



# Debates

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Legislative Assembly for the ACT

11 FEBRUARY 2010

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**Thursday, 11 February 2010**

**The Assembly met at 10am.**

*(Quorum formed.)*

**MR SPEAKER** (Mr Rattenbury) took the chair and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

## **Justice and Community Safety Legislation Amendment Bill 2010**

**Mr Corbell**, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.03): I move:

That this bill be agreed to in principle.

The Justice and Community Safety Legislation Amendment Bill 2010 is the 24th bill in a series of legislation that concerns the justice and community safety portfolio. The bill I am introducing today will improve the quality of the statute book and make minor and technical amendments to portfolio legislation.

The amendments included in this bill have three purposes: (1) the amendments clarify or simplify procedures under the existing law; (2) the amendments improve the existing law to provide more robust protections to the people of the ACT; and (3) the amendments achieve national consistency either through enacting legislation to enable the transferral of responsibility to the commonwealth or through enacting amendments to achieve parity with other states and territories in response to developments and national forums such as the Council of Australian Governments and the Standing Committee of Attorneys-General.

The amendments which clarify or simplify the existing law are to the ACT Civil and Administrative Tribunal Act 2008—the ACAT Act—and the Supreme Court Act 1933. Proposed ACAT Act amendments remove internal appeals from an initial decision of the ACAT in relation to administrative reviews under the Planning and Development Act 2007, the Heritage Act 2004 and the Tree Protection Act 2005. Applicants will continue to be able to seek a review of the specified administrative decisions in the ACAT.

Following the amendment, an appeal from the ACAT decision will lie, at first instance, with the Supreme Court rather than internal appeal in the tribunal. Appeals to the Supreme Court will be confined to questions of law. This restores the process

that formerly applied to decisions under these acts when reviewed by the Administrative Appeals Tribunal. It was not the government's intention that the change from the AAT to the ACAT should have affected the previously clearly defined arrangements for the timely handling of appropriate review rights of planning matters. Requests for rulings or corrections will also be disappplied in relation to ACAT proceedings under these acts. And reasonable costs will be permitted for frivolous or vexatious applications.

The effect of these changes is to ensure certainty in relation to the process of planning appeals consistent with section 22P of the ACAT Act, which provides that the ACAT must decide applications under these acts within 120 days after the day the application is made. These changes will not affect matters that have already commenced the internal appeals process.

Other changes to the ACAT Act reinforce government policy in relation to the act and are also designed to ensure certainty in relation to planning appeals. In particular, the amendments make it clear that, if the law giving jurisdiction to the ACAT provides that the tribunal may not extend the time to do anything, the ACAT cannot prescribe a longer time. When considering the joinder of a person as a new party to the proceedings, the ACAT may only join a person who could have been a party under an authorising law. The amendments make it clear that a statement of reasons cannot be requested for decisions of an interlocutory nature and, accordingly, decisions to adjourn proceedings or an order to default judgement will not be required to be accompanied by a written statement of reasons. This amendment does not prevent the tribunal providing a statement of reasons of its own volition.

Following the recent ACT Supreme Court case of *Financial Integrity v Farmer* and another, there may be a risk that a defendant could argue that the Supreme Court does not have the jurisdiction to award equitable damages in certain limited circumstances. It is therefore prudent for the Supreme Court Act 1933 to be amended to remove any doubt as to this jurisdiction as well as to ensure consistency with other Australian jurisdictions.

This bill also includes several amendments aimed at improving the operation of the Emergencies Act 2004, the Fair Trading (Consumer Affairs) Act 1973 and the Prohibited Weapons Act 1996.

Amendments have been made to the Emergencies Act 2004 to give the Emergency Services Commissioner the power to appoint emergency services support volunteers to assist the commissioner in carrying out additional functions under the act, such as provide interactive mapping services. This is to complement the existing power of chief officers of a service to appoint a person as a volunteer to that particular service, such as the fire brigade or ambulance. These additional volunteer arrangements will accord volunteers the same protections in relation to both liability and victimisation and facilitate the Emergency Services Agency in garnering assistance to carry out its essential functions.

Under the Eggs (Labelling and Sales) Act 2001, the Commissioner for Fair Trading does not currently have power to prosecute or investigate offences under the act. This

bill amends the Fair Trading (Consumer Affairs) Act 1973 to include, in the dictionary definition of fair trading legislation, the Eggs (Labelling and Sales) Act 2001. This amendment will provide the commissioner with inspectorate powers and enable him to delegate them to investigators in the Office of Regulatory Services who will investigate possible breaches of the Eggs (Labelling and Sales) Act 2001.

A minor amendment has been made to the Prohibited Weapons Act 1996 to clarify the sorts of items that are exempt from the operation of the act. The act exempts from the offence provisions of the act a police service or force of a foreign country which possesses or uses a prohibited weapon while taking part in a training activity conducted by the Australian Federal Police and carried out in the ACT. The Chief Police Officer has now advised that it would be prudent and appropriate in terms of police operations for this measure to extend to certain accessories. The amendment therefore clarifies that this exemption also extends to prohibited articles, which includes items such as a modified article of clothing, accessory or adornment, a purpose of which is to disguise or conceal a weapon, as well as prohibited weapons.

The bill also includes a number of important amendments to territory legislation which are aimed at achieving national consistency at both commonwealth and state-territory levels. Amendments to the Magistrates Court Act 1930 and the Supreme Court Act 1933 will implement model provisions and draft principles developed by the Standing Committee of Attorneys-General for a program of exchange between judicial officers of interested state and territory courts.

While the ACT is already able to draw on the assistance of Federal Court judges to sit on our Supreme Court, the amendment provides a formal judicial exchange mechanism between different states and territories which was previously only done on an ad hoc basis in particular circumstances. The amendments will formalise these arrangements. It is intended that the program will foster a beneficial exchange of information, ideas and skills between jurisdictions.

In April 2007, the Council of Australian Governments agreed to establish a national system of trade measurement and the commonwealth National Trade Measurement Act 2008 was passed by the commonwealth parliament on 1 December 2008. It transferred to the commonwealth the full responsibility for administration and enforcement of ACT trade measurement and will become effective from 1 July this year. The amendments and repeal of the ACT Trade Measurement Act 1991, Trade Measurement (Administration) Act 1991 and Road Transport (Mass Dimensions and Loading) Act 2009 and relevant subordinate legislation included in this bill are to effect this transition to the commonwealth.

The bill also includes an amendment to give effect to another decision of the Council of Australian Governments which has resulted in the commonwealth assuming responsibility for the regulation of trustee companies. Late last year, I introduced a JACS bill which provided for the staggered repeal of various sections of the ACT Trustee Companies Act 1947 to reflect this decision.

This bill includes an amendment to the Trustee Companies Act 1947 enabling the Australian Securities and Investment Commission, ASIC, to exercise powers under the commonwealth Corporations Act 2001 which had been created as a result of the

transfer of responsibility to the commonwealth. Specifically, the amendment allows the commission to make a compulsory determination in relation to the transfer of estate assets from a trustee company whose licence has been cancelled.

In order to make that determination, ASIC must be satisfied that the particular requirements contained in the Corporations Act 2001—Commonwealth—have been enacted in the state or territory in which the companies are situated. Accordingly, this bill introduces amendments to meet these requirements.

Finally, the amendments contained in this bill to the Wills Act 1968 implement the Standing Committee of Attorneys-General initiative to introduce statutory wills provisions. The amendments give the Supreme Court the power to make an order authorising a will to be made, altered or revoked for a person who does not have a testamentary capacity. This amendment is intended to avoid circumstances in which a person may not benefit due to the laws of intestacy and testamentary capacity and is consistent with statutory wills provisions in other jurisdictions.

**Mrs Dunne:** I can hardly wait for that!

**MR CORBELL:** I know that members look forward to debate on this bill with much interest and I commend the bill to the Assembly.

Debate (on motion by **Mrs Dunne**) adjourned to the next sitting.

## **Personal Property Securities Bill 2010**

**Mr Corbell**, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10:15): I move:

That this bill be agreed to in principle.

The Personal Property Securities Bill 2010 seeks to amend territory legislation consequential to the introduction of the new national personal property securities law, or PPS, as it is known.

Personal property securities are agreements that use personal property, such as an automobile, to secure payments or performance of an obligation. The national PPS scheme is a result of a review of PPS laws by the Standing Committee of Attorneys-General. The review proposed a uniform scheme for PPS to be implemented by commonwealth legislation with the referral of powers from the states.

The referral of powers and the establishment of a national scheme were implemented by the intergovernmental agreement on personal property securities to which the commonwealth and all states and territories are party.

The intergovernmental agreement has led to the creation of a single national law creating a uniform and functional approach to PPS, to be supported by a single national online register of personal property securities replacing the existing array of both electronic and paper-based national, state and territory registers.

The Australian laws that govern every commercial transaction involving property other than land are being replaced with a new, different scheme based on American and Canadian models. All arrangements that use personal property to secure financing will be governed by the new law.

The new PPS laws will be supported by a national online register of PPS interests. The national personal property securities register will bring all personal property security information together in the one definitive register.

The purpose of this reform is to make consumer and business finance more efficient across all jurisdictions. Conducting this kind of financial business in different states will be easier because the same law will apply in every jurisdiction. Also, obtaining the information necessary for business and consumer financial transactions will be easy as there will be a single source in the commonwealth register.

The new system, due to commence in May 2011, will be effected by commonwealth legislation relying upon various commonwealth constitutional powers and state legislation referring power to the commonwealth.

Under the terms of the intergovernmental agreement on PPS reform, the ACT is required to amend its legislation to reflect the transfer of authority over personal property securities to the commonwealth.

The amendments contained in this bill that I am introducing today repeal existing territory law that may conflict with the commonwealth PPS act. The amendments also include provisions to maintain the integrity of ACT licensing and asset forfeiture-seizure legislation. All of these amendments have been drafted in concert with other states and territories to ensure a uniform result.

Due to the complexity of the new PPS law and the possibility of further legislative amendments by the commonwealth, it is likely that the government will need to introduce a second PPS consequential amendments bill into the Assembly later this year. I commend the bill to the Assembly.

Debate (on motion by **Mrs Dunne**) adjourned to the next sitting.

## **Education Amendment Bill 2010**

**Mr Barr**, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (10.19): I move:

That this bill be agreed to in principle.

Today I am introducing the Education Amendment Bill 2010. This bill gives principals in public and Catholic schools more autonomy and flexibility to suspend students for up to 10 days. This follows an election commitment that Labor took to the 2008 election and which, as members are aware, given the history of this debate last year, was blocked, seemingly for different reasons, by the Greens and the Liberals in 2009.

The government did make a promise at the last election and I am committed to developing tougher suspensions for longer periods for misbehaving students. Parents and families voted for this in 2008. Parents want it and so do principals. That is why we are giving principals more autonomy and flexibility to manage their schools.

Once again, the Catholic Education Office and Catholic schools are joining us in this reform. This reform, combined with our unique suspension support team pilot, will empower principals and support all students in the territory. The government has committed to evaluating the effectiveness of this legislative change after 18 months. The Assembly will then be able to consider whether to leave principals' discretionary power to suspend at 10 days, increase it or return it to the current five days. This legislative reform does go beyond traditional ideological politics. It is about what parents, teachers and principals want.

The government believes that principals need more autonomy and flexibility to manage their schools. Principals need more autonomy to manage their literacy and numeracy resources so that they can improve their literacy and numeracy outcomes. Principals need more autonomy to reward, promote and hire teachers and executive staff. Principals also need to make sure that their schools are safe learning environments.

Last year I said that principals know their schools and that they know their students. They are on the ground every day. It is principals who are the educational leaders of their schools. It is principals who are best placed to make these important decisions. They know that if reading, writing and arithmetic are the building blocks of a good education then behaviour management in the classroom and in the playground is the foundation stone. A commonsense approach to discipline underpins it all. Reading, writing and arithmetic come a distant second if consistent and clear messages are not sent to all students about appropriate behaviour.

Principals also need more time to respond to serious situations and critical incidents in their schools. Following a critical incident, a principal's role not only includes reassuring staff, students and parents; it can also include liaising with police, liaising with the Department of Education and Training and possibly with the department of housing and community services and other non-government partners. It can take time to calm these situations down and to objectively assess how to go forward.

An ability to suspend for up to 10 days will not only cut red tape and allow principals to focus on their schools; it will also give principals the time to plan the suspended student's re-entry into the school. It communicates to students the seriousness of their actions and it prompts reflection on behaviour. It will, overall, make our schools safer.

But with increased autonomy comes increased responsibility. Every student matters, and outside the family home education is the most influential factor on a child's development and it is the most influential factor on their expectations and career prospects. The government is committed to all young people learning or earning, and that is why we have started a unique pilot program.

The student suspension team pilot commenced at the beginning of term 1 this year in the Melba cluster of schools. This suspension support team pilot is an innovative reform. The objectives of the pilot are to effectively support students who are suspended, to provide a timely intervention that engages the student, the school and the family and assists them to plan for educational success, and to reduce the frequency of suspension in ACT public schools. The team is comprised of a psychologist, a social worker and a student management consultant, who will work with families, schools and students who have been suspended.

This proactive and preventative pilot will use a common assessment tool to assess student and family risk. It will provide students and their families with the opportunity to be heard by people outside of the school and it will promote community engagement and build close relationships with community services and non-government organisations. This team will help principals to plan re-entry and re-engagement of the suspended student into the school environment.

The pilot will also assist our implementation of the learn or earn legislation. It will be evaluated at the end of this year. It is a unique ACT model which will provide much-needed data and evidence about the operation, causes and nature of school suspensions. We will, of course, share our learning with the Catholic and independent education sectors. There has already been interest from other Australian jurisdictions in this innovative trial. And principals, staff and teachers are already enthusiastically thinking about how this model could become more proactive and more effective in the long term.

I think everyone in this place agrees that we must make sure our schools are safe learning environments. Of course, I have said many times before that violence will only stop in our schools when it stops in our community. But we must not tolerate violence, bullying or harassment in our schools, just as we should not tolerate it in our community. This bill is one step to make our schools safer and to give our principals more flexibility. I commend it to the Assembly.

Debate (on motion by **Mr Doszpot**) adjourned to the next sitting.

## **Legislative Assembly—broadcasting guidelines**

**MR RATTENBURY** (Molonglo) (10:26): I move:

That Continuing Resolution No 3 relating to Broadcasting Guidelines be amended by omitting all words after “That–” and substituting:

- “(1) pursuant to subsection 5(2) of the Legislative Assembly (Broadcasting) Act 2001, the Legislative Assembly agrees to the Speaker of the Legislative Assembly making guidelines for the broadcasting of Assembly and committee proceedings that include as a minimum the following requirements:
- (a) persons or organisations intending to record for broadcast proceedings in the Legislative Assembly or its committees must seek the approval of the Speaker each calendar year;
  - (b) persons or organisations that have been granted permission to record for broadcast the proceedings of the Legislative Assembly or its committees will acknowledge in writing and abide by the broadcasting guidelines laid down by the Speaker from time to time;
  - (c) persons or organisations that have been granted permission to record for broadcast committee proceedings will be able to do so, unless a member of the committee or witness objects;
  - (d) witnesses at public hearings of committees will be advised in advance that the proceedings may be recorded for broadcast; and
  - (e) persons or organisations that wish to rebroadcast from the audio-visual material available on the Assembly’s website, must acknowledge and abide by the conditions of use laid down by the Speaker from time to time;
- (2) pursuant to section 6 of the Legislative Assembly (Broadcasting) Act 2001, the Legislative Assembly:
- (a) delegates to the Speaker the power to withdraw the right of a person to broadcast, or record for broadcast, public proceedings of the Legislative Assembly; and
  - (b) delegates to each committee formed by resolution or standing order of the Assembly the power to withdraw the right of a person to broadcast, or record for broadcast, public proceedings of that committee; and
- (3) pursuant to subsection 6(4) of the Legislative Assembly (Broadcasting) Act 2001, the Speaker or a committee chair may withdraw from a person or organisation the right to broadcast, or record for broadcast, public proceedings of the Assembly or the relevant committee if that person or organisation does not abide by the Guidelines for recording and broadcasting the public proceedings of the Legislative Assembly and its committees.”.

Continuing resolution 3 provides guidelines for the broadcasting of the Assembly and committee proceedings in accordance with subsection 5(2) of the Legislative Assembly Broadcasting Act 2001. The current resolution has been in force since June 2005.

As part of this resolution, the broadcasting guidelines have been revised to simplify the process for obtaining permission to record proceedings for later broadcast and to make the guidelines for camera operators a little less restrictive. Panning shots along the benches will now be permitted and the prohibition on filming the public galleries has been changed to a requirement not to focus a camera on a person sitting in a public gallery. However, the requirement not to take footage of conversations between members which are not part of the proceedings has been made clearer.

Continuing resolution 3 itself has also been streamlined. It no longer contains the actual guidelines but authorises the Speaker to make guidelines pursuant to section 5(2) of the act and sets out the requirements relating to permission to broadcast. Organisations which previously needed to seek the Speaker's permission each sitting week will now be granted permission for a calendar year, provided they agree to abide by the guidelines. This has simply been done to minimise the administrative work required of both the Speaker's office and media organisations. An annual request for permission also provides a yearly opportunity to remind broadcasting outlets of their obligations under the guidelines.

The resolution also authorises the Speaker or a committee chair to withdraw permission to broadcast if the guidelines are breached, ensuring that there is the ability to enforce those guidelines if required. The broadcasting policy framework and guidelines were endorsed unanimously by members of the administration and procedure committee on 4 December 2009. Once this motion has been passed the guidelines will be placed on the Assembly's website.

I thank the members of the administration and procedure committee for their input on this and for the useful discussions we had around it. I commend the amended resolution to the Assembly.

Question resolved in the affirmative.

## **Estimates 2010-2011—Select Committee Establishment**

**MR SMYTH** (Brindabella) (10.29): I move:

That:

- (1) a Select Committee on Estimates 2010-11 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2010-2011 and any revenue estimates proposed by the Government in the 2010-11 Budget and prepare a report to the Parliament;
- (2) the Committee be composed of:
  - (a) one Member to be nominated by the Government;
  - (b) two Members to be nominated by the Opposition; and
  - (c) two Members to be nominated by the Greens;

to be notified in writing to the Speaker by 4.00 pm today;

- (3) a non-Government member shall be elected chair of the Committee by the Committee;
- (4) funds be provided by the Parliament to permit the engagement of external expertise to work with the Committee to facilitate the analysis of the Budget and the preparation of the report of the Committee;
- (5) the Committee is to report by 22 June 2010;
- (6) if the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and
- (7) the foregoing provisions of this resolution so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

I have pleasure in proposing this motion, as I have done for a number of years, simply because it is one of the most important motions that the Assembly considers each and every year.

**Mr Barr:** May you have the pleasure of doing it for many years into the future.

**MR SMYTH:** Well, Ted did the same job, Andrew. You will get your chance to be chair of the estimates committee. It is important because it does involve scrutiny of the major economic and financial statement of the government of the day. In accord with the approach adopted in 2009 on the leadership of the committee, I am proposing that there be a member from the government, two members from the opposition and two members from the Greens party, and that a non-government member shall be elected as the chair.

We are moving this motion somewhat earlier than in previous years. There are a number of reasons for this. Before the 2008 committee was established, the committee secretariat actually tried to liaise with ministers' offices but found it very found difficult to tie ministers down as it was not done by a formal committee, which of course is the correct process.

Indeed, there was some discussion about the attendance of the then Treasurer, Mr Stanhope, and his wanting to appear much later in the program, rather than at the start as Treasurer, to set the case for the budget. Indeed, last year there was a similar problem. It is important, given that the budget is not far away and therefore that the estimates process is just around the corner, that we do start putting in place the things that are needed.

Indeed, I understand this year that the Treasurer has consulted certainly with the leader of the Liberal Party about taking leave at that time. The only group or organisation that can grant leave is, of course, the committee. Well, the committee does not grant leave, but the committee is the group that will set the timetable. To

help the Treasurer out so that she might be able to facilitate her holidays in the middle of the estimates period, it is an appropriate thing today to put this on the table.

We have had some reform over previous years. The combination of having the estimates period clearly identified in the annual calendar and the establishment of the estimates committee reinforces the intention of the Assembly to use this process as effectively as possible.

It is also essential that the Treasurer appear on the first day of hearings and provide the context in which the committee will undertake its inquiry. Indeed, we look forward to the Treasurer's appearance this year as the ACT continues to deal with the fallout from the global economic crisis. In particular, we anticipate her insights into the decisions we all know are required to restrain spending and bring the ACT's budget back into surplus.

The resource requirements and administrative arrangements that are necessary for a successful estimates process are substantial in their call on the committee office. It is therefore essential that we provide that office with as much lead time as possible to make the necessary preparations.

In 2009 the Assembly determined that funding would be found to engage external expertise to assist with the committee in its deliberations. I have to say that as a member of that committee I found this innovation to be most worth while. It was extremely valuable to have this independent advice and commentary on the ACT budget. Contrary to the comments of the ACT Treasurer, the work prepared by Mr Tony Harris when he provided expert advice on the 2009-10 budget was examined very carefully by that committee last year. If the exact words used by Mr Harris were not used in the report, the sense of his argument and analysis were incorporated into the committee's deliberation and final report.

I would like to see a person engaged again this year to perform a similar role with the estimates committee. Importantly, however, to provide the greatest amount of time in which to seek expressions of interest and engage a suitable person to provide this advice, setting up the committee today will facilitate this.

My overall objective in moving this motion now is to facilitate the capacity of this parliament to perform its role in scrutinising the budget that has been brought down by the government of the day, to hold the government to account for its decisions and for the outcomes of those decisions. I commend the motion to the house.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10:34): I move the amendment circulated in my name to Mr Smyth's motion:

In paragraph (2)(a), omit "one", substitute "two".

The government will, of course, support the establishment of the Select Committee on Estimates as proposed by Mr Smyth and all the time frames and other procedural issues that are outlined in his motion.

I would, however, flag, as members can see from my amendment, that the government does not see why both of the non-executive members cannot participate in this inquiry. It is quite clear that this committee will have both a non-government majority and a non-government chair, and the establishment of a committee with two non-executive government members will not impact on those arrangements.

Indeed, I think it is unfortunate that one government member will miss out on the opportunity to participate fully as a member of the committee in this process if Mr Smyth's motion is adopted as proposed. If there are non-executive members of government keen and willing to participate, why should they be denied that opportunity as a full member of the committee? I would ask the Assembly to consider that, in the same way that there are two members nominated by the Greens and two members nominated by the opposition, there be two members nominated by the government.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10:36): The Greens will be supporting Mr Smyth's motion, as we see no reason not to establish the estimates committee today. I will note that while it is quite early to establish this committee, it is important to note that the Assembly secretariat will be called upon to provide services over a longer period of time. As has been discussed in this chamber before, the Assembly committee secretariat works extremely hard under a number of constraints, including limitations on staffing and funding. I trust that members will bear these restraints in mind when calling upon the secretariat services.

It is debatable whether establishing the committee early will assist the secretariat with the complex administrative and resource arrangements necessary for this committee. However, we hope it will facilitate making the necessary preparations. In the spirit of the parliamentary agreement item 2.12, which aims to establish additional support for the estimates committee and, therefore, improved scrutiny, the Greens will again be pushing for the engagement of external expertise. That happened last year, as Mr Smyth has mentioned. That expertise last year was provided by Tony Harris. I understand from members of the committee that it was very valuable to have that independent advice.

I understand that the office of the Speaker is currently considering similar arrangements for this year. I encourage that to happen and I hope that the establishment of the committee early will facilitate ample time to consider expressions of interest and engage a suitable applicant. The Greens agree that the process of scrutiny within the Assembly is of the highest importance as the estimates process provides an opportunity to examine the operations of government as well as playing a key role in the parliamentary scrutiny of the executive.

It is also vital to remember that the estimates committee performs two significant functions. First, it provides individual members, especially non-government members, with an unparalleled opportunity to gather information on the operations of government. While members may seek information from the government during question time, they can only ask questions of one minister. Therefore, they are not able to question relevant officials as directly and as extensively as they can at an estimates hearing.

The estimates committee also plays a key role in the parliamentary scrutiny of the performance of the executive branch of government. In our system of government, ministers and public servants are accountable to the parliament for the use of public resources with which they have been entrusted. It is through the consideration of the estimates committee that accountability is most directly manifested. This is because accountability is as much about explanation as it is about information.

The provision of facts and figures is a necessary, but not sufficient, condition of accountability. What is needed to complete the picture is for the relevant officials to explain not only the details of the “what” and the “how” but also the “why” of departmental administrations. Members’ dissection of the financial and performance information provided during the estimates process can therefore be a catalyst to improving management and administration practice in the public sector. It is always a reminder to government of its obligation to be accountable to the Assembly and to the people of the ACT for its policy decisions.

The government has sought, through an amendment that Mr Corbell has just moved, to have two members of the government appointed to the estimates committee. While the Greens have listened to the arguments presented regarding the appointment of a sixth member to the committee, we hold significant concerns relating to the problems that arise with an even number of members on the committee. If a decision falls into a deadlock situation, there is no majority; the decision must be negated. The Greens also believe that the arrangements proposed in this motion reflect the new configuration within the Assembly and provide the appropriate membership configuration for an Assembly that does not have majority government.

Mr Speaker, the Greens will support Mr Smyth’s motion today in the good faith that the estimates committee, when it is established, will be mindful of the committee secretariat’s finite resources.

**MR SMYTH** (Brindabella) (10.40): In closing the debate, I thank Ms Hunter and Mr Corbell for their support. The opposition will not be supporting the amendment. I think the case we made last year for it is quite clear. This would see 100 per cent of the Labor Party members available on the committee. For the Greens, it is either 50 per cent of their membership or two-thirds—67 per cent—of those that are available to be on the committee and for the Liberal Party it would be 40 per cent. But the tradition is that you have an uneven number so that you do not ever get a deadlock inside a committee. If you follow Mr Corbell’s logic, we are just putting people on for the sake of having people there, and people are voting on party lines.

Most committees tend, in my experience, to try and leave party politics at the door. That is the whole point of committees. It is about working together. I do not see the reason for the inclusion of a second Labor Party member. Indeed, this has been proven in many committees—for instance, most recently the inquiry into the opening of the prison where the Labor Party member put aside party membership and did the job on behalf of the community. I am hoping that is what the estimates committee will do, so we will be voting against the amendment.

Amendment negatived.

Motion agreed to.

## **Committees—process**

Debate resumed from 10 December 2009, on motion by **Mrs Dunne**:

That this Assembly:

- (1) re-affirms the importance of the Assembly committee process and its role in:
  - (a) providing the Assembly, as a unicameral system of parliament, with the kinds of checks and balances not otherwise available;
  - (b) preserving and promoting the value of transparency and accountability in the assessment of government decision-making, policy development and legislative processes;
  - (c) giving constituents “a say” in government decision-making, policy development and legislative processes; and
  - (d) providing Members of the Assembly with opportunities to engage in in-depth analysis and examination of and seek expert advice about government decisions, policies and legislation; and
- (2) unconditionally supports the right of Assembly committees to:
  - (a) have unfettered access to documents and witnesses relevant to matters being considered;
  - (b) call for and consider public submissions;
  - (c) report on their findings and recommendations without fear or favour; and
  - (d) be entitled to respectful responses from government.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10:42): I welcome the opportunity created by this motion to reflect upon and reinforce the importance of Assembly committees for the operation of the system of government in the ACT. I similarly welcome the opportunity to continue a conversation in this chamber about the importance of the checks and balances inherent in our system of government.

As I and other members of the government have said on previous occasions, the government recognises and values the important role played by the Assembly and its committees in scrutinising the actions of the executive, and the proper role played by members in pursuing lines of questioning with ministers. The holding of government and ministers to account by the legislature from which they have been drawn has been and remains a crucial element of the success of Australian democracy.

In a unicameral parliament such as our own, committees play a critical role in scrutinising the government's actions, and my ministerial colleagues and I place great importance on our appearance before committees. These hearings provide an important forum for considered and thoughtful exploration and debate on the issues confronting our city and on the actions of the government, and they hopefully provide an opportunity to move beyond the theatre of question time and the media grab to a more thorough consideration of the issues.

A commitment to this open transparency and accountability lies at the core of the government's approach in discharging its responsibilities, and this is demonstrated in the parliamentary agreement which we entered into with the Greens just over a year ago. We entered into that agreement with a joint determination and commitment to work together in a spirit of cooperation in the best interests of the citizens of the territory and an undertaking to ensure an accountable and transparent government, public service and parliament that are responsive to the community.

The parliamentary agreement includes commitments to pursue measures which will ensure higher standards of accountability, transparency and responsibility in the conduct of all public business and a range of undertakings, most of which have already been implemented in procedural reforms designed to enhance the good government of the territory. Perhaps most importantly, the parliamentary agreement includes a commitment to the Latimer House principles. The government welcomes and indeed proposed the formal recognition that the Assembly has now given to the fundamental principles of democracy which are set out in these principles and which establish a framework for the promotion of the rule of law, good governance and respect of human rights.

Having adopted these principles as a continuing resolution, it is crucial that we all explicitly recognise and respect the inherent freedoms and powers as well as checks and balances that comprise our system of government. In this regard, the government would stress the importance of the statement in the Latimer House principles that "each branch of government is the guarantor in their respective spheres of fundamental principles of democratic society based on the rule of law".

One of the obligations created by the Latimer House principles is for each branch of government to respect the proper roles, responsibilities and accountabilities of the others. Just as it would be inappropriate for the executive to interfere in the operations of the courts, there are proper limitations on the Assembly's powers over the executive and vice versa. For this reason, the government will not support paragraph (2) of Mrs Dunne's motion as it stands.

The Assembly's powers to call for documents are not unfettered and cannot be supported unconditionally. Members will recall Sir Laurence Street, in his arbitration of the government's claim of executive privilege over the functional review, decided that document falls "well within the field of legitimate cabinet immunity". The government has consistently maintained that releasing documents such as this would undermine fundamentally important principles of our system of government and compromise the capacity of this and, importantly, future ACT governments to discharge its responsibilities.

The government recognises that tensions will inevitably arise between the desire of the legislature to have access to documents which represent or reflect decisions of the executive government or the matters taken into account by the executive government in arriving at those decisions and the desire of the executive government and indeed the importance of the executive government being able to carry out this decision making freely and confidentially. Generally speaking, there is no right to resist a direction from the legislature for the production of a particular document, except where there is a legitimate claim for executive privilege or public interest immunity. Sir Laurence's decision was:

Giving the Legislative Assembly access to the Report is inconsistent with ministerial responsibility, individual or collectively, as it is the responsibility of Cabinet to determine what use is to be made of the Report, which was commissioned by it for the sole purposes of the executive government. Production of the Report is not reasonably necessary for the proper performance of the Legislative Assembly's functions, as all appropriate material relating to the relevant budget and structural decisions were and will be made available as part of the relevant budget legislative process.

Finally, its production would significantly undermine the continued effective operation of the government. The Report is a very clear example of the type of document to be protected from production by executive privilege.

I raise this issue again only as an example to demonstrate that the Assembly's right to access documents is not unfettered.

In a similar vein, while the government acknowledges the right of Assembly committees to formally summon witnesses to give evidence, their powers do not extend to directing ministers as to which officials they might call on to assist them in giving evidence. If a minister decides to answer a question addressed to an official, that is entirely appropriate. If a minister elects not to invite a particular official to the table, that too is entirely appropriate. Of course, the committee can formally summon whomever it chooses but it cannot direct the executive any more than the executive might purport to direct a judicial officer.

For these reasons, the government supports the great substance of Mrs Dunne's motion but cannot support the element that I have highlighted. Therefore, I move:

Omit introduction to paragraph (2) and paragraph (2)(a), substitute:

“(2) supports the right of Assembly committees, subject to accepted conventions and privileges, to:

(a) have access to documents and witnesses relevant to matters being considered;”.

**MS BRESNAN** (Brindabella) (10.49): The Greens welcome the motion by Mrs Dunne today as an opportunity to comment on the role of committees within the ACT government. We recognise that, in our system of government, one of the most

important roles of the crossbench and opposition parties is to hold the executive to account. Doing so requires a degree of cooperation from ministers and their departments.

The Greens believe that government should be accountable to the people and that an effective government should have nothing to fear from having its dealings scrutinised by members in this place. This is reflected in our policy, in our agreement with the Labor Party and in the actions of the Greens in the hundreds of committee appearances we have made in this Assembly. It is to this end that the Greens support the underlying principles presented in Mrs Dunne's motion and will support the motion, with some alterations which I will move later.

Access to documents and witnesses is central to the ability of committees to make reasoned and thorough reports on the performance and actions of the government. Denying prompt access has a twofold effect. Firstly, it undermines the credibility of committee reports as they are based on less than perfect information. Secondly, it prevents comprehensive scrutiny of government and permits the possibility of inefficiencies and problematic practices to go undiscovered for longer.

We believe that, if the government are performing as well as they will inevitably claim that they are, they should be fearless about providing unrestricted access to documents and witnesses. It is only if the government wishes to conceal its actions, for whatever reason, be it fear or shame, that they will seek to exercise control over a committee's access to witnesses and documents. We have seen regrettable examples of delays and obstruction by the government recently, particularly in regard to the AMC inquiry and to some extent with the school closures inquiry.

The ACT Greens and, we believe, the Canberra Liberals have not accepted the reasons for the hindrances of access to information to relevant committees. For this reason, we will be supporting Mrs Dunne's motion, with some amendments which I will move later, and we will not be supporting Mr Corbell's amendment.

**MRS DUNNE** (Ginninderra) (10.51): In relation to Mr Corbell's amendment, the Liberal opposition will not be supporting the amendment today. The Liberal opposition will not be supporting the amendment put forward by the attorney today, mainly on the track record—and that has been touched on by Ms Bresnan in her comments—of this government.

It was highlighted as recently as yesterday and the previous day when the minister claimed to have had in his possession information which would have materially impacted and perhaps even changed the outcome of a committee inquiry. But, when challenged about what he did with that information and why that information was not forthcoming, he came up with a whole range of excuses which did not take into account, for instance, that it was clearly known that most of the conduct of the inquiry in relation to the AMC had been conducted in camera because of the commercial sensitivity of most of the information provided, because there was the likelihood of ongoing litigation.

If the minister had been really committed to openness, he could have approached the committee and said: "I have some other information that may be of relevance to you.

Here is the way that I propose that we give it to you. I understand that there have been a range of hearings in camera. I would like to provide this information to you on a confidential basis.” It may have changed the tenor of the report; we have no idea.

**Mr Stanhope:** You’d already made up your mind.

**MRS DUNNE:** At this stage we have not really had an opportunity to fully peruse the information. The minister contends that everything that the committee saw was seen by the independent arbiter; all the same questions that were asked by the committee were asked by the independent arbiter. I wonder how the minister would know that, because he was not at many of the in-camera hearings; so he would not know that. But he did assert that yesterday, and that there is some flaw in the process that is the fault of the members of the committee through this process, the implication being that it was a done deal, and it is quite clear from the interjection from the Chief Minister saying that this was a done deal.

This, of course, goes to why this motion was introduced in the first place. This motion was brought about mainly because of the lack of regard that this government, that this executive, has for the committee process in this place. The Chief Minister spends his time chipping and sniping about the committee process. Every time there is a suggestion there might be a committee inquiry into that he says, “Where are we going to get the money for that?” The committee process is constantly under pressure through lack of resources, through constrained resources, and the Chief Minister does not simply care about that because committees are inconvenient for this Chief Minister. Committees in this place over successive Assemblies have been an embarrassment for the Chief Minister because they have shown up failings in his government, failings in his personal administration.

**Mr Stanhope:** Name one.

**MRS DUNNE:** The gas-fired power station. Let us name one. The AMC. Let us name another. And all the problems in relation to the gas-fired power station came out through the estimates process, through consistent questioning of officials that resulted in the unprecedented event of the committee being written to by officials to be told that they had given us wrong information and for ministers and officials to have to be recalled to set the record straight.

We have had other incidents in relation to the respect that the Chief Minister shows to the committees where, in response to committee questioning, the Chief Minister wrote what can only be described as phlegmatic letters to members of the building community in an attempt to defame members of the estimates committee inquiry and, again, that issue had to be addressed directly by the estimates committee.

This process and this motion here today are really to try to bring the government to heel and to require of them that they show the respect for the committee process that is necessary, that is set out in their ministerial code of conduct and in the forms and conventions of parliaments across the commonwealth and across the world where the Westminster system is regarded and upheld. On the basis of that, we will not be supporting the government’s amendment today.

Question put:

That **Mr Corbell's** amendment be agreed to.

The Assembly voted—

Ayes 7

Noes 10

Mr Barr	Ms Porter	Ms Bresnan	Ms Hunter
Ms Burch	Mr Stanhope	Mr Coe	Ms Le Couteur
Mr Corbell		Mr Doszpot	Mr Rattenbury
Ms Gallagher		Mrs Dunne	Mr Seselja
Mr Hargreaves		Mr Hanson	Mr Smyth

Question so resolved in the negative.

Amendment negatived.

**MS BRESNAN** (Brindabella) (11.01), by leave: I move:

(1) omit paragraph (2)(a), substitute:

“(a) have unfettered and timely access to documents and witnesses relevant to matters being considered;” and

(2) add:

“(3) supports the notion that:

(a) committee chairs, on behalf of their committee, be permitted to make submissions in relation to documents referred to the independent arbiter where privilege has been claimed; and

(b) committee members respect the private nature of the discussions had during committee deliberations.”.

The first amendment, to (2)(a), adds “timely” as we believe it is important for committees to have access to the information they need to make informed decisions in a particular time frame. The other amendment relates to an independent arbiter and deliberations within committees by committee members.

When a committee requires an independent arbiter to deliberate over a committee’s access to documents, the government will provide substantial submissions to the arbiter to outline the case for requesting access to documents. In this event and in order for the arbiter to come to a fully informed and fair decision, the ACT Greens believe it is reasonable for committee chairs to provide submissions outlining the committee’s position on the matter.

Finally, we have had some incidence of private discussions in committee deliberations being raised in this place and in public. We believe that this undermines the purpose

and effectiveness of the committees and prevents frank and fearless discussion between committee members.

**MRS DUNNE** (Ginninderra) (11.02): The Liberal opposition will be supporting these amendments. The insertion of “timely” is an improvement on that which went before and the insertion of paragraph (3) is a further enhancement to the spirit of the motion, and I thank Ms Bresnan for her input.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11:03): As the government has previously indicated in its amendment which has just been defeated by the Assembly, the government does not agree that access to documents is unfettered. I have made those points earlier in the debate and I simply reiterate them now. Access cannot be unfettered. There are conventions and practices that are relevant in parliaments across the commonwealth that indicate that there are instances where executive privilege can be legitimately claimed and that has been respected by parliaments. For this parliament to assert that it does not agree with that convention is extraordinary.

On what grounds does this parliament and do those members who support this motion argue that access is completely unfettered? It is not the convention, it is not the practice, in any commonwealth parliament in the country, and it is for that reason that we have the independent arbiter process. If the Assembly agreed with the notion that access was unfettered in all circumstances, why did the Assembly agree to an independent arbiter process in claims for executive privilege?

**Mr Seselja**: We didn't.

**MR CORBELL**: The Liberals at least are being consistent on this matter. I hear Mr Seselja's interjection and he is correct: they did not agree to it. They think it should be access in all circumstances. But the Greens are now saying that they support both the need for an arbitration process when there is a dispute over a document and that access should be unfettered. Well, which is it, Greens? Is it unfettered access in all circumstances or is it a recognition that there are circumstances where access is not unfettered and it needs to be arbitrated? It is one or the other, but it cannot be both, and that is the difficulty with the Greens' position in this place. Is it one or the other?

