



Debates

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Legislative Assembly for the ACT

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Thursday, 23 September 2010

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Thursday, 23 September 2010

MR SPEAKER (Mr Rattenbury) took the chair at 10 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Territory Records Amendment Bill 2010

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

Title read by Clerk.

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) (10.02): I move:

That this bill be agreed to in principle.

Today I am tabling the Territory Records Amendment Bill 2010. This bill proposes a range of amendments to ensure that the Territory Records Act remains at the forefront of the government's commitment to openness and accountability.

When my former colleague Mr Bill Wood introduced the Territory Records Act in 2002, he had the foresight to include a review provision in this groundbreaking legislation to ensure that the Assembly, the public service and the citizens of the ACT could continue to have confidence that this key piece of legislation was delivering to the highest of our expectations.

I presented the review of the Territory Records Act 2002 and the government's response to this review to the Assembly on 1 July this year. Now I am able to return to give effect to the government's response by introducing the proposed amendments to the act.

I was pleased with the findings of the review which was undertaken by an eminent records manager and archivist, Mr Paul Macpherson. Mr Macpherson stated in his introduction:

There was universal agreement that the Act was important for the people of the ACT and facilitated good administration, accountability of government to people and access to records for historical and cultural purposes. There was also universal agreement that the Act was in general operating well and its implementation and operation had not resulted in any major problems for the Territory or its people.

Of course, Mr Macpherson identified some areas where improvement was possible, and those areas that required a legislative response are before you today. One innovation is to bring the provisions of the Executive Documents Release Act 2001

together with those of the Territory Records Act 2002, making the amended act the primary point of access for government records. Cabinet records will open at 10 years and other government records at 20 years, and they will be available for public access each year from Canberra Day. This will be an important way of recognising the extensive documentary heritage that we have here in the ACT.

The amended act will also enable us to transfer records when required to another jurisdiction, and the government will be able to prevent the disposal of records when they may be required in a forthcoming court case. The Territory Records Advisory Council, which already has a membership representing agencies, professional, community and Indigenous interests to advise on records management, will now also have representation from someone with a background in public administration, governance or public accountability. This will enhance the already valuable role of the council. I commend this bill to the Assembly.

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

Criminal Code 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) (10.05): I move:

That this bill be agreed to in principle.

The Criminal Code Amendment Bill 2010 introduces a defence of lawful possession into the Criminal Code. This defence will be available for people who can show that their possession of otherwise prohibited material or items is related to a person's employment or their work within the criminal justice system.

The defence of lawful possession has three limbs which a person must satisfy before they can rely on the defence. The first limb is that a person must be able to show that their possession of an item or material is as a result of their work or employment within the parameters of the criminal justice system. Section 43A(1)(a) of the bill sets out what "work" or "employment" within the parameters of the criminal justice system means. Under this section, a person must be able to show that they are either employed by or appointed as a member of a law enforcement or justice agency, required to provide technical, professional or expert services to a law enforcement or justice agency, or a legal practitioner, or a person employed by or required to provide technical, professional or expert services to a legal practitioner.

The second limb is that the conduct by which the person comes to possess the material or item must be for a law enforcement purpose. The bill defines what constitutes conduct for law enforcement purposes in section 43A(2) as conduct that is necessary

for or of assistance in enforcing a law of the commonwealth, a state or territory; monitoring compliance with or investigating a contravention of a law of the commonwealth, state or territory; or the administration of justice.

To illustrate the government's intention of what type of work or employment will be covered by this limb of the defence, section 43A(2) of the bill contains examples of conduct for law enforcement purpose. These examples include police investigations, giving legal advice or providing legal representation, carrying out analyses or tests for forensic reasons, and judicial service.

The final and most important limb of the defence is that a person must be able to show that the conduct they were engaging in to possess the material or item was reasonable in all the circumstances. The government is introducing this bill to address concerns from some within the criminal justice system that they may be inadvertently breaking the law by simply carrying out their job. This is because a number of offences on the ACT statute book do not provide a defence to the possession of an otherwise prohibited item if the possession is as a result of intelligence gathering, investigation, prosecution or consideration of a charge.

The Criminal Code Amendment Bill 2010 intends to address this by adding a defence of lawful possession into chapter 2 of the Criminal Code by inserting new section 43A. One view is that if legislation provides for a power to seize an item then there is the implied power to possess that item. Indeed, section 196(1) of the Legislation Act 2001 states:

A provision of a law that gives a function to an entity also gives the entity the powers necessary and convenient to exercise the function.

However, the government is of the view that this will not be sufficient to protect some involved in law enforcement activities. The new section 43A will provide a defence to those people involved or engaged in the criminal justice system who possess an otherwise prohibited item but cannot rely on a specific power to do so, such as the power to seize.

In drafting the defence, officers in my department sought the opinion of officers from ACT Policing, the Director of Public Prosecutions and the Legal Aid Office of the ACT. This consultation was vital to ensure that the defence actually covers the situation highlighted as a concern and does not provide any loopholes to people who think they might be able to rely on this defence

It is not the intention of the government that this defence be available to neighbourhood vigilante groups, do-gooders, or self-styled private investigators. Rather, it is the intention of the government that this defence be available to police officers, public prosecuting authorities, defence advocates, technical experts, court staff, including associates, and members of the judiciary.

The government acknowledges that, technically, the people who will rely on this defence may be committing an offence. But what this bill does is provide a defence to prosecution for those people who can satisfy the court that their possession of a

material or item is as a result of their work or employment within the parameters of the criminal justice system, is for a law enforcement purpose and is reasonable in the circumstances for the law enforcement purpose in which the person was engaged. I commend the Bill to the Assembly.

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

Liquor (Consequential Amendments) 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) (10.11): I move:

That this bill be agreed to in principle.

The Liquor (Consequential Amendments) Bill 2010 introduces a number of consequential amendments and transitional arrangements to ensure a smooth transition from the old Liquor Act to the new Liquor Act 2010. Schedule 1 of the bill amends various acts and regulations across the statute book to update existing definitions with new definitions and references. It also delays commencement of the responsible service of alcohol, or RSA, provisions for six months to give the training sector sufficient time to develop appropriate courses and have them approved by the Commissioner for Fair Trading.

The new offences dealing with the supply of liquor without an RSA certificate will also be delayed for 12 months to give people working in the liquor industry sufficient time to enrol with a registered training organisation and undertake the RSA course.

There is also a number of amendments to various sections in the Liquor Act 2010 to clarify the operation of several provisions. For example, section 25 is amended to clarify that only licensees who sell liquor for consumption on the premises—for example in pubs, bars, nightclubs, restaurants and cafes and clubs—will need to complete a risk assessment management plan, or RAMP. Off-licence holders who sell liquor from bottle shops and supermarkets do not need to prepare one because they can only sell liquor for consumption off the premises.

Section 39 is amended to clarify that forms must be used if approved by the commissioner and fees may be payable if determined under the act. Section 78 is amended to clarify and remove any doubt about when suitability information about premises would need to be considered by the commissioner. During the debate on the Liquor Bill, there was some discussion about how this provision might operate. Unlike section 69, which focuses on the suitability of a person to operate a licensed premises, the focus of section 78 is on the suitability of the premises to sell liquor from.

When deciding the suitability of premises, the commissioner needs to know about any past problems at the premises. The commissioner needs to be able to allow for consideration to be given to ensuring that the same problems which may have contributed to antisocial behaviour or alcohol-related violence at the premises are not revisited on the licensee. In deciding whether premises are suitable for a liquor licence or permit, the commissioner should consider any previous convictions or findings of guilt against any person for an offence against the Liquor Act involving the actual premises. "Any person" might include the licensee, the permit holder or a staff member who may have been convicted of an offence involving the actual premises. If there were such a circumstance, the commissioner rightly needs to know about it before he or she issues, renews or amends a liquor licence or permit.

Section 84 is amended to make it clear that a public area includes an outdoor area at the premises that is open to the public. To protect the privacy of crowd controllers from any retaliation when issuing a receipt for seized false identification documents, section 124 is amended to require them to only provide their unique identifying number rather than their names.

Sections 125 and 126 have been amended to clarify that these offences only apply to permitted premises which have a public area with a determined occupancy loading, as not all permitted premises have an area with an occupancy loading.

When the Liquor Bill was debated, section 129 was inserted by the Legislative Assembly to protect the confidentiality of certain information in a risk assessment management plan. The government's decision to remove the offence provision altogether by not requiring a licensee or commercial permit holder to make their RAMP available for public inspection at all resolves the issue of confidentiality and removes the need for section 129.

New section 136(2)(a), which was inadvertently omitted from the Liquor Bill, has been inserted to make it an offence when a licensee knows about and allows another person to conduct a prohibited promotional activity at the premises.

Clarification of the powers of entry in section 154 is necessary to remove any doubt about the extent of the power of police and inspectors to enter licensed premises at any time when there are reasonable grounds for suspecting that liquor is being sold on the premises. The power has always been there, and new section 154(1)(ba) removes any doubt about its operation and provides clarity for authorised officers to know the extent of their powers of entry under the new Liquor Act. It also puts licensees on notice about the entry power.

Sections 183 and 184 are amended to include critical pieces of legislation which, if not complied with, would subject licensees and permit holders to the occupational disciplinary process under the ACT Civil and Administrative Tribunal Act.

To address a recommendation made by the Greens, section 223 is amended to provide guidance on what guidelines under the Liquor Act may cover. Examples of the subject matter guidelines may cover have been included. The addition of the list covering the

advertising or promotion of liquor, the meaning of intoxication, crowd management at and near licensed premises, and RSA training does not limit the making of other guidelines; it merely states expressly what may be covered.

New part 20 of the bill inserts a number of transitional provisions into the Liquor Act 2010 to ensure a smooth transition of the licensing framework from the old act to the new act. Licensees applying for a new licence before the old licence expires on 30 November this year will not be required to obtain a fresh police certificate if they had already provided one on or after 1 July this year. All licensees will be exempt from having to provide a building certificate, floor plans and a certificate of occupancy. Other licensees will be required to provide a police certificate, but will have 90 days to provide it to the Commissioner for Fair Trading as part of their licence application.

As part of a licensee's new licence application, they will be required to provide additional information about liquor purchased for sale at the licensed premises during the term of the old licence. This new information will allow the commissioner to determine the level of licence fee each licensee should pay for their new licence.

Licensees who apply for a new licence before their old licence expires and before commencement day on 1 December this year will not have to comply with the new public consultation provisions. The commissioner will have six months after the day the commissioner receives the application to make a decision, and their old licence will continue to have the same legal effect until the application is decided.

In circumstances where a licensee applies for a new licence where the commissioner must decide an occupancy loading for the licensed premises, the commissioner can use the occupancy loading issued for the public area at the licensed premises which was determined under the old licence for the area.

Temporary protection will also be available for old liquor permits under the old Liquor Act. Old liquor permits will be recognised as commercial liquor permits in the same way as the former liquor permit, and will expire on the day stated in the permit or, if no date is stated, three months after commencement day. Similarly, old tourism wine permits will be taken to be commercial permits on commencement day. They will be treated as tourism wine permits and subject to the same conditions as the former tourism wine permits. They will expire on the day stated in the tourism wine permit or, if no date is stated, three months after the commencement day.

Provision is also made for a non-profit wine permit held before commencement day. It will be taken to be a non-commercial permit and subject to the same conditions as the non-profit wine permit. It will expire on the day stated in the wine permit or, if no date is stated, three months after commencement day.

To ensure a smooth transition for those people who have already undertaken the RSA course and obtained their certificate not more than two years before the act commences, the old RSA certificate will be recognised as a new RSA certificate and will expire one year after the act commences to coincide with the need to undertake a refresher course every three years.

There is also provision for a safety net by regulation to address any transitional matters necessary or convenient to be prescribed because of the enactment of the new Liquor Act 2010. I commend the Bill to the Assembly.

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

Health, Community and Social Services—Standing Committee Reference

MR HANSON (Molonglo) (10.20): I move:

That:

(1) this Assembly notes:

- (a) that the ACT government abandoned its proposal to purchase Calvary Public Hospital in February 2010 after 18 months of negotiations with the Little Company of Mary;
- (b) that the process followed by the Minister for Health was flawed and caused significant aggravation to the community; and
- (c) the Minister for Health has proposed four new options for future ownership and management arrangements of Calvary Public Hospital;

(2) this Assembly refer the four new Calvary Hospital options to the Standing Committee on Health, Community and Social Services for consideration;

(3) the committee evaluate the relative merits of the four options presented by the Minister for Health, including the financial and health impacts of the options;

(4) as appropriate, the committee identify and evaluate any further options available for Calvary Hospital that have not been presented by the Minister; and

(5) the committee report back to the Assembly by the last sitting day in March 2011.

Previously in this place, I think in June, Ms Gallagher made a statement. To be honest, it was largely an exercise of excusing her handling of the Calvary purchase fiasco, but she also outlined the government's current position in light of accounting advice that she had received. Based on that advice, she outlined four new options that the government will be considering with regard to Calvary.

What I want to do through this motion today is make sure that we do not repeat—or the government does not repeat—the mistakes of the last two years. I simply do not trust the government, Mr Speaker. They have got it wrong. They got it very badly wrong the first time and over a period of two years they have hidden from scrutiny. We need to do everything we can to make sure that, moving forward, which is the new term in vogue for the Labor Party, we actually get it right.

My motion today calls for the options that are now being considered by the government to be scrutinised by the standing committee on health to try and mitigate some of the mistakes that have been made over the last two years. I will go through those mistakes. In summary, the government misled the community. There was a complete lack of openness in their dealings. They avoided scrutiny.

