involved in administering it?

Mr Corbell: Mr Walters will be able to assist you with that, Dr Bourke.

Mr Walters: The indicator is simply in relation to a statutory time frame that we have for assessing water trades. The stop-the-clock methodology is a little bit confusing and we may look at changing that. Stop the clock is an administrative process for us if

we need more information. Typically, the trades in relation to the ACT have been in relation to deceased estates and things like that. So we often need probate information and things like that. Very rarely would we not meet these time frames because people generally come and talk to us prior, because it is quite complex in terms of transferring water entitlements. So it is usually sorted out beforehand.

You will notice other ones that we have, like the ones for the Environment Protection Act, where it refers to “within statutory time frames”. There are often times when stop the clock would be used within those as well. We would probably look at amending that one to say “administer it within the statutory time frame”. That is just a process within it, basically, that is fairly common in government.

DR BOURKE: Maybe we could take a step back and you could tell me about administering water resources trading entitlements and your role in doing that.

Mr Walters: It is basically under the commonwealth legislation and in our legislation. There are water access entitlements for access to water, basically. Under the Water Resources Act it allocates a certain amount of water within the catchments. We have done studies to determine what amount of water is available, essentially, within the catchments and then we allocate that based on an assessment against guidelines we have in relation to sustainable use of our water resources. So if you had an entitlement and there was a transfer of ownership, within the rules, so that we are not increasing them, you can transfer those entitlements.

DR BOURKE: Which water are you referring to within the catchment? Are you talking about groundwater or surface water?

Mr Walters: It is generally groundwater but it can be both. Stock and domestic are not something that an entitlement is required for, because they will catch certain water in their dams and things like that, so it is exempted. If it is groundwater, which is the resource that we need to protect, obviously, it is basically set at about 10 per cent. So it is very low and very conservative in terms of what we see as a sustainable amount of water that can be taken from that resource. Generally, in some of the areas, it is fully allocated already. I think in the central basin area it is fully allocated.

DR BOURKE: This is an issue for rural leaseholders and—

Mr Walters: Yes. We report in our annual report the amount of entitlements that we issue. The predominant people we would deal with would be rural lessees. There are other users, obviously, within the urban context as well. Schools, particularly through the droughts, have looked at alternative water sources to potable water sources. So it is all within sustainable use and that is all factored in, in terms of how we allocate that resource.

DR BOURKE: How many entitlements are there?

Mr Walters: Off the top of my head—

DR BOURKE: In a ballpark—thousands, tens of thousands, hundreds of thousands?

Mr Walters: No, it would be less than the thousands.

DR BOURKE: Less than thousands?

Mr Walter: Yes. It is just the rural lessees that have access and also those that need access to water, generally for ovals. We do not have a large agricultural industry in the ACT, so there is obviously not the use that you would see in some other jurisdictions. Water trading will be very limited in the ACT in that context as opposed to some of the larger jurisdictions where you are dealing with Cubbie Station and things like that. There is pretty limited groundwater use in the ACT.

DR BOURKE: You mentioned something about deceased estates, coming back to your answer. Can you explain to me again how that fits in with the water entitlement?

Mr Walters: Basically they would be transferring the entitlement from one party to the other—commonly the parents to the son or daughter. That right rests with that person. Obviously, you need to transfer that.

DR BOURKE: So all transfers are regarded as trading?

Mr Walters: Yes.

THE CHAIR: Mr Gentleman.

MR GENTLEMAN: Minister, could you highlight for the committee what work you have been doing with constructed wetlands across the territory and what have been some of the results from that work?

Mr Corbell: The government is currently in various stages of completing its wetlands projects, particularly along the Sullivans Creek catchment. Wetlands have been developed in Dickson, Lyneham, O'Connor, at Flemington Road and at the Valley ponds in Gungahlin to provide for improvements in water quality along the Sullivans Creek catchment and also to provide opportunities for reticulation of water from those wetlands to irrigate, potentially, playing fields and other surfaces—for example, Exhibition Park or potentially the racecourse. Those projects are effectively complete. I think there is some finalisation of engineering works at a number of sites and work is now proceeding on the delivery of those operations.

MR GENTLEMAN: How have you been working with the community on the delivery of the sites and involvement afterwards?

Mr Corbell: There has been a lot of community engagement in these sites. As part of the development of these sites, there has been extensive consultation and education on the purpose and role of the wetlands and how a community can become involved. We have seen the establishment of community-based groups who have assisted with planting programs at each of these wetlands. That is building a really strong level of community ownership of the sites.