**Ms Hunter**: No, you're wrong, Simon.

**MR CORBELL**: It is both? I take it from Ms Hunter's interjection that it is both; access must be unfettered but there is also a dispute resolution process. Well, no, that is just logically not consistent. I think the Greens really need to come to terms with some of the nuances of parliamentary practice and convention, because this shows a real failure on their part.

For the reasons I have outlined, the government cannot agree with this amendment because the government does not agree that access to all executive documents is completely unfettered. As I indicated in my amendment previously, there are circumstances where claims of executive privilege are legitimate and in the public interest and we will maintain that position.

**MR RATTENBURY** (Molonglo) (11.06): I just offer a few comments in response to Mr Corbell's most recent intervention. I think the important point to draw out here is that what the Greens seek is to create a culture of unfettered access. It is possible for government, if it wishes, to be open with its documents. We certainly see that in a number of places. For example, in New Zealand the cabinet documents are released to the community quite rapidly after the process. The Welsh parliament has adopted this sort of practice. It is not uncommon for governments to be open with their documents. Some of them go so far as to put their cabinet documents on the internet. That is what unfettered access is about. That is the culture that we think the ACT government should be adopting.

Unfortunately, that is not the culture that the current ACT government adopts. That is why we need a dispute resolution mechanism, because there will be occasions when the government declines to give access to documents, as we have seen on a range of occasions in recent years. Clearly, Mr Corbell's mode for the week is to verbal what the Greens are saying. He was channelling Mr Stanhope quite effectively on the Islamic library debate last night. It is clearly Labor Party tactics to take what someone is saying and turn it into something else and have no ethical qualms about that. That is the point that Ms Bresnan was making with her proposed amendment and I think it would be fair to take that in the way it was intended.

Question put:

That **Ms Bresnan's** amendments be agreed to.

The Assembly voted—

Ayes 10

Noes 7

Ms Bresnan	Ms Hunter	Mr Barr	Ms Porter
Mr Coe	Ms Le Couteur	Ms Burch	Mr Stanhope
Mr Doszpot	Mr Rattenbury	Mr Corbell	
Mrs Dunne	Mr Seselja	Ms Gallagher	
Mr Hanson	Mr Smyth	Mr Hargreaves	

Question so resolved in the affirmative.

Amendments agreed to.

*It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77. Ordered that the time allotted to Assembly business be extended until the conclusion of this matter.*

**MRS DUNNE** (Ginninderra) (11.12): I thank the members of the Greens for their support today and I am unsurprised at the objections of the Labor Party to this matter. Because of the past performance of the Labor Party, it is not surprising at all.

However, it was interesting to see the somewhat cut-down demeanour of Mr Corbell today. He has obviously decided that from time to time it is better to be statesmanlike

on these occasions. It was a far cry from his tirades in November in relation to the JACS inquiry into the opening and commencement of the AMC. I hope that Mr Corbell has learnt something from that about how he should deport himself in the chamber.

I thank my colleagues and the members of the crossbench for their support today, but it will be incumbent upon us to ensure that the spirit of this motion is carried through our inquiries and in committees across the life of this Assembly, because, given the way the Chief Minister has behaved in the chamber here through his interjections today, there is not a spirit of renewal or increased respect from the government for Assembly committees. It will be incumbent upon us to bring the Labor government to the table and insist upon their improved performance in relation to committees and increased respect for the committee process.

I am not being precious. This is not a matter of demanding respect in a stamping of feet sort of manner. It is not about personal ego; it is about the way this government disports itself in relation to committees. The need to bring forward a motion like this shows the extent to which the government does not regard the committee process as (a) important or (b) helpful to the people of the ACT and that it would like to do everything it can to interrupt the committee process.

I thank members for their support on this important matter and I hope that we will see an improvement in the way this Assembly's committees are treated by the executive.

Motion, as amended, agreed to.

## **Climate Change, Environment and Water—Standing Committee Report 3**

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (11.14): I present the following report:

Report 3 of the Standing Committee on Climate Change, Environment and Water entitled *Report on Annual and Financial Reports 2008-2009* together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

I am pleased to speak to report No 3 of the Standing Committee on Climate Change, Environment and Water, *Report on annual and financial reports 2008-2009*. The resolutions of the Assembly, of 13 October and 10 November 2009, relating to the referral of annual and financial reports for 2008-09, referred annual and financial reports of all ACT government departments and agencies for the 2008-09 financial year to committees for inquiry. The following annual and financial reports were referred to the climate change, environment and water committee: the Department of the Environment, Climate Change, Energy and Water; the Environment Protection

Authority; Office of the Commissioner for Sustainability, and the Environment, and the Conservator of Flora and Fauna.

Annual reports are the principal and most authoritative way in which chief executives and chairpersons account to the Legislative Assembly and other stakeholders, including the public, for the ways in which they have discharged their statutory and other responsibilities and utilised public funds over the preceding 12 months. As key accountability documents concerning management performance, annual reports reflect on the year's performance, achievements and outcomes.

The committee held public hearings on 28 October and 16 December 2009. At these public hearings the committee heard from ministers, statutory officeholders and accompanying departmental and agency officers. The committee's report focuses on significant issues of interest raised during the inquiry process including water and energy efficiency programs; energy policy and the feed-in tariff scheme; waste reduction; sustainability issues; and tree protection.

The committee's report makes 10 recommendations. A number of these recommendations request that additional information be included in future annual reports in a range of areas. The committee considers that this additional information would be of interest to the ACT Legislative Assembly and the ACT community.

Finally, a report such as this does not come together without the hard work, cooperation and professionalism of many. I would just like to thank my committee colleagues: Mary Porter, who was a committee member until 19 November 2009; John Hargreaves, committee member from 20 November 2009; and Zed Seselja. I thank the Minister for the Environment, Climate Change and Water, the Commissioner for Sustainability and the Environment, the Conservator of Flora and Fauna, and the accompanying departmental and agency staff for providing their time, cooperation and expertise during the course of the inquiry process. I would also like to thank the Committee Office, particularly the hard work and professionalism of the secretary, Margie Morrison. I commend the report to the Assembly.

Question resolved in the affirmative.

## **Roads—speed limit**

### **Paper and statement by minister**

**MR STANHOPE** (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (11.19): Madam Deputy Speaker, I speak in response to the Assembly motion of 24 March 2009, which asked the ACT government to consult on reducing speed zones around shopping centres and community facilities to 40 kilometres per hour and to report back to the Assembly with a plan of action by the end of 2009. Due to pressure of other Assembly business in December, I was unable to report on this matter in the December meeting, and I apologise to members for that. I do now, however, have pleasure, at the first opportunity in the first sitting of this year, in doing so.

Effective speed management plays a critical part in road safety. Reducing speed limits in areas where motor vehicles need to share the road with significant numbers of pedestrians and cyclists is in line with best practice road safety principles. At lower speeds, there are fewer crashes because road users, including pedestrians and cyclists, have more time for decision making and vehicles have shorter stopping distances. Crashes that do occur result in less severe injuries because of the lower impact energies involved.

The risk of death to a pedestrian or cyclist struck at 60 kilometres per hour is greater than 90 per cent. At 50 kilometres per hour, the risk decreases slightly to 80 per cent. However, at a collision speed of 40 kilometres per hour, the risk of death reduces significantly to approximately 30 per cent. The ACT already applies 40-kilometre-per-hour speed limits in school zones and work sites. There are also 40-kilometre-per-hour precincts in areas such as hospitals and universities which come under the jurisdiction of those facilities.

Over the past few months, Roads ACT has engaged ARRB Group to investigate the feasibility of and to prepare guidelines for the introduction of reduced speed limits to areas in the ACT, such as around shopping centres and community facilities. The ARRB Group has undertaken research with the use of 40-kilometre-per-hour speed zones in other jurisdictions, particularly in relation to strip shopping centres on major roads. The ACT has an established and well-defined road hierarchy and does not generally have strip shopping centres. However, the advice is that targeted application of reduced speed limits does have merit in the ACT context and can provide improved safety for vulnerable road users, such as pedestrians and cyclists. This would be in line with the safe system approach in the ACT road safety strategy as well as moves towards a stronger vision-zero philosophy.

The ARRB Group advises that reduced speed limit zones would be most appropriate in areas with the highest pedestrian movements—namely, town centres. They could also be applied to group and local centres with high pedestrian movements on a case-by-case basis. In line with standards for other speed zones, a minimum road length for these zones would be required to avoid confusion to motorists. In larger centres, a 40-kilometre-per-hour precinct could be put in place covering a number of adjacent roads.

The road environment will be an important factor in considering where to apply a reduced speed zone. A 40-kilometre-per-hour speed limit is more appropriately applied to minor collector roads and access streets than to major collector and arterial roads. The higher order roads primarily serve as transport routes and subsequently carry larger traffic volumes with higher traffic speeds. Pedestrian and cyclist traffic needing to cross these roads are generally provided with formal crossing facilities.

It is proposed that the lower speed limit would apply based on when peak pedestrian activity occurs—that is, part time, reflecting shopping hours. However, where restaurants and entertainment premises generate significant pedestrian movements outside normal shopping hours, the reduced speed limit could apply around the clock.

It is not proposed to implement 40-kilometre-per-hour speed limits in the vicinity of community facilities which are not linked to shopping centres. In these cases, it is considered that other signage or traffic management treatments would be more appropriate. However, the location of community facilities should be considered when setting the boundaries of 40-kilometre-per-hour precincts around shopping centres.

It needs to be recognised that a certain level of engineering works will be necessary to support a lower speed limit. Indicative costs for signage and traffic calming to install a 40-kilometre-per-hour precinct would be around \$200,000 for a town centre and \$150,000 for a group centre, subject to the amount of traffic calming already in place.

As well as developing model guidelines based on the points above, the ARRB Group prepared documentation for a consultation process with road safety stakeholders and the public on this issue. The consultation process was undertaken in late 2009, and I am pleased to now report on the outcomes. Key road safety stakeholders, including road user groups and community councils, were sent a copy of the consultation report and invited to provide comments. They were also invited to attend a stakeholder consultation workshop on 3 December.

Comments from key road safety stakeholders broadly supported the extension of 40-kilometre-per-hour speed limits, where justified, noting that this would be in line with safe system principles and best practice in other places around the world. However, stakeholders have also made the points that any new requirements will need to be consistent and clear to motorists and that the signage and traffic calming infrastructure used should not create new hazards for cyclists or motorcyclists.

Members of the public were also invited to complete an online questionnaire and view the consultation report via the TAMS website. Hard copies of the questionnaire and report were also available from Canberra Connect shopfronts and ACT public libraries. The public comment period commenced on 24 November and closed on 18 December. During this period over 760 responses were received. Feedback from the online questionnaire indicates mixed support for the extension of 40-kilometre-per-hour speed limits, with strong views held on both sides. While the majority—54 per cent—of respondents supported or strongly supported the concept a significant proportion—45 per cent—were opposed or strongly opposed.

Although there were a range of sensible and supportive comments from the online questionnaire, other comments indicate strong anti-cyclist and anti-pedestrian feelings, reflecting a view that vulnerable road users should take responsibility for themselves rather than disadvantaging motorists. There was also a view from some that the proposal was over-regulation and a waste of taxpayers' money, and a general frustration was expressed by some critics at the focus on speed management rather than other road safety issues, such as improved infrastructure and driver training.

These comments indicate that more work is required to explain exactly what is proposed in relation to reducing speed limits in certain areas and to convince ACT motorists of the need to address speed and speeding issues. I must say, I continue to be disappointed by the attitude of many motorists in the ACT, particularly around the

issue of speed and speeding. I provide no apology for the government's focus on speed management as part of current and future road safety strategies. As I have said before, speed and speeding is a major road safety problem in the ACT, in Australia and around the world.

The government believes that the concept of extending 40-kilometre-per-hour speed limits to areas of high pedestrian activity has merit as a part of overall speed management measures. I am happy for the government to show leadership, notwithstanding the mixed community views, and pursue this issue further. I do acknowledge the role which the Greens party have played in advancing this issue.

Accordingly, the government's plan of action in relation to this issue is proposed to be as follows: firstly, I have asked Roads ACT to undertake further research to develop proposed model guidelines, particularly in relation to developing pedestrian and cyclist activity criteria that can be used to identify thresholds for the introduction of a 40-kilometre-per-hour speed limit.

Secondly, I have asked Roads ACT to provide advice on undertaking a pilot project of 40-kilometre-per-hour speed limits in one, or perhaps more, shopping centres in the ACT. This pilot will provide an opportunity to analyse speed and crash data and community consultation results to identify the effectiveness and acceptance of the pilot project. Discussions will be held with the community and traders in the pilot precinct before designs are finalised and also before any works are undertaken.

Thirdly, issues relating to speed management will continue to be a focus as we develop the next ACT road safety strategy to take effect from next year. As part of this, and subject to the outcomes of the pilot project, the government will consider implementing a prioritised program of further 40-kilometre-per-hour schemes across the ACT utilising the ACT guidelines and supporting community consultation and awareness materials.

I thank the Assembly for its interest in road safety and for its motion of 24 March 2009. Ensuring the safety of all Canberrans, including pedestrians, cyclists, drivers and motorcyclists, should be a matter of extreme importance for the community as a whole. In that context, of course, it is a day of great sadness as we are informed that the ACT's first road death for the year occurred last night with the death of a motorcyclist in Gungahlin.

Reducing speed limits in areas of high pedestrian and cyclist activity is an important road safety issue and worthy of serious consideration. However, the consultation has indicated that this issue generates a range of strong views and is by no means supported by the whole community. Nevertheless, at times, leadership is needed. In the past there have been mixed community reactions to road safety initiatives, such as compulsory seatbelts, child restraints and bicycle helmets. I believe the issue we now confront is potentially of a similar order and does require leadership of the government and of members in this place.

The government is taking a measured approach and is prepared to undertake a pilot project to explore this issue further. The government will continue to give

stakeholders and the public opportunity to comment and provide input on the pilot project and before developing any other specific proposals for implementation. I table the following paper:

Reducing speed zones around shopping and community facilities—Statement to the Assembly.

I move:

That the Assembly takes note of the paper.

**MS LE COUTEUR** (Molonglo) (11.30): On behalf of the Greens, I would like to thank and congratulate the Chief Minister for his statement today and the work that has been done on this issue of reducing speed limits around shopping centres and community facilities. While the Chief Minister acknowledged the Greens' interest, I would just like to point out that this has been done by the government in fulfilment of an item from the Labor-Greens parliamentary agreement. We are very pleased that work is happening on this issue. I note, as the Chief Minister noted, our first death on the roads in Canberra—of a motorcyclist, one of our vulnerable road users. That is one of the issues we have to continue working on. I believe there was also an incident on Northbourne Avenue last night with bus and a cyclist—fortunately not me.

I am very pleased that the Chief Minister himself is passionate about road safety. He talked a lot about road safety last year; he hosted road safety seminars and talked a lot about “vision zero”, the Swedish road safety concept focused on achieving zero road deaths. It is a concept which we support, and we would like to see it happen in the ACT, but clearly it will not be achieved this year.

The Greens, of course, are concerned about road safety and the many needless motor vehicle accidents that occur. We added this 40 kph item to the parliamentary agreement to particularly prioritise work with respect to vulnerable road users. Our most vulnerable road users are pedestrians, cyclists, disabled pedestrians—the people in motorised or pushed wheelchairs, people on scooters—and women pushing prams. Those are even more vulnerable road users than the able-bodied pedestrians. They are pedestrians and road users who are particularly around community facilities. And aged people, whether or not they are using scooters or whether they are frail aged, are very vulnerable road users.

This is the reason why the Greens, in their proposal, included community facilities, not just shopping centres. I am disappointed that the government is not going to be including those areas—the areas around childcare, aged care and other community facilities—as part of the pilots, but I am hopeful that the proposal will soon be extended further. The concept of vulnerability is a crucial concept to include in our planning and policy making. It recognises that some road users need special consideration and protection and it is a concept that we need to start entrenching into our laws.

As I have said before, the Greens are strongly in favour of prioritising vulnerable road users, including by measures which slow down or reduce car use. It increases safety,

but it also has the very important effect of making sustainable transport more attractive. We all know that transport patterns in our city need change. We need to move away from the focus on private car use in favour of active and sustainable transport. This is not just about climate change; it is a response to peak oil and it is a response to the safety and health of all of our population and the vibrancy, life and enjoyment of our community.

One of the crucial points that the Greens want to emphasise is made prominently in the consultant's background report on 40 kph zones. It says:

Research and experience clearly shows reduced speed limit can improve safety for vulnerable road users such as pedestrians and cyclists.

It also says that reduced speed limit measures can achieve these results here in the ACT.

We are very strongly looking forward to seeing this implemented. We are very pleased to hear that the Chief Minister is using the term "pilot project" rather than "trial". I am very positive that this is the way to go.

Shopping centres and community centres are the way to go, and I will briefly go through why. Clearly the obvious reason is physics. Low vehicle speeds make a substantial difference in reducing the risk of injury for cyclists and pedestrians. The World Health Organisation has reported that speed is the single most important contributor to road fatalities. It reveals that, while most unprotected road users survive a hit by a car travelling at 30 kilometres per hour, the majority are killed if hit by a car travelling at 50 kilometres per hour.

A good example of this in practice can be found in the city of Kingston upon Hull in the UK. The widespread introduction of 30-kilometre-per-hour zones across the city achieved a 14 per cent decrease in all road casualties between 1994 and 2001 compared to a 1.5 increase in surrounding shires. Pedestrian casualties also decreased by 36 per cent. Reducing road speed limits also encourages and supports walking and cycling for transport. Evidence shows that in Australia perceived hazards such as vehicle speeds are a strong disincentive to walking and cycling for transport.

For instance, recent research in Canberra reveals that, while 49 per cent of people own a bicycle, only one in six of us use it to commute. And 81 per cent of those who did not ride cited dangerous traffic and unsafe roads as the biggest barrier to riding. I think that we will all agree that these are concerning statistics and that the change in the speed limit could be one thing which will help improve the statistics.

One of the conclusions of the researchers is that the interaction between cars and bicycles, particularly in urban areas—as Mr Stanhope said, from the feedback—is a continuing source of conflict and is holding back the transformation of Australia and Australian cities into bicycle-rich cityscapes like those in Asia and Europe.

Unfortunately, as well as the feedback that the Chief Minister got on this issue, research from the ANU showed that to some degree people's safety fears are well

founded. Cyclists are over-represented in statistics of hospital episodes. Amalgamated hospital data from 2001 to 2003 shows that almost one-quarter of hospital episodes due to road trauma in Canberra involved cyclists. Pedestrians accounted for 20 per cent of ACT road fatalities in 2005 and 14 per cent in 2007. Reducing car speeds in key areas can significantly improve road safety—which, of course, will increase the number of people travelling by foot and by bike.

The positive psychological impact of reduced speed and improved safety extends further than one might think. Research has shown that the actual perceived safety risks of walking and cycling are likely to specifically affect women. This tends to create a gender divide in people who are undertaking active transport. It also impacts on children's opportunities to walk and ride to school or other places.

Another positive impact of slower speeds is the benefit it has for community life. The vibrant public realms of Canberra and the benefits that come with that are in constant danger of being eroded by the patterns of modern living. As Cheryl Wright from the Heart Foundation has written, "the private car in particular has reinforced a growing emphasis on private well being at the expense of a vibrant and interactive public realm".

By contrast, walking and cycling around city centres and neighbourhoods allow people to make contact with other people and communicate in ways that just do not happen with car use. When traffic is slowed down, people can talk to each other. When you stop at the intersections going down Northbourne Avenue, or wherever you slow down, you say hello to your fellow cyclists or the pedestrians waiting to get through. It is just much more fun and nicer. It encourages people to stay longer in public areas, so there is more business for shops and more opportunities for community life. It improves personal safety. Having more people on streets makes people feel safer about being on streets.

Removing the barriers has a wonderful feedback effect. It has been recognised that an increase in walking and cycling corresponds to a significant decrease in the number of casualties. Copenhagen is a great example. Between the late 1990s and 2006, the cycling population increased massively and the number of serious bike casualties fell dramatically. It is a feedback loop: more cyclists, more feeling of safety, more users, fewer accidents.

I was very interested to hear from Mr Stanhope that we got such a strong level of reaction to the speed limit proposals. The figure of some 700 comments is quite high for ACT government consultation. It is disappointing that about half of those were negative. I guess I have to agree with Mr Stanhope that a lot more education is needed. Part of the way the education is going to happen is by doing the pilot project so that everyone can see that it works well. It is actually a positive thing for Canberra, not a negative thing. For most drivers, it will not significantly slow down their trip anyway.

It is worth while noting that in virtually all European cities non-arterial roads have a 30 kph speed limit. I spent some of my summer holidays in Germany visiting my daughter. They have fast autobahns there—the Germans love speed—but every residential road there is 30 kph. It is safe. Cyclists, pedestrians, mums with prams and

older people can all walk around safely because the cars are kept at a human-scale speed.

That is something that we should look at into the future—the option of 30 kph in our residential areas. As I mentioned earlier, the risk of death to pedestrians increases exponentially as speed increases. The risk of death to a pedestrian when struck at 30 kph is half the risk of that at 40 kph. And the figures in the consultant's report show that a reduction to 30 kph would add very little to anyone's travel time in the ACT. As we as an Assembly move onwards and look at what we are going to do make our roads safer, to reduce road deaths, this is something we need to look at. I am very pleased that the Chief Minister has committed to a number of pilot projects. I look forward to seeing those.

Finally, I would like to say that this is only a small part of a vision zero concept and only a small part of what we need to do to make a truly sustainable transport system. It is important to start looking at these things from a more holistic point of view.

ACT Labor's current policy platform says:

ACT Labor is preparing for the future ... ACT Labor has ... made it easier ... to travel by road.

We would like to see ACT Labor look at road issues and transport issues a bit more holistically than that. There is climate change; there is peak oil; there are health reasons. There are a lot of reasons for looking at it. In terms of preparing for the future, travelling by road is not the best way to prepare for the future.

The government does have a lot of rhetoric around sustainable transport. I thank the Chief Minister very much for his personal interest and leadership on this issue, but the Greens have fears that the government is doing only a small amount towards this—some selective things. We must still keep the basic priority of moving the ACT's transport into sustainable, vision zero transport. We would like to reduce the gap between the rhetoric and the action.

**Mr Hargreaves:** That is a widening of the gap.

**MS LE COUTEUR:** No, that is how it is. My arms are not as wide as yours, Mr Hargreaves, so I cannot do it quite as well as you, but, yes, we get the point: reducing the Hargreaves-size gap to the Greens' view of a very small gap between rhetoric and action.

To sum up, let me say that the Greens are very pleased that the government is acting on an item from our agreement. We look forward to safer roads in the ACT.

**MR COE (Ginninderra) (11.44):** I did not intend to address this matter of speed limits today but, having heard from the Chief Minister and Ms Le Couteur, I thought I would say a few things. Firstly, I and the Canberra Liberals do welcome a discussion about speed limits in and around Canberra. I do think it is important that we take a very cautious approach to this. We do not want to be too rash when we make these decisions. I think that is why this consultation was a good thing.

I do not think it is necessarily a negative or a bad thing that half of the comments were contrary to reducing the speed limits. That is why you do consultation. You do consultation so that you do get the feedback. If half the people are saying that they do not want the speed limits reduced, that is something that we have to consider. We are representatives and, if the community is saying they do not want to lower the speed limits, then that is something that we have to take into account. Of course, we have got a responsibility regarding safety and the general management of the city, but we certainly need to take into account that roughly half the respondents did have some concerns with lowering the speed limits.

I also think we have to be careful we do not fall into the trap of saying that lowering speed limits will save lives; therefore, we have to keep lowering them indefinitely. That is where that argument does go. Eventually, it gets to a point where we are not going to have any road deaths, not going to have any deaths caused by car accidents, because there are no cars on the road. So we do have to take a reasonable approach to this.

Lowering the speed limit to 40 kilometres an hour may be reasonable—it may not be—but I think we do have to make sure that we do not extrapolate this too far and then say, “How about we reduce the parkway to 80 kilometres an hour?” or “How about we reduce the Gungahlin speed limit from 80 to 10?” The most people can do there is about 20 kilometres an hour anyway; so that would not be such a huge difference.

I do think we have to be very cautious when lowering the speed limit that we are not simply driven by an argument that lower speed limits will save lives, therefore we must lower every speed limit. I think we have to be very cautious and make sure this city is liveable and that we do get proper efficiencies from our road system, especially when you have got people living as far north as Forde, and as far south as parts of Tuggeranong, like Calwell, Theodore or Conder. So I think we have to be very reasonable about this and make sure we are not hurting the productivity of Canberra by lowering the speed limits willy-nilly just so we can perhaps satisfy an agenda to get more cars off the road.

Question resolved in the affirmative.

## **Domestic Animals Amendment Bill 2009**

Debate resumed from 10 December 2009 on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

**MR COE** (Ginninderra) (11.47): I rise to speak on the Domestic Animals Amendment Bill 2009. This bill will amend two areas of the principal act, the Domestic Animals Act 2000. Firstly, this will ensure that people who have suffered injury or loss as a result of a dog attack or harassment are able to get information about the owner of the dog. Section 55 of the Domestic Animals Act 2000 provides that compensation must be paid by a person to another person who is injured or

suffers damage caused by a dog. At the moment, the compensation depends on the dog owners providing their details—some do not—and it means victims miss out on appropriate compensation.

These amendments will mean that, if people suffer injury or damage by a dog and the keeper of the dog refuses to give information, recourse can be had to information held by Domestic Animal Services. This includes information obtained by officers and inquiries and details held on the domestic animals register. This will mean that those seeking compensation are able to get the information to achieve it. This should further encourage responsible pet ownership.

Current recourse is via freedom of information. These requests are usually refused and they can be quite time consuming. The Office of the Privacy Commissioner and the ACT Law Society have been consulted on the new provisions and I understand the amendments are acceptable to those authorities.

Secondly, this bill will relax the requirement that officers' name tags are on display and identifiable. Officers' tags will no longer be required to display their names. This will make it harder for those who wish to harass officials later if they so choose. A unique number will be given to each officer and, should there be a court case, they will have to reveal their name.

The bill also provides that "authorised officers" will be replaced by "authorised persons", in line with the current drafting practice. The Canberra Liberals believe these new requirements are reasonable and will support the Canberra community and, as such, we will be supporting the bill.

**MS LE COUTEUR** (Molonglo) (11.49): The Greens will be supporting the Domestic Animals Amendment Bill. The bill makes two changes that will assist the Domestic Animals Registrar and his officers to do their work effectively and safely. The Domestic Animals Registrar does an important and difficult job and the registrar works in some challenging areas. These include managing animal nuisance complaints and the seizure of dangerous animals.

Naturally, these tasks sometimes give rise to situations of conflict. Dog owners can become very distressed about decisions made about their animals. Unfortunately, sometimes owners can also become hostile or threatening. I met last week with the registrar and discussed some of the situations that have arisen. Animal owners have reportedly harassed or assaulted officers. The new bill therefore takes a step to help mitigate this problem. It allows officers to remain anonymous while dealing with the public, by using a numerical identifier instead of a name badge. This seems a sensible step which will help prevent personal harassment of officers who may be pursued by disgruntled pet owners. I believe the situation is just the same with parking inspectors, who may also undertake a duty that may attract harassment.

There is, of course, an entrenched legal principle that you should know the identity of your accuser, as well as the crime you are being accused of. In fact this is a legal principle that goes right back, I believe, to the Magna Carta. However, the amendments proposed in this bill do not offend that legal principle. Domestic animals

officers will still wear an identifying badge, which is a number. If legal action was pursued, the officer prosecuting would eventually need to appear in court and disclose their identity and the details of the offence. In fact, these details would have probably been revealed even earlier. What the amendment will do is eliminate one of the most obvious avenues for harassment of domestic animal officers: the advertising of their name on their uniform while they are undertaking their job.

I agree with the Chief Minister's comments in his tabling speech, that it is distressing and unsettling that measures such as this are necessary. I hope this amendment goes some way to help protect public servants doing their job.

The second amendment made by the bill specifically concerns victims of dog attacks who wish to seek compensation. The amendment allows the Domestic Animals Registrar to reveal the details of a dog owner to someone who has suffered an attack from the dog. This may be necessary in cases where the owner of the dog which has caused injury refuses to reveal their details to the victim. This will facilitate the compensation process. It prevents recalcitrant owners from stymieing compensation by refusing to reveal their details.

The only issue causing some unease to the Greens was the way this amendment could impact on privacy. I was very pleased to learn that the department took the advice of the federal Privacy Commissioner in drafting this bill and that it is consistent with the information privacy principles under the Privacy Act. On a broader level, the amendment satisfies the general principle that, if a wrong has been committed, a citizen has the right to know the identity of the perpetrator.

I am satisfied that the legislation will allow vexatious claims for personal information to be weeded out. A dog owner's personal information will only be revealed if the registrar is satisfied that the attack has occurred and it involves the person who is requesting the information on their pet or property. This disclosure will only occur once the person requesting the information has filled in a statutory declaration about the details of the attack.

I also note that, consistent with information privacy principles, there will be a change in the dog registration form to draw owners' attention to the fact that their information can be disclosed in certain circumstances. This satisfies the important principle of telling people at the time that their personal information is collected why it is being collected and to whom it can be disclosed.

I should note that, in considering the bill, as well as speaking to the Domestic Animals Registrar, I spoke to a number of relevant stakeholders, including the Privacy Commission, the Law Society and the RSPCA. The changes in this bill are quite straightforward. They should facilitate the work of the Domestic Animals Registrar and better effect the objects of the Domestic Animals Act. We are satisfied they have been drafted properly and will be implemented judiciously.

**MR HARGREAVES** (Brindabella) (11.54): I rise to support this bill. There are two things, one I will speak quite seriously about in a minute. But I speak from some experience, having been chomped upon by a very large Alsatian who decided that he liked the look of my hand and used it for lunch.

**Mr Coe:** How is the cat?

**MR HARGREAVES:** The cat is fine. In fact, I am waiting for one of those radicals over there to introduce new legislation for cats because my little orange cat, Andy, has seen off a couple of German Shepherds from my property too, I might tell you.

But I can tell you that I also had another dreadful experience—and I am sure members in this place have probably had a similar one—during the 2001 election campaign. I was in Richardson, doorknocking. You have seen this happen before. You knock on this door and all of a sudden, to the fence adjacent to the building, comes the head of a very large dog. He goes “woof” and he gets you. After I gathered my thoughts, I realised there was nobody home and I decided to leave. Out from underneath the gate came this little white Scottish terrier-looking thing and he clamped his teeth into my leg. I had to run down the road, with a little white dog hanging off my leg.

*Members interjecting—*

**MADAM DEPUTY SPEAKER:** Clerk, would you stop the clock. I know that Mr Hargreaves has a very loud voice but it does not help if you guys are having a conversation with him across the chamber. Address the chair and do not engage in conversation?

**MR HARGREAVES:** I am, Madam Deputy Speaker. These guys are just barking mad over this. It is terrifying to be running down a road, with a little white terrier hanging off your leg, not knowing who is the owner of the thing. I can tell you, I was thinking about taking it home and using it in the toilet but I did not.

**Mr Smyth:** Were you reported to the RSPCA for trying to take a dog?

**MR HARGREAVES:** I was too busy running away from the little white terrier, Mr Smyth. I can tell you that the fact that I am a good runner is testimony to the fact that I am here.

**MADAM DEPUTY SPEAKER:** Mr Hargreaves, may I remind you to address your comments to the chair.

**MR HARGREAVES:** Madam Deputy Speaker, I do wish to speak in favour of the bill. The Domestic Animals Amendment Bill addresses an issue that has been identified with section 55 of the Domestic Animals Act 2000. Section 55 provides a right of compensation for injuries caused by dogs. The right to compensation has existed since the act was passed by the Legislative Assembly in 2000 and previously existed in the Dog Control Act 1975. The act, though, did not envisage that some members of the community would not do the right thing and provide their names and addresses to other parties. As a consequence, people are being prevented from obtaining personal information that would enable them to obtain compensation for their injury or loss—in my case a set of trousers.

New section 55A will address this gap in section 55 by allowing the Domestic Animals Registrar to disclose the personal information to a keeper of a dog, aka the

director of the Liberal Party. There are safeguards. The Domestic Animals Registrar must already hold the information—he has got to already have it—and must be satisfied both that an attack has occurred and that it has resulted in injury or financial loss to an aggrieved person.

**Mr Coe:** It is fair game. All bets are off.

**MADAM DEPUTY SPEAKER:** No, they are not actually, Mr Coe.

**MR HARGREAVES:** As the registrar is responsible for investigating dog attacks, it will soon be apparent to the registrar if a request for information is not above board.

With pet ownership must come responsibility. If a dog has attacked another animal or harassed someone or caused injuries, it is only reasonable that the owner should be held responsible and pay compensation.

I am pleased to find out from Domestic Animal Services that generally dog owners do the right thing. That is what we expect from a civilised society. But there are some owners of dogs that have been involved in attacks who refuse to pay compensation and who have used the mechanisms in the Freedom of Information Act, which were intended to protect privacy, to frustrate victims from accessing information that could allow them to seek compensation.

I commend the bill for providing aggrieved people with a simple and inexpensive means to access the information held by the registrar. It is consistent with the broader objects of the act to encourage responsible pet ownership. I wonder whether Mr Rattenbury has a puppy upstairs; perhaps and he would like to come down and talk to us about it.

The statutory right to compensation as a result of a dog attack is clear. It is clear in the act. This amendment also makes it clear that the victim has a right to information held by the Domestic Animals Registrar to enable the victim to make a claim for compensation.

To further ensure that the act complies with the Privacy Act's information privacy principles, I am advised that the dog registration form will be updated and that information will be provided on the department's website to advise people that their personal information may be disclosed in relation to incidents where their dog has attacked or harassed.

However, as a member of the Legislative Assembly and a former minister responsible for Domestic Animal Services staff, I express my deep concern for their safety and the safety of their families. I agree with the amendment to section 124 to remove the requirement for names to be included on identity cards. In place of their names, a unique identifying number will be inserted. Threats are being made against DAS staff for just doing their job. In some instances threats have been made against their families. This is an unacceptable position, an unacceptable situation. The amendment will address this by giving to the chief executive of the Department of Territory and Municipal Services the power to issue identification cards to DAS staff, without names.

The bill also makes a series of amendments both to the act and to subordinate legislation to remove the phrase “authorised officers” and replace it with “authorised persons”. There are a number of amendments to sections of the act which currently refer to a police officer as well as an authorised officer, and these are set out in clause 16 of the bill. These amendments replace the term “the officer” with “the authorised person or policeman”. The use of the phrase “authorised persons” or “authorised people” is in line with current drafting practice and reflects the government’s commitment to keep the territory’s statute book up to date. I commend the bill to the Assembly.

**MS PORTER** (Ginninderra) (12.01): I rise also to speak support of the bill. The bill amends the Domestic Animals Act in a number of ways, as we have heard.

**Mr Coe:** Do you have a dog, Mary?

**MS PORTER:** I will talk about my dog in a minute, Mr Coe. I am not going to respond to you; I will talk to the chair.

*Opposition members interjecting—*

**MS PORTER:** Mr Speaker, could you just get a bit of order, please?

**MR SPEAKER:** Thank you. Ms Porter, you have the floor.

**MS PORTER:** Thank you very much. It gives people subject to dog attacks a simple mechanism to access information held by Domestic Animal Services staff about the owner of the attacking dog. The bill also removes the need for identity cards for Domestic Animal Services staff to include their names following a series of threats to staff, as we have heard previously. Finally, the bill replaces the phrases “authorised officer” and “authorised officers” with “authorised person” and “authorised people” respectively in line with standard current drafting practice.

Turning to the first major amendment, I commend the bill for providing people subject to dog attacks with a simple and inexpensive means to access information held by the registrar. It reflects the act’s goal of encouraging responsible pet ownership. This encouragement is demonstrated by the government’s reducing registration fees for dogs that have successfully completed obedience training. Well-behaved dogs are to be encouraged and welcomed by the Canberra community, as well as well-behaved people, I presume.

Owning a dog carries considerable responsibility and obligations to the animal and to the community. Unfortunately, there are some people who do not give careful consideration to the responsibilities that come with owning a dog and other animals, and they behave irresponsibly in this regard. I recently purchased a dog from the RSPCA. Her name is Lola. Lola is already an important member of the family.

**Mr Coe:** Her name is Lola?

**MS PORTER:** Her name is Lola.

**Mr Doszpot:** That's a kinky name.

**MS PORTER:** She came with a name. I felt—

**Mr Barr:** Isn't she a showgirl or something?

**Mr Doszpot:** It's kinky.

**MS PORTER:** She came with a name and I'm not about to change the name of a 2½-year-old dog.

**Mr Barr:** Whatever Lola wants, I think.

**Mr Coe:** I think it might have attacked some of my letterboxers during the campaign.

**Mr Doszpot:** Who wrote it?

**Mr Barr:** Was it Barry Manilow?

**MR SPEAKER:** Order, members!

**Mr Dozpot:** The Kinks. You have the wrong song.

**Mr Barr:** Oh, Lola, as in—

**Mr Dozpot:** Yes, "Lo, Lo, Lola".

**Mr Barr:** That was the Kinks in 1970.

**Mr Doszpot:** Ray Davies.

**Mr Barr:** Good point, yes.

**MR SPEAKER:** Order, members! Ms Porter has the call.

**MS PORTER:** Thank you, Mr Speaker. I actually think, Mr Speaker, that people are really not taking this matter seriously. I think it is a very serious matter. I do. I think it is a very serious matter.

**Mr Coe:** I hope for the sake of *Hansard*, Mr Hargreaves's laughter comes up in it.

**MS PORTER:** As I was saying, Lola, whose name came with her, is already—

**Mr Barr:** Or Mr Doszpot's impressive history of 1970s music.

**MS PORTER:** Thank you, Mr Barr. Lola is already an important member of the family. Dogs are abandoned or taken to the RSPCA for a number of reasons. Clearly, Lola was well trained by her previous owners. However, for whatever reason she was surrendered.

Although I have clearly benefited from this arrangement, it is nonetheless disappointing that so many dogs and other animals are surrendered or abandoned because of lack of understanding of all that pet ownership entails. It is an issue that this government is working very hard to address.

Lola is a beautiful, placid and obedient dog. However, irresponsible ownership can occasionally result in unfortunate incidents. The act already provides people subject to dog attacks with a power to claim compensation from dog owners where their dog has attacked and caused injury or damage. However, because the act does not clearly authorise the release of personal information, unfortunately people are sidestepping their responsibility by refusing to give their consent to the Registrar of Domestic Animals to release their information to those individuals who have been subject to this attack.

People who are attacked by dogs are currently required to use the Freedom of Information Act to attempt to access the information, as others have outlined before me, sometimes only to find that the particular dog owner can use processes in that act to make difficult for the department to release the information.

The Privacy Act 1988, particularly information principle No 11, allows personal information to be released if, amongst other things, the release is authorised by law. New section 55A will provide that authorisation. I understand that the Department of Territory and Municipal Services consulted with the office of the Federal Privacy Commissioner in developing this provision and has ascertained that her office is satisfied with the legislative safeguards built into the new section, together with the administrative actions TAMS will take to advise the community about the new provision.