There were some highly inappropriate aspects to the deal, particularly the original deal that was proposed. They ignored advice. They had a very poor consultation process. In pursuing this process they alienated large sections of the community. They botched the negotiations. They very nearly wasted \$77 million of taxpayers' money. Throughout the process they distracted ACT Health, Treasury and the Assembly from important business. Ultimately, Mr Speaker, they simply got it wrong.

I will go to those points in turn now. The first is that they misled the community. As you may recall, before the last election the health minister said that, with regard to health, "all of our deals are on the table". That was simply not true. We know that because she had actually written to the chairman of Little Company of Mary seeking a heads of agreement. So to say "all of our deals are on the table" simply was not true. We only found out about this deal in April 2009 when it was leaked to the *Canberra Times*. It seems that the only time the community or the Assembly find out what is going on is when one side or the other leaks information to the *Canberra Times*.

I will refer back now to some of the high principle that got Mr Stanhope so aggravated when in 2001 he said:

Because integrity is one of our core values, we do not accept that the only way to govern is by deals done behind closed doors.

That is exactly what has occurred from this government for the last two years. There has been a complete lack of openness. There have been secretive, behind-closed-doors deals. In 2001, Mr Stanhope said:

Good government accepts criticism. Good government has the courage to allow itself to be closely scrutinised. It conducts its operations in an open, honest and accountable manner, not in secret.

Quite clearly, that has not been the case. This is a government—and, I would have to say, compliant with the Greens previously—that refused to allow the PricewaterhouseCoopers advice and the separate advice from that advice to be scrutinised by the Assembly and tabled in the Assembly.

As we know from Ms Gallagher's own words, that advice was actually key to understanding the situation that we now find ourselves in. The minister spoke of the magnitude of this advice—that it had profoundly changed the direction of the government. Now we are expected, as an Assembly, to make an informed decision, but she will not give us the advice that is of such magnitude it completely changed the direction of the government. Quite clearly, they have stepped away from their own principles. I refer to another comment made by Mr Stanhope, another principle:

Under Labor, the ACT Government and its agencies will restrict the use of commercial confidentiality to the narrowest possible application. Labor accepts that there are exceptional occasions when some commercial arrangements between Government and the private sector must remain confidential. But the stress must be on 'exceptional occasions'. Labor won't hide behind a cloak of confidentiality.

But that is exactly what they have done in this case. It is quite critical. They have also avoided scrutiny. You may recall that in this place in October 2009 I asked for the deal to be put before the Auditor-General. At that time the government, and sadly the Greens—I think we could have saved a lot of angst in our community throughout this process if we had done that—refused for that process to occur. Mr Stanhope said in 2001:

... we also understand that it is impossible to rebuild and maintain the community's confidence in government and its public institutions unless the business of government and these institutions is conducted in the most open manner possible.

He talked about building and maintaining the community's confidence in government. That is exactly what he has failed to do. The minister has failed to do so by refusing to send this document, this plan, to the Auditor-General and have it scrutinised in that manner.

I also mentioned in my opening the highly inappropriate aspects to this deal. There are a number, but I think Clare Holland House being used as a bargaining chip was the highlight. That was an absolutely outrageous proposal. In order to get their Calvary deal through they were prepared to basically flog off a community asset like Clare Holland House without any reasonable justification other than to grease the wheels of the deal. I think that was seen by the community for what it was.

We also saw the implied threats to the Little Company of Mary, which essentially in correspondence were "if you don't go through with this deal, we're going to build a new hospital and you'll wither and die on the vine". That was the approach that was taken.

The government have also ignored advice. They got advice from a number of areas that they simply ignored. Tony Harris described the government's proposal as a contrivance. Professor Sinclair Davidson, an RMIT professor of economics, described the minister's budgetary arguments as "simply nonsense". Andrew Podger, who is the president of the Institute of Public Administration of Australia and a former secretary of the federal health department, said:

Someone please get the accountants to fix a problem that is theirs, not the taxpayers or the hospital users.

Isn't it a shame that Ms Gallagher did not listen to that advice back in May 2009 when it was given? Terry Dwyer, who is an economist with a PhD from Harvard, also gave advice that was ignored.

The government also followed what can only be described as a very poor consultation process, unless leaking documents to the *Canberra Times* is the new way that consultation is done in this community. Essentially, what happened was that right at the end of the process when the government had clearly made up its mind there was a short period of consultation—six weeks. I think it was extended because of the outrage. It was really a PR exercise. When I attended a number of the forums that were conducted it was not about a balanced view of presenting the various options that were available. It was simply a PR exercise in pushing through a decision that had already been made by the government.

With regard to alienating the community, I think that if anyone went to any of the forums that were conducted by a number of groups it was quite clear that the government, particularly through their proposal to include Clare Holland House in the deal, had alienated the community. In fact, they even alienated the Greens on that matter. They alienated colleagues of theirs like the people that would normally support the government. They alienated the Australian Nursing Federation and the Health Care Consumers Association. The Palliative Care Society were alienated, as were staff at Calvary hospital and Clare Holland House. This was not a successful exercise in that regard. It was very clumsy and caused significant aggravation.

The negotiations were botched. The negotiations went on for over 18 months and they failed. When we look at some of the words that are coming out from both sides it seems that there is an ongoing problem. The Labor Party, we know, is split. We know that some members were for it and some were against it. We saw Mr Hargreaves coming out against the proposal and we saw Wayne Berry, a former leader and health minister—I cannot remember the exact quote—say something to the effect of “let Calvary wither and die”. That was a remarkable statement from a Labor luminary and ex-leader of the party.

We very nearly lost \$77 million of money. It is undeniable that if Katy Gallagher had got the deal through the way she originally wanted to and in those time frames we would have spent \$77 million of taxpayers’ money unnecessarily. This has distracted ACT Health, Treasury and the Assembly. I know that we have talked about this on many occasions. Countless hours have been spent on this deal. If you look at Health’s result and at the way Health is performing, you would have to suggest that the minister is distracted.

We have spoken about elective surgery results being the worst in the nation. In this town we have looked at what is happening in emergency departments. We have looked at the GP crisis that exists. We have looked at issues like the obstetrics case, the handling of that case by the minister—I should say “mishandling”—and her attack on doctors. Basically, she refused to accept that there was a problem because she did not take the time to look into the problem. She did not know what was going on and she should have.

Ultimately, the government got it wrong. The proof is that we are back to square one. We have now got options to consider, which I actually welcome. I think that is a far better process. It is the way that we should have dealt with this. Prior to the last

election, the minister should have said: “This is what we want to do. There are a number of options. Let’s have a look at these. Let’s have a debate about these.” It would have been a far better process to follow. She was negligently wrong. Mr Stanhope said back in 2001:

We will try not to make mistakes, and if we do, we will be open about them.

When I read Ms Gallagher’s tabling statement that she made in the Assembly about where the government is at, I do not see any acknowledgement of any mistakes having been made. Rather, I just see spin and excuses.

In terms of the current situation—members may have seen yesterday’s *Canberra Times*—the position seems to be quite poisonous between the government and the Little Company of Mary. I question who leaked the letters. The government might want to say that it was them, I do not know, but it certainly indicates either a loss of faith from the Little Company of Mary or a breach of trust from the government. The newspaper stated:

The operators of Calvary Hospital have threatened to hit territory taxpayers with bills worth tens of millions of dollars in the wake of the collapse of a \$77 million for the ACT Government to buy Calvary.

Letters between Catholic healthcare outfit Little Company of Mary and Health Minister Katy Gallagher, released yesterday to *The Canberra Times*, reveal how fraught behind-the-scenes negotiations have become between the two sides.

Calvary and the Government are at loggerheads over the future of health care in Canberra’s north. ... the parties cannot even agree on key elements of the agreement already in place to run the hospital. ...

The letters indicate that there is little common ground with Ms Gallagher’s letter mentioning several “concerns”.

“The most significant concern is the position put by the [Little Company] Board that the ACT Government owes Calvary Health Care in excess of \$14 million in accrued liabilities in relation to long service leave and annual leave entitlements ...

The article went on to say:

But the most recent letter of Little Company of Mary Health Care chairman Tom Brennan to Ms Gallagher, sent last month, outlines a long list of disagreements between the two parties and warns that any attempt by the Government to go it alone and build a new hospital in the northern suburbs could be met with legal action.

As you can see, we have come to a point, after two years of what can only be described as an appallingly handled process, where the acrimony and the falling out between the two sides has reached such a point that I think we as an Assembly need to intervene and become involved in the ongoing debate.

I believe that the Greens will be supporting my motion today. They have a couple of amendments. I welcome their support. It is a shame that I did not get their support on earlier occasions when I have tried to have this proposal scrutinised by the Auditor-General and when I have tried to have documents released, but I do welcome their support today—assuming that they follow through on what they have indicated is support for this motion.

In essence, we have reached a point where we simply cannot trust the government to get it right. It has proved during the process over the last two years that it could not do so. This is a government that has failed to listen to advice. This is a government that has nearly cost us \$77 million. If it were not for, essentially, the mishandling of the negotiations, we would have found ourselves \$77 million poorer and quite possibly unnecessarily so.

Today I am calling for the health committee of the Assembly, chaired by Mr Doszpot, to have a look at the proposal. I would like them to look at the four options and the relevant merits, both in financial terms and in health terms, and report back to the Assembly so that we can make an informed decision. I simply do not trust the advice that comes from Ms Gallagher. I am not going to take her advice. It seems to be either wrong, as it has proven to be, or it has got her spin on it.

I think we need to have a tripartisan committee of the Assembly look at this and actually listen to the advice. They can call the various experts, as they wish. They can call the Little Company of Mary to provide the advice and their position so that we hear it from both sides of the debate. They can look at the documents that are relevant. They can go into the detail and then report back to the Assembly on their view. It may be the case that that advice will be consistent with the minister's, but if we are going to be asked, as an Assembly, to make such a momentous decision on the future of Canberra's health care, we need to make an informed decision. At the moment we are certainly not getting the information or the advice that we need from the minister to do so.

MS BRESNAN (Brindabella) (10.36): I thank Mr Hanson for bringing this motion to the chamber today. The Greens will be supporting the motion, with an amendment which I will move later.

I have spoken with my fellow committee members and we think that we should be able to undertake the inquiry in the time that has been set out in the motion. This is after moving the timing for annual reports. So we do think this is possible. What this also allows is for the committee to conduct its investigative and reporting processes before the budget process, which will be particularly relevant.

I will, as I am sure all members in this place will, be keen to ensure that this inquiry looks in an informed and constructive way at the key issues involved. It will also be up to the committee to set the exact terms of reference for the inquiry and this will enable us to ensure that we are looking at this in a partisan way and that the committee is able to manage the inquiry process.

I also note that this inquiry is set against the background of what hospital services should be developed to best serve all of the Canberra community but most particularly the people in the north of Canberra. So research regarding that is likely to be sought. I appreciate the government will have to continue working while this inquiry is being undertaken. And I am sure that information will be provided to the committee, and we will need to ensure that.

What this inquiry will do is form recommendations about whether or not the Assembly should approve, through whatever mechanism is available, what it is the government proposes to do and put forward what the committee concludes is the most appropriate option.

I do have an amendment to Mr Hanson's motion, rewording paragraph (1) to take out what are political statements. It is not best practice or appropriate for there to be such political statements in a motion that refers a matter to a committee. The motion should focus on the facts, and for that reason I move:

Omit paragraph (1), substitute:

“(1) this Assembly notes that, on 19 August 2010, the Minister for Health proposed four new options for future ownership and management arrangements of Calvary Public Hospital;”.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (10.38): I will speak to the amendment and the motion as a whole. The government will be supporting the motion, with the amendment today. I think it is probably 18 months too late. If Mr Hanson was doing his job he could have sought to refer this to a committee 18 months ago, if he was genuinely interested. If he was genuinely interested, he could have provided—

Mr Smyth: He has tried.

MS GALLAGHER: No, he has not attempted to provide it to the committee, because he does not want to do any work. I notice he has referred it to a committee where he still does not have to do any work, where everyone else does the work for him.

We have heard Mr Hanson give the same speech that I think he gives on a weekly basis in this place; exactly the same speech dusted off and reapplied to any matter that comes across his table about health. The government has no reason not to support this motion. Indeed, I have been encouraging interest in the Calvary discussions since the very beginning. But I must say that Mr Hanson's speech, again, identifies his complete lack of understanding about the complex negotiations that have been underway between the government and Little Company of Mary since February 2009. There have been twists and turns in these negotiations, more than I think anyone could have anticipated.

I have to say that the first proposal actually remains the government's preferred option, which was to buy the hospital and own and operate it. That remains our position.

I believe, in the interests of an integrated healthcare system, that would have been the most beneficial option. I have to say that I do not think the Little Company of Mary have changed their view either. They would have preferred that option. However, circumstances pertaining to the Catholic Church mean that that option was no longer able to be pursued.

Regardless of the accounting advice that the government now has, if option 1, which was for us to own and operate the hospital, was going to be an option that we could have pursued, there still would have been some payment made to Little Company of Mary through a payout of the lease, as compensation for handing in a lease early. I would have come into this place and argued for appropriation for that if the ACT government and the ACT community were able to own and operate the two public hospitals. However, that option is no longer able to be pursued.

We did then seek to work through another option with Little Company of Mary where we owned the building and they operated the facility on behalf of Little Company of Mary. We were well into those negotiations.

Mr Doszpot: You signed the secret letter.

MS GALLAGHER: There have been no secrets about Calvary. This government has been trying for the last 18 months to deliver the best possible outcome in terms of health governance across the city, and the opposition have been obstructing all the way. This issue we are talking about today is: how do we as a community spend more on health services for the people of north Canberra? That is what we are here to talk about.