It helps, certainly, to develop and strengthen networks and relationships within the neighbourhood, so it has some social capital, if you like, benefits as well because

people are interacting and building networks focused around the wetland sites. We are continuing to see good engagement from school groups, preschool groups and general neighbourhood associations who have got involved with ongoing maintenance, weeding and enhancement of the wetland sites. Overwhelmingly, they are seen as a really positive addition to the amenity in those neighbourhoods.

MR GENTLEMAN: Do you do audits of the sites to see whether there have been any biodiversity changes or environmental changes to the area?

Mr Corbell: I do not know whether there is any formal audit but certainly we are seeing improvements anecdotally. We are seeing improvements in the presence of particular bird species, in particular, who are attracted to the sites. That is certainly adding to the restoration of biodiversity in those locations.

MR GENTLEMAN: Lastly, are you looking at more sites across the territory?

Mr Corbell: Not for the purpose of reticulation. The Sullivans Creek projects, the Canberra integrated urban waterways project, as it is known, will be used as the trial site for reticulation. But the government will be looking at other sites for the purposes of managing stormwater and improving water quality. That is caught up in the item we were talking about in relation to catchment management, which identifies the development of either online or offline ponds in a number of locations in a number of catchments—for example, Tuggeranong, Yarralumla Creek in the Woden valley and so on—where there are opportunities to further improve water quality through the development of those types of pieces of infrastructure.

MR GENTLEMAN: Good, thank you.

THE CHAIR: Mr Smyth.

MR SMYTH: Minister, page 260, budget paper 4, accountability indicator d.—when will the air quality report be published?

Mr Corbell: That is another one of those imminent matters, Mr Smyth.

MR SMYTH: So, what, the next 24 hours, is it?

Mr Corbell: Yes. I think the director intends to publish it tomorrow.

MR SMYTH: Tomorrow?

THE CHAIR: Now we know what “imminent” means.

Mr Corbell: That is a good example of “imminent.”

MR SMYTH: What else is coming tomorrow?

Mr Corbell: It is a very good example but a non-exhaustive interpretation of the word “imminent”.

MR SMYTH: So can you give a snapshot on whether the quality has improved or not in the 2012 year?

Mr Corbell: I beg your pardon, Mr Smyth?

MR SMYTH: Did air quality improve or degrade in the 2012 year?

Mr Corbell: My understanding is that air quality overall remains very high. The only issue of concern in relation to the national pollutant inventory measures is PM2.5, which relates to a particular matter mostly associated with wood smoke. We have seen a small number of exceedances of that relevant measure due to wood smoke problems and inversion layer problems during the winter months.

MR SMYTH: Given half the committee is from Brindabella, how did the Tuggeranong Valley fare?

Mr Corbell: I think there were three days—

Mr Walters: Three exceedances.

Mr Corbell: Three exceedances in the Tuggeranong Valley.

Mr Walters: What is very interesting if you look at the report is the trend down that we have had. You could argue there are other aspects that may have influenced it, but there are the programs we have introduced over the last 10 years—the wood heater replacement program, “don’t burn tonight”, the “burn right tonight” campaign. We have included some graphs so the public can get a clear understanding and they are fairly easily read.

We have seen a steady increase in improvement, or a decrease in the amount of pollution and exceedances. It has been quite a successful program. The challenge is that when we get to a certain level it starts to potentially level out. In that regard, the COAG Standing Council on Environment and Water are looking at improvements to wood heater standards and things like that. So there is something happening on the national front as well.

MR SMYTH: So if there were three in 2012, what was it in, say, 2011, 2010 and 2009?

Mr Walters: I think they had four the year before, and we had a few more. We went through the drought period. We had some exceedances in other years from bushfires and things like that. If you look at the graph, the exceedances are little spikes like that, but we are well below the actual average for the measure for 2.5. For all of the pollutants, we do not exceed at all, for any of the spikes, except for 2.5, where you will see three little blips that went above the line. In terms of the national average for 2.5 we are well, well below the line. But the government is obviously still committed to addressing the issue.

Mr Corbell: The other observation I would make is that obviously our performance against the national measures is a very important measure. There are still localised

concerns for residents that have to be addressed as well, even if they do not result in exceedances. Obviously if there is a particular suburb where there are some smoky wood heaters operating, those can have very real and quite detrimental impacts on the immediate amenity and, potentially, the health of people in those suburbs.