While no-one wants to think that their dog attacks or harasses others, it does happen. Occasionally a dog, seemingly well trained and on a leash, can suddenly threaten and lunge out. Owners need to accept responsibility. Fortunately, most do. This bill improves on the duty that pet owners have to be responsible for their dog and ensure that people who are injured can obtain compensation.

Recently there was a recorded incident in Melba in my electorate that resulted in a family cat being euthanised. Responsible ownership limits the frequency of such occurrences. But how should we, as a community, address incidents of irresponsible dog ownership? I was surprised and disappointed to learn that staff of Domestic Animal Services are threatened and harassed when they are performing their duties. These threats have extended to their families.

A pet may well be a member of a person's family in many instances, but this does not give a person a right to threaten and harass DAS staff when they are going about their job. It is a deplorable state of affairs when our public servants do not feel safe to do their job. I agree with the amendment to remove the requirement for their names to appear on their identity cards and to replace them with a unique identity number.

While, on the whole, I believe pet owners are responsible, I also believe we have more work to do as a community to ensure that pets are properly and responsibly

cared for by all pet owners. I believe there are opportunities for all stakeholders in the community, including veterinarians, the RSPCA and the pet industry and the government to contribute to more responsible pet ownership.

This is an important step today, and I am sure there will be more opportunities to enhance animal welfare outcomes for domestic pets in the future. I look forward to contributing to further improvements in this area in my time in the Assembly. The foundation of all animal welfare, in respect of companion animals, is responsible pet ownership. I commend these changes to the Assembly.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (12.09): I am standing to close the debate on behalf of the Chief Minister. In doing so, Mr Speaker, I thank members for their comments during the debate. I thank them for their uncanny knowledge of 1970s pop music. The works of Ray Davies and Barry Manilow featured in this debate. So it is good to see that even on the important matter of domestic animals we are able to draw on our life experiences to bring forward meaningful contributions to this public debate.

As we have covered extensively in this debate, the Domestic Animals Amendment Bill addresses two areas of concern identified by the Registrar for Domestic Animals in the operation of the Domestic Animals Act 2000. The bill also seeks to make some housekeeping amendments to the act. The first area of concern related to the operation of section 55 of the act that provides that a keeper of a dog must compensate a person injured by, or who suffers damage caused by, their dog. I am advised that in any given year Domestic Animal Services investigates several hundred complaints involving dogs. A number of these incidents involve attacks that have resulted in injuries to people or other animals.

Generally, the majority of owners willingly provide their name and address to other parties without the involvement of the registrar or authorised officers. Unfortunately, however, a small minority of dog owners refuse to provide their names to victims. This is thwarting the intent of section 55 and preventing victims from obtaining compensation for their injury or their loss. So new section 55A will help simplify the process of obtaining compensation by providing aggrieved people with a simple and inexpensive means to access information held by the registrar. Presently, aggrieved persons are directed to the Freedom of Information Act 1989 to seek access to documents from the Registrar of Domestic Animals that might help identify the relevant dog owner.

Under section 41 of that act, documents containing personal information can be released if it is reasonable to do so. While the section has been subject to judicial consideration, the case law has not greatly clarified the operation of the section. Before documentation containing personal information can be released, section 27A of the FOI act requires the registrar to seek the views of a dog's owner as to whether they would object to the release of their personal details.

Not surprisingly, Mr Speaker, the dog's owner, the same owner who would have previously refused to cooperate or to pay compensation voluntarily, will object to the

release of their details. The current process via the FOI act unintentionally inflames neighbourhood disputes and puts the Domestic Animals Registrar in an unenviable position: damned if he releases the information, and damned if he does not. The new proposed section 55A provides the registrar and the Canberra community with clarity around the release of dog owners' information.

Importantly, in developing the provision, the government was mindful of the operation of the Privacy Act 1988 and, in particular, information privacy principle No 11, which permits the release of personal information if, among other things, it is authorised by law. Section 55A will provide the authority, under law, for the release of information obtained either during an investigation of a complaint or from registration records.

It is also entirely consistent with section 13 of the Freedom of Information Act. I would like to take a moment to remind members of section 13 of the FOI act which provides that nothing in that act is intended to prevent or discourage ministers and agencies from publishing or giving access to documents, otherwise than is required by that act where they can properly do so, or are required by law to do so.

New section 55A provides appropriate safeguards before information can be released. The right to the information is only to those who have suffered as a result of a dog attack or harassment. The Domestic Animals Registrar must be satisfied both that an attack has occurred and that it has resulted in injury or financial loss to the aggrieved person.

The operation of proposed section 55A is limited to information that is in the possession of Domestic Animal Services. If no information is held by Domestic Animal Services, there is no obligation on the registrar to obtain that information. Generally though, Domestic Animal Services will have exercised their power to investigate attacks and incidents of harassment involving domestic animals. To ensure people are aware that their information may be released by the registrar, the dog registration form will be revised to provide a clear statement to dog keepers that their information may be released in the event of their dog attacking or harassing a person or an animal.

Because registration is for the life of the dog, the Department of Territory and Municipal Services will also place information on their website to inform keepers about the operation of the new section 55A. A notice will also be placed in the community noticeboard published in the Saturday *Canberra Times*. The federal Office of the Privacy Commissioner has concurred with the steps I have just outlined that will be taken to inform people that their personal information may be disclosed for the purpose of section 55.

A further measure of privacy protection not contained in this bill is already built into the Criminal Code. I remind members that under section 338 of the Criminal Code, it is an offence to give false or misleading information to a government official in the course of their duties. That section requires a warning to be given to people who are providing information of the existence of the offence.

Now if, as we hope, Mr Speaker, the bill is passed by the Assembly shortly, it is the intention of the department to prepare a standard form to be used for requests for information. That form will include the warning required by section 338 of the Criminal Code. This will ensure that applicants are put on notice that they run the risk of prosecution if their application for information is not genuine.

I was pleased to note that the Standing Committee on Justice and Community Safety, in its scrutiny report No 18, agreed that no issue of incompatibility arose with the Human Rights Act 2004. The committee, in quoting the explanatory statement, acknowledged that the bill was meeting a legitimate purpose and that the safeguards included were appropriate. We thank the committee for its favourable comment. Mr Speaker, in summary, I believe that the new section 55A will greatly assist victims of dog attacks when they seek to exercise their statutory right to compensation.

I now turn to the second concern of the registrar, which is ensuring the safety of Domestic Animal Services officers and families. Section 124 is proposed to be amended to remove the requirement for names to be included on identity cards. In place of their names, a unique identifying number will be inserted. It is unfortunate that today we have to take measures such as this one to protect public servants when they are performing their duties.

The Registrar of Domestic Animal Services has been raising serious concerns about threats that have been made against officers and their children over a number of years. After two incidents went to court in the last 12 months, the government felt it was time to protect our officers by taking this important step. I should emphasise that officers will still be obliged to give their names for the purpose of making formal statements and giving evidence in court.

The ACT Law Society raised this concern during development of the bill: officers' names were still to be provided for statements of evidence. It was never, though, the government's intention to remove the fundamental requirement of a person knowing their accuser. The government is satisfied that the criminal justice system provides sufficient protection for witnesses in judicial proceedings.

The bill also takes the opportunity for some housekeeping. Consistent with current drafting practice, the phrase "authorised person" will be replaced by "authorised officer" in the act and in subordinate legislation. As the act also gives powers to police officers, some of the amendments have replaced "officer" with "police officer" where that phrase is appropriate.

These technical amendments also include a transitional arrangement to ensure that existing authorised officers will be treated as authorised people for the purposes of the act. With that, Mr Speaker, I thank members for their support of the bill and look forward to its successful passage.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Planning and Development Amendment Bill 2009 (No 2)**

Debate resumed from 10 December 2009, on motion by **Mr Barr**:

That this bill be agreed to in principle.

**MR SESELJA** (Molonglo—Leader of the Opposition) (12.18): The Liberal Party will be supporting this bill. I note that it is an omnibus bill which consists largely of technical amendments to the Planning and Development Act 2007 and that it has the broad support of industry. I also note that the government released the bill as an exposure draft in late 2009.

According to the accompanying explanatory statement, the bill makes a number of disparate minor amendments for added clarity, information or consistency, including: permitting quick technical variations to be made to the territory plan to improve clarity of language or remove redundant provisions; making it clear that a development application for new building does not require a revisiting of the existing use of land if that use was already authorised by an existing lease; making the default track for lease variations the merit track—unless the development table says otherwise—and confirming that the assessment track for adding a use to a lease is the track that applies to the new use; and making it clear that a call-in of a development application does not stop public notification and agency referral steps, unless expressly required by the minister.

The bill also prohibits amendments to an already granted development application if the amendment would interfere with a court-imposed development application condition. It permits ACTPLA to obtain a full dataset and updates of lessee contact addresses from ACT Revenue which will enable ACTPLA to notify development applications and take compliance action more effectively and quickly. I note that the explanatory statement indicates that the information will be protected by existing statutory provisions in the Planning and Development Act 2007. The bill extends the provision to make temporary modifications to the Planning and Development Act by regulation until 31 March 2013. We have contacted the HIA, the MBA and the Property Council and we have heard of no substantial opposition to the bill.

Canberra has a unique planning regime that has shaped our wonderful city into what it is today. As I have said before, Canberra as a whole is a leading example of a planned city which has delivered a wonderful quality of life for Canberrans. But we know there is still much more to be done. There is a need to unclog the system. Businesses, large and small, sometimes struggle to cope with a system that sometimes seems impenetrable. Therefore, it is important that we continue to implement the highest standard of planning policies and laws and principles to ensure Canberra grows successfully into the future. In conclusion, we will be supporting the bill.

**MS LE COUTEUR** (Molonglo) (12.21): The Greens generally support the Planning and Development Amendment Bill, although there are some clauses which we have some concerns about. Like my Liberal colleagues, I was pleased that this bill was put out as an exposure draft which allowed the various interest groups to have an input into the proposed provisions. I believe a number of changes were made to this bill as a result of the input. I believe that what we are debating now is a significant improvement on the original exposure draft. I note that some of the more contentious parts of the exposure draft were removed and I understand that these parts may be debated in a future bill.

I would just like to make one comment before going into the details of the bill. The minister made the comment in his presentation speech, “Happily, all parties permitted a power in the Planning and Development Act to modify the act by regulation.” Perhaps we should remind all members that at the time the Planning and Development Bill was approved by the Assembly it was a previous Assembly where the government had a majority, thus the other parties in this place were basically unable to make amendments. Had the bill been put forward for debate in the current Assembly I imagine it would be a different act in a number of respects.

One of the key things that this bill does is allow for adjustments to development approvals, as long as any changes are approvable within the existing codes and plans and also only if the amended plans mean that the DA can be assessed in a lower track—that is, in code track instead of merit. If the change is significant and means that the DA should be approved in a higher, more stringent track then the developer will have to resubmit and start the whole DA process again. That seems quite sensible. It is going to make life easier and reduce the workload for ACTPLA without relaxing any building or territory plan standards.

Clause 13 of the bill is a clause which clarifies any possible conflict between approvals being exempt from the DA process through development tables and DA provisions. We certainly support clauses which help to clarify such inconsistencies, as there are many ways to read the territory plan, in conjunction with leases, lease objections and DAs, which can leave many people, including me, at many points of the development chain quite confused.

I note that clause 16 extends the notification for lease variations to also include public notices to registered interest holders as well as major public notification. The Greens fully support this additional notification for lease variations, especially as you would expect that registered interest holders could well have relevant input during the comment period.

Clause 17 deals with failure of notification about a valid DA. This clause is of great concern to the Greens. I understand that it is merely being put in to consistently apply the same escape clause regarding notification to registered interest holders as already exists for adjoining premises and major public notification. However, this clause means that if ACTPLA fails to follow the public notification requirements and notify the full information for a merit or impact track DA, this does not affect the validity of the DA.

This occurred last year in relation to a DA in Latham, where the DA was put out for public notification but only contained a lease variation proposal. The actual demolition and development proposal was omitted completely from the public notification. Despite this, ACTPLA permitted—ACTPLA made—a decision on the whole proposal. This should surely be a breach of the DA process and notification should be started again.

I have also had numerous complaints about ACTPLA's website not containing all the information when the consultation period starts—it only appears after complaints. Again, this is totally unfair for those people who looked at the information when the DA first went up on the website. ACTPLA should work harder to ensure that all information is available at the onset of the consultation period.

Thus today, given that the changes we are considering merely make those sections of the act consistent, I am okay to allow their addition to the act. However, I flag today that my Planning and Development (Notifications and Review) Amendment Bill addresses exactly this problem. Thus I will be updating my bill in coming weeks to ensure that this new clause is also amended.

I now turn to clauses 18 and 20. I applaud these clauses in general, which mean that the Registrar-General is able to lodge ACTPLA information for recording with land title information. This includes such information as development approvals, a description of the development and its assessment track, the approval status of the DA and the lease information. It makes sense that if someone is doing a title search they are also able to find out the status of any developments on the land.

We are pleased to see the amendment at clause 19 as the Greens have had concerns about the call-in process for quite some time. Over the past year we have watched the minister's call-ins over the Cotter Dam and the hospital car park and we have noted that ACTPLA was not permitted to continue to provide advice and expertise to the minister on the issue once the issue had been called in. This amendment allows ACTPLA, unless specified otherwise, to continue with the public notification process and referral to other agencies for comment. This is a definite improvement on the current call-in process and thus we applaud it.

It must, however, be noted that, although ACTPLA is allowed to continue taking these procedural steps, it is not allowed to continue its own internal assessment process. This means that any further advice and recommendations which may arise from the comments received through this public and agency consultation cannot be provided to the minister.

I note here that the scrutiny of bills committee also had concerns about the limitations around ACTPLA's powers to continue their administrative process. Thus, although we accept this amendment is a slight improvement on the current situation, we very strongly note that it is very far from an ideal process and would hope to see further amendment—possibly introduced by us—on this area in the future.

Clauses 21 to 29 clarify at which point a DA comes into effect after a decision with any outcome is made at ACAT. It is certainly good to provide this clarification for

people trying to interpret this act, as the planning system is complicated enough without having additional areas of uncertainty. I was going to propose some questions around how this would fit in with the scenarios of an ACAT decision being internally appealed—that is, through ACAT. However, I understand this situation has probably become totally theoretical given the clauses set out in the Justice and Community Safety Legislation Amendment Bill introduced by the Attorney-General this morning—if it is passed. I had been wondering what would happen if a development was approved by ACAT and subsequently appealed and the decision was then reversed. But that may not occur in the future.

The next batch of clauses—that is, clauses 30 to 35 and 37—clarify when a development approval lapses. Using the term when the approval “takes effect” rather than the current “is given” reflects the previous batch of clarification clauses and allows for the fact that approval decisions are sometimes appealed and confirmed, or varied or substituted. Thus this small variation in wording also allows for extensions and appeals, which we support.

I was pleased to see that clause 59 ensures that land management agreements are linked to rural leases such that if the lease is transferred to the lessee’s domestic partner or child, the land management agreement is also transferred. In general, if a rural lease is granted, varied or transferred, the land management agreement is connected with those actions.

There are also a large number of other fairly insignificant clauses which clarify areas of uncertainty or make fairly small improvements to the current act. They include when a development approval lapses; ensuring that the executive is satisfied that direct sales of land meet the relevant grant objectives; expanding the definitions of which entities leases can be transferred to, and under what conditions they can be; and ensuring that ACTPLA has expanded powers in relation to controlled activities.

In conclusion, we support this bill. We have a number of small reservations, some of which we will address through our own Planning and Development (Notifications and Review) Amendment Bill.

*Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour.*

**Sitting suspended from 12.31 to 2 pm.**

## **Ministerial arrangements**

**MS GALLAGHER:** For the information of members, the Chief Minister is unfortunately not able to be here for question time today due to family circumstances. I will take carriage of his portfolios as best I can.

## **Questions without notice**

### **Home insulation program**

**MR SESELJA:** My question is to the Attorney-General. Attorney, it has been reported that commonwealth department of environment officials held a phone

hook-up with state and territory fair trading agencies in April 2009 to discuss the commonwealth's home insulation program. Who from the ACT participated in the call and what was discussed?

**MR CORBELL:** I thank Mr Seselja for the question. Representatives of consumer affairs and the Office of Regulatory Services participated in that telephone hook-up which was convened at the request of the commonwealth department of environment. Representatives of the ACT Planning and Land Authority attended. In particular, the registrar of construction occupations attended and participated in that meeting.

**Mrs Dunne:** What was discussed?

**MR CORBELL:** What was discussed? Obviously I was not present at that telephone conference but it was called by the commonwealth department of environment to advise state and territory regulatory bodies of the rollout of the home insulation scheme, how the commonwealth proposed to roll that program out.

During that meeting, ACT and other state and territory officials raised a number of matters with the commonwealth and brought them to their attention, primarily matters relating to the need to ensure that the commonwealth advise consumers on what they needed to look out for in relation to who was providing insulation services under the scheme and how complaints from consumers could be dealt with. Secondly, concerns were raised about the possibility that any unsafe installation of insulation product could create safety problems. Those matters were also relayed to the commonwealth, given that they accredit installers under their scheme.

**MR SPEAKER:** Mr Seselja, a supplementary question?

**MR SESELJA:** Thank you, Mr Speaker. Attorney, is it true that, as reported, state and territory representatives warned that the way the federal government intended to roll out the program meant that it would effectively be unregulated and that it posed a risk to property and lives? Can you provide details to the Assembly?

**MR CORBELL:** No, I do not think that is true. The obvious point was made that any unsafe installation from unskilled labour in relation to insulation could have serious safety implications. In relation to what was conveyed by the ACT Planning and Land Authority, I would invite you to ask Mr Barr that; he is responsible for those matters. In relation to consumer affairs matters, the territory made clear that it was important that consumers were provided with information by the commonwealth, particularly through their website, about what avenues were available to them should they be unhappy with the level of service provided by installers.

**MR SPEAKER:** A supplementary question, Mr Smyth?

**MR SMYTH:** Thank you, Mr Speaker. Minister, what was discussed in regard to the ability of the states and territories to regulate the program and their responsibilities?

**MR CORBELL:** Well, this is a commonwealth program; it is paid for by the commonwealth; the commonwealth pays the installers and the commonwealth

accredits the installers. There is no state or territory in the country that provides for the regulation of insulation installation, so there is no licensing regime for installation.

Obviously there are obligations in relation to safe work practice, which is the responsibility of my agency, and there are obligations in relation to protecting the rights of consumers, which is also the responsibility of my agency. There are also matters in relation to the protection of building safety and electrical safety, which are the responsibility of Minister Barr's portfolio.

**MR SPEAKER:** A supplementary, Mr Smyth?

**MR SMYTH:** Thank you, Mr Speaker. Minister, did any representative of the ACT government provide any information to other participants in the call relating to any safety issues? If so, what was the nature of the warnings?

**MR CORBELL:** The building safety issues were raised by representatives of the Planning and Land Authority, so I would refer that matter to Mr Barr.

**MR SPEAKER:** Mr Barr?

**MR BARR:** Yes, officials from the ACT Planning and Land Authority were summoned by the commonwealth and requested to discuss this, as part of a compliance workshop in relation to this particular commonwealth program, and did provide some advice, which I understand is recorded in the minutes of that particular meeting of 29 April. I do not have those minutes but they may well be available from the Department of Environment, Water, Heritage and the Arts at a national level, as it was their meeting. If members are interested, they can pursue that matter with the commonwealth department.

States and territories did express some concern, as Minister Corbell has indicated, particularly in relation to the electrical industry OH&S issues that have an overlap, obviously, between my portfolio responsibilities around building regulation and those of Minister Corbell in occupational health and safety. It is important to note in this context that the ACT does not license installers. This is due to the fact that installation of insulation is predominantly during the new construction phase, so it is regulation through the building approval process and it is certified by licensed building surveyors.

In the context of the ACT, of course, as I think the Liberal Party would be aware, given their election commitment of 2008, the level of uninsulated homes in the ACT is very low. So the ACT did not feature significantly in this commonwealth program. The bulk of the insulation that was installed under this commonwealth program was for jurisdictions well to the north of us.

## Visitors

**MR SPEAKER:** Members, I would like to acknowledge the presence in the gallery today of participants in the ACT public service graduate program. I welcome you to the Assembly.

**Questions without notice**  
**Employment—children in care**

**MS HUNTER:** My question is to the Minister for Children and Young People and concerns the education and employment of children in care. In the CREATE report card 2009 on transitioning from care one of the main recommendations was that special attention must be directed to applying the principle of earn or learn to young people transitioning from care. Minister, in implementing the new earn or learn legislation, what has the government done to assist young people transitioning from care to continue in education or gain employment?

**MS BURCH:** I thank Ms Hunter for her question. The transition out of care is something that I take as a priority. It is very important that beyond the period of care children are transitioned and supported to secure ongoing education or employment. The earn or learn principle draws into that partnership my department and the Department of Education and Training. It draws in community partners and employment partners as well. Through those collaborative frameworks we take a child-centred, person-centred, approach and work with them on an individual basis to see what their needs and aspirations are. We work on an almost case-by-case plan. We work with them and the families with whom they are situated in care. It is not a one-size-fits-all approach. We will work to ensure, as earn and learn progresses over this year and next year, that those transitions and pathways are in place.

**MR SPEAKER:** Ms Hunter, a supplementary question?

**MS HUNTER:** Can you advise us how the department monitors and ensures each child transitioning from care is completing education or is in employment?

**MS BURCH:** Our responsibilities for children up to the age of 18 are quite clear. We manage them, wherever they are in care and whatever their transition and their pathways into adulthood, whether that be employment and education and housing and a whole range of things. While I have a personal interest in doing this to find how the department best works with those quite fragile periods beyond 17, 18 and 19, being a mother of three children I have to fess that my children did not become the font of wisdom at 18. So I think there are some parameters on which I am working and talking with the department about how we can change that.

But, to your question, I think it is on an individual basis and I think, as this new system is implemented and the partnerships come into place, we can work through that to ensure that we do have the ability to follow these children and we do have the ability to see where they go and to set them on the best path we have so they can be sustainable either in education or employment.

**MR SPEAKER:** Ms Bresnan, a supplementary question?

**MS BRESNAN:** Is the chief executive officer of your department, as the territory parent, informed when each child in care is suspended or expelled from school?

**MS BURCH:** Yes, they are.

**MR SPEAKER:** Ms Le Couteur, a supplementary question?

**MS LE COUTEUR:** Once they are informed, what action does the chief executive officer, as the territory parent, take if there is a suspension or expulsion?

**MS BURCH:** It depends on the level of suspension, the purpose of suspension and what foster or carer arrangements are in place. Again, it is not one size fits all. Because we take the welfare of children in care as a priority, rest assured that it is not a simple tick and flick and then put to the side. Action, and appropriate action, will be taken.

## **Economy**

**MS PORTER:** Thank you, Mr Speaker. My question, through you, is to the Treasurer. Can the Treasurer advise the Assembly of the state of the ACT economy, given the better-than-expected national economic performance so far during the global economic downturn?

**MS GALLAGHER:** I thank Ms Porter for the question. It is appropriate just prior to tabling the budget review—which I will do after question time—that we do have a look at how the world events have unfolded and the impacts they have had not just in the ACT but in Australia. As members would be aware, the recent global economic growth forecasts by the IMF as reflected in its January economic outlook saw an updated revision to 3.9 per cent in 2010. This reflects the extraordinary amount of monetary and fiscal policy stimulus and the success of those combined measures.

Consistent with the improved global outlook, the IMF has revised its forecast for Australian growth upwards to 2.5 per cent in 2010, while growth is expected to be three per cent in 2011. The IMF stated that Australia was the only advanced economy to record positive growth in 2009 of one per cent. The IMF acknowledged this better-than-expected performance, especially in the labour market, to be a combination of timely and effective government policy in response to the crisis, high demand for our commodities, which continues from China, and a healthy banking sector.

The improved global and national economic outlook is expected to have a positive impact on the ACT economy and has led to a reduction in the downside risks for the economy. We have seen across Australia an improvement in consumer and business confidence, a stabilisation in wealth levels as equity and housing markets have recovered and resilience in housing market activity led by the commonwealth government's boost to the first home owner grants program and underpinned by a relatively low interest rate environment.

Despite the negative impacts of the GFC, the ACT economy as measured by state final demand managed to grow in 2008-09, increasing by a modest 0.4 per cent. This is very low and is well below the long-run average. It had come off the strong double-digit growth which peaked, I think, in 2006-07 at 11.8 per cent, and it should be seen in the context of previous high interest rates and consumer prices in 2007-08 and, of course, the GFC in 2008-09.

Following a period of negative growth from the September quarter 2008 to the March quarter 2009, which pointed to a so-called technical recession here in the ACT, our state final demand rebounded strongly in the June quarter 2009 and continued to grow in the September quarter 2009. The economy, therefore, recovered strongly, growing by four per cent in the six months to September 2009. The federal government's stimulus measures and, in some part, our own local initiatives, have supported this local recovery.

Although the CFG affected employment in the ACT, the territory still continues to have a low unemployment rate, with the second highest participation rate in the country in January 2010. The unemployment rate followed a general upward trend since January 2009 but has remained well below the national rate. Indeed, I think today's figures released show our unemployment rate to be 3.8 per cent against a national unemployment rate of 5.4 per cent. So, whilst there has been a slight growth,—0.1 per cent growth—in our unemployment rate, it still remains about 1.6 per cent below the national rate, which is a very good outcome for people here in the ACT.

We have seen against a number of economic indicators positive news for the ACT economy. I look forward to working with industry and other members in this place to make sure that we do all we can to support a continuation of the recovery that we have seen occur in the last six months of this year.

**MR SPEAKER:** Ms Porter, a supplementary question?

**MS PORTER:** Thank you, Mr Speaker. Treasurer, what was the impact of monetary and fiscal policy stimulus measures on the ACT's housing market?

**MS GALLAGHER:** I think it is fair to say that some of the best news that has come out through the economic indicators has been around the performance of the ACT's housing market. It really has been shown to be resilient during the economic downturn, very much supported by the federal government's first home owner boost initiative; of course, and the relatively low interest rate environment—we are a very interest rate sensitive community here—and some of the work that we were doing to support the housing market here in the ACT, working alongside industry.

You can see that year on year to December 2009 the number of housing finance commitments for owner occupation in the ACT in original terms registered growth of 31.3 per cent compared to an increase of 13.8 per cent nationally. So the ACT recorded the strongest annual growth in the country.

Residential building approvals in the ACT grew by 37 per cent year on year to December 2009 compared to a 2.1 per cent fall nationally. Year on year to November 2009, the value of individual investor commitments in the ACT was up 34 per cent, the second largest increase in the country.

For the year ending December 2009, first home buyer housing finance commitments accounted for 22 per cent of all housing finance commitments in the ACT, which is

up from the 14.4 per cent recorded for the year ending December 2008. The number of first home buyer commitments in the ACT increased by 100 per cent, while non first home buyer commitments also increased strongly, by 19.7 per cent.

These housing market related indicators confirm that the low interest rate environment plus some of those stimulus measures to support employment in the territory were very effective for homeowners and investors alike, and many of them took the opportunity to invest in the housing market during this time.

**MR SPEAKER:** A supplementary question, Mr Hargreaves?

**MR HARGREAVES:** Yes, thank you, Mr Speaker. Minister, compared with the federal government's slashing of 7,000 jobs in the ACT in 1996, what effect on the employment marketplace in the ACT did this stimulus package generate?

**MS GALLAGHER:** I think the aim of the stimulus program nationally was all about jobs. I think in fact it was known as the nation building and jobs plan, to make sure that when the private sector particularly was under a fair bit of pressure government was able to step in, intervene and support employment. There is no doubt when you talk to industry around decisions that they were taking as the global financial crisis unfolded that they were taking those decisions mindful, particularly in the future months, of whether or not work would be there, how the banking system was holding up and what was happening in financial markets. And all of that created uncertainty for the labour market.

I think the results that we have seen nationally in unemployment levels, maintaining a very low level, much lower than was originally thought, and when compared to other economies around the world, show we have done very well on that front. Really, nobody can stand here and argue that the nation building jobs plan, or indeed the investments that this Assembly made into the local community, have not helped and assisted employers to retain workers in jobs. That has been an excellent result, not only for our economy but for many families who rely on employment to keep their families going.

When people write the reviews of how people have responded, how countries have responded, my own feeling—and I am sure it is shared by a number of people in this place—is that the governments at a federal, state and territory level really did cooperate to ensure that they were supporting jobs across the country.

### **Home insulation program**

**MR SMYTH:** My question is to the Attorney-General. Attorney-General, who informed you of the outcomes of the April 2009 telephone hook-up between state fair trading departments and the federal government? When were you informed?

**MR CORBELL:** I was informed by officials of my department this morning, Mr Speaker. I should comment that it is not unusual for officers of the ACT government to have contact with commonwealth officers. It is further not unusual for those meetings to not always be reported to their ministers. They happen at all levels of the public service and they happen regularly and frequently.

In this instance, this was a meeting of relatively junior officials and it was for the purpose of information being provided by the commonwealth to the ACT about the administration of a commonwealth program. So I am not surprised that this matter was not brought to my attention. It would be logistically impossible for ACT government officials to brief their minister on every and each contact they had with commonwealth agencies—in particular, in relation to commonwealth programs with which the ACT government is not involved.

**MR SPEAKER:** Mr Smyth, a supplementary?

**MR SMYTH:** Thank you, Mr Speaker. Minister, what outcomes were you informed of this morning and will you table any advice that you were given about the hook-up?

**MR CORBELL:** I think I have already answered the question about what was discussed at the meeting because Mr Seselja asked me that in his question.

**MR SPEAKER:** Mr Seselja, a supplementary?

**MR SESELJA:** Minister, did the outcomes of that hook-up prompt any policy changes by the government and, if so, what were they?

**MR CORBELL:** No. There was no need for any changes to policy. There was no need for policy changes. The ACT, through its agencies, has been proactive, both before and after that meeting, in issuing warnings to consumers and to the industry about the importance of maintaining safety when it comes to the installation of insulation and warnings to consumers about high-pressure sales tactics.

I draw to the attention of members the fact that, on 9 February, I think it was—in February last year—the ACT Planning and Land Authority, before that telephone hook-up took place, issued an advisory reminder to the industry about the importance of maintaining safety and the potential for risks in incorrectly installing insulation. That occurred in February last year.

Following the rollout of the commonwealth package, the ACT government issued the following advisories through its agencies: on 26 November, the ACT work safety commissioner and the Office of Regulatory Services issued a joint media release warning installers of potential hazards as a result of deaths in other jurisdictions and reminding the industry in the ACT of their obligations and potential risks.

We issued a further warning on 30 November, by the Office of Regulatory Services, and we issued a hazard alert. Hazard alert 47 was released on Friday, 27 November last year, reminding installers of their obligations and potential risks in terms of installing ceiling insulation. That hazard warning was also circulated to all installers in the ACT.

**MRS DUNNE:** A supplementary question, Mr Speaker.

**MR SPEAKER:** Yes, Mrs Dunne.

**MRS DUNNE:** Thank you, Mr Speaker. Minister, why has there been no interest in this matter from officials in the ACT government or from yourself or Mr Barr, given that, as the commonwealth minister said on ABC radio this morning, the regulation of this matter was a state and territory matter?

**MR CORBELL:** The problem with Mrs Dunne's question is that there have been no complaints to authorities about any dodgy installation. Our agencies regulate safety, they regulate occupational health and safety, they regulate building and electrical safety, they regulate consumer affairs. In relation to electrical safety and in relation to occupational health and safety practices, there have been no complaints from industry or unions representing workers in the industry of poor or dodgy installation practice. So our regulatory authorities have done what you would expect them to do, which is to warn installers and warn consumers that there is the potential for risk, and we have done that repeatedly over the last six months. But there have been no complaints received by our regulatory agencies in relation to dodgy practice.

The other point that should be made is that the ACT fair trading authorities have received seven complaints in the last seven months about high-pressure sales tactics from people trying to sell insulation. In relation to those matters, the agencies have acted appropriately and issued a warning to consumers through the media to be aware of high-pressure sales tactics and reminding consumers of their rights. I have every confidence that regulatory agencies have done their job, as we would expect them to do, and have done so consistently over the last year.

### **Home insulation program**

**MRS DUNNE:** My question is to the Attorney-General. Attorney, given that you were aware of the dangers of poorly installed insulation, what actions did you take to ensure that Canberrans were protected from these dangers?

**MR CORBELL:** I have just answered that question, Mr Speaker, but I will go through it again for Mrs Dunne. It is not new knowledge that there are dangers associated with the improper installation of insulation. It is not a new issue. Indeed, that is why the ACT Planning and Land Authority issued an advisory in February last year about those dangers and the need for people to take care when installing insulation. What has the government done? The government, through the ACT work safety commissioner, issued an alert on 26 November last year; it issued an alert on 30 November last year; it issued a hazard alert on 27 November last year and it issued a warning to consumers on 29 January this year. That is what the ACT government has done in relation to these matters.

**MR SPEAKER:** Mrs Dunne, a supplementary?

**MRS DUNNE:** Thank you. Minister, what internal reporting procedures are used to spread messages throughout the government and the community when serious safety issues are raised within a department, given that by his own admission this morning Minister Barr did not know of his own agency's warnings?

**MR CORBELL:** There were no instances of unsafe practice in the ACT being reported to authorities and to date there have been no instances of unsafe practice reported to the regulatory authorities. In those circumstances, it is entirely appropriate that our agencies remind installers and consumers of potential risks consistent with some of the very bad stories of bad practice that have occurred in other states. But we have had no reports to ACT WorkCover, no reports to the Planning and Land Authority—as far as I am aware, and Mr Barr can probably better answer that—and no reports to fair trading about dodgy installations. We have had reports about high pressure sales tactics, and we have taken action in response to those reports.

**MR SPEAKER:** A supplementary question, Mr Seselja?

**MR SESELJA:** Yes, a supplementary. Minister, has the legal principle that the greater the danger, the more action is needed to warn and protect been adequately met in relation to this issue?

**MR CORBELL:** The regulatory agencies have issued repeated warnings, Mr Speaker. Those warnings include providing a hazard alert, which is a detailed warning of the potential risks to every—does Mr Seselja think this is an important issue or not? He is not paying attention to the answer.

Mr Speaker, we have issued a hazard alert to every installer operating in the ACT. We have publicly put out a media release to all media outlets drawing attention to the fact that that hazard alert has been issued. We have provided that hazard alert to industry representatives such as the MBA to ensure that the industry bodies are also aware of it.

We have not issued the hazard alert; we have had the commissioner for work safety and the Office of Regulatory Services also issuing other media advisories. There have been interviews taking place on radio advising of these concerns—on 2CC, on 666—with the Construction Occupations Registrar. There has been repeated advice from ACT agencies about potential risks.

But let me emphasise that these are potential risks. We have not seen any reports of dodgy installation to the regulatory authorities. We have taken, I believe, every appropriate step to warn of potential risks in the light of what has been poor practice in other places around Australia.

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

**MR COE:** Minister, I refer to your repeated claims that you did not receive any complaints about dodgy installation. In the June 2009 Office of Regulatory Services monthly electronic news bulletin, on page 9 it says that a consumer complained that his bedroom lights did not work after a trader installed insulation. It goes on to say that the trader offered to pay half the cost of electrical repair, and this amount was eventually recovered, after much follow-up from the ORS advice and complaints team. How does that reconcile with what you just said?

**MR CORBELL:** I would have to look at the details of that particular matter, but I think what is quite clear is that Mr Coe has not been able to substantiate that those

matters relate to installation of insulation. They do not necessarily relate to installation of insulation. I am very happy to provide further details to the member, and I stand by my previous answer.

### **Environment—Summernats**

**MS LE COUTEUR:** My question is to the minister for environment and it concerns the Summernats festival. Minister, can you tell the Assembly what monitoring is done of noise levels produced by the festival and do the results exceed the noise limits permitted under the Environment Protection Act?

**MR CORBELL:** It is a condition of the approval that the Summernats organisers receive for noise that they are required to pay for an independent noise monitoring process during the event. Independent noise monitoring was undertaken by a qualified acoustic consultant throughout the duration of the Summernats event. As I have said, that is a condition of the environmental authorisation for the event.

The Environment Protection Authority has received 49 noise complaints associated with the most recent event. The complaints were mainly associated with amplified music and motor vehicle noise. This is a significant increase on the past year, which averaged around only seven noise-related complaints over the three days.

The consultant's noise monitoring report is still being reviewed. It has been received by the EPA and is currently being reviewed. A key part of that review is to establish whether or not there has been compliance with the conditions of the authorisation and, if there has not been compliance, to make decisions about what else can be done to address exceedences of the conditions of the authorisation.

**MR SPEAKER:** Ms Le Couteur, a supplementary question?

**MS LE COUTEUR:** Are exemptions given to Summernats which allow them to exceed the EPA standard noise limits? If so, on what basis are they given and are there time or other restrictions to be applied?

**MR CORBELL:** You are allowed to exceed normal standards if you receive an authorisation to do so. Summernats would certainly fall into that category, as would a number of other noisy events that occur in Canberra from time to time. That is how the environment protection legislation operates.

**MS HUNTER:** A supplementary?

**MR SPEAKER:** Yes, Ms Hunter.

**MS HUNTER:** Minister, what monitoring was done of air pollution levels produced by the festival, and do the results exceed the air pollution limits permitted under the Environment Protection Act?

**MR CORBELL:** If I recall correctly, there was air pollution monitoring undertaken. I do not have any details of that. I will take the question on notice and provide the information to the member.

**MS BRESNAN:** I have a supplementary, Mr Speaker.

**MR SPEAKER:** Yes, Ms Bresnan.

**MS BRESNAN:** Thank you, Mr Speaker. Has the government developed relevant standards for pollution levels or other alternative measures which allow monitoring and enforcement of air pollution levels at future Summernats events?

**MR CORBELL:** Monitoring of air pollution is done consistent with national standards.

### **Home insulation program**

**MR COE:** My question is to the Minister for Police and Emergency Services. Minister, in your absence from the Ross Solly program on ABC radio this morning concerning the home insulation issue, Minister Barr, when pressed, revealed—and I quote:

I understand that there are some further judicial processes in relation to a couple of fires that may or may not have been linked to insulation.

Minister, could you please outline to the Assembly what judicial or other inquiry is underway concerning the aforementioned house fires, by whom the referral was made and what prompted the referral?

**MR CORBELL:** As Mr Coe should know, all fires that may be considered suspicious in the ACT are referred to the coroner as a result of the Coroners Act. The coroner has jurisdiction over fires in the territory. The ACT Fire Brigade has a process for reporting all fires that it attends to the coroner for the coroner's information. It is then for the coroner to decide whether or not to investigate those matters. In relation to the fires that Mr Coe refers to, the coroner has decided, on receipt of the routine report he receives from the Fire Brigade, to investigate those fires, and that coronial process is underway. As to how that will be conducted and the matters that will be considered, that is entirely a matter for the coroner.

**MR SPEAKER:** Mr Coe, a supplementary?

**MR COE:** Minister, when was this matter referred and, upon referral, what information was supplied to the public about these concerns?

**MR CORBELL:** As I just said, the matter was not referred to the coroner. The coroner decides whether or not to investigate these issues. As I indicated previously, just to reiterate it to Mr Coe, because he clearly did not listen to my answer, there is a regular reporting process. All fires attended by the ACT Fire Brigade are reported to the coroner. The coroner then makes a decision as to whether or not there is a requirement for him or her to inquire into those matters. In these circumstances, the coroner has decided that he will inquire further into this matter.