If you listened to the opposition, you would have to think that the government was trying to do something negligent, trying to take away something, trying to remove something, not actually trying to build new hospital facilities and invest in the north side of Canberra. And that is the issue that is at stake here. When we are going to spend the ACT community's money, what is the best way to do that? What is going to deliver the best health system of the future?

Yes, that means we have to have difficult discussions about the arrangements as they stand. If you talked to any health minister in this place, whatever colour they are—Labor, Liberal, independent—I would doubt very much whether any of those health ministers would come into this place and say there have been no issues at all with having two owner-operators of our two public hospitals and we would never seek to change that because the organisation and the governance are so excellent that there is actually no reason to review them.

That is what we have done and that is what we continue to do. We will continue to work on these issues until we get a satisfactory resolution. And that may involve money. In fact, all of the options will involve expenditure by the territory, whether that means building up Calvary to become a much larger public facility with a private hospital component or whether it is about providing hospital infrastructure in addition to the Calvary infrastructure that exists already.

The government has been very thorough in its negotiations. Indeed, it was my request, in the almost successful completion of negotiations around our purchasing the hospital, that led to getting some very high-level advice around whether the proposal as it stood—that is, we buy it and Calvary operate it—would mean that we were able to capitalise our investment in it. I did not want to get to the position where we appropriated money for the facility but we could not demonstrate economic control and therefore could not capitalise the money going into that building.

It coincided with the release of exposure draft 194, the Australian accounting standards forward release, which was a proposed international public sector standard, which again proposed that the government apply the same rights as private operators when accounting for service concession arrangements. This advice has been checked and rechecked against whether or not a service concession arrangement exists.

Our advice is that a service concession arrangement does exist under this new exposure draft, which is not yet an accounting standard. Because of the changes that will happen in the future, the government terminated the discussions around purchasing the hospital from Little Company of Mary Health Care immediately, as we should have.

Mr Smyth: Why didn't you do your work before you did this?

MS GALLAGHER: Because it was an exposure draft which was released in April this year. The issues that are covered in the exposure draft, which is not yet an accounting standard, did not apply and have not ever applied to the relationship between the ACT government and Little Company of Mary Health Care. Indeed, your government, Mr Smyth, did not capitalise money going into Calvary. This is the relationship that has always existed.

A proposed change is coming. It is not yet in. It is coming. It was flagged in April. Based on that proposed change that emerged in April, the government terminated those negotiations to purchase the hospital immediately, as I should have.

It is good to see that the Liberal Party support the service concession arrangement, that they have done their own analysis.

Mr Smyth: Give us the advice.

MS GALLAGHER: No. You have already decided that it operates, because I have been criticised by you for potentially wasting \$77 million. If you are going to accuse me of potentially wasting \$77 million, the logic of that is that you agree we should not pay for it.

Mr Smyth: You are saying, "Trust me."

Mr Hanson: But we shouldn't trust you. Should we trust you or shouldn't we trust you?

MS GALLAGHER: And the reason we should not pay for it, presumably, is that there is a service concession arrangement. So it is very good to see—

Mr Hanson: That is why we want to send it to the committee, Katy.

Mr Smyth: Give us the legal advice.

MR SPEAKER: Ms Gallagher, one moment, please. Members, you will have a chance to debate this in a moment.

MS GALLAGHER: Thank you, Mr Speaker. It is very good to see that the Liberals support the service concession arrangements, that they do not support any appropriation for the purchase. They do not believe that is necessary to capitalise investment.

Mr Hanson: We have not seen the advice.

MS GALLAGHER: No, you do not need to see the advice. You have already made your mind up. We know you have already made your mind up. You cannot come in here and criticise the government for almost wasting money and then not logically conclude that, from that, you agree a service concession arrangement exists. That is what you are saying. You understand that, Zed. You are not a stupid person. You understand that what Mr Hanson and you are saying—

Mr Seselja: Don't try to get me to endorse this flawed argument.

MS GALLAGHER: No. That is exactly what you have done by coming in here—

Opposition members interjecting—

MS GALLAGHER: Yes, you can all start cackling and covering for each other while you get anxious about it. But the issue is that if you do not support expenditure, if you do not believe we need it to buy the hospital—

Opposition members interjecting—

Mr Hargreaves: On a point of order, Mr Speaker, I recall your words last Monday as quoted to me. I am having difficulty hearing the Minister for Health, and I am sitting fairly close to her. Could you warn them, march them or do something with them, please?

MR SPEAKER: Members, let us try to listen to Ms Gallagher. You will have an opportunity to make your points in the near future, when Ms Gallagher has finished.

MS GALLAGHER: Thank you, Mr Speaker. So the Liberal Party do support the service concession arrangement, and that is pleasing because there are those who oppose it, including Little Company of Mary Health Care, who do not agree with the service concession arrangement. They do believe that we should pay a sum of money,

whether it be \$77 million, which is the book value of the hospital buildings, or another sum which would have had to be determined at a later date. Say we use that \$77 million figure. Little Company of Mary do not agree with us. There is a dispute and they have sought their own legal advice on our accounting advice. We will continue discussions around that.

The government's point of view, and this has been supported by further analysis from the Auditor-General, is that we should proceed on the understanding that a service concession arrangement exists, that we should book Calvary Public Hospital, that we are then able to capitalise investment and that we will work on the, I guess, priority areas for that capital investment for next year's budget.

The longer term issues for the hospital requirements on the north side of Canberra do need close consideration. We are, as a department, updating our own demographic data, taking into account the new population projections for the ACT, and I do believe that will change some of the thinking around whether or not we are a two-hospital town.

That work is being done, and we are very happy that we will be able to provide a submission to the Assembly. I should say, though, that we are not going to stop making decisions because there is a committee process underway, and I have had that discussion with the Greens and with my colleague on the committee. I am very happy to support an inquiry to a committee but these issues have never been put. I do not think the standing committee on health has done a health inquiry, apart from annual reports. I think they are focused on other areas of their business program. We would have always, I think, supported a referral of Calvary to the committee.

I welcome the expansion of consideration of these issues but I have to say that the government will not stop making decisions about the future hospital needs of the north side of Canberra. We have been working on this for 18 months. We have almost finished our projections data. There will be work that goes to cabinet for consideration before the end of this year and we will need to start making decisions about that. We cannot wait necessarily until March next year, the reporting date.

I was up-front, in my discussions with the Greens, and Mary Porter, who sits as a lay member on the committee, that I am very happy for this inquiry to be underway. I will participate fully in it. The government will provide submissions and information to it. In the meantime, we will need to make decisions about the hospital services on the north side of Canberra. We cannot wait just because the referral to the committee occurs 18 months later than it should have.

MR SESELJA (Molonglo—Leader of the Opposition) (10.52): As always when following Ms Gallagher, it is difficult to know where to start. But I will find a way. We might start where Ms Gallagher finished off—that this is 18 months too late. This is from a minister who has opposed scrutiny of this deal from day one.

Let us be clear on this. What is really important about this motion today is that it will start to hopefully shed some light on a process where there should have been a lot of light shed a long time ago. The reason that there was not light shed on it was that this minister was not up-front with the community.

This is the minister who was secretly negotiating this deal, pursuing this flawed strategy, to throw away \$77 million of taxpayers' money and she did not tell anyone about it. She went to the election claiming to have all her plans on the table, and she was not telling the truth—again. So what is really important is that we try to save the community from this minister's judgement, because until now on the process of Calvary her judgement has been sorely lacking.

There is no better example of that than the fact that, if it had been up to Katy Gallagher—if Katy Gallagher had got her way—we would have already lost \$77 million for no reason. We would have thrown away \$77 million of taxpayers' money, because Katy Gallagher was desperate to pursue this deal.

She was desperate to pursue it in secret, and that is fundamental to this motion—that it has been handled secretly; it has been handled behind closed doors. The community only found out about it after—

Members interjecting—

MR SPEAKER: Colleagues, Mr Seselja is trying to speak.

MR SESELJA: Thanks. Mr Hargreaves, just get back in your box. Mr Speaker—

Mr Hargreaves: I object to that.

MR SESELJA: We have been getting lectures from Mr Hargreaves for the last couple of days, so we might just ask him to show the courtesy that he asks from everyone else.

Members interjecting—

MR SPEAKER: Members, order! Order, Mr Hargreaves!

MR SESELJA: Back in your box, John, back in your box.

MR SPEAKER: Let us just return to the debate, Mr Seselja.

MR SESELJA: Thank you, Mr Speaker; I will return to it.

Ms Gallagher: I feel so sorry for you.

MR SESELJA: Katy feels sorry for me; I am very pleased. I am very pleased to have Ms Gallagher interjecting. This is the minister who wanted to throw away \$77 million, and she would have. If it was not for the fact that there were voices against her, she would have thrown away \$77 million of taxpayers' money. What we now need to do is to try to ensure that we get some light shed on this process, because when there was no light shed on the process, when it was left to behind closed doors dealings from this minister, it was flawed.

And it did not take a genius to figure it out. It did not take a change in the accounting standard for this minister, who should have known, to see that this process was flawed.

Because how many different voices were telling her it was flawed? I would argue, and the minister has never, ever been able to refute this, that, apart from her own Treasury, no-one was backing it. No-one was saying it was a good idea. Of all the experts from whom we have heard comment on it—we have had Sinclair Davidson, we have had Terry Dwyer, we have had Andrew Podger and we have had Tony Harris—have said: “No, you do not need to do it. There are lots of other ways. You do not need to throw away \$77 million.” But that is what this minister wanted to do.

It reflects very poorly on her judgement. It reflects very poorly on the judgement of someone who is expecting soon to have the job of Chief Minister handed to her, given how poorly she has handled this and how dishonestly this has been handled, because she claimed that she had the plans on the table and she did not. All the while she was secretly negotiating to waste \$77 million of taxpayers’ money.

I think it is also worth commenting on the role of the shadow health minister in this. He has kept this government to account at every turn. At every opportunity, where the opposition, led by Jeremy Hanson, took this government to task on this, we were blocked by the Labor Party and the Greens. When we sought documents, we were blocked. When we sought a referral to the Auditor-General, we were blocked. So, I think, as this process has fallen down, the Greens have finally come to the conclusion that they were wrong as well—that they were wrong to just trust what this minister had to say.

What is really important, as this is referred to this committee, is that the health committee does not simply take at face value what this minister says, because, when it comes to the issue of Calvary, like many other issues, she has not been up-front. So I would urge all members of the health committee to look very carefully at all of the information that is presented by this government on the Calvary deal, because until now they have got it wrong at every turn. Until now, Katy Gallagher has got it wrong at every turn. She has hidden from scrutiny. We only found out because it was leaked to the press. She hid before the election. She hid after the election. She has voted against referrals to the Auditor-General. She has refused to provide documents. Now the committee will finally get to shed some light on this process.

In conclusion, I would urge the committee not to believe what this minister tells them. Do not simply accept at face value that what Katy Gallagher says on Calvary is correct, because her past form on this issue is that she has been wrong. She has been wrong at every turn. She has hidden those facts, she sought to deny information to the public and to the Assembly and it is time we got some answers. We trust that this committee process will be one way of getting answers to some of these really important questions.

MR HARGREAVES (Brindabella) (10.58): Mr Speaker, before I begin, I seek leave to table a letter from the Minister for Health to Mr Tom Brennan from the Little Company of Mary Health Care Ltd. The Deputy Chief Minister neglected to table that, and I would like to do that on her behalf. So I seek leave to do that.

Leave granted.

MR HARGREAVES: I table the following paper:

Calvary Public Hospital—Copy of letter to Mr Tom Brennan, Chair, Little Company of Mary Health Care Ltd, from the Minister for Health, dated 17 September 2010.

The Deputy Chief Minister and the Minister for Health actually said that this is not the first time we have heard this speech. That is absolutely spot on the money. Every time the word “health” is mentioned, Mr Hanson pops up and gives exactly the same speech.

Mr Hanson: Not quite the same.

MR HARGREAVES: Well, I am sorry.

Mr Hanson: It is the same hospital, mate.

MR HARGREAVES: It is interesting that he says across the chamber, “It is the same hospital.” There are a couple of things I would like to say about the thing. One is that poor old Mr Hanson does not always get it right. I am sure it is with absolute innocence, but sometimes he says things which are stupid, sometimes he says things which are factually incorrect, and sometimes he says both of the above.

I would like to give three examples of where Mr Hanson actually has got it wrong. On 3 February this year on ABC Triple 6, that illustrious radio station, Mr Hanson said, “We have fewer GPs now than we had when they got into power.” Wrong. We have more. If you want to check it out, come and see us, and we will give you some more numbers. He got it wrong.

On 9 November last year, Mr Hanson’s press release said, “Nurses who are under great pressure working overtime to cover ACT Health’s 140 vacant nursing positions might ask why some of the \$77 million—

Mr Seselja: On a point of order, Madam Deputy Speaker, as fascinating as Mr Hargreaves’s contribution is, he is not being relevant to the debate. The debate is actually about the referral of the issue of Calvary hospital to the health committee. It is completely irrelevant. I would ask you to ask Mr Hargreaves to be relevant to the topic.

MADAM DEPUTY SPEAKER: Mr Hargreaves, just continue and keep relevant.

MR HARGREAVES: Okay, thank you very much, Madam Deputy Speaker. The relevance is there and these people—

Mrs Dunne: A point of order, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: Sit down please, Mr Hargreaves. Could you stop the clock. Mrs Dunne, what is your point of order?

Mrs Dunne: Mr Seselja made a point of order, and you made no ruling on that. I would ask you to make a ruling.

MADAM DEPUTY SPEAKER: I beg your pardon, Mrs Dunne; would you resume your seat. I did, in fact. I asked him to remain relevant. Okay? That is what I said. That is a ruling and, if you did not hear it, that is not my problem. But I did in fact ask him. I said, "Please continue but remain relevant." Okay?