Even where there is not an exceedance on the national measure, there are still those localised issues that can be a real problem. So continued activity and continued policy settings that seek to educate how to burn properly, such as “burn right tonight” or “don’t burn tonight”, are programs that are run—as well as measures to encourage households to switch to cleaner sources if they are using wood heating as their primary source. We need to continue to deal with those localised neighbourhood impacts as well as issues that might arise from our overall performance in accordance with the national pollutant inventory measures.

DR BOURKE: Those spikes you were talking about—they were for Tuggeranong, not for the rest of the ACT?

Mr Walters: Yes. Everyone is aware of the valley there. The inversion is quite difficult. It traps the air in, basically. Obviously other parts of the ACT are not as affected as Tuggeranong. The government is also putting in a second performance monitoring station so we will get further information in the Belconnen area. We will start to gather more data. Again, the national environment protection measure is in terms of the amount of stations we have to have.

The other important factor to mention in the government’s consideration of these issues in the planning context is that in the studies for the Molonglo Valley indicator there was the potential—so we are also looking at this proactively—for there to be issues if wood heaters were installed there. They are restricted without an approval, depending on what they want to do in the Molonglo Valley area. Obviously it has the potential to have trapped air as well. We are proactively looking at it not just in terms of our existing situation but in terms of our future planning and urban context as well, which is very important. We do not want to just deal with the issue as it stands. We want to progressively improve it over time as knowledge comes to bear.

DR BOURKE: You talked about another air monitoring station in Belconnen. Can you just talk us around where, when and why, please?

Mr Walters: Under the air quality NEPM there is a certain threshold for what they call performance monitoring stations when you reach a certain population size. We have reached the size requiring a second one. The Health Directorate, our directorate and other directorates have been working to have that second station installed.

ACT Health do all the monitoring in the ACT. The Environment and Sustainable Development Directorate get the data provided by ACT Health. We do the reporting under the NEPM, basically. We have to report under the NEPM each year. It is a similar report that we produce, which is the air quality report, that came out, I think, from the Commissioner for the Environment and asked that the government provide an annual air quality report, which is essentially the same as the one that is required under the NEPM anyway.

DR BOURKE: What about the where and when?

Mr Walters: The Health Directorate are actually in charge of doing that. I believe they have funding for it.

DR BOURKE: All right.

Mr Walters: It is progressing. A site has been identified and the money is available, as I understand it. We are hoping to see it soon.

DR BOURKE: You also talked about restrictions on wood heaters in new developments, particularly in Molonglo. How does that play out? If people decide there is a particular reason they need to have a wood heater, can they get one in? What is the approval system?

Mr Corbell: The wood heater restriction in the Molonglo Valley means that you need an approval to have a wood heater installed. There may be grounds which justify the need for a wood heater. For example, there may be specific health grounds that warrant it, given a particular medical condition may be amenable to that form of heat for heating a property, or there may be other reasons.

There is capacity for approval to be given and that is given by the Planning and Land Authority. They would consult with the EPA on the suitability or otherwise of the proposal. The restriction in the Molonglo Valley is based on our assessment of the airshed in the Molonglo Valley and the potential for inversion layers to be in place, particularly during the winter months, and therefore for wood smoke to be trapped at low levels which could have a direct and immediate impact on the health and wellbeing of residents in the Molonglo Valley.

Given that the Molonglo Valley will be home to over 30 to 40,000 residents when developed, it is critical to ensure that we take all responsible measures to maintain air quality in the valley and to reduce the impacts on people's health. Whilst for most people perhaps the only troublesome issue with a bit of wood smoke is that the washing that is left out on the line gets a bit smelly or something like that, for people who are elderly, who have respiratory or cardiac conditions, or for the very young, who again may have respiratory or other conditions, the presence of particular matter present in wood smoke can be detrimental to their health and can have an immediate impact on them. It is for those reasons that we are taking the measures that we are in the Molonglo Valley.

DR BOURKE: Are there any restrictions in place in other suburbs of Canberra?

Mr Corbell: Yes, there are restrictions in place in a number of other suburbs. It has been implemented, I think—

Mr Walters: West Belconnen and east O'Malley.