**MR SPEAKER:** Mr Smyth, a supplementary question?

**MR SMYTH:** Minister, when were you informed about the concern that there may or may not have been a link to the insulation and these fires?

**MR CORBELL:** I was advised, I think, yesterday, but I received confirmation of the detail of the process today.

**MR SPEAKER:** Mrs Dunne, a supplementary?

**MRS DUNNE:** Minister, were there any steps taken between the time that the coroner decided to investigate these matters and today to inform the public of the concerns that existed about these fires, and were these concerns transmitted to other commonwealth, state or territory agencies?

**MR CORBELL:** It would be entirely inappropriate to speculate on the cause of these fires or the reasons for them ahead of the coroner's process. That is why we have that process. The government will not pre-empt that issue. It is for the coroner to determine the cause of these fires. Obviously the installation of insulation may be a factor in these fires but it would be inappropriate to speculate further and it would certainly be inappropriate to pre-empt findings or take action ahead of the coroner's findings in relation to the matter.

### **National Multicultural Festival**

**MR HARGREAVES:** My question is to the Minister for Multicultural Affairs. Minister, this weekend just passed saw Canberrans come together to celebrate the uniqueness of the ACT's multiculturalism. What I observed over both days was people celebrating multiculturalism in the absence of most of the Liberal Party. Could you please inform the Assembly of the outcomes of the 2010 Multicultural Festival?

**MS BURCH:** I thank Mr Hargreaves for his question, and I also thank Mr Hargreaves for his support for the multicultural community. I understand one of the things I did miss out on over the three days was your performance with our Islander colleagues down at the Pacific Islander Showcase.

**Mr Hargreaves:** Eric Clapton, move over!

**MS BURCH:** It must have been one of the highlights I missed. Mr Speaker, there is no doubt that the 2010 National Multicultural Festival, staged from Friday through till Sunday evening, was a resounding success. Members would be aware that several key changes were made to the festival in 2010 and these included a reduction in the event from nine days to three days. The footprint of the event was defined from the outset and limited to the central city area. We reconfigured the stalls to allow easier access to retailers in the area. A "face of the festival" was promoted. A charging regime for all stallholders selling food and other items was introduced, and a children's competition was introduced.

I believe these changes not only contributed to the great success that we had last weekend but also allowed us to engage with children to impart positive messages

about multiculturalism and allowed us to more tightly manage the budget for the event.

Preliminary estimates suggest that over 130,000 people attended the three days of the event. There were 250 stalls, over 100 performances and over 100 volunteers. Early indications are that the festival has come in on budget. I will be in a position to confirm this after all invoices have been received in the next little while. These are all positive outcomes of the 2010 National Multicultural Festival.

Another great outcome of the festival is that ACT Policing reported the event to be incident free. Given the large number of participants and audience and the duration of the event, this is indeed a tremendous outcome. I congratulate the ACT community for making our event safe for everyone.

I am grateful to the people who transformed the Canberra city centre into such a wonderful showcase of art, culture and tradition. The Civic triangle, with three stages, was jam-packed with colour and energy for the whole weekend. Those that participated in and attended this year's festival demonstrated that multiculturalism is indeed woven into the fabric of our society. As the *Canberra Times* notes today, the festival provides an opportunity particularly for a younger generation of Canberrans to keep their culture and traditions alive.

The festival shines a light on the rights of individuals to preserve, express and enjoy their cultural heritage and traditions, upholding the values of respect and diversity. The event also provides Canberrans with an opportunity to share cultures through food, song and dance and through the diplomatic corps.

A pleasing outcome from last weekend's event was the opportunity that it provided to over 100 volunteers to experience different tasks in a community event setting. The flip side of this, of course, is that we are able to appreciate their efforts in providing a wonderful community service and their commitment and support.

Another outcome of the festival last week is the loyal support of our sponsors who, through thick and thin, have provided financial and in-kind assistance to ensure that events like this continue each year.

There is no doubt that the 2010 National Multicultural Festival was a success on a number of levels, thanks to the efforts of organisers, community groups, the diplomatic missions and the sponsors, and I look forward to return to the Assembly in the near future to provide further information about the outcomes of the 2010 National Multicultural Festival when the results from the survey that was undertaken during the event are known.

**MR SPEAKER:** Mr Hargreaves, a supplementary?

**MR HARGREAVES:** Thank you very much, Mr Speaker. Can the minister inform the Assembly of any feedback received from stallholders and community groups about the festival and also which was more popular—solo guitar events or Bollywood dancing?

**MS BURCH:** Thank you, Mr Hargreaves, for the question—other than the last part. It is too tight to decide between solo performances and Bollywood dancing. The reaction from stallholders and community groups that participated in the festival last weekend has been extremely positive. An example of written comments received so far from stallholders and community groups include, from a cultural performance group:

Thank you very much for giving us such a great performance time-slot. When we started to perform there was a big crowd already, but once our show got in full swing the people kept coming, lured to the sound of our wonderful drummers and other musicians growing into an unending sea of people.

From the Flamenco Centre of Canberra:

We had a great time despite the rain and felt the festival was an enormous success. Our information stall triggered a lot of interest, as did our performances, and we are grateful that you gave us the opportunity to participate ...

From a folk society:

I would like to say a big thank you to all who organised the multicultural festival, it was fabulous.

We had a number of young folks come along and all had a fabulous time.

From a Mediterranean group: “We had a busy day serving food all day.” They went on to say:

The event was huge. The entertainment was awesome, the variety of stalls was amazing.

I think we will consider a larger stall for next year ... can I also get in early and request the same position for next year?

I am advised that many more positive comments about the event have been received in writing as well as verbally. The Office of Multicultural Affairs has already written to all the retailers in the central business area of the city seeking their views about the impact of the festival and we will be convening a panel of representatives shortly to discuss the 2011 festival. We are keen to ensure that feedback from stallholders, community groups, diplomatic missions and retailers is taken into account for our planning for next year.

**MR SPEAKER:** Mr Doszpot, a supplementary question?

**MR DOSZPOT:** Minister, what was the attendance report that you were recently reported in the media as stating? What was the attendance at the Multicultural Festival that you were just talking about? Was it a record?

**MS BURCH:** Certainly the feedback I have got from event organisers, stallholders, volunteers and other people that provide estimates is a figure of 130,000 to

134,000-plus. I will confirm that, as I have said, but to get that turnout over a three-day event is marvellous, particularly when we looked out the window on the Friday afternoon and everyone was told that there was a thunderstorm warning, "Go home, batten down your hatches."

I am just so pleased to say that Canberra did go home and batten down the hatches, but a good lot of Canberra folk also came out to see the spectacular that we had on Friday night. It started off as a sea of umbrellas, but the rain stopped and people enjoyed themselves well into the night. People were milling around the Civic Centre from 9 o'clock in the morning. When I left at 11 o'clock that night, the city was still full of people eating, enjoying performances and celebrating the multicultural community that we have here.

All Mr Doszpot can do is nitpick about what I have said are indicative figures. If that is all you have got to say about the festival, well, shame on you. You should celebrate the success.

**MR SPEAKER:** Ms Porter, a supplementary question?

**MS PORTER:** Thank you, Mr Speaker. Minister, can you inform the Assembly about some of the entries received for the children's competition that was run as part of the festival?

**MS BURCH:** Thank you, Ms Porter. Indeed, this is the first year that we did have a children's competition. The children were delighted with the opportunity to be able to participate. It provided an opportunity for children under 12 years of age to win a fantastic movie party at Dendy Cinemas. The competition involved writing in 30 words or less why the Multicultural Festival is an enjoyable event. It was promoted to all primary schools in the ACT and through the *Chronicle*. A flyer was also distributed.

The first prize is a party for winners and 10 friends at the VIP room at Dendy, which is a great prize. Parents know that parties are often a wonderful thing. A party at the cinema is a good thing. The runner-up prizes include 20 cricket sets signed by the face of the festival and member of the Australian women's cricket team, Ms Lisa Sthalekar.

There were many entries received. I have just asked the office to provide some of the quotes from them. We must remember that these are from children under 12, and they are indeed delightful. We will assess them and the winners will be announced next week. I will quote some of the entries:

Spring rolls kebabs short soup pizza  
All the things I like to eat  
Round the world by going around town

The Multicultural Festival's my favourite treat.  
The Multicultural Festival day is for everybody in everyway  
With greens, pinks, purple and blues  
Widen your taste and widen your views  
So all can be happy and no one lose.

Just delightful! If only those opposite would widen their views. Next quote:

I love the Multicultural Festival because there is lots of yummy food and bright colours around awesome music from around the world.

These are but a few examples of our delightful children here in the ACT. I thank them and I thank the schools that promoted their being involved I look forward to the winners receiving their tickets to the movies and, indeed, the signed cricket sets.

### **Home insulation program**

**MR DOSZPOT:** My question is to the Minister for Police and Emergency Services. Minister, there has been extensive concern expressed across the Australian community about problems arising from the faulty installation of house insulation under the federal government's insulation program. Minister, since the rollout of the federal government's program, have any fire-caused determinations been made that house fires were caused by the installation of insulation?

**MR CORBELL:** Mr Speaker, in respect of the fires that are currently being investigated by the coroner, the ACT Fire Brigade has identified that the use of insulation may have been a contributing factor and in all of those fires the insulation has been recently installed. Those fires occurred in the last two and a half months. Obviously, those matters are now before the coroner.

**MR SPEAKER:** Mr Doszpot, a supplementary question?

**MR DOSZPOT:** Minister, how many fire-caused determinations are pending in the ACT?

**MR CORBELL:** I do not know what a fire-caused determination is. It is not terminology that I use. I think I have answered the question. The fires that I am aware of that are under investigation are those fires that are currently before the coroner. Obviously the ACT Fire Brigade investigates all fires. They do that. The outcomes of those investigations? I am sorry, I do not have a list. I would have to go and ask.

But in relation to the matters that are before the coroner, as I have indicated, those fires have occurred in the last 2½ months. The ACT Fire Brigade has identified that insulation may have been a contributing factor, and the ACT Fire Brigade has determined that insulation was recently installed in relation to all of those fires. These are matters now properly before the coroner, and we will wait and see what the outcome is.

**Mr Doszpot:** Can you tell us how many?

**MR CORBELL:** There are three. I have already answered that question.

**MR SPEAKER:** Supplementary, Ms Bresnan?

**MS BRESNAN:** Thank you, Mr Speaker. Minister, what role did ACT OH&S regulatory agencies play in checking or following up on installations when concerns emerged about the program rollout?

**MR CORBELL:** There have not been any matters brought to the attention of ACT regulatory authorities about poor installation. Mr Speaker, I have already answered that question.

**MR SPEAKER:** Mr Smyth, a supplementary?

**MR SMYTH:** Thank you, Mr Speaker. Minister, have the ACT Fire Brigade or other government agencies received notification or information from other states or territories concerning insulation-related fire incidents?

**MR CORBELL:** They may have, but I am not aware of any, so I will take the question on notice and get back to the member.

### **Asbestos—management issues**

**MS BRESNAN:** My question is to the Minister for Industrial Relations. Minister, recent government commentary has stated that the contractor at Pickles Auctions, Australasian Technical Services, is being held to the strictest possible conditions while they are being permitted to operate once again. Minister, if ATS is being held to the strictest possible conditions, what are the least strict conditions under which a company handling asbestos can operate?

**MR BARR:** As I understand, this may cross over into my portfolio area in relation to the constructions operations registrar. I will need to take some advice in relation to the standards that are in place. Suffice it to say that, with there being some enforcement and regulatory requirements that are conducted or inspected by my agencies and some policy settings that sit with others, we will need to get a whole-of-government response to this question. I am happy to take it on notice.

**MR SPEAKER:** Ms Bresnan, a supplementary?

**MS BRESNAN:** Thank you. To whoever is the responsible minister, is there evidence to suggest that, if ATS had been held under the strict conditions they are now subject to, the incident could have been prevented?

**MR BARR:** Again I will take that one on notice.

**MR SPEAKER:** Ms Hunter, a supplementary question?

**MS HUNTER:** Minister, in response to the Pickles auction house incident, has the government changed the conditions in which other asbestos operators can function?

**MS GALLAGHER:** That probably comes under my portfolio and a bit under the Office of Regulatory Services. There is, as members would know, a review currently

underway into asbestos management in the ACT. That review has not been completed yet, but it may—not wanting to pre-empt that review—involve some changes to how we manage general asbestos management issues across the territory. But as to the specifics, I would have to check on that. Essentially what we are waiting for—and I was briefed on this this morning—is for this review to be completed and then implemented.

**MR SPEAKER:** Ms Le Couteur, a supplementary?

**MS LE COUTEUR:** Thank you, Mr Speaker. Minister, has the government received any further complaints about asbestos handling in the ACT since the Pickles auction house incident and, if you have, has this resulted in any stricter conditions on operators?

**MR CORBELL:** I am not aware of any new complaints following the Pickles incident. The Pickles incident certainly prompted some renewed complaints about matters that occurred before that incident, but I am not aware of any new complaints, to the best of my knowledge. Therefore, the second part of your question, Ms Le Couteur, does not apply.

### **Home insulation program**

**MR HANSON:** My question is to the Attorney-General. Attorney, I refer to your press release dated 26 May 2009 entitled “Stay safe, stay alive this winter”. In this press release you sought to warn the ACT community about the dangers of fire caused by unattended cooking, portable heaters and lint filters in clothes dryers. However, this release fails to mention the potential fire danger of the insulation in homeowners’ ceilings. Attorney, why did your fire warning press release ignore this danger that the government was aware of since at least April 2009?

**MR CORBELL:** Believe it not, Mr Speaker, fires can start from a lot of causes. In relation to the winter fire safety warning, I issued those warnings on the advice of the ACT Fire Brigade. The ACT Fire Brigade approached me as the responsible minister and said, “We wish to conduct a winter fire safety campaign. Minister, will you launch this campaign for us?” Of course I said, “Yes, I will. Please provide me with the information I need to issue this warning.” The ACT Fire Brigade provided me with that information and I issued the warning, consistent with the Fire Brigade’s advice.

I am not an expert in fire safety. I rely on the advice of the people who are—the ACT Fire Brigade. The information contained in my statement was drawn from and provided to me by the ACT Fire Brigade. If Mr Hanson has a problem with what I say in relation to my winter fire safety warnings, I am very happy for him to sit down with the officers from the ACT Fire Brigade. I will get him to chastise them on the fact that they missed this incredibly important point that Mr Hanson felt should have been in there.

Mr Speaker, I stand by the advice I received from the ACT Fire Brigade. The ACT Fire Brigade are a very professional fire service. They are highly skilled investigators

and highly skilled firefighters. They conduct the ACT winter fire safety campaign. They provide me with the information that I then provide to the community on what should be said as part of that campaign. If Mr Hanson has a problem with that then he has a very strange view about how fire safety messages should be formulated.

**MR SPEAKER:** Mr Hanson, a supplementary question?

**MR HANSON:** Do you take no responsibility for the warnings and the press releases that you release?

**MR CORBELL:** Mr Hanson obviously missed what I just said. I stand by what I say in my press statements and I stand by the advice I receive from the ACT Fire Brigade. The only person who is criticising the ACT Fire Brigade is Mr Hanson. He is saying that in some way they were negligent in not giving me advice about a particular matter. I reject that. The home winter fire safety message is a message to householders about how they can help prevent fires in their homes—simple things such as making sure that you do not let your clothes dryer get overloaded with lint, because that can cause a fire hazard; simple things such as making sure that you do not overload your power boards with all of the different electrical appliances, because that can cause a fire hazard; simple things such as making sure that you do not leave your cooking unattended on the stove, because that can potentially lead to a fire.

The ACT Fire Brigade runs a home winter safety message every year. I launch it every year and I use the advice the fire experts provide to me in what messages they want to get out every year. If Mr Hanson has a problem with that, I am very happy for him to sit down with the good men and women of the ACT Fire Brigade and have it explained to him.

**MR SPEAKER:** Mrs Dunne, a supplementary question?

**MRS DUNNE:** Minister, was the ACT Fire Brigade consulted on issues relating to the fitting of insulation as part of a commonwealth rollout of the program? If so, what advice did they provide to you or other government agencies?

**MR CORBELL:** Not that I am aware of, Mr Speaker. Not that I am aware of.

**MR SPEAKER:** Mrs Dunne?

**MRS DUNNE:** A supplementary question, Mr Speaker. Minister, can you and your cabinet colleagues table any and all documents relating to the commonwealth government's home insulation program by close of business today, for the scrutiny of the Assembly? If not, why not, and will you particularly table the document that you were reading from with the red margin down the side, which I think is the fair trading report that Mr Coe was referring to earlier in question time?

**MR CORBELL:** I do not need to table that document, Mr Speaker, because, first of all, clearly, the Liberal Party have one; and, secondly, it is, of course, on the ORS website. But now that Mrs Dunne has raised it, let me draw to Mr Coe's and the

Liberal Party's attention that the complaint that they refer to in relation to a consumer complaining that his bedroom lights did not work after a trader installed insulation—

**Mr Hanson:** Mr Speaker, the question was very specific. It related to the tabling of a document—this document and all other documents. We just need confirmation directly from the Attorney-General that he will be tabling this and all related documents by close of business today.

**MR CORBELL:** Mr Speaker, I am explaining the document in question and I will come to the rest of the answer after I have explained the document in question. The complaint that is referred to in this document was made prior to June 2009. When did the commonwealth insulation program start? 1 July 2009. I have clearly indicated to this place that the government has received no complaints about dodgy installation since the commonwealth program commenced. This complaint was received some time before the commonwealth even commenced their program.

**Mr Seselja:** Are you going to table the documents or not?

**Mr Hanson:** Mr Speaker, on a point of order—

**MR SPEAKER:** Stop the clock.

**Mr Hanson:** the question that was asked by the member was very specific, about the tabling of this and all other documents related to the home insulation program. That was asked to be tabled by the close of business today, and the minister has failed to respond to that question.

**MR CORBELL:** Mr Speaker, the government does not have any documents about the home insulation program because we do not run the home insulation program. I think the members opposite are going to need to be a bit more specific with their request. The government does not have documents in relation to the home insulation program because we do not run the home insulation program.

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

### **Supplementary answers to questions without notice Planning—service stations**

**MR BARR:** Yesterday in question time Ms Le Couteur asked me as a supplementary question if I could update the Assembly on redevelopment progress at some disused service stations sites, in particular Page, Latham and Rivett. In response, I can provide the following information.

In relation to the Page site, I am advised that the current lessee has been in possession of this property for just over three years. The lessee is entitled to seek an extension of time to the building and development covenants, as other ACT leaseholders are entitled to do. ACTPLA has previously considered and approved an application for an extension to the building and development covenants of the lease to facilitate the redevelopment of the site in the interests of the Page community.

The provision of further information with respect to the site is constrained by requirements of the Privacy Act and, as I am sure members would understand, I am bound by the provisions of that legislation and cannot release further details. I can advise, though, that at this stage working with the lessee to facilitate the timely redevelopment of the site is the most effective way forward.

In relation to the Latham site, I am advised that a development application for a variation of the crown lease and construction of two buildings comprising 13 units was lodged with the Planning and Land Authority on 4 May 2009. The application was conditionally approved on 22 July 2009 and I am advised that the matter is subject to review and is currently before the ACAT.

In relation to the Rivett site, I am advised by the Environment Protection Authority that the Rivett service station site is currently undergoing contamination remediation. A site audit statement is yet to be prepared for the site. With respect to redevelopment of this site, work cannot commence on the site until clearance is given by the EPA.

I can also advise that the following former service station sites are at various stages of the redevelopment process and would provide some cause for modest optimism: block 1 section 26, Duffy; blocks 16 and 17 section 29, Braddon; block 13 section 28, Narrabundah; block 2 section 25, Griffith; block 23 section 5, Lyons; block 1 section 49, Campbell; blocks 13 and 14 section 21, Braddon; block 1 section 17, Watson; block 1 section 34, Garran; block 10 section 12, Higgins; block 25 section 3, Oaks Estate; and, finally, block 5 section 11, Chapman.

### **Summernats—noise levels**

**MR CORBELL:** During question time today Ms Le Couteur asked me a question about ambient air quality monitoring in the areas surrounding the Summernats event. I can confirm that ambient air quality monitoring was undertaken during the Summernats event and that occurred in the suburb of Watson. The results from that monitoring are currently being analysed by consultants and when a final report has been submitted by those consultants it will be posted on the Department of the Environment, Climate Change, Energy and Water's website.

I have received a complaint from a resident about dust that they believed was being emitted from EPIC during the Summernats event. The EPA has advised me, and I have advised the constituent, that the dust about which the constituent was concerned is believed to have been caused by traffic using Morisset Road and Well Station Road in Mitchell to access the car parks adjacent to EPIC because of the closure of Flemington Road. These particular roads are dirt roads and the use of these roads apparently caused dust to become airborne. During the regular daily meetings that the EPA had with Summernats event management, the EPA recommended the use of a water truck to control this dust.

## **Answers to questions on notice**

### **Questions Nos 518 and 519**

**MS LE COUTEUR:** Mr Speaker, under standing order 118A, I believe, I wish to ask questions about a number of questions on notice which I have not yet received answers to. For the Minister for Planning, I have questions 518 and 519.

**MR BARR:** I will ask my office to inquire. I imagine that this is in relation to questions I have not answered.

**Ms Le Couteur:** Yes.

**Mr BARR:** I will check the details. I am not sure which ones they are. I will check the detail and get back to the member.

### **Question No 521**

**MS LE COUTEUR:** I also had a question, No 521, for the Attorney-General. We believe we should have had an answer by now. We live in hope.

**MR CORBELL:** My department has had a problem trying to determine exactly the question that Ms Le Couteur is trying to ask. As a result, my office has spoken to Ms Le Couteur's office regarding this question. That liaison is continuing and we are trying to work out a way that we can clarify what the question is and how it can be responded to.

## **2009-2010 budget review**

### **Paper and statement by minister**

**MS GALLAGHER** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (3.11): For the information of members, I present the following paper:

Budget 2009-2010—Budget review.

I seek leave to make a statement in relation to the paper.

Leave granted.

**MS GALLAGHER:** The budget review for 2009-10 is prepared in accordance with the Financial Management Act. The budget review provides pleasing news—news of an economy and a budget that is on the mend.

I am pleased to inform the Assembly that the better than expected economic outlook has resulted in an improvement in the territory's estimated net operating balance across the budget and indeed the forward estimates.

The general government sector net operating balance has improved by around \$129 million in 2009-10, from a deficit of \$134.8 million to a deficit of \$5.7 million.

Additionally, there has been a \$209 million aggregate improvement in the net operating balance over the forward years.

A more positive outlook for the ACT economy combined with stronger levels of commonwealth spending in 2009-10 is forecast to have a positive impact on the budget. Consumer and business confidence is rebounding, in large part due to the strength of the Australian economy, the commonwealth stimulus packages and the territory's own capital initiatives aimed at cushioning the effect of the economic slowdown to support jobs and to support activity in the housing and construction markets.

Housing market activity also continues to be supported by relatively low interest rate settings. Treasury now forecasts ACT state final demand to recover from its low of 0.4 per cent in 2008-09 to growth of 3¾ per cent in 2009-10, an improvement 1¾ percentage points over previous forecasts. Our GST revenue estimates have been revised upwards, as have our payroll tax estimates. Additionally, the territory's investments have been performing better than previously anticipated due to the recovery in debt and equity markets. The budget improvement is quite pronounced in the current year, due to the continued impact of the commonwealth stimulus measures, in particular the impact of the first homeowner boost on the housing market.

Revenues this year have also benefited from some large commercial property transactions, again demonstrating confidence in the economy. As a result of the improved net operating balance, the general government sector borrowing requirement is now estimated to be in the order of \$250 million by the end of 2010-11, which is down from the estimate of \$550 million in the 2009 budget update.

The strength of the territory's balance sheet has always been a positive factor which assisted us through the crisis and ensured that we have maintained our AAA credit rating. I quote from Standard & Poor's most recent update on the ACT:

... the strength of the government's balance sheet provides flexibility to absorb cyclical deficit ...

This stems from a fiscal strategy to achieve general government sector net operating surpluses, and prudent debt management that has left the government in a strong net-creditor starting point position.

The financial position of the general government sector, as assessed through a number of balance sheet measures, remains strong, with a significant improvement since the budget. The changes in the balance sheet largely relate to increased investment values as a result of the recovery of the financial markets and the increased value of infrastructure assets following re-evaluations.

Our budget plan was based on contributions from cyclical economic recovery, expenditure restraint and savings. The updated forecast suggests that the cyclical recovery is occurring earlier than we, and indeed most others, had envisaged. The strength of our budget plan is that we will be able to adjust it to changed circumstances and outlook. That is what a flexible plan does. The budget plan remains as relevant today as it was when I presented the 2010 budget last May. Our approach to managing the budget was right, and this update just confirms that.

We said we would take a sensible approach to the management of the territory's finances and would not respond in a knee-jerk manner to the next bit of bad or good news that came along. We will continue to pursue our long-term plans to move the budget into surplus while continuing to support jobs and the economy along with meeting the needs of our community.

The government has a strong record in delivering capital works to the territory, as represented by the strength of infrastructure assets on our balance sheet. Our program is and will continue to be about building up the infrastructure that Canberrans need and require to support the ongoing delivery of high quality services to the community.

As part of the 2009-10 budget review process, the government listened to industry concerns regarding current capacity constraints within local industry and, as a result, all government agencies have reviewed and reassessed their capital works program in the light of the first six months of progress. The budget review provides details of that exercise. This has resulted in \$105 million of capital works being re-profiled from 2009-10 into the outyears. This action should help local industry to better deal with the current high demands on them this financial year, particularly as a result of the commonwealth stimulus initiatives, and provide an opportunity to undertake planning of their capacity requirements to meet the challenges of our capital investment program into the future.

These are welcome signs that the economy and the budget are recovering more quickly than expected. There is, however, still no doubt at all that there remains a significant task ahead to move the budget back into surplus, and we remain committed to that task. I commend the 2009-10 budget review to the Assembly.

I move:

That the Assembly takes note of the paper.

Debate (on motion by **Mr Smyth**) adjourned to the next sitting.

## **Financial Management Act—consolidated financial report Paper and statement by minister**

**MS GALLAGHER** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations): For the information of members, I present the following paper:

Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 31 December 2009.

I seek leave to make a statement in relation to the paper.

Leave granted.

**MS GALLAGHER:** This report is required under section 26 of the Financial Management Act. The December quarter net operating balance of the general

government sector was a surplus of \$17.2 million, which is a \$19.8 million improvement from the year-to-date budgeted deficit of \$2.7 million.

The improvement in year-to-date performance of the territory can be largely attributed to stronger revenue performance, including: residential conveyancing duty, reflecting relatively strong activity to date due to the federal government's first homeowner boost and the low interest rate environment; strong commercial conveyance due to several large transactions; and an increase in payroll tax flowing from the increase in registrations and a higher level of activity in 2008-09 as employment levels held, and increased compliance activities.

Over the past three months we have also had strong returns on our equity investments due to a recovery in both debt and equity markets. On an AAS basis, the GGS recorded a surplus of \$251.7 million, which is \$192.4 million higher than the year-to-date budget, largely resulting from improved investment performance and greater returns. The territory continues to maintain a strong balance sheet, as reflected in a number of key indicators such as net worth, net financial liabilities and net debt.

These improvements in activity and returns over the past six months have been reflected in our revised budget estimates as presented in the 2009-10 budget review also tabled today. This report separately addresses and updates the territory's economic and financial forecast and I commend the December quarterly report to the Assembly.

### **Supplementary answer to question without notice Home insulation program**

**MR CORBELL:** Mr Speaker, with your indulgence, I have a follow-up from question time. I have received some advice that my office has received a representation from another member's office in relation to a complaint against a company known as Galaxy Insulations. It is a complaint from a constituent to that MLA's office expressing disappointment with the level of service provided.

Just for completeness in my answer in relation to complaints that have been received, I would like to add that this one has been drawn to my attention, that a complaint about service from a company called Galaxy Insulations has been received in my office from a member's office in this place, and that is currently being investigated.

### **Planning and Environment—Standing Committee Report 24—government response**

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (3.21): For the information of members, I present the following paper:

*Planning and Environment—Standing Committee—Report 24—Review of Draft Management Plan for Urban Open Space and Public Access Sportsgrounds in the Gungahlin Region—Government response.*

The report was presented on 1 May 2007. I understand that the government response was provided direct to the committee and has not, up until this stage, been tabled in the Assembly, so I do so now.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

### **Capital works projects—management Discussion of matter of public importance**

**MR SPEAKER:** I have received letters from Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Mr Hargreaves, Ms Hunter, Ms Le Couteur, Ms Porter, Mr Seselja and Mr Smyth proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Mr Hanson be submitted to the Assembly, namely:

Management of major capital works projects.

**MR HANSON (Molonglo) (3.22):** Mr Speaker, thank you. I assume that this is a reward for my outstanding behaviour during question time today. As hard as it was to restrain myself at times, Mr Speaker, I think I only interjected three times.

**MR SPEAKER:** I think the graduates were surprised by the conduct of the proceedings.

**MR HANSON:** Yes, I was sorry to disappoint them. They probably came expecting more of a show. Anyway, I am sure I will not disappoint again.

Mr Speaker, this is an important matter that we talk about today in the chamber—that is, this government’s record on delivering capital works. Whilst we see that this government is quick to close schools and quick to close libraries, when it actually comes to the important job of managing and delivering on public works, it has a very poor track record. I will go through a series of examples to illustrate my point.

Before I do, I will just read from a document that outlines the government’s failure in actually delivering capital works. When you look at the rollover in expenditure on capital works in the territory—and I can date it back to when the government first came in, 2001-02—the amounts are significant. They range in that year from \$165 million to 2008-09 at \$531 million. Rather than go through the details of the dollar amounts, I will tell you about the percentages. Of what was promised as compared to what was delivered, the underspends starting in 2001-02 and then coming forward to 2008-09 were 33 per cent, 37 per cent, 36 per cent, 48 per cent, 48 per cent, 38 per cent, 36 per cent and 44 per cent. So what you see is a declining rate of this government’s ability to actually deliver projects ranging from between a third of capital projects that were not delivered to close to a half. It is a disappointing

record and it represents in that total period \$968.2 million of capital infrastructure that was not delivered on time.

The first example I use is one of the more recent examples that we have—that is, the Cotter Dam. I believe that Mrs Dunne, if she gets time, will add further to this, but I think all the members here would be aware of the massive cost blow-outs related to the Cotter Dam project, and it is worth looking at the issue. Between the Cotter Dam project and the proposed Googong transfer, we have seen the original price skyrocket from \$160 million in 2005 as an estimate to \$530 million today. So, from \$120 million for a dam to \$363 million, and \$30 million for a pipeline to \$120 million today. That is an extraordinary blow-out in costs. You also have to recall that this is a project that has experienced significant delay.

Now the impact of those cost blow-outs and the impact of the delay is not simply a change in a number here in the Assembly that we need not worry about. What we know is that, as a result of that cost blow-out, working families here in the ACT are going to be slugged with an extra water bill to pay as a consequence of this government's mismanagement and their inability to deliver this infrastructure project on time.

**Mrs Dunne:** It's not a one-off.

**MR HANSON:** As Mrs Dunne says quite correctly, that is not a one-off. They are going to be slugged every year with an increased bill for their water. This government think that they are helping working families, but, when we look at the evidence, what is actually happening to the household bills of those families that this government say they are there to look after, the reality is very different. They are going to be slugged because of this government's inability to deliver that major infrastructure project on time.

I turn now to the FireLink communications project. This project cost the taxpayer \$5 million. Let me have a look at the reality. It does not work; it simply does not work. This is a project that was promised by Minister Corbell, who is the minister responsible. He said in a statement on 12 December 2006 that FireLink does work. He said that it was operational at that time in the RFS and the SES. Well, what a disappointment, again, and \$5 million wasted.

The same minister, Mr Corbell, was also the man responsible for the ESA headquarters. We have seen the Auditor-General release some very damning findings in relation to that in the past few months. The cost of the project, which was originally costed at \$11.6 million, has risen dramatically. As of 2009—I have the latest figures—it is now \$75.2 million. That is a remarkable increase. I will just state those figures again: \$11 million to \$75 million. That is just simply extraordinary and represents a whole range of basic services that this government will not be able to deliver to Canberra families. That is \$60 million that this government has spent through its mismanagement and its failure to deliver the project on budget and on time. It is \$60 million that, in effect, will now be taken out of the pockets of the average Canberra, of the working families in the suburbs that we all live in.

What did the Auditor-General say? I will quote some of the highlights from the Auditor-General. She said the Fairbairn site was not robust and was not supported by detailed analysis. There were significant concerns raised about the suitability of the Fairbairn location, and so on. I encourage you to read that report, because it does highlight the mistakes that were made, mistakes that this government seems incapable of learning from.

Moving to another issue—the Belconnen busway project. Funnily enough, guess who it is. There is no prize; it is too simple a question. Even Mr Barr would be able to answer this. It was Simon, Mr Barr, in case you were wondering. Simon says, “I will deliver it on time and on budget.” Well, we know that it will not be true if Simon says it. What did he say? Let me quote him:

Not only will the Belconnen to Civic Busway be one of the ACT’s most significant infrastructure developments, but it will also be a major factor in changing people’s travelling habits, significantly cutting road infrastructure and bus operating costs, reducing noise and air pollution and greenhouse gas emissions and improving accessibility for public transport patrons.

My goodness, was that not a bold statement that he made amongst the many other bold statements? The project was set to cost the taxpayer \$3.5 million in associated works. What have we got for the \$3.5 million? It appears we having nothing. Added to the blow-out of the Cotter Dam, added to the additional cost in ESA headquarters, added to the waste of money on FireLink, there is another \$3.5 million that has, in effect, been ripped out of the pockets of the taxpayers of the ACT, who are paying more for their basic household services than they need to simply because this government cannot manage major infrastructure projects.

One that got prominence during the ACT election campaign is the Gungahlin Drive extension. I do not think anyone can forget the memorable rush announcement from the Chief Minister on the eve of the *City News* coming out. There was the front page policy announcement by the Canberra Liberals that we would, indeed, duplicate that road and then the hurried press conference from Mr Stanhope: “We’ll do that. We got in there first.” It was an appalling act. It was probably not quite as bad as the fake opening of the AMC, but it certainly was a low moment in the ACT election campaign.

Labor has known for years that the traffic was going to be struggling to meet capacity on a single-lane road and that we needed a two-lane road in that location. Indeed, government studies in 2002 said:

GDE will busy upon opening, and that widening to four lanes will need to be considered relatively soon after the opening of the original construction.

The CEO of the then Department of Urban Services in 2004 said that a two-lane road would provide an extraordinary service to people in that part of Canberra for something like 22 hours a day. Mr Stanhope promised in 2001 to build the road by

2004 with four lanes at a cost of \$53 million. But that is not what happened, and we all know that that road still is not duplicated. If you get on that road, and I encourage you to do so in peak hours—

**Mrs Dunne:** I wouldn't, not in peak hour.

**MR HANSON:** It is regularly Mrs Dunne's excuse for turning up late to meetings, but it is a valid one. It is one that she uses with me on a regular occasion. Actually, it is not regular; I am being cruel. It is certainly not an excuse, because it is a genuine problem that many Canberrans have because they are stuck on a road which should have been duplicated years ago for \$53 million. That blew out five years later to an estimated \$120 million for two lanes. So, from \$53 million, which was meant to be the original price, it blew out to \$120 million. If that is adjusted in real terms, it is a frightening figure.

Another example of the government's mismanagement of capital projects is the ACT prison, quaintly known as the Alexander Maconochie Centre. Let us not forget that it is a prison. I think sometimes that fact is forgotten. I do not say that the Alexander Maconochie Centre is not a good name for it, but we do need to remind ourselves of the function of that facility. What we know—and we went through this in some detail yesterday—is that this is a project that experienced massive over-runs in terms of duration. We know that the scope was significantly reduced. You would be intimately aware of this, Mr Assistant Speaker. The number of beds was reduced from 374 to 300; the transitional accommodation has been reduced from 60 beds to 15; the gymnasium that was in the original scope was not delivered, nor was the chapel; and the plan for an outer perimeter fence was not delivered.

The original cost of the AMC was to be \$110 million. Again, the final price—it is still subject to whether we can recover \$3.5 million—is in the order of \$130 million. So there is another \$20 million that has again been ripped out of the pockets of Canberra's residents. We see the ongoing costs of that project. Mr Stanhope said that the cost of managing the prison would be no more and, in fact, probably less than it was previously, but it is now costing us \$504 a day for a prisoner whereas the previous cost was about half that.

We heard yesterday the response from the government, from Mr Corbell, on the failures in the management of that project. What it highlights is this government's inability to learn from their mistakes. Rather than acknowledge that mistakes were made, rather than acknowledge that they could do better, rather than acknowledge that next time they will learn those lessons and they will deliver capital projects on time and on budget, we saw an extraordinary attack on the committee and the blame game that it was not the government's fault, it was the contractor's. I think that in the management of any project there are complexities, but for the government to deny any responsibility, any accountability, any blame for what has occurred is simply disingenuous.

I am glad the Minister for Health has arrived. We know that the car park at the Canberra Hospital is another issue of contention. That has gone from \$29 million to \$45 million.

**Ms Gallagher:** Because it doubled in size, yes.

**MR HANSON:** Well, we know all the problems with that, because we have watched it closely. We have watched all the problems associated with that. It has doubled in size because you have had to knock down the car park that is currently there because you changed the location of where it is going to be. Yes, you did have to double it in size because you decided to knock the existing car park down. If you were really want to have a debate about the parking at Canberra Hospital in any great detail, then I would be happy to.

**Ms Gallagher:** Love to; bring it on.

**MR HANSON:** While you are there, minister, you might also want to discuss where the secure adult mental health facility is at.

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Excuse me, Mr Hanson, could you address your remarks to the chair, please.

**MR HANSON:** My apologies, Mr Assistant Speaker. But I am almost—

*Ms Gallagher interjecting—*

**MR ASSISTANT SPEAKER:** Deputy Chief Minister, could you not rise to debate with Mr Hanson.

**Ms Gallagher:** Sorry.

**MR ASSISTANT SPEAKER:** Thank you.

**MS GALLAGHER** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (3.37): I am very pleased that the opposition has called this MPI on to discuss the management of major capital works projects. There is clear demonstration that the government has been busy investing in substantially upgrading and updating the ACT's infrastructure, much to the annoyance of the opposition.

The government has delivered record levels of investment in infrastructure, including many significant projects. The capacity to deliver on the substantial program has not developed all by itself. The government has overhauled the systems, processes and practices required to deliver major capital works. It is these reforms that I am going to focus on in my discussion today.

The effective management of major capital works projects requires four things: firstly, a vision which aims to deliver the best possible services to ACT residents and make it a great place to live; secondly, sound planning; thirdly, robust delivery mechanisms; and, last but not least, open and transparent reporting on progress and outcomes.

This government has a long-term vision for the ACT. These are articulated in substantial planning documents developed early in our first term. Our vision is to have

the ACT served by the best possible infrastructure to meet the needs of the community through high-quality service delivery. This vision is in contrast to that of the previous government, which chose to fritter away the sound asset base inherited by the ACT government at the beginning of self-government.