MR HARGREAVES: Thank you very much, Madam—

MADAM DEPUTY SPEAKER: Did you hear me that time, Mrs Dunne?

Mrs Dunne: Do I have permission to speak?

MADAM DEPUTY SPEAKER: Yes; I am asking if you can hear me.

Mrs Dunne: Madam Deputy Speaker, I did hear you that time. I think that it would be very difficult for anyone to have heard you the first time.

MADAM DEPUTY SPEAKER: I apologise for that, Mrs Dunne, but I happen to have an implant in my mouth and sometimes my diction is not very clear. But I am—

Mr Hanson: Well, that is not Mrs Dunne's fault, is it?

MADAM DEPUTY SPEAKER: No, it is not, but certainly—

MR HARGREAVES: Madam Deputy Speaker—

MADAM DEPUTY SPEAKER: Resume your seat. I apologise if my diction is not clear at times, but I will attempt to be more clear in future. Thank you, Mr Hargreaves.

MR HARGREAVES: Thank you, Madam Deputy Speaker. It is my understanding, in fact, that the cacophony surrounding Mrs Dunne probably contributed to her lack of hearing of what you said. The relevance of this goes to Mr Hanson's credibility to refer anything about Calvary hospital to anybody. I think, in fact, that there is an issue, really, here. He talks about these nurses working under great pressure and working overtime to cover the ACT's 140 vacant nursing positions—

Mrs Dunne: Madam Deputy Speaker, you have already asked Mr—

MADAM DEPUTY SPEAKER: Mr Hargreaves, resume your seat. Stop the clock, please.

Mrs Dunne: On a point of order, you have already asked Mr Hargreaves to be relevant to the subject, and he has gone back to the issues that Mr Seselja raised and that you have said you have already ruled on. Could you call Mr Hargreaves to the point and require him to be relevant?

MADAM DEPUTY SPEAKER: Thank you, Mrs Dunne. Will you remain relevant, Mr Hargreaves?

MR HARGREAVES: On the question of relevance, Madam Deputy Speaker, before the clock resumes, the relevance here is talking about Calvary hospital and the attack that this opposition has made on the health minister about the conversations around its future and its referral to the health committee. So, Madam Deputy Speaker, the relevance is there.

Mr Hanson has no credibility to refer any of these matters to anybody. He cannot get it right. There were no 140 vacant positions. Furthermore, he criticises the minister about the expenditure of \$77 million. This is not \$77 million of operating expenses which can be going towards the payment of nursing staff.

He also talks about the ACT community having a right to be angry about a continual decline in services. Wrong again. He talks about both hospitals. He talks about Calvary in this. But does he back it up? No, he does not. He has no credibility on the Health portfolio at all. All we hear is exactly the same parroting—the same speech time and time again. I might have to consider putting a breath of life back into that motion I have on the notice paper.

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 by 30 minutes.

MR HARGREAVES: I accept that the issues regarding Calvary are incredibly complex. As the Minister for Health had previously stated, she has continued to negotiate with Little Company of Mary Health Care to try and establish an agreed way forward, and I accept that there was no way the Minister for Health could have anticipated the accounting on which the negotiations were based would change so dramatically.

As the minister has outlined and as members would be familiar with, the Little Company of Mary Health Care announced in February 2010 that they would be withdrawing from the in-principle agreement reached in October 2009 for the proposal for the ACT government to purchase and operate Calvary Public Hospital. Since this announcement, Ms Gallagher has outlined that extensive negotiations have been underway between the territory and the Little Company of Mary Health Care to try and develop an appropriate way forward, against a background of continual haranguing from those opposite.

This has included meetings between the Minister for Health and the Little Company of Mary Health Care to discuss possible options to enable a proposal to be developed and carried out. “Secret meetings” is a nice, flowery way of describing it, but I would just put it down to sensible negotiating practice.

In April 2010 the Australian Accounting Standards Board released an exposure draft, ED 194, of a proposed international public sector standard, which proposed that the government apply the same principles as private operators when accounting for service concession arrangements. Ms Gallagher has outlined that the Department of Treasury recently engaged PricewaterhouseCoopers to provide advice on the accounting of the prospective Calvary network agreements.

The Assembly has been informed that the advice received outlined that the existing Crown lease and agreement resulted in a service concession arrangement, which means that the territory can include the Calvary Public Hospital land, buildings and equipment on its balance sheet as a service concession asset without having to purchase the legal title from the Little Company of Mary Health Care or enter into the proposed Calvary network agreement.

It is obvious that significant time and effort have been put into the negotiations over the future governance and ownership arrangements at Calvary Public Hospital by both the territory and the Little Company of Mary Health Care. I respect the ACT government's preferred position, whereby the territory own and operate the hospital. However, it is now appropriate to accept that various factors mean that this proposal cannot proceed.

The Minister for Health has outlined that the best way forward at this stage is to continue to operate Calvary Public Hospital in accordance with current arrangements. I am in favour of the government now undertaking further preliminary planning and analysis of the hospital requirements on the north side of Canberra, taking into consideration there needs to be continued public and private hospital presence on the north side of Canberra.

The focus needs to remain on the requirements of north-side hospital services to ensure that the territory can meet the projected demand for services over the next decade. I support the government in continuing to develop a north-side hospital plan and look forward to receiving more information later in the year on this plan.

As we travel about, we members have conversations with all manner of constituents, and I have to tell you that the negative view on this whole sorry saga can be laid at the at the feet of those opposite—particularly Mr Hanson—who continually bag the negotiation process and continually suggest it has been done with ill will, when that is just nonsensical and inaccurate.

I for one am fed up with having to sit here and listen to the continual haranguing whilst sensible negotiations are going on between the Little Company of Mary Health Care and the government. I would not want to be trying to negotiate the purchase of anything under that atmosphere. It is almost doomed to failure from the start because of the way these people are putting out negative connotations into the public arena without any basis of fact—no basis of fact at all.

We have had conversations about a business arrangement. You do not do those out in public. You do not do the open tender process and invite everybody to put everything on the table. You do not. You have conversations in confidence. These conversations in confidence have gone on, and it is when the conversations are concluded that you reveal it. If the minister has had a failing in this regard, it has been that she has been too open about it. She has revealed everything about it.

Contrast that with the Bruce Stadium negotiations that we had to suffer in this place. Contrast that with the \$10 million overnight loan that we had to suffer in this place.

You had to get this information out of those opposite with a crowbar. What has happened is that this minister has put everything she knows on the table with such honesty that those people opposite are not fit to stand in her shadow, Madam Deputy Speaker.

MR HANSON (Molonglo) (11.10): Before I attend to Ms Bresnan's amendment, I must say that I am glad I am really getting under your skin, Johnno, with that speech. If I knew that it was really causing those opposite—

Mr Hargreaves: Never in your life, mate! You are not man enough. You are not man enough even if you could photocopy yourself.

MR HANSON: Madam Deputy Speaker—

MADAM DEPUTY SPEAKER: Resume your seat, Mr Hargreaves.

Mr Hargreaves: You want protection from the chair, do you?

MR HANSON: I am not sure. I am quite happy talking.

MADAM DEPUTY SPEAKER: Mr Hargreaves—

Mr Hargreaves: A man of your thuggery should not need it.

MADAM DEPUTY SPEAKER: Mr Hargreaves!

Mr Hargreaves: Yes ma'am.

MR HANSON: What particular aspects of my speech bother you, Johnno? Is it the quotes from—

Mr Hargreaves: No. It was the lack of truth.

MADAM DEPUTY SPEAKER: Mr Hargreaves!

MR HANSON: Is it the quotes from Mr Stanhope? Is it the one that says:

Because integrity is one of our core values, we do not accept that the only way to govern is by deals done behind closed doors.

Mr Hargreaves: No, we've got it and you don't.

Mrs Dunne: Point of order, Madam Assistant Speaker—

Mr Seselja: Could we stop the clock?

Mrs Dunne: Could I ask you to ask Mr Hargreaves to withdraw his comment that he was concerned about Mr Hanson's lack of truth? It is unparliamentary.

Mr Hargreaves: On the point of order, Madam Deputy Speaker, Mr Hanson asked me what it was about his speech that I did not like—

Mr Seselja: Could we stop the clock, Madam Deputy Speaker? We stopped it for John.

Mr Hargreaves: And I said it was the lack of truth. The lack of truth in his speech is what I referred to. However, if Mr Hanson—

Mr Seselja: Do we only stop the clock on one side now?

Mr Smyth: Are you going to stop the clock or not?

MADAM DEPUTY SPEAKER: Stop the clock, please.

MR HARGREAVES: Madam Deputy Speaker, I will only take a second or two. If Mr Hanson is upset and offended by that then I withdraw.

MADAM DEPUTY SPEAKER: Thank you.

MR HANSON: Madam Deputy Speaker, thank you. Perhaps it was this quote:

Good government accepts criticism. Good government has the courage to allow itself to be closely scrutinised. It conducts its operations in an open, honest and accountable manner, not in secret.

If I were sitting on those benches opposite, having seen this very shabby Calvary deal concocted behind closed doors, hidden from the electorate before the last election, having heard the government and the minister, in particular, say, “All our deals were on the table,” and then having this exposure through leak after leak in the *Canberra Times*, I would be pretty humiliated too.

I could go on and read these quotes again, but I note that Mr Hargreaves has now scurried from the chamber. It is quite evident that my hammering away on this issue since it was first exposed in April of last year both in the media and this chamber has got us to a point now where we are going to have, hopefully, some scrutiny of this proposal that, up until this point, the government and, I would have to sadly say, the Greens have refused.

They might be upset about the speech that I have given. I have used some of those Stanhope quotes repeatedly because I think they do warrant repetition. They expose the rank hypocrisy of this government’s position when it comes to their positioning on Calvary. On the one hand the rhetoric is about openness and light and open government, whereas, on the other hand, what we have seen from this government is a refusal to be scrutinised and doing all their dealings behind closed doors.

Mr Hargreaves seemed to want a debate on some statistics on our health system. He might like a separate debate on our appalling rates of elective surgery. He might want

a debate on the number of GPs we have in this town. The accurate figures are that, whilst the number of GPs in the rest of the nation has been growing at a level of eight per cent over a period since 1991, GP numbers in this town have declined. That is on the public record if he wants to have a debate about that. If he wants to have a debate about our emergency departments, I would gladly discuss them. Perhaps we could have a broader debate about the truthfulness of his government on issues like school closures and whether they were outlined before the last election—

MADAM DEPUTY SPEAKER: Excuse me, Mr Hanson, you are supposed to be speaking to Ms Bresnan's amendment, and I have not heard reference to it yet.

MR HANSON: Indeed, but Mr Hargreaves made points about truthfulness in debate. You allowed him to proceed with that debate on truthfulness in debate. Returning to the amendment from Ms Bresnan, she is supporting my motion, but she has asked for two items to be removed. Let me just read what they are. The first is:

... that the ACT Government abandoned its proposal to purchase Calvary Public Hospital in February 2010 after 18 months of negotiations with the Little Company of Mary ...

I am not sure in any way that that is inaccurate. That is actually a statement of fact, and it is a statement of fact that the minister outlined in her tabling statement in June and I think in the meeting previously. I am not sure why that needs to be removed.

The second is:

... that the process followed by the Minister for Health was flawed and caused significant aggravation to the community ...

Both of those are correct statements. It has been flawed; it has been a failed process. If it was a successful process, we would have bought the hospital by now. It has been flawed process, and it has caused significant aggravation to the community. I would challenge the Greens who want to remove this to go and speak to the Palliative Care Society, the Health Care Consumers Association, the Australian Nursing Federation and the staff at Calvary hospital and ask if this caused them aggravation. They will tell you, "Yes, it did." I am not sure why we are removing those words, but I do understand that the Greens would not want criticism of their coalition partners.

I can well imagine the frantic phone calls that occurred between the minister and the convenor of the Greens on this one. I note that the Greens will be supportive, and I can just imagine those phone lines running hot—Katy ringing Meredith: "Are you going to support it? Don't support it. Don't support it."

I welcome the amendment, even though it will remove some important parts of the motion. I welcome that it indicates that the Greens will be supporting the motion in its entirety. Once we have had the vote on Ms Bresnan's amendment, I will seek leave to introduce my own amendment relating to my failure to trust Ms Gallagher not to actually gazump the committee. If you listened to her speech, she said that she will be following through with her process and she will not be stopped by whatever the committee tables or whatever its processes are and whatever its time lines are.

I do want to make sure that we do not have a situation where, because we put March as the reporting date, the minister comes out earlier than that, in January or February, with a decision on one of the four options, thereby wasting the committee's time and essentially breaching the will of the Assembly. I want it on the record that we should not allow that to occur, and I will be seeking leave.

Amendment agreed to.

MR HANSON (Molonglo) (11.18), by leave: I move the amendment circulated in my name:

Add:

“(6) calls on the ACT Government not to make a formal decision on any of the four options currently being considered by the Government until such time that the Committee has tabled its findings in the Assembly.”.

As I indicated before, it is pretty clear that the minister has followed her own course on this. She has tried to ignore scrutiny, tried to refute any suggestion that she should be open about this process. We saw that when I moved my first motion in 2009. The first motion I moved was in about June, I think. It called for a full business case to be tabled and we never saw that. In October when I asked for this to be forwarded to the Auditor-General and in last sitting period when I asked for certain documents to be tabled, she did not do that.

I think that there has been a reticence from the minister, and it is pretty clear, to follow any sort of desire for openness and accountability. My fear, on reflection after listening to her speech, is that what she may do is actually come up with a government decision on the four options that are being considered before the committee has a chance to table its results.