Mr Corbell: at west Belconnen and east O'Malley, for the same reasons as Molonglo. The government does not seek to impose a universal restriction. It does so on the basis of assessments around potential risks to air quality based on the topography of the

particular location and whether issues such as inversion layers could become a problem. The government has also adopted the policy that there will not be a retrospective application in already established urban areas.

DR BOURKE: Thank you.

MR SMYTH: What sorts of medical conditions would benefit from a wood burner?

Mr Corbell: I must admit I do not know the specifics, but that was certainly a matter that was raised in the advice to me—that there were certain medical conditions that people suffered from where the heat, the quality of the heat, that can come from a wood burning stove was really the only feasible heating option. Certainly, that has been raised with me by some constituents in correspondence; they highlight that as an issue. We obviously recognise that there may be welfare grounds for the installation of a wood heater and the framework provides for those matters to be appropriately taken into account.

MR SMYTH: Does Mr Walters know what the conditions are? I see you are nodding your head.

Mr Walters: I was nodding my head in the context of usually if there is supporting information provided by a medical practitioner that is what we look for. We would also talk to our Health colleagues in relation to that matter, because they are the experts, not us.

MR SMYTH: Can you take it on notice and find out what such conditions might be?

Mr Walters: I could. Whether I can give you an answer to it, I do not know. Yes, we can.

MR SMYTH: If you can, yes.

THE CHAIR: We are going to a new question from Mr Gentleman and then a new question from Mr Coe.

MR GENTLEMAN: Minister, can you tell us what work you have been doing with the automotive industry in the ACT to get better results with air pollution?

Mr Walters: I might just say EPA.

THE CHAIR: EPA is good.

Mr Walters: This is probably one of the success stories, I would say, that we have had in the ACT. We have worked progressively with the Motor Trades Association. We keep in constant contact and deal with the information provided on both the motor trades website and publications. We have worked together over a number of years. The motor trades have shown great initiative in recycling, particularly with the types of chemicals that are used like the solvents and that.

I attended last year's annual general meeting, along with Brett Phillips from ORS. We

are invited along to talk to members about what they are doing and any concerns they have and how we can assist them. We have seen a large reduction in the number of issues associated with backyard operations and environmental impacts from that in terms of noise, dirty blocks and things like that. To be honest, it is an organisation that does not appear on my radar, MTA, and we receive very few complaints, if any, that I can think of. It has been a very progressive working relationship.

Without going off topic, it is similar to how we work with our other stakeholders, the MBA and others. We have a program where we meet with them, if it is required. We are happy to talk to members. We also have information sheets in relation to motor trades and things like that. It has been one of the progressive industries in the ACT. The industry has recognised that there are savings in having good environmental practices and that has been borne out in what we have seen, with very few complaints, if any, in relation to that industry.

MR GENTLEMAN: You talked a little bit about recycling of materials. How do you get them to manage hazardous substances?

Mr Walters: Basically, there are initiatives now that the ACT government has promoted for waste collection at the waste management facility. There are drop-offs for oil, batteries and all sorts of other things. There are also national initiatives, obviously, and some of them are commercial operations, to collect tyres, batteries and other things. So they are things of commercial value. Waste oil is tracked by the EPA, because that is a trackable waste movement. All those people are licensed, the same as the movement of tyres.

The EPA regulates a lot of those activities by understanding what moves in and out of the territory under the national environment protection measure for the movement of controlled waste, which a lot of those things fall into. The ACT government, not only for motor trades people but for the general public, has provided facilities for hazardous materials, essentially, at the drop-off points. The EPA also offers that, but it is because of those activities now at the waste management centres that we do not have to utilise it much. We provide a service for the less advantaged in our society if they have some materials, like things in the garage and so on. We offer a pick-up service where we can do that for them, because not everyone can drive and pick up. Since we have had the facilities at Mitchell and Mugga, we have noticed a steady decline in requests from the public for that. But I think we have an obligation to provide it to those that are not capable or able to do so. It is done once a month now; that is all we need to do it.

MR GENTLEMAN: Thank you.

MR COE: I have a question about the management of Ginninderra Creek between Lake Ginninderra and up through to Gungahlin Pond. The water quality in that creek seems to have been of a low quality, as reported to me by some constituents who live nearby. They have said that they thought for a while there was a fair bit of run-off coming from the development of Crace into the stormwater system, which is then going into the creek and then downstream. Is that a regular problem across greenfield sites?