Our vision, through the delivery of major projects, has seen the territory's infrastructure substantially enhanced. Substantial improvement has seen the delivery of superior systems in all sectors of the ACT government's operation. These include the education system, transport infrastructure, the justice system, water infrastructure, health services, municipal services and social services.

As can be seen in the government's budget papers, significantly more planning and thought are going into the delivery of major capital works than ever before. Budget paper 5 provides the information on all elements of the ACT government's infrastructure and capital program. It also provides detail on all projects, not just the major ones.

Close consultation with industry is a key requirement for the well-planned delivery of major capital projects. This government is actively and regularly engaging with industry. We recognise that the successful delivery of our capital works program is highly dependent on a diverse range of private sector businesses and companies.

In response to concerns raised by industry that some sectors of the building industry were at or nearing capacity and that there may be a need for government to reappraise its capital program, we convened an industry roundtable. The roundtable and further consultation indicate that the key area of concern is within the civil construction and design industry. You will see some refinements that we have made to our capital program in the budget review documents: we have reallocated \$105 million worth of work out of this financial year and into the following financial years to assist with some of industry's concern. Before the opposition get too excited about that, I should say that does not mean that any project will not be done and it does not alter the timetable for the delivery of those projects; it is merely a cash profiling of when the cash goes out of the door and we expect to be invoiced.

Having a vision to substantially improve the ACT's infrastructure is of no value unless there are robust delivery mechanisms to deliver a program of associated works. This government have overhauled the ACT's project delivery mechanisms to ensure that projects are completed and provide the enhanced services that were intended. Areas where we have improved on delivery system processes and practice include investment in resources to deliver the program, better ways of utilising resources and improved procurement processes and documentation.

We have substantially increased our capacity to deliver major capital works projects, via training and recruitment of project managers, where necessary, both in agencies and within the government's procurement delivery organisation, Procurement Solutions. Not only have the government invested in these additional resources; we are using them smarter. For example, procurement and project management hubs have been created to deliver on major projects associated with the major enhancement of the ACT's health and education systems. These hubs place agency project officers,

Procurement Solution project managers, industry designers and planners all in the one location to ensure improved communication and delivery of those projects.

The government recognise how important its procurement processes are to the effective delivery of those projects, which is why we have implemented a number of reforms to streamline the processes while prudently managing associated risks. In May 2005 we announced the centralisation of government procurement activity. This has allowed the development of expert and responsive procurement staff, which was not feasible under the previous arrangement where procurement was conducted by administrative officers who might manage only the occasional procurement.

Outcomes of other improvements implemented include the development of the call tender schedule and its publication on the Procurement Solutions website. This schedule aims to assist the local design, building and construction industries with their forward planning by informing them of the status and timing of tendering for the design and construction of ACT government capital works projects. There are also the implementation of a new Oracle-based business system for Procurement Solutions, which went live in November 2009; the updating of the Procurement Solutions website to a more uniform, stable and easy to maintain platform; and upgrading the tender register to make it more user friendly.

The government also implemented a number of changes to its pre-qualification system in 2009. The reforms to the pre-qualification process have made it easier and more attractive for industry to tender for ACT government work and to improve the efficiency of the procurement process.

Work is also continuing to simplify and standardise our template contract documents. This will see important improvements in the speed of our procurement processes, provide greater clarity to contractors about what is required and provide greater transparency in relation to ACT government requirements.

Effective from 1 May 2009, government procurement regulation 2007 was amended to increase the quotation and tender thresholds. The threshold reform addressed some of the issues raised by industry and business groups at the procurement roundtables convened by the Chief Minister during 2009 to discuss how to improve the efficiency of procurement activities in the territory. Raising the quotation and tender thresholds has made it easier to do business with the government for all procurements under \$200,000, thereby allowing business people more time to focus on their commercial activities.

As part of implementing the findings of the pre-qualification review, the government has set a target of completing evaluations of tender for non-complex capital works projects within 15 working days of receipt of tender documents and advising the successful and unsuccessful tenderers within a further two working days.

We have also introduced gateway reviews into capital works projects associated with the health system. Gateway reviews have been used in the United Kingdom for several years and are used in New South Wales and Victoria. The purpose is to provide the chief executive responsible for the project with an independent peer review assessment of the project at a particular stage.

Finally, on the point of reporting and transparency, the government has enhanced the reporting processes for capital works in response to the increased program size, to improve accountability in the program's delivery.

As the Treasurer, I convene monthly forums with agencies responsible for the delivery of capital works programs. For all those CFOs listening to the debate this afternoon, I know how much they look forward to those meetings—to come along and talk with me about how their programs are going. As I have said to the CFOs themselves, whilst nobody likes having more meetings to go to, they are an extremely useful forum, particularly for agencies that do not have a history of delivering large capital programs—to get around the table with agencies that do and to talk together, and talk about areas of frustration if there are any. We talk about variations to the program—how to get variations approved, whether that takes too long, what the risks associated with that are and how we report. They also allow agencies to talk directly with me around any concerns they have from their agency in delivering some of the major projects.

I am very pleased with these forums. I think there is an increased focus and attention on the delivering of the capital program, particularly in light of the GFC and the fact that, in terms of supporting industry, we needed to make sure that our work was being delivered.

I am very confident that, come the end of this financial year, we will be reporting a significant record delivery of capital works programs in the territory. Our capital works program for this year, after the \$105 million re-profiling exercise, sits at around \$670 million odd. I look forward to updating the Assembly on progress in achieving that target throughout the next few months.

We are also having the budget committee meetings of cabinet. I know how much my colleagues look forward to receiving their reports every two months around the progress of agencies in delivering their milestones and other issues around the capital works program.

We have reintroduced the publication of quarterly reports, which I think will be relevant and useful for the community—and also for Mr Smyth, who FOIs. We are really doing half his work for him and making them easier to read and understand. I know how much he looks forward to receiving those. I must warn him that there is repeatedly good news coming in those reports, so any satisfaction—

**Mr Barr:** We look forward to his press release.

**MS GALLAGHER:** That is right, a press release—but maybe not the satisfaction he gets when he comes across bad news.

We acknowledge that, while you can put all these measures in place—planning and assessment processes—there are some capital projects that, by their nature, will carry timing and cost risks. It is not only planning issues; there are market conditions, sometimes the scarcity of labour and materials and unforeseen circumstances which

none of us can predict and which come out of left field. We have to deal with those, and sometimes that has impacts on the delivery timetable. No reasonable amount of pre-planning would be able to completely remove such risks.

However, we do believe that we have put enormous work into improving our capital works program. Let me compare the capital works program when we came to government to what it is today. The previous Liberal government's capital works programs—in the order of \$68 million, from memory—just fade. That is almost our minor upgrade program now. Our minor upgrade program sits at just over \$40 million, and that is just through the minor work that is required across our existing assets.

We have a very ambitious program. I know it is one that industry is working with us to deliver. I look forward to continuing to work hard and make sure that we do the best we can, build up our asset base with high-quality public infrastructure and are able to do it for some years to come. I thank Treasury and all the staff across the ACT public service—indeed, people from outside the ACT public service who work with that same aim. I know that there are many people that work very hard to deliver these projects of high quality. They work hard to deliver them on time and on budget.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (3.50): The implementation and management of major capital works projects is one of the key functions of government and a core component of the appropriation of taxpayer funds. Capital works projects undertaken by the government form the backbone of a vibrant economy and provide essential services to the community.

Infrastructure has a direct bearing on the sustainability of our region, determining industrial and economic activity, urban development and community dynamics. The Greens believe that, in relation to the provision of significant infrastructure into the future, more than ever before it is critical that long-term planning is the key component of any capital expenditure. It is vital that we are spending our money on projects which will still be standing, useful and suitable, in 50 years time and beyond, and that the selection of infrastructure projects best serves the needs of taxpayers. There is little point spending significant amounts of capital on infrastructure which will be redundant in a decade or two. It is not only a waste of funding, but a waste of finite resources.

I would like to bring to the Assembly's attention that the Liberal Party proposed an extremely similar MPI only four months ago. I addressed the Assembly during that MPI, and today I reiterate the Greens' concern regarding a few of the projects. One is the Gungahlin Drive extension and the lack of adequate risk assessment with respect to cost-benefit analysis; the increase of carbon emissions and lead pollution from car exhausts; the additional loss of vegetation on O'Connor Ridge; and the reduction of recreation use of the ridge and Black Mountain nature reserves. Quite simply, these costs were not factored into the analysis of expenditure for the Gungahlin Drive extension.

I also repeat the Greens' concerns relating to the Majura Parkway project and the importance of assessing the value of infrastructure projects, not just as the building of a single major road but as part of the future transport network that Canberra must be

moving towards. The construction of infrastructure, particularly long-lived and expensive infrastructure such as a road, should be consistent with a sustainable transport system that reduces reliance on car travel and offers the community fast, accessible and cost-effective alternatives. In fact capital works funding in general should move away from being roads focused. Instead, priority should be actively given to sustainable transport, making pedestrians, cyclists and public transport a priority as a transport mode in planning, traffic and urban design policies. This will have positive outcomes for Canberra's future. We need a modal shift to this method of transport to combat peak oil, changes in the climate and health problems.

Yet, as my colleague Ms Le Couteur touched on earlier today, there tends to be by the government a business-as-usual approach to transport policies. It continues to provide record funding for roads, at a hugely disproportionate rate to the amount given for cycling and walking. If we consider Denmark's transport budget, for example, which has a "two-thirds green, one-third black" motto, two-thirds of the transport budget is dedicated to sustainable transport modes and only one-third can be spent on road projects.

I will also address again our concerns in connection with the Cotter Dam and the financial management and project management. While the construction of the dam proceeds, there are still some residual questions about the decision-making process that led to it being constructed at what is a substantially higher cost than was initially indicated. Water and energy infrastructure are issues that are becoming more prominent across the country as we have increasing demands on our resources by an increasing population. The bigger question is about the way in which we develop policy responses to address these issues, and whether we prioritise public money on programs that seek to defer or delay the development of large capital infrastructure. Are we investing in infrastructure that is built on technology of the 21st century rather than on technologies of the last century?

The Greens are keeping a close eye on the government's plan to build a solar power facility in the ACT. The government has heralded its plan to pursue this development with quite some fanfare. As can be expected, the Greens are very supportive of a solar project getting approval to be built here. We believe it not only stands as an important example of 21st century technology but is an essential part of our energy future, while growing the solar industry base here in the ACT. However, we are concerned that, for all the fanfare, the project may falter if the government does not effectively manage its development properly. Already there have been quite some delays in steps required for the proposals to be assessed. Also, delays in moving ahead with stage 2 of the feed-in tariff have contributed to sending a signal to industry that the ACT is not quite ready for the investment that it is ready to make. We hope that deadlines now set will be met and that decision making on the solar power facility will be thoughtful and timely, ensuring that we do not miss out on this opportunity.

The Greens again call for reform of infrastructure decision making and governance arrangements, as current practice has the potential to merely waste taxpayers' money. We are concerned about the management of the timing of the expenditures and the quality of the expenditures, or what we are getting for those expenditures. We are troubled by the lack of disclosure of information about the evaluations undertaken for

investment infrastructure programs, as taxpayers cannot have real confidence that the debts that are being incurred on major infrastructure projects will not simply require substantially higher taxes in the years to come—taxes not offset by a commensurate flow of benefits from these projects. We are also sceptical about the argument that we must assume that the eventual project cost is usually greater than the total approved project cost, so we will be insisting that government conduct careful and rigorous cost-benefit analysis of future capital works projects.

In the short time that has passed since the Liberal Party asked the Assembly to address this issue, the Greens are pleased to see that, on 7 December 2009, the Council of Australian Governments agreed to national criteria for capital city strategic planning systems, which will provide the platform to reshape our capital cities. The intention is that our cities will have strong, transparent, long-term plans in place to manage population and economic growth. These plans will address climate change, improve housing affordability and tackle urban congestion. COAG agreed that by 1 January 2012 all states will have in place plans that meet these criteria. The Greens will be very interested to hear from the ACT government how they are progressing with their planning, and trust that they will bring to the Assembly regular updates with details on the development of the ACT plan.

I would also like to take a moment in today's MPI to explore the concerns that we have with the government's relationship with contractors. It is a pity that a government that seeks to secure the prompt, cost-effective completion of projects and that seeks to pride itself on ethical practices in this jurisdiction would take such a hands-off approach to managing its contractors.

The Canberra community is not served when a government does not get far more involved when it contracts something out. It cannot simply walk away the minute a contract is signed. The government may stand up and protest that this is how business is done, that responsibility under the law passes on to the contractor managing the project. We readily admit that, under the law, this is the case. However, we believe that, in the community interest, government projects on public land should be held to a higher standard.

We believe that governments should lead by example. We have seen some complaints. The CFMEU raised problems associated with the safety of equipment being used to construct and modify the Gungahlin Drive extension. We had government ministers being unaware of delays to the completion of the AMC until the last minute. We see the government routinely blaming the contractors. Whilst it may be the contractors' fault under the law, a more effective and hands-on oversight can prevent problems before they impact on projects and therefore on the community. We really want to see a greater involvement by government in these sorts of projects.

I would like to point out that we do have a lot of capital works that the government has on its program. Although the Treasurer stated that at 31 October 2009, \$116 million of the \$780 million program for that year had been spent, we are quite concerned about this large rollover of projects. I acknowledge that there were some industry reps who asked for that work plan to be staggered, but I also have noted that

with many agencies there are delays and further planning work. We really need to be looking at this. We need to be getting regular reports back and we need to ensure that those projects are being delivered in a way that is going to be to the benefit of the Canberra community.

New infrastructure must deliver the highest practical levels of energy efficiency and water efficiency with a clear eye to the future. I am sure that all members of the Assembly understand the importance of building infrastructure that will leave a legacy of ongoing dividends for future generations of Canberrans.

**MRS DUNNE** (Ginninderra) (4.00): I thank Mr Hanson for bringing forward this matter of public importance today. I thank him because the issue of the management of our major public works projects by the ACT Labor government is one of major concern to my constituents. Those concerns cross a range of issues. It might be a question of priorities.

**Mr Barr:** Your time is up!

**MRS DUNNE:** That is not fair! Those concerns cross a range of issues. It might be a question of priorities or the time taken for projects to be completed or the cost or design aspects, or it might even be a simple matter of location. The bottom line is that the people of the ACT have a deep and abiding interest in what goes on around them, particularly when it impacts on the amenity of their city. Many of the comments I get from constituents are quite incisive, thoughtful and well researched.

This is no more exemplified than in the recent debate over the major water security projects being undertaken by Actew Corporation on behalf of its owner, the ACT government. For example, we have seen the cost estimates for the Cotter Dam enlargement blow out from \$120 million in April 2005 to \$363 million in September 2009. That represents an increase of more than 200 per cent over 5½ years. In coming to the final figure—or perhaps the latest figure might be a more appropriate descriptor—we hear that a range of cost elements were not included in the original estimates. Many of these omitted elements, one of which was profit margins, go to the most basic and most fundamental of accounting principles and the development of project costing structures. What business would announce publicly the cost of a project without building in the profit margins? That seems to me unthinkable.

Then we had the engagement of the alliance model, which the Victorian Department of Treasury and Finance in its report *In pursuit of additional value* suggests is by far the most expensive delivery model and should be used for only the most complex of proposals. The enlarged Cotter Dam is not a complex project. It is a roller-compacted concrete wall, a type commonly used and for which the technology and building know-how is readily available. There never has been a satisfactory answer given to the question of why the alliance model was adopted.

In all of this we have a government that failed to keep itself properly informed of the project development. Its failure to keep itself informed was so bad that the announcement of the increase in the cost to \$363 million in September 2009 took the government by surprise, even disappointment and concern. The Chief Minister, in an

interview on ABC radio on 3 September 2009 said: “The government is disappointed. The government received this latest news over the last week with significant surprise—well, complete surprise and significant concern.”

Indeed, the Chief Minister in that interview was even moved to suggest, “There are aspects perhaps of communication in relation to this, and perhaps in their cost estimates, that on reflection need deep review.” How could a government undertaking the most significant capital works project in the history of self-government be so poorly informed as to be surprised, disappointed and concerned at such a cost blow-out as we have seen for the Cotter Dam?

Since 2005 there has been a lack of honesty shown by this government in relation to this project. In 2005, when it was announced that the cost would be \$120 million, the people of Canberra took that on face value. There were no qualifications, no statements, about the costs that were left out. There certainly was no mention of any term called “final out-turn costs”. The people of Canberra accepted and believed that the cost would be \$120 million. In October 2004 it increased to \$145 million and again it was sold as the final cost of the project.

Then in 2008 the cost became \$188.5 million. Once again, no explanation of the cost was provided. Then the cost went to \$246 million. Again, no honesty was displayed to the people of Canberra by the ACT Labor government. It was not until the September 2009 announcement that the cost would be \$363 million that some of the truth came out from this government. It was only then that we learned that those most basic, fundamental costing elements had been omitted from the earlier estimates. It was only then that we heard about the term “final out-turn costs”.

It was only then that we were told that early estimates were never very accurate and there always are bits left out. Along the way, did this government ask for detailed explanations for the ever-increasing estimates? Did it ask whether all costing elements were included? Perhaps the answer to these questions lies in the fact that the government was surprised, disappointed and concerned about the quarter-of-a-billion-dollar cost blow-out in September 2009.

There are many other elements of this project that should come under scrutiny. These include the inconsistencies that have come forward in relation to design and works elements. For example, we heard in September 2009 that one reason for the cost blow-out to \$363 million was that the volume of material required for the wall had increased from a quarter of a million cubic metres to 385,000 cubic metres because the foundation excavations had to go much lower than expected. Yet the drawings suggest that this was evident at least a year before it came to light in the public. So what is the true story? The story is that the ACT government should be telling the people of the ACT what is going on with the dam but, as things stand, they may never know.

One of the other areas I would like to deal with briefly is the issue of the Belconnen town centre bus interchange. We may eventually end up with a new, schmick and lovely bus interchange, but the work that has gone on in the interim has been appalling in relation to the impact that it has on people in the community. The way

that the interim bus interchange has been set up, in short, makes the Belconnen town centre less walkable than it has ever been before.

A number of constituents have complained to me about the placement, especially in Chan Street near the tax office, of bus stops and their lack of proximity to places where people, especially elderly people, want to go. It is not just elderly or disabled people. My son drew this to my attention. He was temporarily disabled when he broke his leg. He told me how difficult it was to get around Belconnen. It seemed that the bus authorities went to particular pains to ensure that the most used buses and the most used bus stops were as far away from places that people needed to go. This was, of course, despite lots of representations on behalf of constituents. The changes that have been asked for have not been implemented. There are still no seats in that area outside the tax office. This means that the people of the ACT are not getting the infrastructure that they need. I will conclude there so as to allow other speakers to comment on this subject.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (4.08): I thank Mr Hanson for bringing this matter forward today. The management and oversight of the capital works program is important in the delivery of capital projects within scope, time and cost. This includes the management of the government's entire program of works, from our annual capital upgrades program right through to our major capital works projects.

Whilst the opposition speakers this afternoon have chosen to focus their attention on just a handful of projects, the government is maintaining its focus on delivering a record program worth over \$1.5 billion over the next four years. We have in excess of 450 projects underway. The government refuses to be sidetracked by the opposition's sustained and blinkered approach to the debate, which sees it consistently rehash the same old arguments time and time again, as Ms Hunter pointed out only four months ago. We look forward to the day when the opposition moves beyond its sustained policy mantra of opposition for opposition's sake.

We have a rigorous and established process in place for the management of all capital works in the territory. For major capital works projects and significant programs of work we have in place specific arrangements to facilitate successful delivery of these projects. The government's achievements in the area of infrastructure delivery are unparalleled in the territory's history. As has been outlined in the Assembly several times over the last few years, we have a proven track record of delivery of capital works, record expenditure, record commitments and quality infrastructure to support our community and the local economy.

The government is in the business of creating a city where people want to work, where they want to live and where they want to play, with quality infrastructure to support all of these activities. Our continued commitment to significant and targeted capital programs has played an important role in the government's response to the challenges the global financial crisis has presented us.

The government has worked with and listened to industry. Through the combination of our local initiatives package of works, the 2009-10 capital works program and the

commonwealth's nation building and jobs plan—through all of these plans and packages—we have supported our local industry, protected local jobs and supported the continued growth of our economy. This support has provided confidence which has in fact assisted our local industry to grow.

I think it is worth highlighting some facts for members. Before we came into office in 2001 the average annual expenditure on capital works by the Carnell and Humphries Liberal governments between 1998 and 2001 was around \$76 million per year. The average expenditure by the Stanhope government over the last three years was \$265 million. That is more than three times as much as the Liberal opposition. For the 2008-09 financial year we again improved on our previous expenditure record, with expenditure totalling \$296 million. This is the largest infrastructure spend on record.

To put this into perspective, this is over 3½ times more than those opposite achieved in their last year of government. When we came to office we faced a litany of aged, poor quality and dilapidated infrastructure with its associated challenges. But we have not sat back and complained or whinged, as we have come to expect from the opposition. We have simply got on with the task ahead.

The facts demonstrate our record of delivering capital works for the territory. This could not be achieved without the rigorous processes and improvements that we have put in place during our time in government to ensure quality program delivery. This includes: enhanced engagement with industry through a range of regular roundtable meetings and forums to assist in the delivery of capital projects; reinvigoration of the call tender schedule and its publication on the Procurement Solutions website; continual improvement of all procurement documentation and forms for ease of use; refinement of procurement thresholds which have been simplified to align more appropriately with industry expectation and to ease administrative burden on business; and improvements to the prequalification scheme, making it easier and more attractive for industry to tender for ACT government works and improve the efficiency of the procurement process.

The Treasurer, as she said earlier, has also reintroduced the publication of quarterly reports. These are in a format which is more relevant and useful for the community and which provides detail on what is being achieved in project delivery and how our major projects are progressing at various stages. The Treasurer is in the process of finalising the capital works report for the December quarter. I can advise the Assembly this afternoon that we as a government are well and truly on track to deliver another record spend.

To 31 December we had delivered approximately \$180 million worth of works. This is almost double our achievement in the first six months of last year and double the largest full year spend that the opposition ever delivered. That is right—to 31 December 2009, in just six months, we have achieved a larger capital program than the last Liberal government managed to deliver in their best full year effort.

I would now like to highlight some of the government's achievements in the first six months of this financial year. Included in this \$180 million record today is the significant progress on major capital works packages for education, health, roads and

justice. These major projects that carry a high deliverability risk, both individually and as a program, are being delivered and are contributing to our performance to date.

In my portfolio the building the education revolution program of works is progressing very well. This is a major program of works involving significant investment for education in the territory that requires delivery in an incredibly tight time frame. This program alone involves 152 individual projects funded by the commonwealth government in partnership with the territory. I am sure, Madam Assistant Speaker, you can appreciate the magnitude of this program and the challenges faced in the pursuit of its delivery.

The 152 projects consist of 68 projects under the primary schools for the 21st century program, 84 projects under the national school pride program at 82 ACT public schools. All of these projects are well advanced and on track. As at 10 January, 78 national school pride projects, or 93 per cent, had reached completion and construction had commenced on 54, or 79 per cent, of the primary schools for the 21st century projects. The delivery to date of this program is a proven achievement in the delivery of major projects for the territory.

In addition, the housing elements of the nation building and jobs plan are also progressing well. Stage 1 is an \$11 million project resulting in 57 new dwellings across the ACT. This program is being delivered through six construction packages of which all contracts have been finalised. This project is also tracking well and at the end of December 2009 construction had commenced at 55 of the 57 sites. Eleven properties, or 19 per cent of the program, have reached completion, with the entire project on target to reach completion by June 2010.

The list continues with Gungahlin college. This is a major project and it is on track with the first package of works reaching completion in October 2009. The final package is well and truly underway and on track. Also in Gungahlin, the Harrison high school project had reached 90 per cent of completion of the first stage as at 31 December 2009. Across the board, 100 functional briefs have been reported as lodged for the year to date. This points to significant progress being made across government to enable major projects to be delivered.

So far this year we have successfully delivered important projects including, to name just a few, the Tharwa Drive upgrade, the Belconnen Arts Centre, the inner south library at Kingston, the new horticultural facility at the CIT Bruce campus, the reopening of the Noah's Ark resource centre in Rivett, the delivery of road intersection infrastructure in Crace, the completion of works at Glebe Park, the reopening of the Erindale Active Leisure Centre, the completion of the Lakeside Leisure Centre refurbishment and the completion of works at the Eddison Park youth recreation facility, including play equipment, a skate park and a half basketball court. The list goes on.

I will not have time in the remaining 40 seconds to complete that list but there are many more projects that will be delivered in the next six months. This is an ambitious program to deliver and we have put in place the systems to do it. Despite the continued attacks from the opposition regarding the delivery and management of

major capital works projects, the government is much better placed than those opposite to deliver such projects. We thank members for the opportunity to once again advise the Assembly of the government's proven record in the management and delivery of infrastructure projects. We have delivered record capital works programs during our term in government—a record that will be once again surpassed this year.

**MR SESELJA** (Molonglo—Leader of the Opposition) (4.18): It is not surprising that we have heard the same speech from Mr Barr again. I have only got a few minutes. There are a couple of things to respond to. Firstly, he reads the same speech regardless. Secondly, he talks about policy development when all I have seen from Mr Barr in terms of policy development is that he copies our policies. In a moment he will have an opportunity to tell us, when he responds to the planning bill. But I want to talk about our policy on Infrastructure Canberra.

But the other thing that he focuses on—and this is what the ACT Labor Party focuses on so much—is how much they spend. They see how many taxpayer dollars they spend as a virtue rather than what they deliver on behalf of taxpayers. By that logic, the Cotter Dam will have been an extraordinary success when it comes in at triple the budgeted cost because they will have delivered \$360 million worth of capital works rather than just the original \$120 million worth of capital works. They have passed the capital works spend on Cotter Dam by \$240 million. It will be a record spend on a dam in the ACT. And won't that be a proud moment! It demonstrates the farcical nature of that kind of argument: "We have spent this much."

People are asking the question on the GDE, where once again they delivered a record amount of spending on a road in the ACT: what do they get for it? They got a one-lane road which should have been a two-lane road. And now they are getting further traffic delays. So that is part of the legacy. But the Labor Party will sell as a virtue spending more and getting less. That is unfortunately what we heard from Mr Barr. It needs to be seen in that context.

In relation to our alternatives, we are putting forward Infrastructure Canberra and I think it is very important to outline some of what is in Infrastructure Canberra and why it is an important reform. Firstly, industry has been long calling for structural reforms in relation to the delivery of infrastructure in the ACT. Every year they spend money, they underspend and they do not deliver those projects. We have seen the blowouts—it has been well covered by Mr Hanson, Mrs Dunne and others—in relation to capital works.

How do we do that better? How do we have targeted infrastructure delivery? How do we improve our procurements processes—all of the things that go to getting bang for our buck—so that instead of saying how much they have spent, they can say, the government can say, how much they have done and how much they are planning for the future? We need an infrastructure plan. It establishes an infrastructure plan.

It also puts in place structural reforms to see the ACT government encouraged and forced to think about the long term. That has been the problem. The problem under this government is that they think short term when it comes to infrastructure. We saw it with the refusal to build the dam for years. They were thinking short term. And then

they eventually had to and now we are seeing a tripling of the cost. We saw it blatantly with issues like the GDE, where they built a one-lane road which they immediately had to duplicate because they had got it wrong. We need to think long term.

We will put in place an infrastructure plan. We will establish an independent infrastructure commission backed by a board of industry experts so that we get high-level advice to government, to the Assembly and to the community, so that we oversee the state of our infrastructure and we do not just take on the sexy projects but we take on all of the important infrastructure projects. We are spending money now. A little bit of money now will save us a lot of money in the future. That makes for good policy.

There it is: we have got the Labor Party's approach—to see how much they can spend and not worry how much they can deliver, to not deliver an infrastructure plan—and we have got our plan on the table. I challenge the government to support it. I challenge Andrew Barr to support it because he has had very little to say on this subject, other than the fact that they can spend money very well. Yes, they can, but we want to see delivery; we want to see outcomes; and we want to see bang for the buck. That is what our infrastructure plan is about. I call on all members of the Assembly to support it.

**MADAM ASSISTANT SPEAKER** (Ms Le Couteur): The time for the discussion has expired.

### **Estimates 2010-2011—Select Committee Membership**

**MADAM ASSISTANT SPEAKER** (Ms Le Couteur): The Speaker has been notified in writing of the following nominations for membership of the Select Committee on Estimates 2010-2011: Ms Bresnan, Mr Hargreaves, Ms Hunter, Mr Seselja and Mr Smyth.

Motion (by **Mr Barr**) agreed to:

That the Members so nominated be appointed as members of the Select Committee on Estimates 2010-2011.

### **Planning and Development Amendment Bill 2009 (No 2)**

Debate resumed.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (4.23), in reply: I thank members for their contributions to this debate prior to the luncheon break. I also thank those members of the community and the industry sectors who reviewed and commented on the exposure draft of this bill. As others have commented, the final bill is better as a result of this consultation.

As everyone in this chamber knows, I regard a good planning system as one that keeps politics out of planning. Labor also believes a good planning system needs to get the balance right to achieve a strong economy, a strong community and a healthy ecology. And that is why, after extensive community and industry consultation, the government put its new planning system in place in March 2008. The intent was to make the planning system simpler, faster and more effective. And with the unanimous support of all parties in this place, the new planning system did just that.

The Planning and Development Amendment Bill 2009 (No 2) builds on Labor's determination for a simpler, faster and more effective planning system. It brings into law the mostly small but necessary changes required to assure this—the sorts of changes that become apparent over time with any new and reformist legislation.

This bill complements other steps we have taken since March 2008 to continue to improve the territory's planning system. And after working with industry in the face of the global financial crisis, I announced ACTPLAN in December 2008. This plan involves a number of practical steps to further cut red tape to allow sensible development to keep the local economy strong.

ACTPLAN saw the reallocation of staff within the planning authority and the streamlining of interagency arrangements. It saw the establishment of the industry monitoring group as the main and ongoing means of communication between the government and industry. I can report that this forum is working extremely well.

The government also established the territory plan review program. The review will ensure that the plan is easier to use and continues to meet the needs of the ACT community.

We have introduced electronic lodgement and tracking of development applications, and this has proved so popular that from when it was first lodged on 20 April 2009 to now more than 40 per cent of development applications are lodged and tracked online. We will further improve this system to allow the electronic online lodgement and processing of building applications in the first half of this year. For customers, this means greater convenience and savings of time and money.

In the calendar year 2009, I can advise that ACTPLA approved over \$1 billion worth of development, something that would not have been possible except for the reforms to the planning system that the government introduced. The new planning system has seen the assessment of development applications in the ACT become the fastest when compared to other jurisdictions such as Queensland, Victoria, New South Wales and South Australia. This bill, with its incremental but, nevertheless, important changes and corrections, is a key part of the government's ongoing drive to cut planning red tape and to deliver a planning system that is simpler, faster and more effective.

I thank members for their support of the legislation and commend the Planning and Development Amendment Bill 2009 (No 2) to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Adjournment**

Motion by **Mr Barr** proposed:

That the Assembly do now adjourn.

### **Chinese new year celebrations**

**MR DOSZPOT** (Brindabella) (4.28): I had the pleasure of attending a number of celebrations of the Chinese new year, the year of the tiger, by our Chinese community in Canberra over the weekend and on Monday night. Although the official start of the Chinese new year is still a few days away, on 14 February, the celebrations started early to coincide with the Canberra Multicultural Festival. I have already extended the best wishes of the ACT opposition and our leader, Mr Zed Seselja, at all these celebrations but I thought it would be also appropriate and timely to mention these celebrations in our adjournment debate today.

China has a proud and unique history as one of the longest continuous civilisations on our planet. And of course the Chinese lunar new year is the longest chronological record in history, dating from 2600 BC. While in our terms we are in the year 2010, this year will mark the 4,707th Chinese year, beginning on 14 February. So 2010 is the year of the tiger.

In my capacity as shadow minister for multicultural affairs in the ACT, I have already thanked all the Australian-Chinese associations for also including our broader ACT community in these celebrations of the year of the tiger within the Multicultural Festival, enabling us all to share in this great occasion with our local Australian Chinese community.

In Canberra we have residents from nearly 200 different countries, and over one-fifth of our population was born overseas. Many of us in the ACT Assembly belong to that large percentage of those born overseas, including me, with my parents arriving in Australia in 1957 as refugees from Hungary. Most of us in Canberra have come in contact with our vibrant Chinese-Australian community, and I would like to pay tribute to them—within the context of these celebrations of the year of the tiger—for their great contribution to Canberra over the years.

Like our wider multicultural community in Canberra, the Chinese community are also integral and important contributors to our city and the Canberra region. We admire their energy and the many stories of courage and initiative and the significant contributions that the Chinese-Australian community have made to their new homeland. They have affected, quite considerably, the social, cultural, scientific,

artistic, business and sporting lives of our present day Australians, including our own Canberra community.

I am sure that I speak for all of us in the Assembly when I wish a happy Chinese new year to the ACT Chinese Australia Association, the National Australian Chinese Association and all within our ACT-based Chinese community as they prepare to celebrate the Chinese new year. I would also like to wish to you, Madam Assistant Speaker Le Couteur and all our colleagues in the Assembly, and our families, as well as our Canberra community, a happy Chinese new year as we start to celebrate what we all hope will be the strong year of the tiger. May it bring prosperity, happiness and wealth to all.

### **Urban services**

**MR COE** (Ginninderra) (4.31): I rise today to talk about the need for the ACT government to return to core business. Some of the most frequent feedback I receive from constituents is in relation to basic urban services. One of the first services of the territory government is our local government services, that is, ensuring that basic things get done and get done well. The people of the ACT pay some of the highest rates and charges in the country and they deserve good-quality local services. I have received representations on numerous issues around the city, including poorly maintained roads, dangerous intersections, rubbish, graffiti, unmown public land, dead trees, dangerous trees, broken footpaths, bike paths in disrepair, street lights out and a host of other issues.

Indeed, I reported to the minister before Christmas the case of second-hand whitegoods and junk that has been accumulating at the end of Delegate Street, and still no action has been taken. This is despite the ACT government being aware of it well before I made representations and despite several warnings being issued in relation to the junk. The junk poses health and safety hazards to residents of the area and users of the nature strip. It is one example of many where the ACT government is failing in its local duties. It is obviously not glamorous enough for the Chief Minister.

It took an exchange of quite a few letters to finally get a footpath near the Jamison centre repaired after it had been severely damaged during development a year or two ago. I have had to make a representation regarding fire hazards on public land because the ACT government had not undertaken adequate works on public lands. Street lights have still been out, despite being reported to Canberra Connect more than a week previously.

There is still a backlog of work at a popular part of the Lake Ginninderra foreshore. The delay in upgrading the Joy Cummings Place and Aikman Drive intersection has resulted in difficulties for motorists. A loading zone sign in Gungahlin was installed behind a tree so that motorists trying to use the bay could not see what the parking restrictions were and consequently got fined.

When I report to the Chief Minister an issue that has been raised with me, the reply is often that these sorts of things should be reported to Canberra Connect. In other words, "Even though I am the minister, these things are not important enough for my

attention and I should not have to worry about the look and feel of the city or the concerns of our residents.” Most, if not all, of the matters reported to me, however, have in fact already been reported to Canberra Connect. ACT residents have followed the Chief Minister’s direction, yet can get nothing done. Often going to the elected representative is the last resort for Canberrans.

It is clear that even though TAMS has a large number of managers, even though TAMS has recently been the subject of a strategic budget review and even though Canberra Connect continues to employ numerous customer service managers, something is going seriously wrong. The ACT government is not serious about getting the job done. It is clear there is still a lack of leadership, which means local services are not being delivered.

When the Chief Minister took on this portfolio after the recent election he said he would be the mayor of Canberra. There have been no satisfactory improvements in local services and it is time for Mr Stanhope to be more mayor and less social engineer. It is time to get beyond the glossy headlines and focus on the delivery of services.

**Ms Martha Ortiz de Rosas**  
***Honey and pepper* exhibition**  
**Volunteering ACT**

**MS PORTER** (Ginninderra) (4.34): I would like to mention three things this evening in the adjournment debate. One is to say farewell to the ambassador for Mexico, Martha Ortiz de Rosas, who is leaving us and going to the Republic of Korea with her husband and family. I would like to wish her well and thank her for the work that she has done, both as ambassador for Mexico and as the dean of the diplomatic corps in her time here, and recognise the work that she did, particularly in establishing a Latin-American plaza which I was happy to be able to work with her on as well, which gave me great pleasure. She is a fine ambassador for her country and I am sure she will continue to be so in her new appointment.

Secondly, I would like to talk about a lovely art exhibition that I was fortunate to be able to open, *Honey and pepper*, on 5 February at the Belconnen Arts Centre. It is at the Belconnen Arts Centre till 21 February and I would encourage everyone to get out to that wonderful centre. I am sure lots of us have been to the centre since it opened and seen how vibrant that centre is and how much goes on in it. It is very well utilised by the people of my electorate but I am sure that many other people from around the ACT and even Beyond now visit it. This exhibition was by six artists who, although born overseas, all now make Canberra their home. I know some of these artists personally and I was very pleased to be able to launch their exhibition.

It was called *Honey and Pepper* because their artwork reflects both, I guess, the sweet things of their culture, the things that we would call attractive and pleasant, and the challenging parts of their culture and the sweet things and the challenging parts of their experience from living in Australia. Farideh Zariv, Fatima Killeen, Nasser Palangi, Silvia Velez, Fatemah Palangi and Maiju Altpere-Woodhead are the artists who have these different works on exhibition. I would encourage everybody to get out and have a look at those.

The last thing I would like to mention is the 15th anniversary of the connections program, which is a program that is run by Volunteering ACT and which is basically a buddy program for people who are living with mental illness in our community. I was involved in the first steering committee of that organisation when it was formed many years ago, along with a person called Peter Humphries from Mental Health ACT. A lot of the previous directors were present on that night. Particularly I would like to mention that, in the past 12 months, 9,764 hours have been devoted by volunteers to that program, including in the friendship part of the program, 6,808 hours.

I would like to congratulate the current coordinator of that program, Sharon Freebody, and all of the other people that have been involved in the program over the years, of whom there are too many to mention. This is an extremely successful program and one that gives a lot of people the ability to reconnect with their society and with their community after they have suffered a mental illness or if they are living with a mental illness. So I would like to congratulate Volunteering ACT and everyone that is involved in that program.

### **Music for Everyone**

**MRS DUNNE** (Ginninderra) (4.38): Music for Everyone is one of those community organisations, whilst it is not such a quiet achiever, that certainly reach out into every corner of our community. It is one of those organisations that exist for all people across the community, from our youngest to our oldest, from our most disadvantaged to our most fortunate, from the musically challenged, me, to the musically talented. In short, Music for Everyone lives up to its name to the fullest extent. It has music classes for children aged 18 months to nine years, music for people with disabilities, theatre programs, youth music programs, group classes and individual tuition programs in a range of music instruments, vocal training for young people and adults, training in music ensemble, training for youth and adults, music programs for schools, organisations and institutions and a range of special events.

Research shows that most people who cannot make music say that it is because they regard music as something only gifted people do. This means that many people miss out on music's proven benefits, which includes better mental and physical health and stronger communities. Music for Everyone transcends those barriers by offering every single person in our community the opportunity to make music.