I am not sure of the four options, and some of them would need an appropriation bill. That would essentially result in this coming before the Assembly anyway. But I am not sure if option 1 would require an appropriation bill. My fear is that she would, in essence, make that decision before the committee has had a chance to table its findings and allow what is clearly the will of the Assembly, which is an opportunity to scrutinise what the government is doing and be involved in the process so we can participate in that process.

My amendment calls on the government not to make a formal decision on any of the four options currently being considered by the government until such time as the committee has tabled its findings in the Assembly. I think it is quite clear by virtue of the fact that we are, as an Assembly, unanimously supporting this motion that it is entirely reasonable that the committee should have its chance to actually table its findings before the government scurries off and makes the decision.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (11.20): The government will not be supporting this amendment. As I have said earlier, we are very happy to have the committee investigate, inquire and provide assistance. But the government cannot be constrained by a timetable set by an Assembly committee to not make decisions about the future of health services on the north side of Canberra.

This is a decision that the government will take. If we can take it with the assistance provided by the committee—they may want to table an interim report, for example, around what they are thinking prior to March—that would be useful. But we will not stand here and sign up to say that we will do nothing and take no decisions until the committee has finished. What you are doing by that is trying to constrain the government in what can be—

Mr Smyth: We are holding the government accountable to the Assembly.

MS GALLAGHER: Well, as Mr Hanson pointed out, if a decision is made that requires appropriation, then there will be plenty of opportunity for the Assembly to have scrutiny of that decision outside of the inquiry process.

But in relation to the March timetable, if the government cannot take a formal decision until the committee reports in March—presuming it keeps to that timetable and reports in March—and then the government has to take decisions, it will miss next year's budget. That is what you are asking us to do. You are asking us to not make any decisions, to not spend money on the north-side hospital, on Calvary, until the committee has had time to make its decision.

A committee report normally has a three-month turnaround for a government response. We will not sign up to this timetable, and I have been very clear in my speech that the government will make decisions about the north-side hospital needs regardless of this inquiry, although we will work very closely with the committee and assist them as much as we can.

MS BRESNAN (Brindabella) (11.22): While I do appreciate the intentions of Mr Hanson's amendment, and I have discussed this with Mr Hanson as well, I do not agree that it is necessary, as the committee's investigative and reporting processes will be completed before the budget process, when and where the key decisions on the future of Calvary will be made and undertaken. The government reports to the Assembly on the budget and the Assembly will analyse and make decisions on the budget. So for that reason, I do not think this amendment is necessary and the Greens will not be supporting it.

Question put:

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

The Assembly voted—

Ayes 6

Mr Coe
Mr Doszpot
Mrs Dunne

Mr Hanson
Mr Seselja
Mr Smyth

Noes 11

Mr Barr
Ms Bresnan
Ms Burch
Mr Corbell
Ms Gallagher
Mr Hargreaves

Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury
Mr Stanhope

Question so resolved in the negative.

MADAM DEPUTY SPEAKER: The question is that the motion, as amended, be agreed to.

MR HANSON (Molonglo) (11.27): In closing, I would like to thank members for their contributions today. I welcome the unanimous support of the Assembly for this motion and the referring of such an important matter to an Assembly committee. I am disappointed that the motion was not amended with the amendment I put forward. It would have, in essence, assured us that the minister was not going to continue on with her sort of behaviour that we have seen, which is to try and do things behind closed doors, which is to try and ignore the will of the Assembly in regard to this matter. I am disappointed and I fear that she may try essentially to defy the will of the Assembly by making a formal decision prior to the committee tabling its report in March. If she does so, then she should be rightly condemned.

Madam Deputy Speaker, there is no doubt that this is today a win for openness and accountability. This has been a long process of trying to get some openness from the government. They have refused every step of the way to be open and accountable and to accept scrutiny when it comes to the Calvary hospital purchase. We have asked for a business case and moved a motion in that regard. We have asked for this to be sent to the Auditor-General. We have asked for documents to be tabled. At each step along the way they have refused.

I do welcome now the opportunity for the health committee, chaired by Mr Doszpot, to look into this matter and help inform the Assembly so that when we are charged with being involved in making what will be a very important decision, I am sure, for the future of Canberra's health care, we actually can have access to the documents. We can make sure that someone at least, if the minister is refusing to, is speaking to the experts and looking at this with the rigour that it needs to be looked at.

I finally would like to offer my support to the committee. I wish you every success with your scrutiny of these elements and I hope that the government in the committee's endeavours provides its full support to the committee in response to any documents that it requests or any other support that it might ask for.

Motion, as amended, agreed to.

Annual and financial reports 2009-10

Referral to committees

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

That:

the annual and financial reports for the calendar year 2010 and the financial year 2009-2010 presented to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 2004* stand referred to the standing committees, on presentation, in accordance with the schedule below;

the annual reports of ACT Policing and the ACT Legislative Assembly Secretariat stand referred to the Standing Committee on Justice and Community Safety and Standing Committee on Public Accounts, respectively;

notwithstanding standing order 229, only one standing committee may meet for the consideration of the inquiry into the calendar year 2010 and financial year 2009-2010 annual and financial reports at any given time; and

the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
ACT Auditor-General		Chief Minister	Public Accounts
ACT Building and Construction Industry Training Fund Authority		Minister for Education and Training	Education, Training and Youth Affairs
ACT Electoral Commission		Attorney-General	Justice and Community Safety
ACT Gambling and Racing Commission		Minister for Gaming and Racing	Public Accounts
ACT Government Procurement Board		Minister for Territory and Municipal Services	Public Accounts
ACT Health		Minister for Health	Health, Community and Social Services
ACT Human Rights Commission		Attorney-General	Justice and Community Safety
ACT Insurance Authority		Treasurer	Public Accounts
ACT Insurance Authority	Office of the Nominal Defendant of the ACT	Treasurer	Public Accounts
ACT Legislative Assembly Secretariat		Speaker	Public Accounts
ACT Long Service Leave Authority		Minister for Industrial Relations	Public Accounts
ACT Ombudsman		Attorney-General	Justice and Community Safety

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
ACT Planning and Land Authority		Minister for Planning	Planning, Public Works and Territory and Municipal Services
ACT Policing		Minister for Police and Emergency Services	Justice and Community Safety
ACT Public Cemeteries Authority		Minister for Territory and Municipal Services	Planning, Public Works and Territory and Municipal Services
ACTEW Corporation Limited		Treasurer	Public Accounts
ACTTAB Ltd		Treasurer	Public Accounts
Chief Minister's Department	ACT Executive	Chief Minister	Public Accounts
Chief Minister's Department	Arts Policy, Advice and Programs (including Arts ACT)	Minister for the Arts and Heritage	Education, Training and Youth Affairs
Chief Minister's Department	Business and Economic Development	Minister for Business and Economic Development	Public Accounts
Chief Minister's Department	Industrial Relations Policy	Minister for Industrial Relations	Public Accounts
Chief Minister's Department	Default Insurance Fund	Minister for Industrial Relations	Public Accounts
Chief Minister's Department	Work Safety Council	Minister for Industrial Relations	Public Accounts
Chief Minister's Department	Tourism Policy and Services (including Australian Capital Tourism)	Minister for Tourism, Sport and Recreation	Public Accounts
Canberra Institute of Technology		Minister for Education and Training	Education, Training and Youth Affairs
Commissioner for Public Administration		Chief Minister	Public Accounts
Cultural Facilities Corporation		Minister for the Arts and Heritage	Education, Training and Youth Affairs
Department of Disability, Housing and Community Services	Disability and Therapy Services Housing ACT Community Development and Policy	Minister for Disability, Housing and Community Services	Health, Community and Social Services
Department of Disability, Housing and Community Services	Community Affairs—Ageing	Minister for Ageing	Health, Community and Social Services
Department of Disability, Housing and Community Services	Community Affairs—Aboriginal and Torres Strait Islander Affairs	Minister for Aboriginal and Torres Strait Islander Affairs	Health, Community and Social Services

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
Department of Disability, Housing and Community Services	Community Affairs—Women	Minister for Women	Health, Community and Social Services
Department of Disability, Housing and Community Services	Community Affairs—Multicultural Affairs	Minister for Multicultural Affairs	Health, Community and Social Services
Department of Disability, Housing and Community Services	Office of Children, Youth and Family Services	Minister for Children and Young People	Education, Training and Youth Affairs
Department of Disability, Housing and Community Services	Official Visitor— <i>Children and Young People Act 2008</i>	Minister for Children and Young People	Education, Training and Youth Affairs
Department of Education and Training		Minister for Education and Training	Education, Training and Youth Affairs
Department of the Environment, Climate Change, Energy and Water	Conservator of Flora and Fauna	Minister for the Environment, Climate Change and Water	Climate Change, Environment and Water
Department of the Environment, Climate Change, Energy and Water		Minister for the Environment, Climate Change and Water	Climate Change, Environment and Water
Department of the Environment, Climate Change, Energy and Water	Environment Protection Authority	Minister for the Environment, Climate Change and Water	Climate Change, Environment and Water
Department of Justice and Community Safety		Attorney-General	Justice and Community Safety
Department of Justice and Community Safety	Emergency Services Agency	Minister for Police and Emergency Services	Justice and Community Safety
Department of Land and Property Services		Minister for Land and Property Services	Planning, Public Works and Territory and Municipal Services
Department of Territory and Municipal Services		Minister for Territory and Municipal Services	Planning, Public Works and Territory and Municipal Services
Department of Territory and Municipal Services	Animal Welfare Authority	Minister for Territory and Municipal Services	Planning, Public Works and Territory and Municipal Services
Department of Territory and Municipal Services	ACTION	Minister for Transport	Planning, Public Works and Territory and Municipal Services
Department of Territory and Municipal Services	Road Services Transport Policy and Regulation	Minister for Transport	Planning, Public Works and Territory and Municipal Services

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
Department of Territory and Municipal Services (moved to CMD from 1/7/2010)	ACT Heritage Council	Minister for the Arts and Heritage	Planning, Public Works and Territory and Municipal Services
Department of Territory and Municipal Services	Director of Territory Records	Minister for Territory and Municipal Services	Public Accounts
Department of Territory and Municipal Services	Shared Services	Minister for Territory and Municipal Services	Public Accounts
Department of Treasury		Treasurer	Public Accounts
Director of Public Prosecutions		Attorney-General	Justice and Community Safety
Exhibition Park Corporation		Minister for Tourism, Sport and Recreation	Public Accounts
Independent Competition and Regulatory Commission		Attorney-General	Justice and Community Safety
Land Development Agency		Minister for Land and Property Services	Planning, Public Works and Territory and Municipal Services
Legal Aid Commission (ACT)		Attorney-General	Justice and Community Safety
Office of the Commissioner for Sustainability and the Environment		Minister for the Environment, Climate Change and Water	Climate Change, Environment and Water
Public Advocate of the ACT		Attorney-General	Justice and Community Safety
Public Trustee for the ACT		Attorney-General	Justice and Community Safety
Rhodium Asset Solutions		Treasurer	Public Accounts
Totalcare Industries		Treasurer	Public Accounts
University of Canberra		Minister for Education and Training	Education, Training and Youth Affairs
Victims of Crime Support Program		Attorney-General	Justice and Community Safety

Public Accounts—Standing Committee Report 11

MS LE COUTEUR (Molonglo) (11.30): I present the following report:

Public Accounts—Standing Committee—Report 11—*Review of Auditor-General's Report No 8 of 2009: 2008-09 Financial Audits*, dated 2 September 2010, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

I am pleased to present report No 11 of the Standing Committee on Public Accounts, *Review of Auditor-General's Report No 8 of 2009: 2008-09 Financial Audits*. It has been the annual practice of the ACT Auditor-General to provide reports such as this one for the 2008-09 financial year, containing independent written opinions on the results of the ACT Audit Office's audits of financial reports and the audits and reviews of statements of performance, covering the territory and its agencies. PAC is of the opinion, and I believe in fact the entire Assembly is of the opinion, that an independent opinion is essential to ensure an appropriate level of accountability to the ACT Legislative Assembly and the ACT community for public finances and performance.

The audit report also provides an overview of the audit office's assessment of the quality and timeliness of reporting by agencies and the progress by agencies in addressing previously reported findings. Independent audit opinions as provided in the Auditor-General's annual report on financial audits form an integral part of the effective system of accountability for the stewardship of public funds, how these funds are spent and the quality of the decision making that underpins the spending.

Overall, the findings of the audit report in relation to financial reporting were generally favourable, although some reservations were expressed with regard to accounting treatments and/or the lack of or incomplete reporting measures as identified in statements of performance. I would particularly like to note recommendation 4:

The Committee recommends that the ACT Government ensure that the performance measures included in statements of performance for all its reporting entities are: (i) clearly and concisely defined, (ii) accurately reported, and (iii) supported by sufficient evidence and/or accompanied by sufficient explanatory information to enable the performance of the department or agency to be understood.

This is an area that the Greens have been talking about for, I do not know, the last 12 years, for a long time—accountability for any degree of reasonable, effective management of the ACT government and the public service behind it. We need good performance measures so that we can actually see not just what is going in, not just how much money we are spending on things, but what we actually get out of it, what the performance of the public service and the government is. I strongly endorse the Auditor-General's comments on this.

The other recommendation I thought I would briefly highlight, given the motion yesterday, is recommendation 11:

The Committee recommends that ACT Government agencies ensure that their information systems operate as intended, are accurately and appropriately used, and that the information contained within them is valid, complete, and secure for the purpose of supporting agency operations and requirements.

As I think we all agreed yesterday, IT and ICT are very important in terms of government operations. In that context, I would particularly draw attention to that recommendation.