Mr Walters: I will talk about the context of how that is managed. I think that is probably the best way to respond. Under the Environment Protection Act all developers on sites greater than 0.3 of a hectare—so you are talking about greenfield sites—have environment protection agreements with the authority. That sets out a number of rules about what they need to do on those sites to manage sediment, which is what we are talking about, and erosion, which leads to the sediment. For all those developments, they must submit, and we approve, a certain erosion control plan. We do regular inspections of greenfield developments with the officers we have and inspect those works. The obligation obviously falls on the developers in that context.

Having said that—our guidelines are developed from the national or the New South Wales guidelines, the blue book, as it is called—there are certain times, and we have had some very wet periods or years, where no manner of controls can control all of the run-off from the urban context. I think the commissioner for the environment alluded to this. It is the ambient levels. You will get higher sediment levels. What we have in the ACT is very fine particulate clays. Even if you have a sediment fence and it captures the coarse sediment, you will often see discolouration of the water. What the water quality sampling that comes out of the annual water quality report often shows is that while it may look quite bad, in reality it is not as bad as it might appear.

That is not to say that we do not deal with the issue, obviously, and the EPA responds to representations from Waterwatch people in the Ginninderra catchment. Obviously the public are our eyes and ears. If they ring us and say, “We think there’s an issue,” or that someone is not doing something right, we will go out and inspect those works. But there will generally be some discharges once we get those big storm events that essentially controls cannot manage.

What they generally build for greenfields is sediment ponds, basically, that capture the run-off. Then they dose them and discharge them. If you get a one-in-20 or a one-in-10 storm event that hits the ACT, as we have seen with the floods in Queensland—2010 was the equivalent here—no manner of controls is going to control that. The other way is trying to get them to stage the developments and do other things like that.

MR COE: Are the sediment ponds you are talking about at the construction site or are they the ones that are built into the stormwater system?

Mr Walters: No, during development when the guys are doing the development, they must have 150 cubic metres of capacity for every hectare of development. That is just based on technical stuff that people have worked out in terms of rainfall, soil type and all the rest. The rules that are in the agreements are that they must maintain those at 10 per cent. In other words, they will fill up during a rainfall event.

They then need to dose them, as it is called, and discharge them to strict criteria that we give. We use turbidity tubes. It is a tube. Obviously they do not send it off for laboratory analysis. That would not be practical. There is a tube that says that if it is below a certain—you look in it and basically it tells you if it is okay to be discharged. Then they can discharge that water. Even if they discharge at that level, which is generally accepted practice, it will still have some discolouration to it. It will not look like a clean-flowing creek. But the level of sediment in it is determined to be of a low level.

MR COE: With regard to tree plantings around water catchments, I understand that some deciduous trees have been planted along Ginninderra Creek. Would that be so—poplars?

Mr Walters: I am not aware of—

Mr Corbell: It is a matter you would need to raise with TAMS as the land manager.

MR COE: Yes, I understand that it has been raised by a constituent and TAMS had said, no, they are staying. That would not be common place—to plant deciduous trees near a creek, would it?

Mr Walters: It is not—

Mr Corbell: It is not really a matter for the EPA.

Mr Walters: Yes, it is not something—

Mr Corbell: Unless it presents some concern in terms of water quality.

MR COE: Of course, that is the implication.

Mr Corbell: Yes. Does it raise an issue in terms of—

Mr Walters: No. The main issue has been willows and things like that—pest species. Off the top of my head, and I have been doing this for quite some time, I cannot think of that being a particular issue that I have heard of before.

MR COE: Not problematic?

Mr Walters: Not that I am aware of.

MR COE: Okay.

Mr Corbell: The main issue with tree plantings along riverways is to—

Mr Walters: Stabilise.

Mr Corbell: make sure that we do not see invasive weeds transferring downstream, which is the issue with certain willows or willows that have an impact on the operation of the habitat in terms of other species, such as platypus and, in particular, species like that. Those are the main issues but I am not aware of issues with just deciduous plantings per se, which are not an invasive weed.

MR COE: With regard to the various ponds that exist upstream from Lake Ginninderra, whether you are looking at the one in Giralang or up to Gungahlin and further up, has consideration ever been given to dredging or part-dredging of these ponds or the deliberate cleaning up of the pollutant traps and the like?