More than 600 people, aged from 18 months to 80, take part in over 150 hours of music activities on a regular weekly basis through Music for Everyone, and every year thousands of people in the ACT and the surrounding region attend concerts, workshops and other special events presented by this dynamic arts organisation. Indeed, Music for Everyone is something rather unique in Australia, with members who leave the ACT often saying they cannot find anything like Music for Everyone anywhere else in Australia.

With this range of programs so expertly delivered as they are at Music for Everyone and with the support it has from the community, it will come as no surprise to

members to learn that it has won the national music in communities award for the best all-round community music program in Australia. The award, decided from 170 entries from organisations all around Australia, recognises the unique qualities of Music for Everyone in providing such a broad range of music programs that can make active participation in music an enjoyable part of life and achievable for people of all ages and abilities.

The music in communities awards are an initiative of music, play for life, the Music Council of Australia's grassroots music advocacy program aimed at getting more people musically active in Australia. Inaugurated last year, the award offers a prize pool of \$20,000 as an encouragement to groups that are often the unsung heroes of Australia's cultural life. This year, the award carried a wellbeing theme, to draw out stories of local music groups and programs whose activities contribute to the health and wellbeing of individuals and communities. The award judges made this statement about Music for Everyone:

With a mission to make music accessible to everybody in the community, regardless of background, age or ability, ACT community music organisation, Music for Everyone, is a model of success: much loved and much used.

The prize money from this latest award will support the programs that Music for Everyone offers to the disability sector, especially a new project they are building with ACT special schools to create a performance troupe of young drummers chosen from local children with special needs. I am pleased to acknowledge the important work of Music for Everyone in our community, and I heartily congratulate them on their well-deserved award.

Question resolved in the affirmative.

**The Assembly adjourned at 4.42 pm until Tuesday, 23 February 2010, at 10 am.**

## Answers to questions

### Taxation—land tax concessions (Question No 346)

**Mr Seselja** asked the Treasurer, upon notice, on 14 October 2009:

- (1) What progress is being made in developing a land tax concession scheme for rental properties housing low income families.
- (2) When will this scheme be completed.
- (3) What is the total cost of this initiative.
- (4) Is this a firm commitment or an aspirational one.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) The question relates to a clause in the Parliamentary agreement between the ACT Government and the ACT Greens. The Government has been in discussions with the Greens to assist with the development of a policy that achieves the desired outcomes.
- (2) The Parliamentary Agreement requires the development of a land tax concession scheme for rental properties housing low income families by 2010.
- (3) The costs and their incidence would depend on the final design of the policy.
- (4) The Government remains committed to the Parliamentary Agreement, and has an ongoing engagement with the Greens to deliver on the Agreement.

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### Alexander Maconochie Centre—authorised visitors (Question No 387)

**Ms Bresnan** asked the Minister for Children and Young People, upon notice, on 15 October 2009 (*redirected to the Attorney General*):

- (1) How many community groups now have accreditation to be authorised visitors.
- (2) If any community groups are waiting for accreditation, (a) how many are there, (b) who are they and (c) how long have each of them been waiting.
- (3) Further to the response of the Minister for Corrections on 27 August 2009 to a question without notice, that he was considering preparing a document to go to the Chief Minister and to cabinet which outlines a new process to go forward with regard to the Alexander Maconochie Centre, is he able to say what progress has been made on this document and what is the current proposed timeline for the consideration of this document and its publication.
- (4) Further to the answer by the Minister for Corrections to question on notice No 39 from the 2009-10 Select Committee on Estimates in which he said that meetings would be

held every six to eight weeks with the community sector with regard to throughcare and aftercare issues, is he able to say (a) how many meetings have been held, (b) when were they held and (c) can minutes of those meeting be provided.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) 38 community groups are accredited as authorised visitors.
  - (2) There are no community groups waiting for accreditation.
  - (3) My department is still working with the Chief Minister's Department on a proposal in relation to this matter.
  - (4) (a) Two.  
(b) The meetings took place on 25 August 2009 and 19 November 2009.  
(c) No.
- 

**Government—ministerial briefings  
(Question Nos 389-400)**

**Mr Seselja** asked the Chief Minister, Minister for Planning, Minister for Indigenous Affairs, Treasurer, Minister for Health, Minister for Community Services, Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Disability and Housing, Minister for Education and Training, Minister for Children and Young People, Minister for Territory and Municipal Services and Minister for Tourism, Sport and Recreation, upon notice, on 10 November 2009 (*redirected to the Chief Minister*):

- (1) How many briefings did the Minister, or the department or agencies in the Minister's portfolio, prepare for ACT Ministers prior to each Council of Australian Governments (COAG) meeting in 2008-09.
- (2) What were the subjects of each brief referred to in part (1).
- (3) Which Ministers received the briefs referred to in part (1).
- (4) How many staff were involved in the preparation of each brief referred to in part (1).
- (5) What was the total cost in 2008-09, for each department and agency in the Minister's portfolio, of preparing COAG briefings.
- (6) How many submissions did the Minister, or the departments or agencies in the Minister's portfolio, make to the Federal Government in 2008-2009.
- (7) How many staff were involved in the preparation of each submission referred to in part (6).
- (8) What were the topics of each submission referred to in part (6).

- (9) What was the total cost in 2008-09 of providing submissions to the Federal Government for each department and agency in the Minister's portfolio.

**Mr Stanhope:** The answer to the member's question is as follows:

The response to Question on Notice number 388 also answers these redirected questions.

### **Department of Justice and Community Safety—assets and liabilities (Question No 405)**

**Mr Seselja** asked the Attorney-General, upon notice, on 12 November 2009:

- (1) What are the top ten assets, other than cash, for the Minister's department ranked by value as at 30 June 2009 and what is the value of each asset.
- (2) What are the top ten liabilities, other than employee benefits, for the department ranked by value as at 30 June 2009 and what is the value of each liability.
- (3) If the liabilities referred to in part (2) are loans, (a) who is the loan with, (b) who facilitated the borrowing and (c) what is the interest rate for the loan.
- (4) What are the top ten contingent liabilities in the Minister's portfolio ranked by value.

**Mr Corbell:** The answer to the member's question is as follows:

1. The Department of Justice and Community Safety (including the Emergency Services Agency) assets, ranked by value as at 30 June 2009, are provided in the table below:

		<b>Actual June 2009 \$'000</b>
	<b>Ranked by individual Asset Class</b>	
	<b>Assets</b>	
	<b>Cash (excluded)</b>	<b>3,549</b>
	<b>Property, Plant &amp; Equipment</b>	<b>262,699</b>
<b>1</b>	Building	183,647
<b>2</b>	Land	40,666
<b>3</b>	Plant and Equipment	26,968
<b>4</b>	Leasehold Improvement	9,116
<b>8</b>	Community and Heritage Assets	2,302
	<b>Capital Work in Progress</b>	<b>15,350</b>
<b>5</b>	Plant & Equipment	7,657
<b>6</b>	Computer Software	5,147
<b>9</b>	Leasehold Improvement	1,638
	Building & Improvement	908
	<b>Receivables</b>	<b>6,457</b>
<b>7</b>	ESA related debtors	4,389
	Other JACS debtors	908
	GST receivable	1,160
	<b>Other Assets</b>	<b>1,362</b>
<b>10</b>	Prepayments	1,362
	<b>Inventories</b>	<b>1,044</b>
	<b>Intangible Assets</b>	<b>625</b>
	<b>Total Assets</b>	<b>291,086</b>

2. The Department of Justice and Community Safety (including the Emergency Services Agency) liabilities, ranked by value as at 30 June 2009, are provided in the table below:

		<b>Actual June 2009 \$'000</b>
	<b>Ranked by individual Liab Class</b>	
	<b>Liabilities</b>	
	Employee Benefits (excluded)	<b>51,705</b>
	<b>Payables</b>	<b>4,481</b>
	1.1 Accrued Expenses	4,412
<b>6</b>	NSW Prisoner Payments	627
<b>7</b>	Rent	540
<b>4</b>	ICT	848
<b>9</b>	Capital	303
<b>1</b>	Other accrued expenses (including repair and maintenance, consultants & contractors, canberra connect, security services, postage and medical expenses)	2,094
	1.2 Other Payables	69
	<b>Finance Leases</b>	<b>3,499</b>
<b>3</b>	2.1 Finance Lease (current)	1,607
<b>2</b>	2.2 Finance Lease (Non-current)	1,892
	<b>Other Liabilities</b>	<b>1,145</b>
<b>5</b>	3.1 Revenue Received in Advance - Grant	716
<b>8</b>	3.2 Revenue Received in Advance - Urban Search and Rescue CDO Scheme Agreement	429
<b>10</b>	<b>Other Provisions</b>	<b>128</b>
	<b>Total Liabilities</b>	<b>60,958</b>

3. The Department (including the Emergency Services Agency) did not hold any loans as at 30 June 2009.

4. The Department's (including the Emergency Services Agency) contingent liabilities, ranked by value as at 30 June 2009 are provided in the table below:

		<b>Actual June 2009 \$'000</b>
	<b>Ranked by individual Cont Liab Class</b>	
	<b>Contingent Liabilities</b>	
<b>1</b>	<b>Various Legal Claims - Emergency Services</b>	662
<b>2</b>	<b>Various Legal Claims - Other JACS Contingent Liabilities</b>	455
<b>3</b>	<b>Testing, identification of requirements and removal of underground fuel tanks at various Emergency Services sites</b>	360
<b>4</b>	<b>Fleet &amp; Procurement Contingent Liability</b>	110
<b>5</b>	<b>Corrective Services - Pending claims</b>	15
	<b>Total Contingent Liabilities</b>	<b>1,602</b>

## ACT Planning and Land Authority—energy and communication costs (Question No 411)

**Mr Seselja** asked the Minister for Planning, upon notice, on 12 November 2009:

- (1) How much did the Minister's department spend on electricity consumption in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.
- (2) What are the greenhouse gas emissions from electricity consumption for the Minister's department.
- (3) What are the estimated costs of electricity for the Minister's department in (a) 2009-10, (b) 2010-11, (c) 2011-12 and (d) 2012-13.
- (4) Does the expenditure referred to in part (3) include any contingencies for additional taxes or costs that the ACT Government will pay if the Federal Government implements an emissions trading scheme; if so, what are these contingencies.
- (5) How much did the Minister's department spend on communication services in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.
- (6) How much was spent on (a) fixed line phones, (b) mobile phones and (c) internet services.

**Mr Barr:** The answer to the member's question is as follows:

- (1) and (2)

The following table shows the cost of electricity consumption and greenhouse gas emissions for the ACT Planning and Land Authority for the requested years.

The data includes electricity consumed at Dame Pattie Menzies House in Dickson (including both 'house' and 'tenant' power) for eight floors. ACTPLA occupies six of the eight floors with Procurement Solutions occupying the other two. It is not possible to disaggregate this data.

Note that the data also includes ACTPLA's customer service centre in Mitchell.

The following cost figures include the increases in the cost of electricity over the past four years.

Year	Cost of electricity consumption *note includes electricity cost increases	Greenhouse gas emissions from electricity consumption (tonnes)
2005-06	\$166,438	1,519
2006-07	181,233	1,490
2007-08	174,006	1,395
2008-09	163,896	1,162

- (3) Projected costs are summarised in the following table. These assume that a reduction in actual consumption of 10% per annum can continue to be achieved (at 2008-09 prices):

Year	Projected cost of electricity consumption
2009-10	\$147,600
2010-11	132,840
2011-12	119,560
2012-13	107,600

(4) No.

(5) The following table shows the cost of communications services for the requested years.

Note 'Communications services' for the purpose of this answer have been taken to include telephone services (fixed line and mobile), internet services, postal services and courier services.

Year	Communications services
2005-06	\$384,816
2006-07	358,359
2007-08	358,854
2008-09	373,795

(6) The following table shows expenditure on (a) fixed line phones, (b) mobile phones and (c) internet services.

Year	Fixed Line Phones	Mobile Phones	Internet Services
2005-06	\$262,752	\$20,695	\$33,360
2006-07	235,336	17,810	32,736
2007-08	230,810	24,448	29,962
2008-09	244,297	19,045	30,421

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**Department of Justice and Community Safety—energy and communication costs  
(Question No 414)**

**Mr Seselja** asked the Attorney-General, upon notice, on 12 November 2009:

- (1) How much did the Minister's department spend on electricity consumption in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.
- (2) What are the greenhouse gas emissions from electricity consumption for the Minister's department.
- (3) What are the estimated costs of electricity for the Minister's department in (a) 2009-10, (b) 2010-11, (c) 2011-12 and (d) 2012-13.
- (4) Does the expenditure referred to in part (3) include any contingencies for additional taxes or costs that the ACT Government will pay if the Federal Government implements an emissions trading scheme; if so, what are these contingencies.
- (5) How much did the Minister's department spend on communication services in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.
- (6) How much was spent on (a) fixed line phones, (b) mobile phones and (c) internet services.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) The Department (excluding the Emergency Services Agency) approximately spent the following on electricity consumption:

2005-06 \$'000	2006-07 \$'000	2007-08 \$'000	2008-09 \$'000
Unable to reliably report as detailed information is archived and the organisation has been restructured.	537	566	613

- (2) During 2008-09 the green house emissions from electricity consumption associated with office accommodation for the Department (excluding the Emergency Services Agency) was 1,345,356 kilowatt hours or 1361.7 greenhouse gas tonnes.

- (3) The projected cost of electricity for the Department (excluding the Emergency Services Agency) based on 2008-09 expenditure indexed by CPI is as follows:

2009-10 \$'000	2010-11 \$'000	2011-12 \$'000	2012-13 \$'000
628	644	660	677

- (4) No.

- (5) The Department (excluding the Emergency Services Agency) approximately spent the following on communication services:

2005-06 \$'000	2006-07 \$'000	2007-08 \$'000	2008-09 \$'000
Unable to reliably report as detailed information is archived and the organisation has been restructured.	544	699	804

- (6) The Department (excluding the Emergency Services Agency) spent approximately:

2006-07	2007-08	2008-09
Fixed line phones - \$252,000	Fixed line phones - \$367,000	Fixed line phones: \$417,000
Mobile phones - \$ 41,000	Mobile phones - \$ 45,000	Mobile phones: \$ 58,000
Internet Services \$ 62,000	Internet Services - \$ 71,000	Internet Services: \$ 81,000

### **Education—students—suspensions (Question No 428)**

**Ms Hunter** asked the Minister for Education and Training, upon notice, on 17 November 2009:

- (1) What is the (a) numbers of students suspended and (b) breakdown of the duration of suspensions from ACT public schools and ACT independent and Catholic schools, if available, for (a) primary schools, (b) high schools and (c) colleges over the last three years.

- (2) What is the number of the incidences of bullying in ACT public schools over the last three years.

**Mr Barr:** The answer to the member's question is as follows:

- (1) The ACT Department of Education and Training does not keep records of suspensions in ACT Catholic schools or ACT independent schools. The number of students suspended in ACT public primary schools, high schools and colleges over the last three years is presented in the table below.

<b>PRIMARY SCHOOL SECTOR</b>	<b>NUMBER OF STUDENTS SUSPENDED</b>	<b>PERCENTAGE OF STUDENTS SUSPENDED</b>
2007	229	1.37%
2008	206	0.92%
2009 (to date)	233	1.03%
<b>HIGH SCHOOL SECTOR</b>	<b>NUMBER OF STUDENTS SUSPENDED</b>	<b>PERCENTAGE OF STUDENTS SUSPENDED</b>
2007	732	9.56%
2008	573	5.84%
2009 (to date)	454	4.69%
<b>COLLEGE SECTOR</b>	<b>NUMBER OF STUDENTS SUSPENDED</b>	<b>PERCENTAGE OF STUDENTS SUSPENDED</b>
2007	74	1.42%
2008	59	1.07%
2009 (to date)	71	1.26%

Source: 2009 August School Census

A breakdown of the average duration of suspensions for ACT public schools in primary schools, high schools and colleges over the last three years is presented in the table below.

<b>PRIMARY SCHOOL SECTOR</b>	<b>DURATION</b>
2007	1.67 days
2008	1.71 days
2009 (to date)	1.63 days
<b>HIGH SCHOOL SECTOR</b>	<b>DURATION</b>
2007	1.81 days
2008	1.92 days
2009 (to date)	1.76 days
<b>COLLEGE SECTOR</b>	<b>DURATION</b>
2007	2.16 days
2008	2.03 days
2009 (to date)	1.76 days

- (2) Individual bullying incidents are handled at a school level and therefore no record is kept within the Department.

### **Canberra Institute of Technology—teachers (Question No 431)**

**Mr Doszpot** asked the Minister for Education and Training, upon notice, on 18 November 2009:

- (1) In relation to the Canberra Institute of Technology (CIT), on 1 June 2009, how many (a) permanent, (b) temporary contract and (c) casual Band 1 teachers were teaching (i) at CIT, (ii) in one or more of CIT's vocational programs, (iii) in one or more of CIT's higher education programs, (iv) in CIT's Year 12 program, and (v) in CIT's Year 10 program.
- (2) On 1 June 2009, how many (a) permanent, (b) temporary contract and (c) casual Band 1 teachers who were teaching in one or more of CIT's vocational programs in Semester 1 of 2009 held (i) a Certificate IV in Training and Assessment (Cert IV TAA), (ii) one of the qualifications considered equivalent to the Cert IV TAA as listed in the *Australian Quality Teaching Framework (AQTF) 2007 Essential Standards for Registration* and (iii) no formal teaching or training qualification.
- (3) On 1 June 2009, how many (a) permanent, (b) temporary contract and (c) casual Band 1 teachers who were teaching in the CIT Year 12 program in Semester 1 of 2009 held (i) a Cert IV TAA, (ii) one of the qualifications considered equivalent to the Cert IV TAA as listed in the *AQTF 2007 Essential Standards for Registration*, (iii) a Diploma of Education (secondary), (iv) a Bachelor of Education (secondary) and (v) no formal teaching or training qualification.
- (4) On 1 June 2009, how many (a) permanent, (b) temporary contract and (c) casual Band 1 teachers who were teaching in the CIT Year 10 program in Semester 1 of 2009 held (i) a Cert IV TAA, (ii) one of the qualifications considered equivalent to the Cert IV TAA as listed in the *AQTF 2007 Essential Standards for Registration*, (iii) a Diploma of Education (secondary), (iv) a Bachelor of Education (secondary) and (v) no formal teaching or training qualification.
- (5) On 1 June 2009, how many (a) permanent, (b) temporary contract and (c) casual Band 1 teachers employed by the ACT Department of Education and Training were teaching in ACT government secondary schools and, of these, how many (i) held a Diploma of Education (secondary), (ii) held a Bachelor of Education (secondary) and (iii) possessed no formal teaching qualifications.
- (6) On 1 June 2009, how many (a) permanent, (b) temporary contract and (c) casual Band 2 teachers employed at CIT (i) were substantive Band 2s, (ii) were acting Band 2s, (iii) held a Cert IV TAA, (iv) held one of the qualifications considered equivalent to the Cert IV TAA as listed in the *AQTF 2007 Essential Standards for Registration* and (v) held no formal teaching or training qualification.
- (7) How many CIT teachers were promoted from temporary contract Band 1 to permanent Band 1 (a) through the streamlined permanent appointment process in accordance with Clause 155 of the 2006-2009 CIT Union Collective Agreement for Teaching Staff and (b) through a process other than the Clause 155 process in (i) 2007 and (ii) 2008.
- (8) How many CIT teachers promoted from temporary contract Band 1 to permanent Band 1 (a) through the streamlined permanent appointment process in accordance with Clause 155 of the 2006-2009 CIT Union Collective Agreement for Teaching Staff and (b) through a process other than the Clause 155 process in (i) 2007 and (ii) 2008 did not possess a Cert IV TAA or one of the qualifications considered equivalent to the Cert IV TAA as listed in the *AQTF 2007 Essential Standards for Registration*.

- (9) Noting that the CIT *Teacher Qualifications and Experience Policy* states that “All permanent and temporary teaching staff will have, or be expected to gain within twelve months from their date of commencement, one of the following education qualifications”, where the qualifications are the Cert IV TAA or one of the qualifications considered equivalent to the Cert IV TAA as listed in the *AQTF 2007 Essential Standards for Registration*, what happens to CIT teachers who fail to gain a qualification satisfying AQTF 2007 requirements within the prescribed 12 month period.

**Mr Barr:** The answer to the member’s question is as follows:

(1)

	(i) Teaching	(ii) Vocational	(iii) Degree	(iv) Year 12	(v) Year 10
(a) Permanent	169	154	11	3	1
(b) Temporary	84	76	4	1	3
(c) Casual Band 1	293	278	7	5	3

- (2) CIT meets all the requirements of the AQTF 2007 Essential Standards for Registration in relation to its teaching workforce. It is not cost effective to identify all the specific qualifications of each of its teachers, as this would require scanning more than 550 records.

(3)

	(i) Cert IV in TAA	(ii) Equiv qual	(iii) Dip Ed	(iv) Bach of Ed	(v) No qual	Other
(a) Permanent	0	0	3	0	0	0
(b) Temporary	0	0	0	0	0	1
(c) Casual Band 1	1	0	5	0	0	0

(4)

	(i) Cert IV in TAA	(ii) Equiv qual	(iii) Dip Ed	(iv) Bach of Ed	(v) No qual
(a) Permanent	0	0	1	0	0
(b) Temporary	2	0	2	1	0
(c) Casual Band 1	2	0	1	0	0

- (5) (a) Permanent teachers in Secondary schools – 1162 (headcount).  
 (b) Temporary contract teachers in Secondary schools – 208 (headcount).  
 (c) Casual Band 1 (Classroom Teachers) employed in Secondary Schools – 218 (headcount).

(i) (ii) (iii) All Teachers employed by the ACT Department of Education hold formal teaching qualifications. To provide details about teachers’ qualifications is not cost effective as the information is stored in hard copy on 3000 individual personnel files.

(6)

	(i) Substantive	(ii) Acting	(iii) Cert IV in TAA	(iv) Equiv qual	(v) No qual
(a)Permanent	23	15	22	8	0
(b)Temporary	1	1	2	0	0
(c)Casual Band 2	0	0	0	0	0

(7)	(a)	(i)	11
		(ii)	5
	(b)	(i)	10
		(ii)	10

(8)	(a)	(i)	0
		(ii)	1
	(b)	(i)	0
		(ii)	0

(9) CIT has introduced a number of measures to ensure teaching staff satisfy the Teacher Qualifications and Experience Policy and the *AQTF 2007 Essential Standards for Registration*. These include :

- working with Directors to have staff undertake the Cert IV in TAA by regularly advertising through internal publications;
- introducing a new workforce development model in 2010 that provides a more flexible approach to studying;
- paying for training centrally;
- giving staff a reduction in their teaching duties to allow them to complete their studies;
- offering a TAA upgrade course to maintain teacher currency;
- introducing an online Workforce Planning Tool (in 2009) that allows managers to capture and monitor staff qualifications thus providing CIT with accurate data so they can encourage staff to get the TAA qualification;
- introducing a Teaching and Learning Plan (in 2009) which clearly outlines what is expected of a progressive CIT teacher; and
- ensuring that any staff member who does not have a Cert IV in TAA or equivalent is supervised by a teacher with the relevant qualification.

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### Roads—parking offences (Question No 436)

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 19 November 2009 (*redirected to the Attorney General*):

What is the breakdown in revenue from parking (a) offences and (b) meters by suburb for June 2009.

**Mr Corbell:** The answer to the member's question is as follows:

(a) Parking offences:

Acton	\$1,512	Griffith	\$17,575
Aranda	\$144	Gungahlin	\$2,988
Barton	\$10,616	Hawker	\$72
Belconnen	\$28,411	Holt	\$1,062
Braddon	\$8,382	Kaleen	\$216
Bruce	\$5,816	Kingston	\$5,516
Campbell	\$1,113	Lyneham	\$914
Capital Hill	\$3,711	Lyons	\$216
Chisholm	\$72	Macquarie	\$2,534
City	\$286,251	Majura	\$7,597
Cook	\$72	Mitchell	\$288
Curtin	\$425	Ngunnawal	\$72
Deakin	\$7,726	Parkes	\$13,744
Dickson	\$13,425	Phillip	\$60,747
Florey	\$72	Reid	\$4,187
Forrest	\$4,472	Rivett	\$72
Garran	\$21,259	Russell	\$5,090
Gordon	\$144	Theodore	\$72
Greenway	\$32,507	Turner	\$9,025

## (b) Parking meters

City	\$35,605.35
Braddon	\$17,998.60
Turner	\$4,680.75
Manuka	\$3,242.50
Kingston	\$4,939.90
Woden	\$8,385.65
Deakin	\$2,328.60
Dickson	\$3,433.65

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**Roads—speed cameras  
(Question No 437)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 19 November 2009:

- (1) What is the breakdown in revenue from ACT Government fixed speed cameras for June 2009, by camera, in the offence category of (a) 10 – less than 15 km/h, (b) 15 – less than 30 km/h, (c) 30 – less than 45 km/h and (d) 45km/h or more over the speed limit.
- (2) What is the breakdown in revenue from ACT Government mobile speed cameras for June 2009, by location, in the offence category of (a) 10 – less than 15km/h, (b) 15 – less than 30km/h, (c) 30 – less than 45 km/h and (d) 45km/h or more over the speed limit.

**Mr Stanhope:** The answer to the member's question is as follows:

- (1) Please see attached spreadsheet.

*(Available at the Chamber Support Office).*

(2) Please see attached spreadsheet.

(Available at the Chamber Support Office).

## **Roads—parking revenue (Question No 438)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 19 November 2009 (*redirected to the Attorney General*):

What is the breakdown in revenue from ACT Government parking ticket machines by carpark location for June 2009.

**Mr Corbell:** The answer to the member's question is as follows:

### **City, Turner and Braddon**

Car park adjacent Reid CIT (asphalt)	\$17,091.00
Car park opposite Reid CIT (gravel)	\$61,758.65
Car park opposite Convention Centre (City pool)	\$49,135.75
Car park adjacent City pool (entrance)	\$16,393.70
Car park adjacent Army Reserve Allara Street	\$6,977.85
Car park on City Hill (multi-stay)	\$73,424.65
Car park adjacent Legislative assembly (short-stay)	\$30,644.85
Car park opposite Bailey's Cnr (short-stay)	\$42,523.20
Car park adjacent Magistrates Court (short-stay)	\$51,108.60
Car park adjacent Canberra Arcade (short-stay)	\$14,479.15
Car park Gordon Street adjacent Westlund House (multi-stay)	\$14,505.65
Car park adjacent Street Theatre Childers Street (multi-stay)	\$8,565.00
Car park adjacent Pensioners Club (end of Childers Street)	\$41,176.90
Car park Regatta Point	\$448.80
Car park Barrine Drive (adjacent bike hire and café)	\$18,125.90
Car park Barrine Drive (west basin)	\$7,656.65
Genge Street	\$604.85
Narrellan Street	\$864.15
Bunda Street	\$3,309.65
Car park cnr Watson Street and Barry Drive (dirt)	\$6,321.00
Watson Street	\$14,631.95
Car park adjacent McDonalds Mort Street Braddon (from McDonalds to Elouera Street)	\$8,315.25
Car park behind NRMA Bld from Elouera to Girrawheen Street	\$11,811.95

**City, Turner and Braddon**

Car park Haig Park Girrawheen Street closest to Northbourne Avenue	\$3,511.15
Car park Haig Park Girrawheen Street (closest to food bus)	\$2,996.20
Batman Street adjacent Gorman House	\$1,686.80

**Woden, Deakin, Manuka and Greenway**

Car park behind Callum offices	\$11,167.90
Car park adjacent Callum Offices (near Koomarri)	\$12,405.10
Car park in front of Callum Offices (opposite Hellenic Club)	\$9,163.20
Car park (Matilda Street) opposite Juliana House	\$31,696.35
Car park Furzer Street adjacent Woden Tradies Club	\$29,730.50
Car park Furzer Street adjacent Air Services Building	\$47,983.15
Car park Corinna Street adjacent Gadai Chambers down to Ball Street	\$24,466.75
Car park Corinna Street adjacent Coles (short-stay)	\$21,615.50
Car park Keltie Street adjacent Lovett Tower	\$1,275.90
Car park in Spoering Street (opposite ice skating)	\$25,001.15
Irving Street (on street)	\$343.25
Spoering Street (on street)	\$632.75
Irving Street car park (opposite Hellenic Club)	\$11,418.80
Car park adjacent Post Office Deakin	\$309.30
Car park opposite Tuggeranong College (3-for-Free area)	\$5,363.20
Car park adjacent Tuggeranong Health Centre	\$11,175.35
Car park adjacent Tuggeranong Churches Centre	\$13,838.20
Reed Street South (on street)	\$2,045.10
Car park adjacent Home Art and Hyperdome (Reed Street North)	\$14,945.35
Car park adjacent Good Guys and Hyperdome (Pitman Street)	\$4,433.05
Pitman Street adjacent Tuggeranong Southern Cross Club	\$76.85
Holwell Street (on street adjacent Tuggeranong Southern Cross Club)	\$403.50
Captain Cook Crescent	\$2,408.15
Franklin Street	\$1,176.85
Bougainville Street	\$19,487.75
Manuka multi-deck car park	\$12,309.30
<b>Belconnen, Dickson and Kingston</b>	
Car park Swanson Court	\$10,278.95
Swanson Court on street	\$910.35
Chandler Street	\$7,583.05

**Belconnen, Dickson and Kingston**

Cameron Avenue	\$898.90
Car park adjacent Labor Club	\$14,836.10
Car park adjacent Skate Park	\$1,703.70
Car park adjacent Lighthouse nightclub	\$4,772.80
Emu Bank	\$3,830.25
Benjamin Way	\$2,604.40
Chan Street	\$946.70
Car park adjacent markets	\$7,372.25
Lathlain Street	\$2,968.20
Car park Lathlain Street (3-for-Free area)	\$17,362.60
Car park Lathlain Street adjacent Magnet Mart	\$6,607.50
Car park Josephson and Bayles Street	\$80.65
Car park Josephson and Purdue Street	\$811.45
Car parks Oatley Court	\$421.90
Westfield Shopping Centre western car park	\$28,790.60
Car park adjacent Woolworths Dickson	\$12,962.65
Car park adjacent Dickson Square	\$9,407.95
Car park adjacent Dickson Tradies Club	\$7,578.25
Woolley Street	\$4,796.45
Car park adjacent Kingston Mobil Service Station	\$7,769.50
Kennedy Street	\$5,053.00
Giles Street	\$6,735.15
Jardine Street	\$2,205.25

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**Environment—energy ratings  
(Question No 440)**

**Ms Le Couteur** asked the Minister for Planning, upon notice, on 19 November 2009:

- (1) From what date did the ACT agree to use the minimum Building Code of Australia (BCA) energy rating requirement.
- (2) Which classes of buildings are covered by the energy rating and what are the requirements for each class.

**Mr Barr:** The answer to the member's question is as follows:

- (1) The ACT first adopted performance provisions for energy efficiency as defined in the BCA and ACT-specific regulation from 2003. Prior to this the ACT entered into an

Intergovernmental Agreement for the operation of the Australian Building Codes Board, which includes as part of its charter the maintenance of the Building Code of Australia, which sets minimum construction standards that are performance based.

- (2) No class of building is subject to a requirement to produce a rating. The BCA provides a number of optional ways to verify compliance with some aspects of those requirements, including by having an energy rating determined using a thermal calculation method compliant with the *Protocol for House Energy Rating*. This protocol relates only to class 1 (and certain attached class 10) and class 2 buildings and class 4 parts of buildings. Compliance cannot be readily verified by such star ratings for other building classes.

The minimum ratings that must be achieved under this optional verification method in the ACT are: 5 stars for class 1 (and certain attached class 10) buildings; and an average of 4 stars, with no unit less than 3 stars, for all of the sole occupancy units of a class 2 building or a class 4 part of a building.

For other than class 1 and 10 buildings, the BCA provides other options for verifying compliance with its efficient energy use requirements, including comparison of calculated annual energy consumption with prescribed allowances for specific kinds of building use.

### **Chief Minister's Department—contracts and sponsorships (Question No 446)**

**Mr Seselja** asked the Chief Minister, upon notice, on 19 November 2009 (*redirected to the Acting Chief Minister*):

- (1) What is the average on-cost for an employee in the Chief Minister's Department and what does this on-cost include.
- (2) For each contract listed in section C.14 of the Chief Minister's Department 2008-09 annual report, (a) what is the total length of the contract, (b) what are the key deliverables of the contract and (c) what criteria and performance benchmark were used to select the contract if the contract is single select.
- (3) For each sponsorship listed in section C.15 of the Chief Minister's Department (a) who initiated each sponsorship, was it the department or the recipient, (b) what role did the department play in each event that received sponsorship money, (c) what criteria were used to select each sponsorship and (d) what was the sponsorship used for by the recipient.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) The Chief Minister's Department uses the Department of Treasury Salary and Admin On-Cost Model (October 2008) to determine salary on-costs estimates for each generic classification based on an average salary cost for each classification, and a standard figure for administrative on-costs.

The salary on-costs include estimates for Superannuation; Employer Productivity Superannuation Contribution; Long Service Leave Provision; Annual Leave Loading; Workers' Compensation Premium, and other issues as necessary on a case-by-case basis. The salary on-cost total is 16.41% of the average salary.

The administrative on-cost model is based on average estimates for IT and communications related costs; accommodation; insurance; training; fleet; other administrative items including OH&S expenses, office machines and equipment, stationery and postage; and a corporate component covering payroll and human resources costs per FTE across Government. The total standard figure for administrative on-costs (in the October 2008 Guideline) was \$15,790.

The Salary and Administration On-Cost Model is updated annually to assist with budget preparation.

(2) See Attachment A.

*(Available at the Chamber Support Office).*

(3) See Attachment B.

*(Available at the Chamber Support Office).*

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### **Planning—supermarkets (Question No 453)**

**Mr Seselja** asked the Minister for Land and Property Services, upon notice, on 9 December 2009:

Was the Land Development Agency (LDA) consulted in relation to the Review of ACT Supermarket Policy; if so, (a) when was the LDA consulted, (b) who consulted with the LDA and (c) what advice did the LDA provide.

**Mr Stanhope:** The answer to the member's question is as follows:

- (a) The LDA was not involved in the review of ACT Supermarket Policy or the document authored by John Martin.
- (b) The LDA was first involved in the process when invited to be part of the Inter Department Committee to look at the implementation of the Supermarket Policy in mid October 2009.
- (c) The LDA has since provided advice to the IDC about options for the release of supermarket site, but not the policy of supermarket competition.

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### **Business—outdoor cafes (Question No 454)**

**Mr Seselja** asked the Attorney-General, upon notice, on 9 December 2009:

- (1) How many applications were received by the Government for outdoor cafe licenses in November 2009.
- (2) How many of the applications referred to in part (1) have been approved as of 8 December 2009.

- (3) What was the average wait time for each application to be approved.
- (4) What is the average seating capacity for applications received in November 2009.
- (5) In which suburbs did businesses apply for an outdoor cafe license in November 2009.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) None. The Office of Regulatory Services did receive 19 applications for renewal of outdoor café permits in the month of November. All of these were renewed during the month.
- (2) See the answer to question 1.
- (3) Renewal applications are usually processed within a working day of receipt of payment and receiving a copy of the public liability insurance.
- (4) There are no database records that contain the information which could provide an average figure. To provide this information it would be necessary to manually search individual records.
- (5) For the renewal applications, 12 of these were for primary areas, three in secondary areas and four in tertiary areas. The terms primary, secondary and tertiary area are defined in the Roads and Public Places (Fees) Determination 2009 (No 1)

### **Harrison—housing developments (Question No 456)**

**Mr Seselja** asked the Minister for Planning, upon notice, on 9 December 2009  
(*redirected to the Minister for Disability, Housing and Community Services*):

- (1) Which current developments or development proposals, in the suburb of Harrison, are designated for social housing.
- (2) How many units or houses will be included in each.
- (3) What has been the public consultation process that has been undertaken for each development.
- (4) Are any public consultation processes currently being undertaken.
- (5) Has the Government received any objections to these developments through these processes; if so, how many objections have been received and what are the objections.
- (6) How has each consultation process been advertised.

**Ms Burch:** The answer to the member's question is as follows:

- (1) Housing ACT is not currently building any properties in Harrison. However, under the Nation Building Stimulus Stage 2, CHC Affordable Housing received funding to build social housing units in Harrison.

- (2) The number of units being constructed by CHC Affordable Housing is 29 x 2 Bedroom Class C Adaptable Units.
  - (3) CHC Affordable Housing carried out the public consultation within requirements of the ACT Planning and Land Authority Development Application process.
  - (4) No public consultation has been carried out by the Department of Disability, Housing and Community Services.
  - (5) Information received from ACTPLA is that four submissions in total have been received. The issues raised are:
    - perceived adverse effect on historic Gungaharra Homestead and its surroundings;
    - concerns about traffic flow;
    - perceived inadequate parking;
    - potential for a noise problem;
    - concerns about lack of transparency on the part of the LDA;
    - concerns about removal of trees;
    - perception that re-zoning was undertaken without proper public consultation.
  - (6) ACTPLA has advised that public notification comprised of an article in the Canberra Times, letters sent to adjoining neighbours and signs erected on the site.
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**Environment—water catchment areas—motorsport events  
(Question No 457)**

**Mr Doszpot** asked the Minister for Tourism, Sport and Recreation, upon notice, on 9 December 2009:

- (1) What is the Government's policy on the use of water catchment areas for motorsport groups.
- (2) What evidence does the ACT Government have that organised rally events in water catchment areas degrade water quality.
- (3) When did the ACT Government last undertake an assessment of all water catchment areas in the ACT for use by motorsport groups.
- (4) Which community groups currently have unlimited access to forests in the water catchment areas to undertake motorsport events.
- (5) Which community groups currently have limited access to forests in the water catchment areas to undertake motorsport events.
- (6) What motorsport activities are currently allowed in ACT forests, including water catchment areas.
- (7) How much funding does the ACT Government currently contribute to motorsport in the ACT.
- (8) How much of the funding referred to in part (7) is provided as grants to non-profit community organisations.

- (9) How much economic benefit does the ACT receive from motorsport events each year.
- (10) How many tourists visited the ACT in each of the last four financial years to attend motorsport events.
- (11) What ACT Government support was provided to the Rally of Canberra, including financial and “in-kind”, for the (a) 2005, (b) 2006, (c) 2007 and (d) 2008 financial years.
- (12) Which venues were available for the Rally of Canberra for the (a) 2005, (b) 2006, (c) 2007 and (d) 2008 financial years.

**Mr Barr:** The answer to the member’s question is as follows:

- (1) The Government takes a risk management approach to the management of recreation and other land uses in water catchments. Motorsport is not permitted in water catchments except in parts of the ACT Murrumbidgee catchment. The policy for the upper and middle Cotter catchments is established in the *Namadgi National Park Draft Plan of Management (2005)*. The policy for the lower Cotter catchment is based on the *Lower Cotter Catchment Strategic Management Plan* and the related draft *Recreation Strategy*. The policy for the Googong Catchment area that is managed by the ACT Government is supported by the *Googong Foreshores Plan of Management (2007)*.

The Murrumbidgee catchment in the ACT has only relatively recently come online as a water supply catchment and there is currently no formal catchment-wide policy for motorsport. This catchment differs markedly from others in ACT in that it encompasses a wide range of land uses including urban residential, industrial and rural, as well as nature conservation and recreation. The *Murrumbidgee River Corridor Plan of Management (1998)* covers a small proportion of the ACT Murrumbidgee catchment and allows for consideration of motorsport as a ‘special activity’ on a case-by-case basis. Motorsport is currently permitted in some parts of the Murrumbidgee catchment such as parts of the Pierces Creek and Miowera pine plantation areas.