All 11 recommendations that the committee made, I believe, are important. It is possible that other members of the committee may want to comment on the report and highlight some other items. Before I conclude, I would like to thank my committee colleagues, Mr Smyth and Mr Hargreaves, and of course the Committee Office, Andrea Cullen in particular, without whose assistance this report would not exist. I commend the report to the Assembly. My colleagues may wish to also provide comment.

MR SMYTH (Brindabella) (11.35): I will start with the thankyou's as well. I thank the chair and Mr Hargreaves for their efforts. Ms Burch was also on the committee for part of this time. I thank Andrea, Samara and Lydia for their support in helping us put the report together.

As was said, there are 11 recommendations. This report, as Ms Le Couteur has said, is very important particularly in terms of how we manage the finances of the territory. In fact, most of the departments did quite well. There were fewer qualified statements this year, but there were two in particular I want to mention, Housing ACT and TAMS. The report says:

... that 'Housing ACT did not measure the results for two of its performance measures as required by the Financial Management Act 1996'.

... that 'TAMS did not measure the result for one of its performance measures as required by the Financial Management Act 1996'.

Recommendation 1 reminds Housing and TAMS that they do have to carry out what is required. You could therefore say that, if they have not done what is required under the Financial Management Act, that of course is a breach of the Financial Management Act. We had issues yesterday over TAMS and ACTION and breaches of the Financial Management Act. We have had the assurance of the Chief Minister that they are working on this. But again we see that the act is not being honoured and that, I think, is a dreadful precedent.

There is a question about the quality of some of the performance measures. There is a quote in paragraph 2.14 of the report taken from the audit:

... many instances where the performance measures and associated targets provided little or no meaningful information about the performance of the reporting agency.

It is important that we get meaningful targets. We all receive so much information. Trying to wade through things that are meaningless is an inappropriate use of our time. Indeed, paragraph 2.18 states:

The Committee believes that it is incumbent upon respective departmental and agency heads to ensure that their entity's financial report and statement of performance complies with the legislative provisions as set out in the Financial Management Act 1996.

Recommendation 3 goes to that. It is important, it is expected, and it should occur. At page 9 of the report, at paragraph 2.31, the committee notes that the auditor seems to be going over the same old ground time and time again. Paragraph 2.31 states:

The Committee further notes that some of the 2008–09 audit findings refer to matters raised and recommendations framed in the Auditor-General's 2007-08, 2006-07, and 2005-06 financial audit reports.

How over a period of five years you cannot get that right is beyond me. What the committee recommends in regard to this is that government agencies continually monitor their processes for addressing audit findings in a timely manner. Indeed, at recommendation 7, we suggest that the substantial majority of these recommendations be implemented within 12 months from the date of being reported.

Obviously, you cannot do it all. Some major re-engineering of computer systems or a change of policy sometimes takes time, but it is hard to believe that events that were reported in the 2005-06 financial audits still have not been fixed in this year's report. It really does reflect poorly on the government and on the ministers that they cannot do this.

Paragraph 2.43 states:

The committee notes the ... findings that, consistent with the trend ... agency compliance with ... reporting timetable continued to improve ...

Well done on that. But the next paragraph states:

The proportion of agencies complying with the timetable has increased from 31 per cent in 2004-05 to 70 per cent in 2008-09.

It does say quite clearly in paragraph 2.46:

... 30 per cent of financial reporting entities are still not meeting the Department of Treasury's reporting timetable.

However, if it is suggested that the timetable is too tough, which I do not believe is true, given 70 per cent of agencies do it, 30 per cent of agencies really need to lift their game. And that percentage is relatively unchanged. Paragraph 2.48 states:

The combined proportion of financial reports rated as 'fair' and 'unsatisfactory' was 30 per cent which is unchanged from 31 per cent in 2007-08.

Paragraph 2.50 states:

Further, the Committee notes that the Audit Office had also drawn these weaknesses in financial reporting to the attention of agencies in previous years.

Paragraph 2.51 states:

The most common weaknesses in financial reports as identified by the audit included:

- errors in current or prior year figures
- failure to clearly and concisely explain the information being reported
- the use of inconsistent, inaccurate or irrelevant information
- the use of generic disclosures that were not tailored to the operations and/or transactions of the individual agency, and
- a lack of clear and concise explanatory information to assist readers ...

Not getting the numbers right and failing to explain or using inconsistent, inaccurate or irrelevant information really does go to the heart of this, and I look forward to the government response because it is important that we do get right the quality of the statements. The auditor noted:

The combined proportion of statements rated ... as ‘good’ and ‘satisfactory’ was down from 74 per cent ... to 64 per cent ...

The proportion of agencies that prepared ‘unsatisfactory’ statements of performance fell slightly from 22 per cent to 18 per cent ...

Again, I think what it shows is that there truly is room for improvement.

Paragraph 2.62 states:

The following Territory entities did not meet their budgets during 2008–09:

- ACT Health
- ACTION
- ACT Legislative Assembly Secretariat
- Department of Disability, Housing and Community Services
- Department of Justice and Community Safety
- Exhibition Park Corporation
- Land Development Agency, and
- Superannuation Provision Account.

Of course, if we are not meeting budgets and we are not reporting properly, we have to question why. If members are interested, at page 19, paragraph 3.2, the committee commented:

In summary, regarding the Territory’s financial report, the Audit commented that ...

There is a continuing and significant risk that the Territory will incur large operating deficits over the next few years, particularly if unfavourable conditions persist in investment and property markets ...

The Territory’s net asset position has improved—

which is good—

because the increases in the valuation of non-financial assets and amounts spent on capital works have outweighed a significant increase in the estimated unfunded superannuation liability and borrowings ...

The Territory is expected to retain a sufficient capacity to meet its short-term obligations. However, its capacity to do so is expected to diminish significantly over the period covered by the budget forward estimates ...

The Territory's long-term financial position has weakened significantly during 2008-09 and was considerably weaker than anticipated in the budget due mainly to the substantial growth in the unfunded superannuation liability.

Over the period of the budget forward estimates, the Territory's long-term financial position is expected to continue to weaken significantly. The main contributing factors are the growing unfunded superannuation liability and planned increases in borrowings to fund major capitals work projects including ACTEW water projects.

It was interesting that Mr Corbell yesterday said, "It does not matter what the price of a new dam is; whatever it costs, we will build it." Perhaps Mr Corbell should look at what the auditor had to say about that and the effect.

It is expected the budget will return to surplus in 2013-14 but it is the territory's growing underfunded superannuation liability in that budget that is of concern. And at paragraph 3.9 the committee states:

The Committee understands that the liability at June 2010 was estimated to be approximately 52 per cent funded, below the 30 June 2008 level of 65 per cent.

That is of serious concern. What we have said in recommendation 9 is:

The Committee recommends that the Treasurer provide the Committee with an updated analysis of the unfunded superannuation liability, including modelling incorporating a range of discount rates, to demonstrate the potential changes that are possible in this liability, in sufficient time for the 2009-10 annual report public hearings.

We have just referred the annual reports to various committees.

It is a good report. I thank the other members, the chair and Mr Hargreaves, and I thank the secretariat for assisting the committee in putting the report together.

Question resolved in the affirmative.

Report 12

MS LE COUTEUR (Molonglo) (11.44): I present the following report:

Public Accounts—Standing Committee—Report 12—*Review of Auditor-General's Report No 2 of 2009: Follow-up Audit—Implementation of Audit Recommendations on Road Safety*, dated 14 September 2010, 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 12 of the Standing Committee on Public Accounts, *Review of Auditor-General's Report No 2 of 2009: Follow-up Audit—Implementation of audit recommendations on road safety*. The public accounts committee resolved to conclude its consideration of the Auditor-General's report No 2 of 2009 with a summary report. The audit report presented the results of a follow-up audit that reviewed the progress made by the Department of Territory and Municipal Services in responding to the recommendations of Auditor-General's report No 4 of 2006—*Road safety*.

The committee believes the follow-up audit to have been both timely and of benefit to the agency concerned. The findings of the follow-up audit suggested that TAMS has made moderate progress towards the full implementation of the recommendations of the Auditor-General's report No 4 of 2006 that it agreed or agreed to in part. In the follow-up audit, the Auditor-General made four recommendations, which were intended to further improve TAMS's implementation of the initial audit recommendation.

The submission received from the government indicates that action is pending or in progress in relation to some of these recommendations. The committee has therefore made one recommendation in its report specifically asking the government to report on progress against those recommendations, where action is still pending or in progress, by the last sitting day in March 2011.

This includes reporting on, firstly, the outcome of the evaluation of road safety engineering treatments and policy initiatives, in particular the program evaluating black spot treatments, the process for evaluation of awareness measures and the evaluation of road safety programs; secondly, the implementation of a computerised smart form to allow electronic reporting of ACT traffic crashes; thirdly, the integration of smart form inputs into TAMS's data entry and data processing functions; and, fourthly, the outcome of the review of ACT licensing, training and testing requirements for novice drivers.

The audit has also been invaluable in emphasising the role of follow-up audits in, firstly, establishing whether agencies have addressed accepted recommendations and findings in reports by the Auditor-General; and, secondly, in informing the ACT Assembly on the progress made by agencies in implementing accepted recommendations. The follow-up audit also reminds responsible agencies of the importance of ensuring that recommendations of the Auditor-General are appropriately monitored and addressed, in circumstances where administrative restrictions or machinery of government changes have occurred.

I would like to second the remarks that my colleague Mr Smyth made in a previous speech. He was a little bit more timely than the government in this regard. It is a matter of considerable disappointment and concern that the government's response to the Auditor-General's report took approximately 13 months to be received by the committee. I suppose I can only hope this indicates that they put a lot of effort into it, but I fear that may not be the reason for it.

I will just conclude my brief remarks by thanking my committee colleagues, Mr Smyth and Mr Hargreaves, but, in thanking Mr Hargreaves, I should note that Mr Hargreaves chose not to participate in the committee's decisions and deliberations, as he was a relevant minister in the past. Also, of course, I thank the committee officers Andrea Cullen and Lydia Chung for their hard work. I commend the report to the Assembly. My colleagues may also wish to provide comment.

MR SMYTH (Brindabella) (11.49): I will start where the chair left off, with thankyou. I thank the chair, Ms Burch, who was on the committee for part of the time, and Mr Hargreaves, who completed the report with us, and Andrea and Lydia from the secretariat, who were very helpful in putting the report together.

Ms Le Couteur made an important comment when she talked about the part that Mr Hargreaves played in this. Mr Hargreaves was, in fact, minister for part of the time that covered the original report and, as such, did not participate. I think he set a very good standard there. It is important, where potential conflict of interest arises, that members of committees make it known right from the start and, if necessary, do leave the discussions, if they believe the conflict of interest warrants that. Mr Hargreaves was up-front about this right from the start. It is to his credit that he did it, and it is a good standard that he has set.

Basically, the report says there are some things happening and it is impossible for us to make an inquiry into the follow-up report because the things that are happening are the subject of the first report. I think it is important to get the chronology there. The Auditor-General's report No 4 of 2006 was tabled in the Assembly on 27 June 2006. Here we are, more than four years later, and some of the things that have come out of that report in 2006 are still being addressed by the government or are still in the process of being addressed by the government.

As the committee said in its review of the Auditor-General's report on financial audits, departments need to be appropriately resourced to get the bulk of the recommendations in place, if they are accepted. Four years later, on the question of road safety, you do have to ask the question: is it quick enough that, four years after that, the performance audit reveals that these things are still being implemented?

The chair has already raised the dilemma the committee had that it took the government 13 months after the presentation of the audit report for the committee to get the government submission. It is impossible for the committee to do its work until we get the government's submission. I am not sure that we ever got an adequate explanation for why it took 13 months.

That being said, we have now been told that certain things are happening. There is some evaluation of road safety engineering treatments and policy initiatives. There is the implementation of the computerised smart form and how that fits into TAMS data entry and there is a review of ACT licensing, training and testing requirements for novice drivers. These are all underway. The committee making recommendations at this time is a bit premature. But I do make the point that it is more than four years since the first report was tabled.

I will simply close by drawing members' attention to paragraph 4.4 on page 13, where it says, "The committee is also concerned that the government's response to the Auditor-General's report No 2 of 2009 took approximately 13 months to be received by the committee." It is discourteous and it is unfortunate, and I would trust that no committee ever has to wait that length of time again for a government response so that they can get on with their work.

Question resolved in the affirmative.

Road Transport (General) Amendment Bill 2010

Debate resumed from 26 August 2010, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

MR COE (Ginninderra) (11.53): The Road Transport (General) Amendment Bill 2010 is a bill that the Canberra Liberals, the opposition, will be supporting. The purpose of the bill is to clarify the requirements in the Road Transport (General) Act for giving notice to people who have not paid certain infringement notice penalties or, indeed, their court fines.

As we understand it, the bill ensures that the confirmation notice will inform the person which type of suspension and enforcement action is to be taken. In addition to this, the RTA will advise clients in the suspension order that they may call Canberra Connect before they receive their confirmation notice, if they do wish to check their drivers licence or vehicle registration status. We think this is quite a reasonable step.

I also understand that the bill will provide clarification of the existing requirements. It became necessary, following the court ruling, that the format of the existing suspension notices did not comply with the relevant legislation. I believe it was Magistrate Burns's summation that there was a fundamental error in the process of suspension which brought this about, after he had to dismiss a number of cases of repeat offences by disqualified drivers, because of inadequate warning of impending suspension.

We believe that this bill may provide more incentive for people to pay their fines, by reminding them in more detail of restrictions that may be pending, and will certainly prevent challenges to the validity of the administrative systems in the courts. The Canberra Liberals will be supporting this bill.

MS BRESNAN (Brindabella) (11.55): The Greens will also be supporting the bill today. We believe that the amendments proposed provide a clearer and more functional suspension system to both the Road Transport Authority and the person whose licence is to be suspended due to non-payment of infringement notices or court imposed fines.