Mr Corbell: Pollutant traps are cleaned regularly by TAMS as part of their ongoing maintenance program. The hard concrete pollutant traps are regularly cleaned. There is a cleaning schedule for those. In relation to the water bodies themselves—

Mr Walters: This issue has been raised more as a technical catchment management issue when you are looking at wetlands and things like that. Do they need desilting, when do they need desilting? In the overall context of looking at catchment management, you have to look at a number of aspects in terms of utilisation of wetlands, maintenance of GPTs, urban maintenance. One of the things that people have raised, and I think it has been raised with Lake Burley Griffin, is to dredge the whole lot. Get rid of anything and who knows what we would find in there.

But with wetlands, if they are left forever, they will essentially become like a swamp. You have to understand what the lifespan of a wetland is and what maintenance may be required for it. As time goes on—this would be a fairly long time for those sorts of ponds—there may need to be consideration as to whether they are performing that function.

Having said that, what we are looking at with catchment management obviously is managing our catchments so that the degradation does not occur. They may well be able to take their natural life and not be affected too much by the silt. You have to understand that they perform a function very early on in the development while the whole catchment is stabilising. Once it has stabilised, their role turns more from a strictly water quality perspective and becomes more of an aesthetic thing. So it has a balanced role, and they are some of the issues we need to look at as a community—the balance between the pollution control function of our urban waterways and our aesthetic values that we attribute to our waterways as well. There is always a balance there that we need to look at.

THE CHAIR: Thank you, Mr Walters. We will have to leave it there. We have run out of time for this output class. Thank you very much, officials, for your attendance. We are now on to the Conservator of Flora and Fauna.

Mr Corbell: The conservator herself, Ms Penny Farnsworth, is unwell today and gives her apologies. She is unable to attend. But Mr Traves and the technical advisers to the conservator are here to try and answer any questions you have.

THE CHAIR: Thanks for that. Dr Bourke.

DR BOURKE: To whom do I address my questions—to the minister or to Mr Traves?

Mr Corbell: Just direct them to me and I will farm them out.

DR BOURKE: Fantastic. Minister, are you currently assessing or preparing any action plans for any species or ecological communities?

Ms McKeown: The little eagle action plan has been put out for public consultation and is being finalised as we speak. It probably will take a few weeks for them to incorporate the comments that they have received and to try and put some quite

specific actions in the action plan. The conservation planning and research area will be constantly reviewing action plans as they require reviewing. We will be preparing action plans for any new species that are being declared, but I do not know of any at the moment.

DR BOURKE: What are the key aspects of that action plan?

Ms McKeown: The action plan is to identify actions to ensure the survival of the species or community that has been declared vulnerable or endangered. It is actions that either ensure that the numbers do not decline or that the numbers actually increase, which is what we would prefer.

DR BOURKE: Maybe you could illustrate it specifically with the little eagle action plan?

Ms McKeown: With the little eagle action plan, I am not 100 per cent sure of the exact content in there. There is some concern about the use of pindone; so the action plan may recommend how pindone is used for rabbits. Sometimes the actions—with the little eagle, an eagle requires a very large territory. So it can be quite difficult to put specific actions in that would ensure each eagle survived. But the researchers will be looking at seeing whether there are specific actions like perhaps the restoration of the Cotter or the Cotter catchment. That may be something that the little eagle can use in the future as its habitat. It is things like that they will be looking at.

DR BOURKE: You mentioned pindone. That is a poison used to control rabbits.

Ms McKeown: To control rabbits, yes.

DR BOURKE: But we do not know whether that really has affected the little eagle. Well, we know it does, but we are just not sure how much.

Ms McKeown: Yes, we are not 100 per cent sure what the actual impact is because little eagles are quite hard to trap or track. What they do at the moment is they set the pindone out in traps that the little eagle cannot get into. But it is very difficult to follow a little eagle around and see whether it picks up rabbits that have been poisoned off the ground.

MR GENTLEMAN: Minister and officials, can you tell us how the process of environmental significance opinions works?

Ms McKeown: Yes. We hook into the planning authority's processes. An application for an environmental significance opinion would be triggered where it hits a trigger for an EIS, except where the conservator would give an opinion that the impact would not be significant.

It is lodged through the planning authority, which then refers that to me in my role as conservator liaison officer. I send it to the conservation planning and research people, plus also the Parks and Conservation Service, or anyone else that may have information that would help. Then I get back all the information, prepare the significance opinion or prepare a rejection. We have had a couple of rejections where

we have not been able to say that the impact would not be significant.

The conservator either gives us the opinion or rejects the application. That means the proponent can then submit that through the DA application and that puts it into the merit track rather than requiring an EIS to be prepared.