- (2) There is clear evidence that sediment movement from roads contributes to turbidity and nutrients in streams. Advice from ACT Health (Health Protection Service) and ACTEW Corporation supports the current ACT Government position that motor sport rallies are not compatible with water quality. This advice is based on a national approach to water quality that advocates a multi-barrier approach to protecting water quality. The primary barrier is the health and stability of water catchments. Activities that displace sediment and have potential for pollution of water supply streams and reservoirs, such as high speed rally driving, are not compatible with water quality objectives.
- (3) Assessments have been made during the preparation of the individual management plans and strategies outlined in (1) above.
- (4) No organised groups of any recreational pursuit have unlimited access. A permit system applies to all organised groups.
- (5) Dual Sports Motorcycle Riders Association, Brindabella Motor Sports Club, Light Car Club of Canberra and Bates Advanced Driving (rally tuition - not events).

- (6) Competitive and non-competitive car rallying, rally driving tuition and competitive and non-competitive motorcycle riding events are allowed in several areas of the former ACT Forests estate, including Pierces Creek outside the lower Cotter catchment, Miowera Pines, Stromlo forest and Kowen Forest. In addition, roads are available for general public use for recreational driving and sightseeing in all catchments except the upper Cotter.
- (7) The Government is currently providing funding of \$0.5m in 2009-10 for the establishment of an off-road recreational riding area. The Government has also committed a total of \$1.5m over the next three financial years (2010-11 to 2012-13) for an investment fund to provide support for motorsport in the ACT.
- (8) The Government has committed a total of \$1.5m over the next three financial years (2010-11 to 2012-13) for an investment fund to provide support for motorsport in the ACT.
- (9) This information is not easily quantifiable.
- (10) Australian Capital Tourism does not have access to data in respect to how many tourists visited over the last four financial years to attend motorsport events. The following table show total visitors to the Rally of Canberra since 2004:

Year	Visitors
2004	3,973
2005	2,361
2006	1,602
2007	Not available (event delivered by the Confederation of Australia Motor Sport - CAMS)
2008	Not available (event delivered by CAMS)
2009	Not available (event delivered by CAMS)

(11) See Table Below

(12) See Table Below

#### **Rally of Canberra (ROC)**

Year	ACT Government Financial Contribution \$'000's	In -Kind Contribution \$'000's	Venue
2005	740	Nil (all cost shown)	Kowen, Stromlo Forest & Fairbairn Park
2006	740	Nil (all cost shown)	Kowen & Stromlo Forest
2007	740	Nil (all cost shown)	Kowen & Stromlo Forest
2008	300	Included ROC in visitcanberra website and generic communications	Kowen & Stromlo Forest
2009	0	Included ROC in visitcanberra website and generic communications	Kowen & Stromlo Forest

**Environment—building temperature settings  
(Question No 459)**

**Ms Le Couteur** asked the Attorney-General, upon notice, on 10 December 2009:

- (1) In relation to the main buildings of the Minister's department, what temperature does the department set for summer and winter.
- (2) Has the department trialled changed temperatures; if so, what energy savings and staff reaction were there.

**Mr Corbell:** The answer to the member's question is as follows:

All air conditioned office premises, both owned and leased, have a targeted temperature range of between 20 and 24 degrees Celsius.

This is in line with the ACT Government's ACT Public Service Occupational Health & Safety Policies No. 11 "*Thermal Comfort in ACT Government Workplaces*" and No. P18 "*Air Quality – Indoor Environments*".

This is a year round target.

There have been no trials for temperatures changes within my portfolio as Attorney General.

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**Environment—building temperature settings  
(Question No 462)**

**Ms Le Couteur** asked the Minister for Tourism, Sport and Recreation, upon notice, on 10 December 2009:

- (1) In relation to the main buildings of the Minister's department, what temperature does the department set for summer and winter.
- (2) Has the department trialled changed temperatures; if so, what energy savings and staff reaction were there.

**Mr Barr:** The answer to the member's question is as follows:

- (1) All air conditioned office premises, both owned and leased, have a targeted temperature range of between 20 and 24 degrees Celsius. This is in line with the ACT Government's ACT Public Service Occupational Health & Safety Policies No. 11 "*Thermal Comfort in ACT Government Workplaces*" and No. P18 "*Air Quality – Indoor Environments*". This is a year round target.
  - (2) The department has not conducted any trials on changing the temperatures that buildings are set for summer and winter.
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**Housing—rental assessments  
(Question No 465)**

**Ms Le Couteur** asked the Minister for Disability, Housing and Community Services, upon notice, on 10 December 2009:

- (1) In relation to tenants' income assessments for rent and rental calculations, how does receiving a significant lump sum, such as compensation payout, affect income calculations.
- (2) Has the recent ACT Civil and Administrative Tribunal determination on income assessment been promoted to tenants so they are aware of the changes.

**Ms Burch:** The answer to the member's question is as follows:

- (1) Rent rebates are calculated in accordance with the Public Rental Housing Assistance Program (the Program) requiring all assessable weekly household income to be taken into account. Where a tenant or other household member receives a lump sum payment, the amount of income lost or foregone (if known) or 50% of the total lump sum (if the amount of income lost or foregone is not known) is included in the rent rebate assessment.

The Program provides for the relevant portion of the lump sum to be distributed in equal weekly payments over the relevant period. The tenant can repay the amount outstanding as a lump sum or by an arrears repayment agreement.

- (2) My Department has been unable to identify any recent ACT Civil and Administrative Tribunal determinations on income assessment.

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**Environment—park care groups  
(Question No 466)**

**Mr Rattenbury** asked the Minister for Territory and Municipal Services, upon notice, on 10 December 2009:

- (1) How many park care groups are there in the ACT.
- (2) What type and how much support has the ACT Government provided to the park care groups in the ACT, both financial and in-kind, in (a) 2005-06, (b) 2006-07, (c) 2007-08, and (d) 2008-09.
- (3) What equipment does Parks, Conservation and Lands (PCL) provide to park care groups.
- (4) What training is provided to park care groups.
- (5) How many training sessions for park care groups have been funded by PCL in the last financial year.
- (6) How many of the reserve areas in the Canberra Nature Park are governed by individual or collective management plans and which ones are they.

- (7) How many of the nature reserves do not have individual management plans and which ones are they?
- (8) If there are nature reserves without individual management plans, why.
- (9) How many of the park care groups have submitted annual plans outlining their planned action in (a) 2005-06, (b) 2006-07, (c) 2007-08, and (d) 2008-09.
- (10) How many hours of volunteer work have been undertaken by park care groups across Canberra in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

**Mr Stanhope:** The answer to the member's question is as follows:

- (1) There are currently 17 active ParkCare Groups in the ACT. 12 of the 17 groups undertake volunteer work in Canberra Nature Park. Four ParkCare groups volunteer in the rural region of the ACT in Namadgi National Park, Tidbinbilla Nature Reserve, the Murrumbidgee Corridor and Googong Foreshores. One group works in Watson Woodlands.
- (2) In 2009 the ParkCare Program celebrated its 20th year and it has been consistently supported throughout this time by the ACT Government. Parks, Conservation and Lands (PCL) currently has a Community Programs officer dedicated to supporting and assisting ParkCare Groups. The position is jointly funded by the Federal Caring for our Country (CFOC) program and PCL. Parkcare expenditure on salaries and GPO budget is below but no figures are available for prior to the formation of PCL in 2006-07:

<b>Period</b>	<b>Salary</b>	<b>Operational</b>	<b>Total</b>
(a) 2005-06			NA
(b) 2006-07			63,000
(c) 2007-08	(Est) 40,000	35,490	75,490
(d) 2008-09	42,924	21,506	64,430

Additional funding support of ParkCare related activities is determined on an "as needs" basis. For example, during 2009/10 PCL in partnership with Screenmakers, provided \$70,000 for the production of 10 ParkCare community noticeboards as part of the 20-year celebration.

The Community Programs Officer coordinates and ensures requirements such as risk management, wearing of personal protective equipment and OH&S are met. In addition, the Community Programs Officer provides tools and equipment; organises training; and coordinates a volunteer newsletter. ParkCare Groups are supported at an operational level by the relevant PCL District Rangers who provide operational and technical assistance to ParkCare groups on a regular basis.

- (3) PCL provides the tools necessary to undertake a range of activities depending on the needs and projects of each group. In general, this includes mattocks, sprayers, shovels, saws (pruning, bow, etc) secateurs, loppers, clean up bags, gloves etc. More recently PCL has encouraged volunteering at a higher technical level and this has been supported with the provision of tools and training in GPS and GIS.

In addition to tools, a range of personal protective equipment is supplied including long sleeve tops, wide brim hats, gloves, respirator masks for chemical spraying and

more recently hard hats have been provided to volunteers working in forested areas. Other supplies include pesticide, temporary signage and occasionally paper for photocopying.

- (4) PCL encourages and supports volunteers to develop and enhance their skills by offering a variety of training opportunities such as training in the correct handling and use of chemicals and tools; plant species identification; GPS mapping; revegetation strategies; first aid training; and natural resource management.
- (5) In the last financial year, PCL ran three training programs. PCL funded nine positions for volunteers (\$300 per person) to receive their Chemcert Accreditation Level 3. PCL also developed and hosted weed identification and GPS training. By drawing on the technical expertise and resources within the ACT Government PCL was able to deliver these latter programs in-house.
- (6) Twenty-eight Canberra Nature Park reserves (Public Land Nature Reserve) are identified in the Canberra Nature Park Plan of Management 1999 and managed according to the policies in the plan. These are:
  - Aranda Bushland Nature Reserve
  - Black Mountain Nature Reserve
  - Bruce Ridge Nature Reserve
  - Crace Grasslands Nature Reserve
  - (identified as Gungahlin Grasslands in the 1999 plan of management)
  - Cooleman Ridge Nature Reserve
  - Dunlop Grasslands Nature Reserve
  - Farrer Ridge Nature Reserve
  - Gossan Hill Nature Reserve
  - Gungahlin Grasslands Nature Reserve
  - (identified as Gungahlin Grasslands in the 1999 plan of management)
  - Gungahlin Hill
  - Isaacs Ridge Nature Reserve
  - Mt Ainslie Nature Reserve
  - McQuoids Hill Nature Reserve
  - Mt Majura Nature Reserve
  - Mt Mugga Mugga Nature Reserve
  - Mt Painter Nature Reserve
  - Mt Pleasant Nature Reserve
  - Mt Taylor Nature Reserve
  - Mulligans Flat Nature Reserve
  - Mullanggari Grasslands Nature Reserve
  - (identified as Gungahlin Grasslands in the 1999 plan of management)
  - Oakey Hill Nature Reserve
  - O'Connor Ridge Nature Reserve
  - Red Hill Nature Reserve
  - Rob Roy Range Nature Reserve
  - The Pinnacle Nature Reserve
  - Tuggeranong Hill Nature Reserve

- Urambi Hills Nature Reserve
- Wanniasa Hills Nature Reserve.

Jerrabomberra Wetlands Nature Reserve is also identified as being part of Canberra Nature Park but has a separate plan.

- (7) Six areas reserved as Public Land Nature Reserve do not have individual management plans. These are:
- Callum Brae Nature Reserve
  - Gorooyarroo Nature Reserve
  - Jerrabomberra West Nature Reserve
  - Kama Nature Reserve
  - Percival Hill Nature Reserve
  - Watson Woodlands.

Strategies and policies from the ACT Lowland Native Grassland Conservation Strategy 2004 and ACT Lowland Woodland Conservation Strategy 2005 apply to these and other parts of Canberra Nature Park as appropriate.

- (8) While the six nature reserves identified in Question 7 are not explicitly named in the *Canberra Nature Park Plan of Management 1999* (the areas have been reserved following the release of the Canberra Nature Park Plan of Management), they are recognised as being part of Canberra Nature Park and managed according to the policies and strategies outlined in the plan of management.
- (9) Due to the seasonality and uncertainty of ParkCare activities the majority of groups have adopted a reactive and flexible approach to planning and tend not to develop annual work plans. Consultation and planning throughout the year occurs at the park level together with the district staff and this provides an opportunity to direct efforts to problem areas. Six groups undertook “site assessments” during 2004-05 as a basis for work plans but this approach has not continued.

PCL has recently discussed with ParkCare groups and ranger staff how annual plans can be more formally developed. The recently drafted PCL Volunteer Policy now prescribes annual work plans.

In lieu of annual work plans some Parkcare Groups have developed and implement their own local “management plans”. The plans define the conservation values and priorities of the group whilst outlining relevant ecosystems and restorative measures to be employed. The “management plans” generally span a period longer than a year and do not detail specific activities.

- (10) Over the 20 years of ParkCare, there have been numerous changes in staff and volunteer practices. Volunteers do not tend to keep rigorous records of hours worked and the figures below, particularly the earlier figures may provide an underestimate of the actual hours worked. Records during the 2006-07 transition from Environment ACT to Parks, Conservation and Lands are incomplete.

In 2008 the Community Programs Officer developed a database to improve the recording of volunteer hours and separate those pertaining specifically to the ParkCare Program from other volunteering.

(a) 2005-06	4,290 hours
(b) 2006-07	Incomplete
(c) 2007-08	14,530 hours which includes all PCL volunteer activities and does not separate the contribution of ParkCare from the total number of volunteer hours
(d) 2008-09	10,774 hours

### **Public service—corporate credit cards (Question No 469)**

**Mr Seselja** asked the Chief Minister, on 10 December 2009:

- (1) How many corporate credit cards are used by employees of each department or agency in the Minister's portfolio.
- (2) For what purpose is each card issued.
- (3) What is the average amount spent each month on each credit card.
- (4) What was the total amount spent on each credit card in (a) 2006-07, (b) 2007-08 (c) 2008-09 and (d) 2009-10 to date.
- (5) What is the limit on each credit card.
- (6) How much has been spent on any form of catering, including official meals, at restaurants.

**Mr Stanhope:** The answer to the member's question is as follows:

1. Chief Minister's Department (CMD) currently holds 18 credit cards, this does not include cards held by Australian Capital Tourism, as they have reported separately under the Minister for Tourism, Sport and Recreation's Portfolio. The ACT Executive currently holds 9 credit cards.
2. In CMD staff use credit cards to make purchases in accordance with the Chief Executive Financial Instructions where they are required to make purchases within their delegations urgently or where it is inconvenient to expect the officer to purchase goods and services through normal channels.

In the ACT Executive the cards are issued for corporate purposes, including travel, training, accommodation and items for which no other payment option is available.

3. The average amount spent each month on each credit card currently held in CMD is shown in the table below\*.

<b>Card No.</b>	<b>Monthly Average</b>	<b>Card No.</b>	<b>Monthly Average</b>
1	456.72	10	1,129.34
2	22.71	11	1,397.00
3	208.82	12	2,065.52
4	670.81	13	1,306.73

5	398.73	14	2,922.32
6	1,266.84	15	1,222.60
7	243.83	16	1,308.61
8	657.76	17	809.91
9	1,001.11	18	1,262.20

\*These calculations do not include the cards held by Australian Capital Tourism, as they have reported separately under the Minister for Tourism, Sport and Recreation's Portfolio.

The average amount spent each month on each credit card currently held by the Executive is as follows:

<b>Card No.</b>	<b>Monthly Average</b>
1	356.31
2	151.35
3	338.75
4	527.95
5	470.48
6	276.51
7	1.76
8	210.17
9	2,865.80

4. The total amount spent on each CMD credit card is shown in the table below\*.

<b>Card No.</b>	<b>2009-10</b>	<b>2008-09</b>
1	2,853.17	6,883.60
2	136.24	0.00
3	1,507.80	1,645.89
4	4,130.79	6,123.00
5	7,271.27	2,614.23
6	695.86	22,333.45
7	1,462.95	0.00
8	4,691.48	6,490.45
9	10,538.82	9,269.48
10	2,632.92	17,183.92
11	7,283.64	13,671.30
12	2,470.84	19,615.78
13	7,679.11	161.25
14	28,353.79	12,558.67
15	11,752.20	12,661.00
16	2,426.61	14,392.60
17	6,391.88	9,574.98
18	14,911.92	11,542.33
19**	0.00	15.00

\*These calculations do not include the cards held by Australian Capital Tourism, as they have reported separately under the Minister for Tourism, Sport and Recreation's Portfolio.

\*\*This cardholder is no longer working in CMD, and the credit card has been cancelled.

The total amount spent on each ACT Executive Credit card is shown in the table below.

<b>Card No.</b>	<b>2009-10</b>	<b>2008-09</b>
1	6,042.27	15.00
2	2,558.02	15.00
3	5,297.01	461.73
4	6,147.10	716.25
5	2,351.13	1.25
6	4,099.56	601.04
7	15.00	15.00
8	310.00	3,262.85
9	10,711.56	38,007.09
*10	324.00	481.50
*11	0	15.00
*12	0	15.00
*13	0	15.00

\*These cardholders are no longer working for the ACT Executive, and the credit cards have been cancelled.

I am advised that the Territory's financial system does not distinguish between credit card transactions and other payment transactions. Monthly credit card statements must be manually analysed in order to answer this question. Given this time consuming requirement, it is not considered a reasonable use of the agency's limited resources to answer this question for more than two financial years. As a result, total credit card expenditure for 2007-08 and 2006-07 is not provided.

5. Thirteen of the credit cards held in CMD have a credit limit of \$5,000; one card has a credit limit of \$30,800; two cards have a limit of \$10,000; one card has a limit of \$3,000; and one has a limit of \$1,000.

Two of the credit cards held in the ACT Executive have a credit limit of \$5,000; two cards have a credit limit of \$8,000; two cards have a limit of \$10,000; two cards have a limit of \$15,000; and one has a limit of \$25,000.

6. The table below shows the amount spent on cards held by CMD on any form of catering, including official meals, at restaurants for the period 2008-09 and 2009-10 to date.

<b>Card No.</b>	<b>Catering Expense *</b>	<b>Card No.</b>	<b>Catering Expense *</b>
1	1,001.00	10	1,686.03
2	0.00	11	4,181.91
3	0.00	12	566.00
4	2,351.73	13	70.00
5	706.79	14	0.00
6	0.00	15	25.00
7	0.00	16	45.00
8	0.00	17	1,170.55
9	686.44	18	683.53

\*Data includes hospitality (official meals) for travel, but does not include breakfast included in commercial accommodation rates.

The table below shows the amount spent on cards held by the ACT Executive on any form of catering, including official meals, at restaurants for the period 2008-09 and 2009-10 to date.

Card No.	Catering Expense *
1	248.26
2	177.68
3	891.23
4	528.25
5	177.68
6	231.08
7	0
8	0
9	0

\*Data includes hospitality (official meals) for travel, but does not include breakfast included in commercial accommodation rates.

### Public service—corporate credit cards (Question No 470)

**Mr Seselja** asked the Minister for Planning, on 10 December 2009:

- (1) How many corporate credit cards are used by employees of each department or agency in the Minister's portfolio.
- (2) For what purpose is each card issued.
- (3) What is the average amount spent each month on each credit card.
- (4) What was the total amount spent on each credit card in (a) 2006-07, (b) 2007-08 (c) 2008-09 and (d) 2009-10 to date.
- (5) What is the limit on each credit card.
- (6) How much has been spent on any form of catering, including official meals, at restaurants.

**Mr Barr:** The answer to the member's question is as follows:

- (1) Three cards are used within ACTPLA.
- (2) The cards are used for the purchase of training, accommodation, memberships and other items for which no other convenient payment option is available, or for which early payment discounts are available.
- (3) The average amount spent per month on each card for 2009 is as follows:

Card 1	\$2,100
Card 2	\$4,000
Card 3	\$5,200
- (4) The total amount spent on each credit card in 2008-09 and 2009-10 to date is as follows:

2009-10 to date:

Card 1	\$14,951.95
Card 2	\$16,984.22
Card 3	\$28,671.90

2008-09:

Card 1	\$12,937.47
Card 2	\$47,478.61
Card 3	\$68,039.32

I am advised that the Territory's financial system does not distinguish between credit card transactions and other payment transactions. Monthly credit card statements must be manually analysed in order to answer this question. Given this time consuming requirement, it is not considered a reasonable use of the agency's limited resources to answer this question for more than two financial years. As a result, total credit card expenditure for 2007-08 and 2006-07 is not provided.

- (5) Each credit card has a limit of \$10,000.
- (6) No expenses for catering, other than that associated with meals and refreshments for in-house training programs, have been charged to credit cards.

### **Public service—corporate credit cards (Question No 471)**

**Mr Seselja** asked the Minister for Aboriginal and Torres Strait Islander Affairs, on 10 December 2009 (*redirected to the Acting Minister for Aboriginal and Torres Strait Islander Affairs*):

- (1) How many corporate credit cards are used by employees of each department or agency in the Minister's portfolio.
- (2) For what purpose is each card issued.
- (3) What is the average amount spent each month on each credit card.
- (4) What was the total amount spent on each credit card in (a) 2006-07, (b) 2007-08 (c) 2008-09 and (d) 2009-10 to date.
- (5) What is the limit on each credit card.
- (6) How much has been spent on any form of catering, including official meals, at restaurants.

**Mr Stanhope:** The answer to the member's question is as follows:

The Office for Aboriginal and Torres Strait Islander Affairs does not have any corporate credit cards issued to any of its officers.

**Public service—corporate credit cards  
(Question No 473)**

**Mr Seselja** asked the Minister for Health, on 10 December 2009:

- (1) How many corporate credit cards are used by employees of each department or agency in the Minister's portfolio.
- (2) For what purpose is each card issued.
- (3) What is the average amount spent each month on each credit card.
- (4) What was the total amount spent on each credit card in (a) 2006-07, (b) 2007-08 (c) 2008-09 and (d) 2009-10 to date.
- (5) What is the limit on each credit card.
- (6) How much has been spent on any form of catering, including official meals, at restaurants.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) There were ninety one corporate credit cards in use in ACT Health during the period from July 2008 to the present.
- (2) The cards are issued for corporate purposes, including travel, training, accommodation, items for which no other payment option is available and for purchases of items for which the most effective purchasing method would be by Corporate Credit Card. It should be noted that credit card expenditure requires the same level of financial authorisation as any other payment method used by the Department.
- (3) The average monthly expenditure on each credit card from July 2008 to end November 2009 is listed in the attached table.
- (4) The total amount spent for each credit card in 2008-09 and 2009-10 to end November is listed in the attached table.
- (5) The limit on each credit card is listed in the attached table.
- (6) The Territory's financial system does not distinguish between credit card transactions and other payment transactions. Each monthly credit card statement would have to be manually analysed in order to answer this question. Given this time consuming requirement (for example, it would be necessary to extract up to 1,092 statements that are stored off-site to provide a response for one year) that information will be provided later. On advice from the Minister's office, given the significant and time consuming manual effort required, only information for 2008-09 and to November 2009 will be extracted.

Card Number	Card Limit	Average per month for 2008-09 and 2009-10		
		2008-09 \$	2009-10 YTD \$	2009-10 \$
1	5,000.0	20,286.60	12,779.65	1,945.07
2	5,000.0	15,175.22	897.55	945.46
3	30,000.0	31,200.95	15,574.79	2,751.51
4	10,000.0	3,663.45	8,877.26	737.69
5	10,000.0	29,902.15	23,060.84	3,115.47
6	5,000.0	40.00	1,410.70	85.34
7	25,000.0	65,677.22	5,224.39	4,170.68
8	10,000.0	22,501.77	1,873.42	1,433.83
9	10,000.0	26,425.99	4,924.79	1,844.16
10	10,000.0	17,957.69	9,194.26	1,597.17
11	10,000.0	10,069.03	15.00	593.18
12	5,000.0	5,208.45	5,712.38	642.40
13	5,000.0	13.75	0.00	0.81
14	5,000.0	3,811.00	4,318.05	478.18
15	5,000.0	1,827.00	15.00	108.35
16	5,000.0	1,513.15	1,112.80	154.47
17	5,000.0	5.00	4,353.90	256.41
18	20,000.0	83,040.32	56,552.59	8,211.35
19	5,000.0	6,115.43	6,885.73	764.77
20	5,000.0	11,272.55	7,991.80	1,133.20
21	10,000.0	11,981.36	7,102.43	1,122.58
22	5,000.0	18,422.30	9,541.32	1,644.92
23	5,000.0	8,452.58	7,908.30	962.40
24	5,000.0	352.30	286.00	37.55
25	20,000.0	17,210.32	17,345.46	2,032.69
26	5,000.0	2,757.89	409.40	186.31
27	5,000.0	2,380.25	2,059.25	261.15
28	5,000.0	15.00	15.00	1.76
29	5,000.0	3,640.00	0.00	214.12
30	20,000.0	0.00	120.00	7.06
31	10,000.0	15,990.93	4,647.36	1,214.02
32	5,000.0	3,395.80	1,896.98	311.34
33	5,000.0	11,606.11	3,211.08	871.60
34	5,000.0	1,871.37	6,083.50	467.93
35	2,000.0	5,865.21	0.00	345.01
36	5,000.0	20,746.21	9,239.94	1,763.89
37	5,000.0	10,298.81	2,085.32	728.48
38	5,000.0	4,006.86	0.00	235.70
39	5,000.0	8,092.34	6,631.23	866.09
40	2,000.0	3,386.79	1,181.10	268.70
41	10,000.0	30,645.82	7,184.94	2,225.34
42	10,000.0	9,519.19	7,737.00	1,015.07
43	5,000.0	13,114.89	3,398.25	971.36
44	5,000.0	663.71	6,184.49	402.84
45	5,000.0	20,108.04	6,419.38	1,560.44
46	5,000.0	12,746.80	1,584.86	843.04
47	5,000.0	3,363.30	0.00	197.84
48	10,000.0	24,383.28	4,190.38	1,680.80
49	5,000.0	20,368.28	3,974.37	1,431.92
50	5,000.0	2.50	5,014.94	295.14
51	5,000.0	4,856.86	4,049.35	523.89
52	7,000.0	8,649.06	1,749.00	611.65
53	5,000.0	397.45	1,957.46	138.52

Card Number	Card Limit	Average per month for 2008-09 and 2009-10		
		2008-09 \$	2009-10 YTD \$	2009-10 \$
54	5,000.0	0.00	2,980.09	175.30
55	2,000.0	19,900.00	6,387.85	1,546.34
56	5,000.0	27,745.58	8,117.26	2,109.58
57	5,000.0	15.00	0.00	0.88
58	5,000.0	12,574.25	6,754.25	1,136.97
59	5,000.0	13,572.54	5,722.17	1,134.98
60	5,000.0	1,580.20	0.00	92.95
61	10,000.0	16,448.66	15.00	968.45
62	10,000.0	6,286.22	2,846.79	537.24
63	10,000.0	45,304.98	19,163.02	3,792.24
64	5,000.0	21,123.26	3,842.72	1,468.59
65	10,000.0	11,507.80	4,940.18	967.53
66	5,000.0	11,220.04	7,043.00	1,074.30
67	10,000.0	9,906.42	15.00	583.61
68	5,000.0	2,985.70	520.00	206.22
69	5,000.0	9,593.31	0.00	564.31
70	10,000.0	15.00	15.00	1.76
71	5,000.0	5,632.12	6,760.78	728.99
72	5,000.0	412.65	15.00	25.16
73	5,000.0	5,090.52	0.00	299.44
74	10,000.0	11,366.46	4,544.29	935.93
75	5,000.0	1,257.54	2,420.88	216.38
76	5,000.0	11,773.97	15.00	693.47
77	10,000.0	18,346.67	291.00	1,096.33
78	5,000.0	376.55	7,303.31	451.76
79	5,000.0	12,403.43	15.00	730.50
80	10,000.0	5.00	1,534.75	90.57
81	5,000.0	792.23	0.00	46.60
82	5,000.0	2,440.75	0.00	143.57
83	5,000.0	1.25	7,896.25	464.56
84	5,000.0	29,549.45	5,163.78	2,041.95
85	10,000.0	17,245.89	10,269.40	1,618.55
86	25,000.0	166.50	1,313.95	87.09
87	20,000.0	689.15	339.28	60.50
88	10,000.0	28,629.95	14,175.25	2,517.95
89	10,000.0	18,132.80	0.00	1,066.64
90	10,000.0	38,419.32	12,827.30	3,014.51
91	10,000.0	16,054.87	4,763.77	1,224.63

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**Public service—corporate credit cards  
(Question No 474)**

Mr Seselja asked the Attorney-General, on 10 December 2009:

- (1) How many corporate credit cards are used by employees of each department or agency in the Minister's portfolio.
- (2) For what purpose is each card issued.
- (3) What is the average amount spent each month on each credit card.

- (4) What was the total amount spent on each credit card in (a) 2006-07, (b) 2007-08 (c) 2008-09 and (d) 2009-10 to date.
- (5) What is the limit on each credit card.
- (6) How much has been spent on any form of catering, including official meals, at restaurants.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) The Department of Justice and Community Safety (excluding the Emergency Service Agency) currently has 35 credit cards.
- (2) Credit cards were introduced in order to allow departmental officers to perform their duties more efficiently and effectively. Credit cards are generally used where departmental officers are required to make purchases within their delegations urgently or where it is inconvenient to purchase goods and services through normal channels.
- (3) The average amount spent per month on each credit card for the Department (excluding Emergency Services Agency) over the year 2008-09 is summarised in Attachment A.
- (4) The total amount spent on each credit card in the Department (excluding Emergency Services Agency) for the years 2007-08, 2008-09 and 2009-10 to date is summarised as part of Attachment B. I am advised that the Territory's financial system does not distinguish between credit card transactions and other payment transactions. Monthly credit card statements must be manually analysed in order to answer this question. Given this time consuming requirement, it is not considered a reasonable use of the agency's limited resources to answer this question for more than three financial years. As a result, total credit card expenditure for 2006-07 is not provided.
- (5) The 'credit card limits' and 'number of cards' holding each limit for the Department (excluding the Emergency Services Agency) is shown below:

<b>Limit</b>	<b>No. of Credit Cards</b>
2000	4
5000	21
10,000	7
15,000	2
20,000	1
<b>Total</b>	<b>35 Card</b>

- (6) The below catering/meals expenditure includes meals whilst travelling on official business.

2009-10 (Jul to Nov 09)	\$1,230.20
2008-09	\$11,321.57

## Attachment A

**Question 3**

The average amount spent each month on each credit card (excluding the Emergency Services Agency) for 2008-09 is stated as follows.

Note: The average amount is calculated based on number of months that the card was used for purchase. For example, if the card was only used once during the financial year, then the average amount is calculated by using the total amount spent on the card divided by one month only.

<b>No# of Cards</b>	<b>Monthly Average</b>
1	15
2	1,247
3	501
4	464
5	1,805
6	640
7	973
8	1,083
9	738
10	859
11	450
12	130
13	2,014
14	599
15	567
16	2,665
17	795
18	607
19	751
20	5,867
21	1,322
22	889
23	722
24	184
25	282
26	55
27	1,854
28	721
29	405
30	13
31	2,447
32	1,182
33	691
34	1,562
35	3,221
36	280
37	1,247
38	2,743

## Attachment B-1

## Question 4

**Total amount spent on each Credit Card (excluding Emergency Services Agency) in 2007-08**

<b>No# of Cards</b>	<b>Yearly Total</b>
1	2,911
2	106
3	15
4	3,521
5	4,519
6	1,163
7	13,250
8	8,364
9	44,409
10	1,158
11	2,291
12	4,648
13	4,369
14	203
15	59,489
16	11,195
17	13,600
18	10,370
19	1,631
20	7,096
21	2,045
22	6,165
23	42,692
24	5,017
25	11,831
26	7,476
27	15
28	203
29	7,986
30	6,899
31	15
32	30,344
33	11,103
34	15
35	4,973
36	9,104
37	1,971
<b>Total</b>	<b>342,160</b>

## Attachment B-2

## Question 4

**Total amount spent on each Credit Card (excluding Emergency Services Agency) in 2008-09**

<b>No# of Cards</b>	<b>Yearly Total</b>
1	15
2	12,473
3	5,008
4	3,250
5	7,221
6	3,199
7	3,891
8	3,248
9	4,431
10	1,717
11	2,702
12	389
13	24,167
14	4,789
15	5,668
16	29,316
17	6,362
18	4,248
19	9,008
20	70,404
21	14,537
22	7,115
23	7,221
24	553
25	1,971
26	55
27	5,563
28	2,163
29	2,024
30	13
31	29,370
32	11,822
33	4,146
34	12,492
35	38,650
36	2,521
37	3,742
38	10,971
<b>Total</b>	<b>356,434</b>

## Attachment B-3

## Question 4

**Total amount spent on each Credit Card (excluding Emergency Services Agency) in 2009-10 to date**

	<b>2009-10</b>
<b>No# of Cards</b>	<b>to</b>
1	15,686
2	2,153
3	352
4	11,334
5	3,512
6	5,125
7	665
8	4,261
9	405
10	3,925
11	15
12	8,188
13	2,463
14	7,030
15	961
16	23,642
17	50
18	2,059
19	4,579
20	9,948
21	14,409
22	24,710
23	1,186
24	3
25	9,111
26	7,799
27	630
28	180
29	65
30	303
31	9,035
32	32,287
33	237
34	932
35	9,099
<b>Total</b>	<b>216,340</b>

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**Public service—corporate credit cards  
(Question No 477)**

**Mr Seselja** asked the Minister for Territory and Municipal Services, on 10 December 2009 (*redirected to the Acting Minister for Territory and Municipal Services*):

- (1) How many corporate credit cards are used by employees of each department or agency in the Minister's portfolio.
- (2) For what purpose is each card issued.
- (3) What is the average amount spent each month on each credit card.
- (4) What was the total amount spent on each credit card in (a) 2006-07, (b) 2007-08 (c) 2008-09 and (d) 2009-10 to date.
- (5) What is the limit on each credit card.
- (6) How much has been spent on any form of catering, including official meals, at restaurants.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) During 2008-09 and 2009-10 there were 74 employees who used credit cards to make payments for goods and services.
- (2) Credit cards are used by employees with a financial delegation to make payments urgently, or where it is more convenient and efficient than other payment mechanisms. They allow employees to perform their duties more effectively and provide prompt payment for suppliers. Types of use include:
  - Field officers needing immediate capability to pay for supplies;
  - Officers regularly travelling on Government business;
  - Internet or other payments for training courses, seminars, subscriptions; and
  - Foreign currency transactions.
- (3) Please see attached.
- (4) I am advised that the Territory's financial system does not distinguish between credit card transactions and other payment transactions. Monthly credit card statements must be manually analysed in order to answer this question. Given this time consuming requirement, it is not considered reasonable use of the agency's limited resources to answer this question for more than two financial years. As a result, total credit card expenditure for 2007-08 and 2006-07 is not provided. Please see attached for 2008-09 and 2009-10 to date information.
- (5) Please see attached.
- (6) Please see attached, which includes meals whilst travelling on official business (including interstate/overseas fire suppression deployments).

Card No	Question 3		Question 4		Question 5	Question 6	
	2008-09 Average Monthly Spend	2009-10 YTD Average Monthly Spend	2008-09 Total Spend	2009-10 YTD Total Spend	Card Limit	2008-09 Catering at Restaurants	2009-10 YTD Catering at Restaurants
1	1,406.44	2,786.36	16,877.29	13,931.81	5,000	-	-
2	369.83	52.63	4,437.92	263.17	5,000	-	-
3	483.70	112.58	5,804.37	562.90	5,000	44.80	-
4	955.27	519.07	11,463.28	2,595.37	5,000	266.85	-
5	1,113.00	1,279.09	13,355.97	6,395.43	5,000	1,099.52	337.42
6	1,464.22	58.80	17,570.60	293.98	10,000	-	-
7	368.26	130.55	4,419.13	652.74	5,000	-	-
8	583.43	775.56	7,001.16	3,877.81	5,000	2,140.40	39.90
9	1,583.36	989.83	19,000.33	4,949.15	5,000	-	-
10	13.48		161.75		5,000	-	
11	524.86	34.00	6,298.32	170.00	5,000	-	-
12	1,003.51	375.33	12,042.11	1,876.64	5,000	-	-
13	541.23	825.87	6,494.70	4,129.36	2,000	186.15	474.30
14	0.17	1.00	2.08	5.00	5,000	-	-
15	1,026.50	714.54	12,317.99	3,572.71	5,000	-	-
16	-	147.57	-	737.84	5,000	-	-
17	1,395.24	904.66	16,742.85	4,523.28	5,000	-	-
18	1,230.84	1,378.22	14,770.02	6,891.12	5,000	2,404.46	1,540.10
19	979.26	2,971.29	11,751.15	14,856.44	10,000	-	-
20	11.00	16.90	132.00	84.48	10,000	-	-
21	1,059.45	714.51	12,713.40	3,572.57	5,000	548.75	165.45
22	640.66	696.70	7,687.88	3,483.48	10,000	402.70	-
23	589.48	777.74	7,073.72	3,888.72	2,000	85.70	-
24	1,223.32	2,101.92	14,679.79	10,509.59	5,000	183.00	347.26
25	622.89	784.54	7,474.70	3,922.70	5,000	-	-
26	678.17	442.44	8,138.02	2,212.18	5,000	-	96.00
27	0.42	184.10	5.00	920.50	5,000	-	-
28	1,097.83	322.86	13,173.94	1,614.30	5,000	1,111.70	20.30
29	1,898.83	1,839.31	22,785.98	9,196.53	5,000	-	-
30	1,489.98	1.00	17,879.77	5.00	10,000	-	-
31	247.76	443.07	2,973.07	2,215.34	5,000	-	-
32	109.00	-	1,308.00	-	5,000	41.50	-
33	61.48	267.26	737.72	1,336.30	5,000	-	-
34	767.52	666.51	9,210.18	3,332.53	2,000	-	-
35	609.28	1,448.12	7,311.38	7,240.60	5,000	116.80	70.20
36	758.25	118.20	9,098.99	590.98	5,000	277.50	240.09
37	847.73	-	10,172.70	-	5,000	-	-
38	374.91	1,221.53	4,498.88	6,107.67	10,000	139.50	-
39	2,006.51	1,264.73	24,078.13	6,323.64	10,000	-	-
40	485.18	2,091.52	5,822.18	10,457.62	5,000	-	-
41	1,008.51	1.00	12,102.13	5.00	10,000	267.70	-
42	207.97	878.11	2,495.66	4,390.54	5,000	-	-
43	694.14	515.28	8,329.66	2,576.41	10,000	45.44	-
44	2,042.37	2,035.94	24,508.44	10,179.69	5,000	-	-
45	270.33	842.55	3,244.01	4,212.76	2,000	-	-
46	753.04	653.46	9,036.43	3,267.31	10,000	13.80	-
47	2,414.59	3,343.66	28,975.11	16,718.30	5,000	-	-
48	112.02	74.20	1,344.29	371.00	5,000	-	-
49	1,402.60	1,112.04	16,831.17	5,560.19	5,000	922.50	46.40
50	57.08	542.80	685.00	2,714.00	20,000	-	-
51	1,151.00	1,554.68	13,812.03	7,773.39	5,000	1,206.95	249.60
52	2,730.43	2,863.39	32,765.11	14,316.96	5,000	-	-
53	-	277.36	-	1,386.81	5,000	59.80	128.57
54	2,792.19	3,079.03	33,506.23	15,395.13	5,000	-	-
55	858.85	424.99	10,306.14	2,124.94	5,000	-	-

Card No	Question 3		Question 4		Question 5	Question 6	
	2008-09 Average Monthly Spend	2009-10 YTD Average Monthly Spend	2008-09 Total Spend	2009-10 YTD Total Spend	Card Limit	2008-09 Catering at Restaurants	2009-10 YTD Catering at Restaurants
56	200.17	3.00	2,402.05	15.00	2,000	-	-
57	999.94	796.46	11,999.29	3,982.31	5,000	-	-
58	11.25	3.00	135.00	15.00	2,000	-	-
59	402.12	210.20	4,825.40	1,050.98	2,000	-	-
60	216.57	842.82	2,598.83	4,214.10	2,500	-	-
61	-	710.68	-	3,553.39	5,000	-	157.00
62	263.44	587.30	3,161.29	2,936.50	5,000	-	-
63	239.33	-	2,871.96	-	30,000	378.50	-
64	151.84	151.46	1,822.10	757.28	2,000	-	-
65	2,051.44	2,840.62	24,617.25	14,203.09	5,000	-	-
66	1,296.42	795.40	15,557.04	3,977.00	3,000	-	-
67	52.88	277.79	634.55	1,388.94	5,000	-	-
68	1,132.15	38.00	13,585.78	190.00	10,000	-	-
69	747.54	2,910.50	8,970.51	14,552.49	10,000	-	-
70	3,507.14	457.37	42,085.62	2,286.83	10,000	-	-
71	573.08	423.01	6,877.00	2,115.04	10,000	-	-
72	0.42	793.06	5.00	3,965.28	5,000	-	-
73	841.40	769.98	10,096.83	3,849.91	5,000	259.77	-
74	-	739.10	-	3,695.52	5,000	-	350.60

### Public service—corporate credit cards (Question No 478)

Mr Seselja asked the Minister for Tourism, Sport and Recreation, on 10 December 2009 (*redirected to the Acting Minister for Tourism, Sport and Recreation*):

- (1) How many corporate credit cards are used by employees of each department or agency in the Minister's portfolio.
- (2) For what purpose is each card issued.
- (3) What is the average amount spent each month on each credit card.
- (4) What was the total amount spent on each credit card in (a) 2006-07, (b) 2007-08 (c) 2008-09 and (d) 2009-10 to date.
- (5) What is the limit on each credit card.
- (6) How much has been spent on any form of catering, including official meals, at restaurants.