We recognise that the current system is problematic, on the basis that it is dependent on the authority predicting the date on which the offender receives the notice. Whilst Australia Post is almost reliable, it is more desirable to have a system which provides greater certainty around the date where the authority will suspend a licence.

By specifying the exact date in the notice, rather than the notice taking effect in a certain time period after it is served, when the authority is unclear as to when the notice has been received by the offender, it removes the potential for difficulties in enforcement, as outlined in the decision in *Davies v Jilbert*, where the defendant had charges dismissed over irregularities in the suspension notice.

We believe that it is important to maintain clarity and proper procedure, where the government is to take adverse action against an individual, and we recognise that these changes are needed urgently to maintain the integrity of the enforcement procedures we have in place to ensure payment of infringement notices and penalties. For the reasons outlined, the Greens will be supporting this bill today.

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) (11.56), in reply: I thank members for their contributions. The amendments in this bill affect provisions that have a long history. Section 44 of the Road Transport (General) Act 1999 is based on section 180F of the former Motor Traffic Act 1936. Section 180F was first included in that act in 1991, as part of a scheme for dealing with traffic and parking infringement notices without having to take offenders to court.

The 1991 legislation was conceptually based on 1998 New South Wales legislation. That arose from the assault in jail of a young fine defaulter, Jamie Partlic, who was serving a four-day sentence for unpaid parking fines in November 1987. That assault left Jamie Partlic in a coma, with permanent brain damage. Under the 1991 scheme, people who failed to pay traffic or parking infringement notices would have their drivers licence, vehicle registration and right to drive suspended until they paid. They would no longer be sent to jail for non-payment of traffic or parking fines.

The amendments in the bill are technical in nature. They are aimed at clarifying its intended operation. Their objective is to provide the Road Transport Authority with certainty as to the date on which a licence or registration suspension takes effect, so that it can discharge its statutory obligations to maintain the drivers licence and vehicle registration registers accurately, by including the date on which a suspension for non-payment of an infringement notice, penalty or fine has occurred.

The need for these amendments has arisen in light of comments and a decision by the Chief Magistrate in the recent case of *Davies v Jilbert*. At the outset, it should be noted that this bill is not directed at the primary ground for decision in the *Jilbert* case. The government has already acted to fix the problem identified by the Chief Magistrate when he found that the suspension notice issued to Mr Jilbert was invalid. It has since issued fresh suspension notices to several thousand drivers and registered vehicle operators as a consequence of that decision.

Instead, this bill is directed at other comments relating to the interpretation of section 44 of the Road Transport (General) Act 1999 that were made by the magistrate in the course of his judgement. Specifically, the Chief Magistrate stated that a suspension notice does not take effect until it has been served on the person to whom it is addressed. Previously, it had been thought that the suspension took effect on the date advised by the Road Transport Authority of the suspension notice served on the person. While these comments are not, strictly speaking, binding on other magistrates or on higher courts, it is nevertheless desirable to ensure that the legislature's intention on the point is clear.

Accordingly, the bill clarifies that a suspension notice is to take effect on the date specified in the notice. This was always intended to be how the legislation operated. It is useful to consider the original wording of section 180F(3) of the Motor Traffic Act 1936, which provided:

(3) The Registrar shall not effect a suspension under subsection (1) unless, at least 10 days before the suspension takes effect, he or she notifies the person concerned, in writing, of the date on which the suspension is to take effect.

The amendments in this bill will ensure that section 44 operates as it was originally intended to operate, by specifying in the suspension notice the date on which the suspension will come into effect. The amendments will ensure that section 44 continues to form part of what has proved to be an extremely efficient and effective enforcement scheme for infringement notice penalties, compared to the previous court-based system for prosecuting minor traffic offenders. I am pleased that members will support the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Justice and Community Safety Legislation Amendment Bill 2010 (No 3)

Debate resumed from 26 August 2010, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (12.00): The opposition will support most elements of the bill, which is one in a series of omnibus legislation to amend laws administered by the Department of Justice and Community Safety.

In March this year, I put forward a motion calling for the establishment of a practice of refraining from using omnibus legislation for matters of substantive policy change. That motion was supported in the Assembly. There are two elements of this bill that do not comply with the spirit and intent of that motion or with the spirit and intent of having omnibus legislation. Once again, this government has not been honest in the way these amendments were presented. Today I will deal with those two matters.

The bill deals with four overall matters. The first relates to the transfer of consumer credit regulation to the commonwealth. A national consumer credit scheme was established by a COAG agreement in June 2008. Responsibility transferred to the commonwealth on 1 July 2010, with some matters not coming under the control of the commonwealth until 1 July 2011. In connection with that shift in responsibility, the bill repeals a number of acts and the legislative instruments made under them.

The bill also identifies a number of other acts that require consequential amendments. These mainly relate to cross-referencing to the repealed legislation. One of them, though, the Fair Trading (Consumer Affairs) Act 1973, also carries a number of transitional amendments which will expire on 1 July 2013; 2½ years after the commonwealth takes full control. These transitional amendments do the following: they preserve the financial counselling fund; allow the ACT to disclose information to the commonwealth for efficient operation of the national law as it applies in the ACT; allow the ACT to engage the Australian Securities and Investments Commission, ASIC, to undertake local functions on behalf of the ACT; provide that references to repealed laws become references to the national credit legislation; apply the repealed legislation to any pre-national credit code contracts; and continue to apply repealed finance broking provisions to protect consumers from being ripped off on commission charges.

The amendments that bring ASIC into play carry the first of the issues that give me considerable concern that I referred to earlier, but on balance, and notwithstanding my concerns, I think that they should be supported.

The scrutiny of bills committee, in its report 27, noted the inclusion of a deceptively simple provision that the provisions apply irrespective of any other territory law. The committee pointed out that this is misleading because the provision in no way prevents the territory from making laws—even some that might amend, repeal or override the provision itself. When the committee drew this to the government's attention in a previous instance, the government itself acknowledged the matter. However, in this case it is clear that the government has not taken heed of its own position in the drafting of this provision.

Mr Corbell's response on this occasion was given in his usual off-handed, dismissive manner, which is a matter of increasing concern for me as the shadow attorney-general and also as the chairman of the scrutiny of bills committee. But worse,

Mr Corbell's response only serves to confuse the matter even more. He says on one hand that it is accepted and understood that this kind of provision does not restrain the Assembly's power to make laws, even laws that amend, repeal or override the provision itself. And that is the case. However, Mr Corbell also says that if he were to insert a note in the legislation that explains that acceptance and that understanding, it would "result in undue confusion and potential limiting of the provision". Undue confusion and potential limiting of the provision? It is quite clear that the attorney himself is not afraid of creating undue confusion when he deals with these matters, and there is nothing in the attorney's response to the scrutiny of bills committee that clarifies the position.

Whilst we will support this amendment, I call on the government, in putting forward future legislation that carries a similar provision, to either draft the provision so as to be honest about the consequences or, as the committee called for, to provide a note in the legislation to disclose the real position that relates to the provision.

The second matter that the bill deals with relates to the Evidence (Miscellaneous Provisions) Act 1991. This amendment would allow evidence to be taken by an ACT court via audio and audiovisual link from other places in Australia not covered by the related legislation endorsed by SCAG in 1997. The example given in the explanatory statement is Victoria, which did not enact the model legislation because it already had legislation in place that achieved a similar purpose. This amendment would treat the extrajurisdictional location as being part of the ACT court for the purposes of proceedings. Once again, other legislation is amended as a consequence, mainly dealing with cross-referencing.

The third matter dealt with in this bill is a simple amendment to the Juries Act 1967. This amendment would allow the minister to determine payments to jurors by disallowable instrument rather than by regulation. It creates efficiency, particularly by not calling on the resources of the parliamentary counsel every time the payment needs to change because of an indexation calculation. Since a regulation is disallowable anyway, a disallowable instrument maintains the required level of transparency that is currently provided.

Finally, the bill amends the Supreme Court Act 1933. The opposition will be opposing most of these amendments. There are three groups of amendments. The first involves simple language updating and clarification. The second amendment broadens the scope of a judge-alone trial. The third amendment clarifies what was probably thought to be the case anyhow—that the commonwealth Evidence Act applies in the ACT and in territory law. The third of these matters is quite uncontroversial. We are told by the explanatory statement that it is to overcome potential difficulties, identified by Justice Penfold in a recent case, that may arise in matters of evidence in judge-alone trials.

However, the second group of amendments to the Supreme Court Act are of primary concern, and this is an area where the attorney has not dealt entirely honestly with this Assembly.

This JACS bill was introduced in the last sitting. In the period of slightly over a month since that time, we have been out to consultation on these, but changes in

committees in the Bar Association, in particular, and other matters mean that some of the organisations that would normally respond to us have not had an opportunity to do so. The thing about this amendment is that it looks to be superficially simple, but it has more substance to it than a simple first reading would indicate.

This amendment adds to the list any directions that would be required to be given and comments that would be required to be made to a jury in the case of a judge-alone trial. It says essentially that a judge in a judge-alone trial must take into account any warnings that the territory law might require a judge to give to a jury where the trial was conducted in that format.

Based on previous legal interpretations of the basis and effect of these elements of the bill, the scrutiny of bills committee called the amendments “a change of some substance”. It is worth noting that the advisers to the scrutiny of bills committee did point out to the committee that, on the basis of the motion passed by the Assembly earlier this year, they were surprised that this matter was included in an omnibus bill. The committee asked whether a judgement that did not take account of all elements might result in a successful appeal. Indeed, substance it is, and it deserves more detailed consideration and an honest assessment of the legal consequences of this amendment.

For example, judges are well versed in the law. Members of juries could be but generally are not. It would be reasonable for a judge to draw matters of law to the attention of a jury by way of warning, direction or comment—and it is common practice—which the jury would then take into consideration when coming to a decision as to the guilt or innocence of a trial defendant. It may not be as critical, or even appropriate, for a judge to draw those matters to the attention of himself or herself in such a specific manner as this amendment contemplates.

There was no discussion on this in the explanatory memorandum, and Mr Corbell’s response to the scrutiny of bills committee paid no heed whatsoever to the committee’s comments. He merely and summarily brushed them off on the basis that a judge-alone trial should be conducted on the same footing as a judge and jury trial. That does not answer the questions that the committee raised.

The effect could be far reaching. If a judgement failed to take account of all the necessary elements, injustice could be brought about simply by technicalities. We need a more complete explanation of the effect of these changes than the attorney has given in his letter to the scrutiny committee, in his explanatory statement or in the presentation speech. The case we are facing today is much the same as in the Attorney-General’s attempt in December last year to slip through significant changes to the Security Industry Act. Here also we have an attempt to slip through what appear to be substantive changes to the Supreme Court Act.

In March I moved a motion, which was passed by the Assembly, which called on the government to use omnibus legislation for changes that are minor and technical in nature and which said that substantive matters should be put forward in stand-alone bills. This amendment is neither minor nor technical. It is, as the scrutiny of bills committee has said, a change of some substance. Further, I object to amendments

whose true impact is talked down in speeches and explanatory memoranda. That is what has happened here, and I consider it to be dishonest.

Therefore the Liberal opposition will not be supporting amendments to the Supreme Court Act on this occasion. This does not say that we are not open to these amendments, but I think, and my colleagues agree, that these amendments should be brought forward in a substantive bill, introduced with time to draw them to the attention of the practitioners, in particular, who will be affected by them.

I thank Mr Rattenbury for his openness in this. I raised this with Mr Rattenbury. The exchanges between Mr Rattenbury's office and the Attorney-General's office do not improve the situation. That reinforces my contention that these are not simple and straightforward matters—that they are changes of some substance. They are not minor and technical. The explanations and the undertakings given by the Attorney-General's office to Mr Rattenbury's office only reinforce that.

The amendments to this part of the bill are neither minor nor technical; they are substantive in nature. This is a matter that has been confirmed by the concerns raised by the scrutiny of bills committee. The government and the Attorney-General once again have flouted the Assembly's will in relation to the purpose and use of omnibus bills. It is time that this government and this Attorney-General sat down and took a long, hard look at all the elements of omnibus legislation to ensure that the spirit and the intent of that resolution, and the longstanding practice in this place, are not flouted. In fact, they should be honoured and upheld on all occasions.

MR RATTENBURY (Molonglo) (12.15): The Greens will be supporting this bill today. It makes a range of important but, we believe, non-controversial changes to keep the ACT statute book up to date and relevant.

The bill finalises the handover of responsibility for regulating consumer credit providers. The commonwealth assumed responsibility from the states and territories for licensing credit providers on 1 July this year. To finalise this process, a number of ACT acts need to be repealed or amended. The Greens support the move to regulate consumer credit providers at a national level. The move reduces duplication across the states and territories and increases efficiency. On 1 July, the Australian Securities and Investments Commission, ASIC, took on the key regulatory role. As Australia's corporate, markets and financial services regulator, ASIC is best placed to regulate credit providers, we believe.

However, the Greens do note that one key aspect of the existing ACT credit laws will be retained until stage 2 of the commonwealth reforms catches up. Currently the ACT law sets the maximum annual interest rate that a credit provider can charge. The maximum rate is 48 per cent per annum. This section of the ACT law gives particular protection to people entering short-term credit contracts. However, it will not be until stage 2 of the commonwealth reforms takes place in the future that ASIC will take on that power to regulate this area of consumer credit. To ensure continued protection for the people of the ACT, this JACS bill does the appropriate thing and retains those specific parts of the ACT scheme. We support that approach.