MR GENTLEMAN: What would you look at, for example, with the Majura parkway which is currently under construction? There was something to do with an old stockpile or wood—something like that. How would you determine—

Ms McKeown: The stockpile?

MR GENTLEMAN: Yes.

Ms McKeown: The stockpile was existing. What they wanted to do is build a haul road to get to the Majura parkway. That haul road actually traversed a small area of striped legless lizard territory which triggered the requirement for an EIS. That went to conservation planning and research. They actually did an on-site inspection. We negotiated that the haul road would be right on the very edge of the legless lizard territory so that it was not causing impacts. It was not causing any greater impact. It was just removing a very narrow strip. It was not going to fragment. It was not going to do anything.

THE CHAIR: As a supplementary, it seems that with every development application there is a striped legless lizard. If they are so rare, how come they are everywhere?

Mr Corbell: Yes, I have heard this argument before, Mr Hanson, from some within government—usually those agencies that engage large pieces of construction equipment.

The point to be made is that the striped legless lizard is an endangered species, and is listed as a species that would trigger a matter of national environmental significance under the EPBC legislation. They are prevalent here in the ACT because the ACT has one of the largest remaining estates, to use that word, of the lizards' habitat left, not just in Australia but on the face of the planet. Most of the lizards' habitat has been destroyed as a consequence of grazing, farming and land clearing that came with European settlement in the 19th and 20th centuries across south-eastern Australia.

With respect to the yellow box-redgum grassy woodland communities which are the lizards' home, compared to before European arrival in Australia, I think there is less than one or two per cent of the pre-European cover left. So if you can imagine there was 100 per cent of that ecosystem here before European settlement; now there is only one or two per cent of that ecosystem left, and a large amount of that ecosystem is here in the ACT.

Whilst the lizard, I am glad to say, is surviving and to some degree thriving here in the ACT because of environment protection action, the fact is that this is now pretty much its only home on the face of the planet. So whilst it may be more prevalent here, it is still highly endangered and almost unique to the ACT.

MR COE: When you say “the face of the planet”, was there ever anywhere outside Australia?

Mr Corbell: No. This is the whole point. Australia is a pretty big place, Mr Coe, and previously it was extant right across south-eastern Australia, throughout New South Wales, Victoria, and of course the ACT.

THE CHAIR: So talking about the rest of the planet was a little bit—

Mr Corbell: But this is the whole point. We are talking about a species—

THE CHAIR: There are no polar bears here, either, are there?

Mr Corbell: No, but—

MR COE: It is the only ACT Legislative Assembly on the planet as well.

Mr Corbell: That is what “endangered” means. If it is endangered, it means it is going to become potentially extinct.

THE CHAIR: It is like saying there are no polar bears on the rest of the planet. It just dramatises it.

Mr Corbell: You can quibble about my language if you like, but the point I am making is that we have a moral duty, an obligation, to try and ensure that this species survives, because once it is gone, it is gone. If we are in the situation where, because of our geographic history and land tenure arrangements, we end up with more of that habitat than anywhere else, we certainly have a moral duty to do everything we reasonably can to maintain that habitat and therefore ensure the survival of the species.

THE CHAIR: I am glad that I was not the first one to pick up on the irony of the situation. Do you have a question, Mr Smyth?

MR SMYTH: The action plans: where does one find them?

Ms McKeown: They are on the legislation register.

MR SMYTH: They are on the legislation register rather than under the conservator’s section in the ESDD website?

Ms McKeown: Yes, they are under the Nature Conservation Act, and they are notifiable instruments.

Mr Corbell: Notifiable instruments made by the minister under the act.

MR SMYTH: If you did not know that, how would you find them?

Mr Corbell: You would ring the conservator and they would let you know.

MR SMYTH: It just goes to access. Part of the ESDD website has the Conservator of

Flora and Fauna, and it has all sorts of reports attached to it, but it does not have a link to any of the action plans.

Mr Corbell: I am happy to take that on board, Mr Smyth.

MR SMYTH: Maybe a recommendation from the chair, who loves recommendations. How many action plans are there now?

Ms McKeown: I am not sure. I would have to take that on notice.

MR SMYTH: How often do we review the action plans?

Ms McKeown: Action plans are usually reviewed about every five years, sometimes a little bit later with those. There has been the review of about four in the last year. It was four including the little eagle action plan.