Mr Stanhope: The answer to the member's question is as follows:

- (1) During 2008-09 and 2009-10 there were 11 employees who used credit cards to make payments for goods and services.
- (2) Credit cards are used by employees with a financial delegation to make payments urgently, or where it is more convenient and efficient than other payment

mechanisms. They allow employees to perform their duties more effectively and provide prompt payment for suppliers. Types of use include:

- Field officers needing immediate capability to pay for supplies;
- Officers regularly travelling on Government business;
- Internet or other payments for training courses, seminars, subscriptions; and
- Foreign currency transactions.

(3) Please see attached.

(4) I am advised that the Territory's financial system does not distinguish between credit card transactions and other payment transactions. Monthly credit card statements must be manually analysed in order to answer this question. Given this time consuming requirement, it is not considered reasonable use of the agency's limited resources to answer this question for more than two financial years. As a result, total credit card expenditure for 2007-08 and 2006-07 is not provided. Please see attached for 2008-09 and 2009-10 to date information.

(5) Please see attached.

(6) Please see attached, which includes meals whilst travelling on official business.

Card No	Question 3		Question 4		Question 5	Question 6	
	2008-09 Average Monthly Spend	2009-10 YTD Average Monthly Spend	2008-09 Total Spend	2009-10 YTD Total Spend	Card Limit	2008-09 Catering at Restaurants	2009-10 YTD Catering at Restaurants
1	589.10	1,651.91	7,069.15	8,259.57	10,000	-	-
2	2,246.95	1.00	26,963.37	5.00	10,000	414.80	-
3	1,664.18	1,445.96	19,970.11	7,229.78	10,000	960.00	-
4	546.12	485.74	6,553.41	2,428.70	10,000	-	-
5	1,200.41	3,562.05	14,404.95	17,810.26	10,000	3,208.76	6,474.48
6	1,185.34	-	14,224.08	-	5,000	-	-
7	157.46	-	1,889.49	-	7,500	130.49	-
8	1,163.96	2,544.38	13,967.53	12,721.92	5,000	7.40	160.50
9	1,611.08	1,702.67	19,332.98	8,513.33	5,000	-	-
10	231.54	1,727.71	2,778.47	8,638.55	5,000	-	-
11	292.06	267.08	3,504.71	1,335.38	2,500	165.70	-

**Mr Barr:** The answer to the member's question is as follows:

1. Australian Capital Tourism currently holds 10 credit cards.
2. In accordance with the Chief Executive Financial Instructions, credit cards are used where Australian Capital Tourism officers are required to make purchases within their delegations urgently or where it is inconvenient to expect the officer to purchase goods and services through normal channels.
3. The average amount spent each month on each credit card currently held in Australian Capital Tourism is shown in the table below.

<b>Card No.</b>	<b>Monthly Average</b>
1	266.31
2	536.90
3	514.01
4	470.67
5	853.00
6	315.24
7	826.07
8	409.44
9	2,606.80
10	661.27

4. The total amount spent on each Australian Capital Tourism credit card is shown in the table below.

<b>Card No.</b>	<b>2009-10</b>	<b>2008-09</b>
1	1,587.11	2,940.23
2	2,310.34	6,816.93
3	587.50	8,150.71
4	1,711.95	6,289.41
5	2,449.92	12,051.23
6	4,922.81	436.20
7	7,632.88	00
8	2,030.96	4,929.54
9	18,122.85	26,192.59
10	8,102.79	3,120.86
*11	00	5.00
*12	00	6,410.26
*13	00	5.00

\*These cardholders are no longer working in Australian Capital Tourism, and the credit card has been cancelled.

I am advised that the Territory's financial system does not distinguish between credit card transactions and other payment transactions. Monthly credit card statements must be manually analysed in order to answer this question. Given this time consuming requirement, it is not considered a reasonable use of the agency's limited resources to answer this question for more than two financial years. As a result, total credit card expenditure for 2007-08 and 2006-07 is not provided.

5. Eight of the credit cards held in Australian Capital Tourism have a credit limit of \$5,000; one card has a credit limit of \$2,000; and one card has a limit of \$10,000.
6. The table below shows the amount spent on cards held by Australian Capital Tourism on any form of catering, including official meals, at restaurants for the period 2008-09 and 2009-10 to date.

<b>Card No.</b>	<b>2009-10 *</b>	<b>2008-09 *</b>
1	00	00
2	00	00
3	354.50	4,449.85

Card No.	2009-10 *	2008-09 *
4	00	599.75
5	588.36	1,556.76
6	106.80	171.20
7	70.25	00
8	00	103.70
9	00	4,859.30
10	531.40	421.85
*11	00	00
*12	00	1,921.35
*13	00	00

\*These cardholders are no longer working in Australian Capital Tourism, and the credit card has been cancelled.

\*\*Data includes hospitality (official meals) for travel, but does not include breakfast included in commercial accommodation rates.

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### Public service—corporate credit cards (Question No 479)

**Mr Seselja** asked the Minister for Disability, Housing and Community Services, on 10 December 2009:

- (1) How many corporate credit cards are used by employees of each department or agency in the Minister's portfolio.
- (2) For what purpose is each card issued.
- (3) What is the average amount spent each month on each credit card.
- (4) What was the total amount spent on each credit card in (a) 2006-07, (b) 2007-08 (c) 2008-09 and (d) 2009-10 to date.
- (5) What is the limit on each credit card.
- (6) How much has been spent on any form of catering, including official meals, at restaurants.

**Ms Burch:** The answer to the member's question is as follows:

- (1) The Department of Disability, Housing and Community Services has eleven corporate credit cards used by employees. Housing ACT has six corporate credit cards used by its employees.
- (2) All corporate credit cards are issued for official departmental purchases only. One credit card issued to the Manager, Community Recovery and Emergency Planning is only used for the provision of essential services to members of the community affected by an emergency, such as bushfires.
- (3) Please refer to Table 1 attached.
- (4) Please refer to Table 2 attached.

(5) Please refer to Table 3 attached.

(6) Please refer to Table 4 attached.

**Table 1 – Average amount spent each month**

	<b>Monthly Average</b>
<b>DHCS</b>	
Card 1	\$500
Card 2	\$650
Card 3	\$2,200
Card 4	\$3,500
Card 5	\$3,600
Card 6	\$250
Card 7	\$1,500
Card 8	\$650
Card 9	Nil
Card 10	\$1,000
Card 11	\$100
<b>Housing ACT</b>	
Card 1	\$400
Card 2	\$500
Card 3	\$1,300
Card 4	\$400
Card 5	\$200
Card 6	\$200

**Table 2 – Amount spent on each credit card**

	<b>2008–09</b>	<b>2009–10 (to November 2009)</b>
<b>DHCS</b>		
Card 1	\$10,832	\$3,787
Card 2	\$8,515	\$3,510
Card 3	\$44,393	\$12,982
Card 4	–	\$17,561
Card 5	–	\$17,919
Card 6	\$7,835	\$1,010
Card 7	\$6,036	\$12,162
Card 8	\$12,415	\$3,465
Card 9	\$15	Nil
Card 10	–	\$4,685
Card 11	\$7,138	Nil
<b>Housing ACT</b>		
Card 1	\$6,592	\$2,045
Card 2	\$5,550	\$2,499
Card 3	\$12,724	\$6,357
Card 4	\$5,785	\$1,964
Card 5	\$882	\$833
Card 6	–	\$1,064

I am advised that the Territory's financial system does not distinguish between credit card transactions and other payment transactions. Monthly credit card statements must be manually analysed in order to answer this question. Given this time consuming requirement, it is not considered a reasonable use of the agency's limited resources to answer this question for more than two financial years. As a result, total credit card expenditure for 2007–08 and 2006–07 is not provided.

**Table 3 – Credit Card Limits**

Position	Limit
<b>DHCS</b>	
Card 1	\$20,000
Card 2	\$10,000
Card 3	\$15,000
Card 4	\$15,000
Card 5	\$15,000
Card 6	\$5,000
Card 7	\$5,000
Card 8	\$3,000
Card 9	\$50,000
Card 10	\$5,000
Card 11	\$3,000
<b>Housing ACT</b>	
Card 1	\$6,000
Card 2	\$3,000
Card 3	\$2,500
Card 4	\$2,500
Card 5	\$500
Card 6	\$2,500

**Table 4 – Amount spent on catering, official meals, at restaurants \***

	2008–09	2009–10 (to November 2009)
DHCS	\$1,419	\$1,303
Housing ACT	N/A (see note below)	N/A (see note below)

\* Does not include meals included as part of interstate travel accommodation costs where a single payment is made to the hotel and meal costs are not separately identified.

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**Public service—invoices  
(Question No 480)**

**Mr Seselja** asked the Chief Minister, on 10 December 2009 (*redirected to the Acting Chief Minister*):

- (1) How many small businesses provided goods or services to each department or agency in the Minister's portfolio in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

- (2) What was the total value of expenditure on goods or services provided to the Minister's department or agency by small businesses in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.
- (3) What was the average length of time taken for the Minister's department or agency to pay invoices received from small businesses for goods or services.
- (4) What percentage of invoices from small businesses for goods or services provided to the Minister's department or agency were paid within (a) 14, (b) 30 and (c) 45 days.

**Ms Gallagher:** The answer to the member's question is as follows:

1. I am advised that this information cannot be provided as the Department's financial system does not distinguish payments made to small businesses as opposed to any other creditors
  2. See response to Part 1.
  3. See response to Part 1.
  4. See response to Part 1.
- 

### **Public service—invoices (Question No 481)**

**Mr Seselja** asked the Minister for Planning, on 10 December 2009:

- (1) How many small businesses provided goods or services to each department or agency in the Minister's portfolio in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.
- (2) What was the total value of expenditure on goods or services provided to the Minister's department or agency by small businesses in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.
- (3) What was the average length of time taken for the Minister's department or agency to pay invoices received from small businesses for goods or services.
- (4) What percentage of invoices from small businesses for goods or services provided to the Minister's department or agency were paid within (a) 14, (b) 30 and (c) 45 days.

**Mr Barr:** The answer to the member's question is as follows:

- (1) I am advised that this information cannot be provided as the financial system used by the ACT Planning and Land Authority does not distinguish payments made to small businesses as opposed to any other creditors
  - (2) See response to Part 1.
  - (3) See response to Part 1.
  - (4) See response to Part 1.
-

**Public service—invoices  
(Question No 484)**

**Mr Seselja** asked the Minister for Health, on 10 December 2009:

- (1) How many small businesses provided goods or services to each department or agency in the Minister's portfolio in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.
- (2) What was the total value of expenditure on goods or services provided to the Minister's department or agency by small businesses in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.
- (3) What was the average length of time taken for the Minister's department or agency to pay invoices received from small businesses for goods or services.
- (4) What percentage of invoices from small businesses for goods or services provided to the Minister's department or agency were paid within (a) 14, (b) 30 and (c) 45 days.

**Ms Gallagher:** I am advised that the answer to the member's question is

- (1) I am advised that this information cannot be provided as the Department's financial system does not distinguish payments made to small businesses opposed to any other creditors.
  - (2) See response to part 1.
  - (3) See response to Part 1.
  - (4) See response to Part 1.
- 

**Public service—invoices  
(Question No 485)**

**Mr Seselja** asked the Attorney-General, on 10 December 2009:

- (1) How many small businesses provided goods or services to each department or agency in the Minister's portfolio in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.
- (2) What was the total value of expenditure on goods or services provided to the Minister's department or agency by small businesses in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.
- (3) What was the average length of time taken for the Minister's department or agency to pay invoices received from small businesses for goods or services.
- (4) What percentage of invoices from small businesses for goods or services provided to the Minister's department or agency were paid within (a) 14, (b) 30 and (c) 45 days.

**Mr Corbell:** The answer to the member's question is as follows:

1. I am advised that this information cannot be provided as the Department's financial system does not distinguish payments made to small businesses as opposed to any other creditors.
2. See response to Part 1.
3. See response to Part 1.
4. See response to Part 1.

### **Public service—departmental reviews (Question No 491)**

**Mr Seselja** asked the Chief Minister, on 10 December 2009 (*redirected to the Acting Chief Minister*):

- (1) What reviews are currently being undertaken by the Minister's department.
- (2) When will each review report.
- (3) What is the total cost of each review.
- (4) How much is being spent on consultants from outside the public service for each review.
- (5) How is the community being consulted for each review.

**Ms Gallagher:** The answer to the member's question is as follows:

The response is at **Attachment A**.

#### **Question on Notice 491 – Chief Minister's Department**

<b>Review</b>	<b>Report date</b>	<b>Total cost</b>	<b>Consultant cost</b>	<b>Community consultation</b>
Review of Canberra BusinessPoint	End March 2010	\$49,500	\$49,500	A targeted stakeholder consultation process was undertaken. Details of the review were posted on the community noticeboard seeking broader input.
Review of ScreenACT	February 2010	\$18,750	\$18,750	A targeted consultation process is being undertaken with a broad representation of stakeholders from within the ACT creative industries community.
Review of the arts in Canberra	January 2010	\$250,000	\$151,800	A number of consultation mechanisms were utilised, including: <ul style="list-style-type: none"> <li>• three community forums;</li> <li>• a community survey questionnaire (online and hardcopy); and</li> <li>• interviews with a range of stakeholders, organisations and artists.</li> </ul>

**Public service—departmental reviews  
(Question No 492)**

**Mr Seselja** asked the Minister for Planning, on 10 December 2009:

- (1) What reviews are currently being undertaken by the Minister's department.
- (2) When will each review report.
- (3) What is the total cost of each review.
- (4) How much is being spent on consultants from outside the public service for each review.
- (5) How is the community being consulted for each review.

**Mr Barr:** The answer to the member's question is as follows:

- (1) Fees and Charges Review Project.
- (2) March 2010.
- (3) \$40,000 (approximately).
- (4) Nil.
- (5) Fees and charges administered by the ACT Planning and Land Authority typically affect the development industry. The industry would be notified about any proposed new fees and charges in advance of their implementation and invited to comment. Comments received would be discussed direct with Industry Associations, or through ACTPLA's Industry Monitoring Group. Should any unforeseen consequences arise as a result of these discussions, advice will be provided to the Planning Minister on a recommended approach.

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**Public service—departmental reviews  
(Question No 493)**

**Mr Seselja** asked the Minister for Aboriginal and Torres Strait Islander Affairs, on 10 December 2009:

- (1) What reviews are currently being undertaken by the Minister's department.
- (2) When will each review report.
- (3) What is the total cost of each review.
- (4) How much is being spent on consultants from outside the public service for each review.
- (5) How is the community being consulted for each review.

**Mr Stanhope:** The answer to the member's question is as follows:

<b>Name of review</b>	<b>When will review report</b>	<b>Total cost of review</b>	<b>Cost of any consultants</b>	<b>How is the community being consulted</b>
Nil	N/A	N/A	N/A	N/A

**Public service—departmental reviews  
(Question No 495)**

**Mr Seselja** asked the Minister for Health, on 10 December 2009:

- (1) What reviews are currently being undertaken by the Minister's department.
- (2) When will each review report.
- (3) What is the total cost of each review.
- (4) How much is being spent on consultants from outside the public service for each review.
- (5) How is the community being consulted for each review.

**Ms Gallagher:** The answer to the member's question is as follows:

<b>Name of Review</b>	<b>Report date</b>	<b>Cost of Review</b>	<b>Cost for any external consultants used</b>	<b>How the community is being consulted</b>
2010 website benchmarking report	January 2010	\$6,270 (GST inc)	\$6,270 (GST inc)	NA
Review of the Repairs & Maintenance Business Arrangements within Business Infrastructure prepared by SP Frances Xavier Cabrini Health Governing Board Inc	February 2010	\$39,986 (GST inc)	\$39,986 (GST inc)	NA
Winter time air quality in the Tuggeranong Valley.	December 2009	\$7,500 (GST exc)	\$7,500 (GST exc)	NA

Strategic Review of the ACT Health Promotion Grants Program 2009/10	Detailed report completed October 2009 (yet to be released). Summary report to be completed.	\$58,300 (GST inc)	\$58,300 (GST Inc)	Publicly advertised review, six week consultation period in which a discussion paper was publicly available, two public meetings held. Paper summarising submissions released and an additional public meeting held to discuss public submissions.
Jennifer Beverly Jarvis – Casemix Review	December 2009	\$7,920 (GST inc)	\$7,920 (GST inc)	NA
Review of Migrant Health Unit - RSM Bird Cameron	December 2009	\$12,150 (GST inc)	\$12,150 (GST inc)	NA
Administration of the Dental Health Laboratory - Oakton	December 2009	\$47,312 (GST inc)	\$47,312 (GST inc)	NA
Review of Portfolio Executive Team	February 2010	\$30,426 (GST inc)	\$30,426 (GST inc)	NA

### Public service—departmental reviews (Question No 496)

**Mr Seselja** asked the Attorney-General, on 10 December 2009:

- (1) What reviews are currently being undertaken by the Minister's department.
- (2) When will each review report.
- (3) What is the total cost of each review.
- (4) How much is being spent on consultants from outside the public service for each review.
- (5) How is the community being consulted for each review.

**Mr Corbell:** The answer to the member's question is as follows:

The table at **Attachment A** details publicly announced reviews currently underway within the Attorney General's department.

(1) Review	(2) Report	(3) Total cost	(4) External consultancies	(5) Community Consultation
ACT Corrective Services evaluation of drug policies and services provided to prisoners.	Not yet confirmed. Review to be finalised by December 2010	Unknown. Work will primarily be performed as part of normal agency functions.	Some external consultancy services are to be engaged, however costs are currently unknown.	<p>Community members will form part of the Evaluation Advisory Group:</p> <ul style="list-style-type: none"> <li>• The ACT Council of Social Service Inc. (ACTCOSS)</li> <li>• Community and Public Sector Union, Australian Nurses Federation, and Australian Salaried Medical Officers Federation</li> <li>• Families and Friends for Drug Law Reform</li> <li>• The ACT Aboriginal Justice Centre</li> <li>• Canberra Alliance for Harm Minimisation and Advocacy (CAHMA)</li> <li>• ACT Alcohol and Other Drug Sector representative</li> <li>• Mental Health Community Coalition ACT</li> <li>• ACT Women and Prisons Group</li> <li>• Prisoners Aid ACT.</li> </ul>
Office of Regulatory Services – Review of Workcover capacity and capability	Early 2010	Approximately \$38,000 incl GST.	Jenny Dempsey Trading as Join the Dots Pty Ltd	Community consultation is being facilitated through the reviewer meeting with key industry and unions representatives.
Coroners Act Review	Before end of 2009–2010 financial year	Conducted within existing resources set out in the budget	Nil	A discussion paper was released. 18 submissions were received. 3 stakeholder groups were formed, and meetings with each held before a meeting of all stakeholders was conducted. The groups will be consulted on draft recommendations.
Review of Police Powers	2010	Conducted within existing resources set out in the Budget	Nil	Discussion paper foreshadowed for public consultation in 2010. The review involves a committee of key stakeholders.

Victims of Crime Act Review	By the end of 2009–10 financial year	Conducted within existing resources set out in the Budget.	Nil	An Issues Paper was publicly released in June 2008, seeking the community’s views on issues relevant to the review.
Mental Health Act review	Stage two of the Mental Health Review is scheduled to close on 31 January 2010	Conducted within existing resources of ACT Health and JACS.	ACT Health as partner for the review is responsible for procurement and payment of any consultant fees. Justice and Community Safety engaged Professor Ian Freckelton to provide advice on a draft of the Forensic Mental Health Options paper with a total cost of \$5,000.	Release of discussion papers, community consultation seminars as well as service provider and consumer roundtable. A two stage exposure draft of legislation will also occur.

**Public service—departmental reviews  
(Question No 497)**

**Mr Seselja** asked the Minister for the Environment, Climate Change and Water, on 10 December 2009:

- (1) What reviews are currently being undertaken by the Minister’s department.
- (2) When will each review report.
- (3) What is the total cost of each review.
- (4) How much is being spent on consultants from outside the public service for each review.
- (5) How is the community being consulted for each review.

**Mr Corbell:** The answer to the member’s question is as follows:

(1) Review	(2) Report	(3) Total Cost	(4) External Consultancies	(5) Community Consultation
Review of Weathering the Change	Mid 2010	External consultancies plus departmental staff time	\$305,000	Public comment was invited on the future Climate Change Strategy and the draft Sustainable Energy Policy (currently undergoing public consultation).
Development of Future Waste Strategy	Consultants report due early 2010	External consultancies plus departmental staff time	\$141,900	A draft strategy will be released for community comment, ahead of finalisation in late 2010.

**Public service—departmental reviews  
(Question No 498)**

**Mr Seselja** asked the Minister for Education and Training, on 10 December 2009:

- (1) What reviews are currently being undertaken by the Minister's department.
- (2) When will each review report.
- (3) What is the total cost of each review.
- (4) How much is being spent on consultants from outside the public service for each review.
- (5) How is the community being consulted for each review.

**Mr Barr:** The answer to the member's question is as follows:

- (1) The Department of Education and Training is currently undertaking a *Review of School Based Management in the ACT* (the SBM Review).
- (2) The SBM Review report is currently being finalised.
- (3) \$202 549.
- (4) \$158 404.
- (5) Consultation for the SBM Review included notices in *The Canberra Times*, a project website with the capacity to accept online submissions, and a range of workshops with representation from parent and citizen associations, preschool associations, school boards, unions and school based and central office staff.

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**Public service—departmental reviews  
(Question No 499)**

**Mr Seselja** asked the Minister for Territory and Municipal Services, on 10 December 2009:

- (1) What reviews are currently being undertaken by the Minister's department.
- (2) When will each review report.
- (3) What is the total cost of each review.
- (4) How much is being spent on consultants from outside the public service for each review.
- (5) How is the community being consulted for each review.

**Mr Stanhope:** The answer to the member's question is as follows:

- (1) See attached table.
- (2) See attached table.
- (3) See attached table.
- (4) See attached table.
- (5) See attached table.

**Current Reviews being undertaken by the Minister's department**

<b>Name of Review</b>	<b>Report Date</b>	<b>Cost of consultants</b>	<b>How was community consulted</b>
Taxi Industry Review	2010	Budget \$150,000	Public comment sought on draft terms of reference for the Review. Discussion Paper calling for public submissions to be released Jan 2010
Review of the Road Transport (Alcohol and Drugs) Act	2010		Public comment sought on discussion paper released for comment in May 2008. Key stakeholders continue to be consulted.
Fyshwick Short-term Parking needs	2010		Website questionnaire. Letter distributed by mail
Review of the Territory Records Act 2002	2010	\$10,000	A range of meetings, seminars and forums. Contact through letters and public advertisements.
Peer Review of final draft ACT Kangaroo Management Plan	2010	\$5,163	Draft Plan was released for public consultation.
Review of the Namadgi National Park Plan of Management 1986	2010		Draft plan released for public consultation.
Review of Tidbinbilla Nature Reserve Plan of Management 1999	2010		Discussion paper released for public consultation. Draft plan to be released early 2010 for public comment in 2010.
Review of Jerrabomberra Wetlands Plan of Management 1994	2010		Draft plan released for public consultation.
Review of policy on display of goods for sale on public land	2010		Consultation will be undertaken with shopowners.
Hume Resource Recovery Estate—market research	2010	\$5,000 (approx)	Notice in Canberra Times and the Weekend Australian on 12 Dec 2009. Comments close 21 Jan 2010.
Assessment of Mugga Lane Resource Management Centres capacity—Beyond 2013	2010	\$118,000 (approx)	Key stakeholders were consulted during the identification and assessment of options.

**Public service—departmental reviews  
(Question No 500)**

**Mr Seselja** asked the Minister for Tourism, Sport and Recreation, on 10 December 2009:

- (1) What reviews are currently being undertaken by the Minister's department.
- (2) When will each review report.
- (3) What is the total cost of each review.
- (4) How much is being spent on consultants from outside the public service for each review.
- (5) How is the community being consulted for each review.

**Mr Barr:** The answer to the member's question is as follows:

- (1) The Department of Territory and Municipal Services (TAMS) is presently reviewing the Stromlo Forest Park Master Plan with a related feasibility study for commercial accommodation and a chairlift.
- (2) January 2010.
- (3) & (4) \$360,000.
- (5) In accordance with the TAMS Community Engagement Policy including drop-in sessions, briefings for community groups and councils as well as one-on-one meetings with known venue user groups and stakeholders.

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**Public service—departmental reviews  
(Question No 501)**

**Mr Seselja** asked the Minister for Disability, Housing and Community Services, on 10 December 2009:

- (1) What reviews are currently being undertaken by the Minister's department.
- (2) When will each review report.
- (3) What is the total cost of each review.
- (4) How much is being spent on consultants from outside the public service for each review.
- (5) How is the community being consulted for each review.

**Ms Burch:** The answer to the member's question is as follows:

Name of review	When will review report	Total cost of review	Cost of any consultants	How is the community being consulted
Review of Housing Maintenance Call Centre	January 2010	\$12,000	\$12,000	Not Required
Financial Analysis of Havelock House Association Inc.	February 2010	\$6,050	\$6,050	Havelock Housing Association is involved in the review
Review of Havelock Housing Association funding model and finances	When audit is completed or February 2010	\$38,000	\$38,000	Havelock Housing Association is involved in the review
Needs Analysis of children in public housing	Consultation report complete – research report currently being finalised	\$100,000	84,155.90	Discussion with tenants and their children, homelessness service providers, the Department of Education and Training, ACT Health and the Office for Children, Youth and Family Support. A consultation report will be released with the research report.
Bimberi Operations and Finance Performance Audit	December 2009	\$38,042.40	\$38,042.40	No consultation with the community.
Review of Industrial Relations for the ACT Community Sector	31 March 2010 (first phase)	\$343,200	\$343,200	Oversight Group includes community and union representatives. Online Survey and Focus Groups.
Review of Burrunju Aboriginal Corporation Aboriginal Carers Service	Final report received on 20 December 2009	\$20,000	\$20,000	Carer Forums, Questionnaire, telephone interview.

### Public service—consultants (Question No 502)

**Mr Seselja** asked the Chief Minister, on 10 December 2009 (*redirected to the Acting Chief Minister*):

- (1) How many consultants were employed by the Minister's department in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.
- (2) What was the total value of expenditure on these consultants.

- (3) How many of these consultants were small businesses and what was the total value of expenditure on consultants from these small businesses.

**Ms Gallagher:** The answer to the member's question is as follows:

1. The Department records and reports on information regarding the use of consultants, contractors and service providers in accordance with the requirements of the *Government Procurement Act 2001*, the *Government Procurement Regulation 2007* and the *Chief Minister's Annual Report Directions*.
  2. Information of consultant and contractor expenditure is available in the Department's Annual Reports in the Supplies and Services Note that forms part of the Financial Report.
  3. See response to part 1.
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**Public service—consultants  
(Question No 503)**

**Mr Seselja** asked the Minister for Planning, on 10 December 2009:

- (1) How many consultants were employed by the Minister's department in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.
- (2) What was the total value of expenditure on these consultants.
- (3) How many of these consultants were small businesses and what was the total value of expenditure on consultants from these small businesses.

**Mr Barr:** The answer to the member's question is as follows:

- (1) The ACT Planning and Land Authority (ACTPLA) records and reports on information regarding the use of consultants, contractors and service providers in accordance with the requirements of the *Government Procurement Act 2001*, the *Government Procurement Regulation 2007* and the *Chief Minister's Annual Report Directions*.
  - (2) Information of consultant and contractor expenditure is available in ACTPLA's Annual Reports in the Supplies and Services Note that forms part of the Financial Report.
  - (3) See response to part 1.
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**Public service—consultants  
(Question No 506)**

**Mr Seselja** asked the Minister for Health, on 10 December 2009:

- (1) How many consultants were employed by the Minister's department in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

- (2) What was the total value of expenditure on these consultants.
- (3) How many of these consultants were small businesses and what was the total value of expenditure on consultants from these small businesses.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) Information on the number of consultants engaged for amounts over \$20,000 are recorded in the following annual reports:

2005-06 — Page 253

2006-07 — Page 166

2007-08 — Page 207

2008-09 — Page 227

- (2) The total value of expenditure for these consultants are as follows:

2005-06 — \$1,527,540.69

2006-07 — \$1,658,713.00

2007-08 — \$ 462,869.00

2008-09 — \$2,489,059.22

- (3) I am advised that a small business is currently defined as one with the equivalent of 20 full-time staff. ACT Health does not collect data on the number of employees a business may employ.

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**Public service—consultants  
(Question No 507)**

**Mr Seselja** asked the Attorney-General, on 10 December 2009:

- (1) How many consultants were employed by the Minister's department in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.
- (2) What was the total value of expenditure on these consultants.
- (3) How many of these consultants were small businesses and what was the total value of expenditure on consultants from these small businesses.

**Mr Corbell:** The answer to the member's question is as follows:

1. The Department records and reports on information regarding the use of consultants, contractors and service providers in accordance with the requirements of the *Government Procurement Act 2001*, the *Government Procurement Regulation 2007* and the *Chief Minister's Annual Report Directions*.
2. Information of consultant and contractor expenditure is available in the Department's Annual Reports in the Supplies and Services Note that forms part of the Financial Report.
3. See response to part 1.

**Housing—utility connections  
(Question No 513)**

**Mr Seselja** asked the Chief Minister, upon notice, on 10 December 2009 (*redirected to the Treasurer*):

- (1) What is the average length of time it takes for utilities, including water, sewerage, telecommunications, electricity and gas, to be connected to new homes in new sub divisions.
- (2) On how many occasions has settlement on new homes or blocks been delayed due to utilities not being connected.
- (3) How many staff work to connect utilities, including water, sewerage, telecommunications, electricity and gas, to new homes and which agency or department are they from.
- (4) How many ACTEW staff work to connect electricity to new homes.
- (5) What is the current wait time for electricity to be connected to new homes.

**Ms Gallagher:** The answer to the member's question is as follows:

The following responses are provided in relation to water, sewerage, electricity and gas connections performed by the ActewAGL Joint Venture only. There are several other privately-owned gas and electricity retail providers in the Territory from whom the Government is not in a position to request input to this response. With the exception of a minority shareholding in TransACT, the Government has no ownership interests in telecommunications that would allow the provision of an accurate response to these questions.

**(1) Water and Sewerage:** Water and sewerage connections are constructed by the suburb or estate developer. When work begins to construct a residential property, water and sewerage connections are available for use immediately. I am informed that over the past three financial years (from 2006 07), there are no records of complaints being received that a water or sewerage connection has taken longer than necessary.

**Electricity:** Before the electricity supply can be used, the ACT Planning and Land Authority is first required to approve the installation for electrical compliance and customers must establish a retail supply agreement with the retailer of their choice. I am advised that the current average completion time is 10 days.

For those instances where the customer has not yet entered a retail supply agreement, or if approval has not been obtained from the ACT Planning and Land Authority, I understand that the current average time for the connection of electricity to new homes, which includes underground cable installation and meter installation, is around 24 business days. Further delays may be experienced where properties are not ready for either the cable or the revenue meter to be installed despite a "Request for Service" having been submitted to ActewAGL by the electrical contractor. Also there are instances where ActewAGL staff are unable to gain access because of building materials on the block which leads to further delays.

I am advised that the current time frames are the result of an unprecedented volume of connections experienced in recent months in all connection categories including new Greenfields developments (Figures 1 and 2 refer), solar connections, apartments and redevelopment sites.

I understand that ActewAGL has increased the resources dedicated to servicing new developments with the volume of work completed increasing three-fold since May 2009. To respond to continuing demand for servicing, I am informed that the resources will be further increased over the coming months in order to significantly reduce current time frames for completion.

I have been advised that the following specific immediate remedial measures are being implemented by ActewAGL to expedite that process:

- additional electrical fitters are being engaged to assist with on site meter installations;
- additional back office administration support will be allocated to improve communication with electrical contractors;
- after lodging a request for service, electrical contractors will be contacted by ActewAGL with the objective of confirming readiness of the site for cable and meter installations and to reduce a need for future re-visits; and
- a standard arrangement for temporary building supply is being developed in consultation with the Master Builders Association.

**Gas:** The time for gas connections is 20 days or less from the receipt of the request.

(2) ACTEW advises that ActewAGL does not collect information regarding settlements on properties.

(3) **Water and Sewerage:** Connections for new single residential homes are constructed by the Developer. As such ActewAGL does not need to maintain a workforce to connect new homes.

**Electricity:** ACTEW has informed me that there are 18 ActewAGL Distribution “field” employees currently allocated to installation of electrical services for new homes. This number does not include back office administration personnel or personnel working for any retail company, that the customer may have a contract with.

**Gas:** I understand that approximately 20 staff are involved in connecting customers to the gas network.

(4) No ACTEW staff are directly employed in the connection of electricity to new homes. This function is carried out by ActewAGL staff.

(5) Please refer to the response provided in question 1 above.

*(Copies of attachments are available at the Chamber Support Office).*

## **Planning—supermarkets (Question No 517)**

**Mr Seselja** asked the Minister for Planning, upon notice, on 10 December 2009 *(redirected to the Acting Minister for Land and Property Services):*

- (1) Have any developments, or development applications, been delayed pending the outcome of the Review of ACT Supermarket Competition Policy; if so, (a) what are the developments that have been delayed, (b) where are the developments and (c) for what purpose were they delayed.
- (2) When will each development now be finalised.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) There are two current direct sale applications for contiguous land by commercial property owners in Charnwood and Kambah Village. Consideration of these applications is on hold pending the outcome of Government consideration of the Implementation Plan of the 'Review of ACT Supermarket Competition Policy' by Mr John Martin in 2009.
- (2) The outcome of Government consideration of the Implementation Plan of the 'Review of Supermarket Competition Policy' is expected to be announced in the near future. Following that announcement, advice on the applications will be provided to the Government.

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### **Housing—construction materials (Question No 520)**

**Ms Le Couteur** asked the Minister for Planning, upon notice, on 10 December 2009:

- (1) Do ACT planning and construction laws dictate the type of building materials that must be used for residential dwellings; if so, what are these requirements.
- (2) Do ACT planning and construction laws permit construction of housing in the ACT using (a) mud brick, (b) straw bale, (c) cob and (d) compacted earth.
- (3) Are there particular restrictions on the use of the construction materials referred to in part (2); if so, what are they and what additional work would need to be done to make the use of these materials permissible.
- (4) Are these materials permitted to be used for building in all parts of the ACT or are there restrictions on some areas.
- (5) Are there different requirements for residential zonings and rural zonings.
- (6) How do energy efficiency ratings reflect the overall efficiency of the material referred to in part, in particular, do EER ratings take into account the thermal mass of the materials.
- (7) What limitations or restrictions are there on using composting toilets in the ACT.

**Mr Barr:** The answer to the member's question is as follows:

- (1) Planning and construction laws do not generally dictate materials, but circumstances can trigger specific restrictions. For example, windows might not be allowed to overlook a neighbour's private space, or brickwork might have to comply with heritage restrictions, or a garage might have to match a house.

Certain development approvals (DAs) are conditional on use of specified materials. Without such conditions external materials can change without the need for a DA amendment. For example, a DA for a brick-veneer house could be deemed complied with if the house is built of raw earth or straw bales instead of factory bricks.

Construction laws regulate material performance including structural soundness, stability, corrosion, slip resistance, thermal performance, efficiency, health, sustainability, water resistance, porosity, durability, fire resistance, smoke generation, termite susceptibility, contamination, legionella, amenity, and electrical and gas safety.

- (2) Generally, planning and construction laws allow any materials including mud bricks, straw bales, cob, and raw earth. However, specific circumstances could trigger specific restrictions.
- (3) Specific planning restrictions might require an extension to a heritage-restricted house to match the construction of the original house. Construction laws require all habitable buildings to be built to comply with the Building Code of Australia, which covers health, safety (including structural safety and safety from fire), amenity and sustainability.

Mud brick, cob and earth construction made on-site from raw-soil-based material might have to be tested against the Code's performance requirements. Raw-soil-based material that is too sandy may have to have clay added to increase compressive strength and durability, and to reduce porosity, for example. Straw bales may also need other materials added, such as render to increase fire resistance where required by the Code.

- (4) ACT Government regulatory instruments do not regulate materials in specific zones on an ACT-wide or suburb basis.
- (5) Planning regulation in rural areas is substantially different from urban areas, but construction regulation is the same in both, other than bushfire resistant construction. For example, the siting of buildings and windows is regulated in urban areas but is less regulated in rural areas, due to lack of proximity to rural neighbours.

The ACT's non urban area is declared a 'bushfire-prone area', requiring building code assessment to determine bushfire resistant construction requirements, if any.

- (6) Energy efficiency ratings software accredited under the Nationwide House Energy Rating Scheme or under the Australian Building Codes Board's Protocol for House Energy Rating Software solely assesses building thermal performance. This rates overall thermal performance by assessing combined effects of the thermal properties of the building's relevant materials, including thermal resistance and the effects of thermal mass on heating and cooling loads.

The software caters for mud bricks and rammed earth but cannot inherently cater for straw bales. However, the ratings are not mandatory for construction, and low thermal mass of straw bales does not necessarily prevent code compliance.

- (7) The *Public Health Regulation 2000* prohibits installation of a toilet without connection to a sewer unless approved by an authorised officer.