MR SMYTH: Were reviewed or were—

Ms McKeown: Little eagle was a new one.

MR SMYTH: Yes. The two orchids are new?

Ms McKeown: The northern corroboree frog was reviewed. The Canberra spider orchid and the Brindabella midge orchid were new for the territory, but we used the commonwealth's recovery plans for those action plans. I should point out that with those two, while they were commonwealth, they were actually written by us.

MR SMYTH: What is the schedule for review for this year?

Ms McKeown: I am not sure. The Flora and Fauna Committee determines the schedule for the reviews of action plans.

MR SMYTH: Can you take that on notice?

Ms McKeown: Yes, I can take that on notice.

MR SMYTH: Why was the little eagle added?

Ms McKeown: The Flora and Fauna Committee decided that the little eagle was endangered, or I think it is vulnerable. The Flora and Fauna Committee is the committee that makes the determinations about recommendations to the minister about animals or communities that are vulnerable or endangered.

MR SMYTH: Do you know specifically what was the threat to the little eagle?

Ms McKeown: No. I can find that out for you.

MR SMYTH: I know you are the liaison on it. I just thought you might know.

Mr Corbell: The main threat, if I recall correctly, Mr Smyth, is land development.

Land development means loss of foraging area for the eagle, and that has an impact on its ability to survive.

THE CHAIR: Do the little eagles eat striped legless lizards?

Mr Corbell: I do not know, Mr Hanson.

THE CHAIR: Maybe you could take that on notice. Mr Coe, do you have any questions?

MR COE: I do, but some of them are a bit technical, in terms of asking for specific numbers and facts, so I am happy to put those questions on notice.

THE CHAIR: All right, put them on notice.

MR COE: Numbers of trees et cetera.

Mr Corbell: Sure.

THE CHAIR: Are there any further questions for the officials?

DR BOURKE: Yes. The 2011-12 annual report of the ACT Flora and Fauna Committee noted no species or ecological communities were nominated for assessment during that year. Is it a sign we have already proactively protected endangered species or ecological communities in the ACT?

Ms McKeown: I would love to think so. It is probably a sign that we are doing okay. It could also just be a sign that the work has not been done yet. The research may not have been done. They do have a very extensive list, what they call their watching list, of uncommon plants and animals. Also there are some where they just do not have the research available to be able to confidently tell the minister that a species is endangered or vulnerable.

DR BOURKE: Once an action plan is finalised, such as the little eagle one, what is your role in ensuring that it is implemented?

Ms McKeown: The Flora and Fauna Committee review it every now and again. There is an independent review, a little bit of an audit, to see if we are implementing the actions that we have actually said that we are implementing.

Mr Corbell: The Flora and Fauna Committee also engage with land managers and others about issues arising from individual action plans. I know they regularly seek briefings from relevant personnel on those matters. From time to time they will draw to my attention issues that they believe warrant further attention as part of that work.

DR BOURKE: So that is the group that is responsible for overseeing the implementation of the action plans?

Mr Corbell: If you like, they are a watchdog agency. They are a body of technical or subject matter experts who are able to give advice to me or to the directorate on

matters that warrant further attention, as well as their decision-making role under the legislation.

DR BOURKE: Therefore the action plans contain a series of actions that various people, such as landholders, government agencies or whoever, should do and then the committee oversights that to see whether it is actually happening or not. Is that the right way to look at it?

Ms McKeown: Yes.

Mr Corbell: Pretty much, yes.

Ms McKeown: They have just done a review of the riparian action plan because we do have one for the riparian areas. They go through the action plan and audit whether we have performed all the actions that we have said or whether we have stopped any of the processes that we have said in the action plan.

MR GENTLEMAN: How did you go with the riparian—

Ms McKeown: They have just written to the Conservator of Flora and Fauna and said that we have done really well.

MR GENTLEMAN: Good.

THE CHAIR: Are there any further questions?

MR SMYTH: Given the conservator is not here, I am happy to put anything else on notice.

THE CHAIR: Fair enough. Thank you very much, minister and officials, for appearing today. A reminder that answers to questions on notice are to be lodged within five days of receiving the questions. Are you appearing before us again, minister, or are you all done?

Mr Corbell: I think I am done, Mr Chair.

DR BOURKE: Congratulations.

THE CHAIR: Well done, thank you very much. Members, I will see you tomorrow.

The committee adjourned at 4.34 pm.