Another important but relatively uncontroversial set of amendments are those regarding evidence able to be used in the ACT courts. Recently the ACT Supreme Court held that evidence given from Victoria to an ACT court via a phone line was inadmissible. The reasons for this are technical and legal and are set out well in the explanatory statement. The summary version is that Victoria is the only jurisdiction not to have implemented model evidence laws about allowing for evidence to be given via a telephone line. This then impacts on the ACT's ability to receive evidence given from Victoria. The Greens support the amendments today because they will ensure that evidence is able to be given from all states and territories. It is clearly an unintended consequence that evidence can be given on the phone from, say, Western Australia but not from Victoria.

Excluding one specific amendment, the remainder of the bill is minor and technical, and the Greens support it. The one remaining issue is the amendment to the Supreme Court Act in part 3.2, which Mrs Dunne has spoken about at some length. What looked like a minor amendment became increasingly complex after scrutiny made some comments on it on Monday. The response to scrutiny provided by the minister yesterday did not wholly answer the issues raised.

The issue is this: currently, a judge, when conducting a judge-alone trial, must take into account in their judgement a warning that they would have given a jury had there been one in place. A warning would generally tell a jury that they should treat with caution the evidence of a particular witness. The amendment will add "directions" and "comments" as matters that the judge must take account of had they been required to be given to a jury. A "direction" is a summary of the law as it applies to the facts in the case. A "comment" is, as it implies, a commentary or description of events during the trial. An example is where a defendant refuses to give evidence and the judge makes the comment that the jury cannot infer guilt from silence.

On the face of it, the amendment appears to ensure openness and transparency in a decision made by a judge. Put simply, a judge, even though they are an expert, should show in their ruling that they took account of all the relevant laws and requirements when they reached their decision. However, what was unclear was what appeal rights will lie open when a judge fails to refer to a "direction" or a "comment" in their decision. The attorney's response to scrutiny said:

A failure to provide any particular warning or direction will not, of itself, necessarily determine the outcome of the appeal.

I agree that may be the case, but it was unclear when a judge's failure would give rise to a right of appeal. The attorney's office was able to provide further information to my office and Mrs Dunne's office this morning, and I thank them for that.

The information has settled my mind that we are not putting into effect an avenue for inappropriate appeal rights. What the evidence from the attorney and the department has drawn out is that, for an appeal to be granted, the court needs to be satisfied that there is a miscarriage of justice. Clearly, this will turn on the events on a case-by-case basis. It may be that this test is supported in some cases by a failure of a judge to

make clear the law they are relying on. If such a failure ever amounted to a miscarriage of justice, it would be appropriate for an appeal to be open.

While my office has been waiting for that clarification from the attorney, we have also consulted with members of the legal profession, who have advised that it is current practice in the Supreme Court for judges to include warnings, directions and comments in their judgements. So in that respect the amendment captures current practice. On the basis of the attorney's advice and our consultations with the legal profession, the Greens are satisfied that the amendment in part 3.2 is appropriate; we support it and the remainder of the bill.

I am aware of Mrs Dunne's amendment, obviously, and I will make some brief comments in light of Mrs Dunne's observations in her remarks. The issue of what goes in a JACS bill or an omnibus bill has had some airing in this chamber this year. On this particular matter, I have formed the view that, whilst it has been a bit of a complex matter and it has taken some thought to work through it, the fact that ultimately our research shows that it is a matter of common practice settles my mind that it does fit the nature of a JACS bill and simply implements current practice. I do not believe it signifies a significant policy change. On that basis, we will not be supporting Mrs Dunne's amendment. I foreshadow that at this stage.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (12.21), in reply: This bill is the 26th bill in a series of legislation that concerns the Justice and Community Safety portfolio. I would like to address the issue of the substance of omnibus bills. The government supports the commitment first made in March this year, following a motion in this place, to ensure that major new policy initiatives are pursued through a distinct and separate bill. The government is also committed to ensuring that the norm is that any substantive issues pursued through a JACS bill would not be controversial.

Again, Mrs Dunne puts an absurd position by suggesting that, because a matter is substantive, it should not be in this bill. The principle is that it can be substantive, but it should not be controversial and should simply reflect an understanding of existing agreed policy, as outlined in legislation. That is exactly what this bill does. It is wrong for Mrs Dunne to claim otherwise and pompous in the extreme to present her argument in that way.

The amendments in the bill involve a mixture of minor and technical amendments, together with a number of more substantive but non-controversial amendments. Technical amendments allow for the efficient indexing of jury payments, and the more substantive amendments amend evidence law and consumer law in the territory to ensure it operates effectively and in a manner consistent with the government's intention.

I thank the scrutiny of bills committee for their comments on this bill in their report 27. I have provided a response to those comments and outlined why I believe the suggested minor amendment proposed by the committee to the bill is not appropriate in the circumstances.

Going to the substance of the bill itself, the bill repeals legislation and makes consequential and transitional amendments in accordance with the agreement of the government to transfer responsibility for regulation of consumer credit to the commonwealth. Secondly, the bill makes amendments to the Evidence (Miscellaneous Provisions) Act to facilitate the giving and receiving of evidence in proceedings before territory courts.

Thirdly, the bill amends the Supreme Court Act to ensure that a judge, in a trial by judge alone, must take into account any warnings that would, under the commonwealth Evidence Act, have had to be given to a jury. Finally, the bill makes a minor amendment to the Juries Act in order to allow the prescribed scale of jury payments to be made by ministerial determination via a disallowable instrument.

Turning to the detail of these amendments, in March and June 2008, COAG agreed that the commonwealth would assume responsibility for a national system for the regulation of credit and a related cluster of additional financial services. In December 2009, the government signed the COAG intergovernmental national credit law agreement which underpins the national credit legislation and outlines the implementation process for that legislation.

On 26 October 2009, the commonwealth parliament passed the National Consumer Credit Protection Act 2009. This national act adopted the existing territory legislation, the uniform consumer credit code, into commonwealth legislation and established a national licensing regime. The commonwealth's responsibility for consumer credit commenced on 1 July this year. The commonwealth legislation includes and extends the uniform consumer credit code that previously operated in the territory. In line with the COAG agreement, this bill repeals relevant ACT consumer credit legislation which no longer operates since the commencement of the new commonwealth scheme.

In this bill, the government has ensured that consumers continue to benefit from the consumer credit regulation scheme that has previously operated in the territory. The bill preserves a number of protections and territory fair trading law until the relevant commonwealth legislation, chapter 3 of the national act, which will also provide these protections, commences on 1 January next year. The bill preserves the due diligence obligations currently placed on credit card providers under section 28 of the Fair Trading Act until the commonwealth legislation takes over in this area on 1 January next year. From next year, new commonwealth legislation will commence which substantially parallels and extends these protections.

The government has taken steps to ensure that consumers continue to be protected with respect to finance broking commission charges until the commonwealth legislation again commences on 1 January next year. The ACT legislation providing a maximum annual percentage rate for a credit contract is preserved, so that consumers in the ACT will continue to be protected from unfair and extreme interest rates. The commonwealth government is currently examining different options for providing protections in this area as part of stage 2 of its consumer credit reforms.

The bill also amends evidence legislation in the ACT and provides a set of amendments that facilitate the giving and receiving of evidence in proceedings before

territory courts by audio and audiovisual links in jurisdictions which do not have model legislation endorsed by the Standing Committee of Attorneys-General in 1997.

Jurisdictions who have adopted the model legislation can, in taking evidence from witnesses located in another jurisdiction, rely on the legislation in that jurisdiction to ensure that powers in relation to court procedures are supplemented. In this regard, the fact that the Victorian legislation does not have the same, or even a similar operation to the model legislation, means that an ACT court purporting to take evidence from Victoria does not have the support it needs from the Victorian legislation to make that an effective activity. For example, there is nothing in the Victorian legislation that of itself would enable a person to be prosecuted for perjury in respect of evidence that is given by that person while they are located in Victoria for the purposes of a proceeding in an ACT court.

The amendments will extend the scope of the existing legislation by providing that the location in Victoria, or another place not covered by the uniform scheme where evidence is being taken, is regarded as part of the ACT court for the purposes of conducting the proceeding. Accordingly, ACT laws relating to evidence, procedure, contempt and perjury will apply.

The bill also amends the Supreme Court Act to ensure that a judge, in a trial by judge alone, must take into account any warnings that would, under the commonwealth Evidence Act, have had to be given to a jury in the case. Currently a judge must take into account any warnings that would, under a territory law, have had to be given to a jury in the case. But because the commonwealth Evidence Act is not captured within the definition of a territory law in the Legislation Act, the bill amends the definition of territory law in section 68C of the Supreme Court Act to expand its scope to include the commonwealth Evidence Act.

Amendments are also made to clarify that the judge in a judge-alone trial must also take into account a direction or comment that in a jury trial they would be required to give or make to the jury. This ensures that the same evidentiary rules apply to proceedings, regardless of whether they are conducted before a judge or before a judge and jury.

The bill also makes a minor amendment to streamline the administrative procedure for indexation of jury payments. Section 51 of the Juries Act is amended to allow the prescribed scale of jury payments to be made by ministerial determination through disallowable instrument. Determining the prescribed scale through disallowable instrument will allow for the scale to be indexed annually in a more efficient manner whilst maintaining an appropriate level of Assembly scrutiny through the tabling of a disallowable instrument. I thank Mr Rattenbury and the Greens for their support of this bill and I commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MRS DUNNE (Ginninderra) (12.31): I move amendment No 1 circulated in my name [see schedule 1 at page 4491].

As foreshadowed in the in-principle stage, the Canberra Liberals oppose the clauses relating to the Supreme Court Act and the proposed provisions as they relate to judge-alone trials. This is a matter of some complexity and the Canberra Liberals believe that it is contrary to the spirit of the agreement of this Assembly in relation to omnibus legislation. I want to make it clear that if the attorney were prepared to bring this back as a stand-alone bill the Canberra Liberals would be happy to consider it in that context. There is an important matter of principle in relation to whether or not this should have been incorporated into a justice and community safety legislation omnibus bill.

This is a matter which has proved to be quite complex. The fact that there have been significant exchanges between members' offices and what has now turned out to be about a page and a half of a closely typed description of how these provisions will work indicates that this is not a minor and technical matter and that it should not have been brought forward in an omnibus bill.

I have this morning received feedback from the chief justice that he has no problem with these rules and the change to these rules, which is reassuring, but it is not the principal issue that is of concern to the Canberra Liberals. The principal issue of concern to the Canberra Liberals is that this is not the context in which this matter should have been discussed. It has significant implications for the operation of the Supreme Court and it raises significant questions about the operation of appeals. The fact that the attorney found it quite difficult to address the issues raised by the scrutiny of bills committee demonstrates the complexity of this matter. That is why we oppose the inclusion of these changes to the Supreme Court Act at this time.

Amendment negatived.

Bill, as a whole, agreed to.

Bill agreed to.

Sitting suspended from 12.34 to 2 pm.

Questions without notice**ACTION bus service—management**

MR SESELJA: My question is to the Minister for Territory and Municipal Services. I refer to the Auditor-General's report *Delivery of ACTION bus services*. The chief executive of your department said this in response to the final draft of the report: "Corporate systems, governance and capability in ACTION have been somewhat compromised over the past three to four years". What has occurred for corporate

systems, governance and capability in ACTION to be compromised over the past three to four years?

MR STANHOPE: I thank the Leader of the Opposition for the question. I have to say that I am not quite sure what the chief executive of TAMS was referring to when he made those comments. I am more than happy to ask him whether he can provide some further explanation of his intention.

Mr Seselja: You haven't asked him to day?

MR STANHOPE: No. The process we have in place is that I have asked the department for a detailed response to each of the recommendations and each of the pertinent issues revealed within that Auditor-General's report. I will await that before going to the detail of issues that have been raised by the Auditor-General.

MR SPEAKER: Mr Seselja, a supplementary?

MR SESELJA: Thank you. Minister, why have you allowed corporate systems, governance and capability in ACTION to be compromised over the past three for four years?

MR STANHOPE: I have not done that at all, as everybody would be aware.

Mr Seselja: So you are not responsible?

MR STANHOPE: I am certainly not responsible for the management of the Department of Territories and Municipal Services. I am the minister with administrative responsibility for Territories and Municipal Services, but I am not responsible for it.

Mr Smyth: You were responsible yesterday.

MR STANHOPE: Well, I actually do recall, in the not too distant past, I think most particularly Mr Smyth rabbiting on about political interference by ministers in the administration of TAMS. I could go back to the *Hansard*. In fact, I am sure I could find instances of repeated interjections, claims and even questions from members of the opposition about "untoward" political interference in the day-to-day management of departments. No minister manages departments. I am not responsible for the day-to-day management of the Department of Territories and Municipal Services or any other department, nor is any minister. Indeed, our systems of government actually do require that chief executives accept full responsibility for the administration of their departments.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what role did Mr Hargreaves play when corporate systems, governance and capability in ACTION were somewhat compromised over the past three years?

MR STANHOPE: I have taken on notice the question around the chief executive officer's intention in making that statement and I think Mrs Dunne's question goes to exactly the same issue. I have undertaken to obtain further information about what it was that the chief executive intended to convey and I am more than happy to provide that same answer to Mrs Dunne.

MR SPEAKER: A supplementary question, Mr Coe?

MR COE: What role did the incorporation of ACTION into TAMS have in corporate systems, governance and capability being compromised?

MR STANHOPE: I thank Mr Coe for his interest in the issue but I give the same answer that I just gave to Mrs Dunne.

ACT (Self-Government) Act 1988

MS HUNTER: My question is to the Chief Minister, and it concerns the ACT (Self-Government) Act 1988. Chief Minister, on 17 June 2009, the Assembly passed a motion which proposed a joint ACT-commonwealth review of the self-government act and matters that should be included in the terms of reference for the review. The Assembly resolved at the time that you should take the matter up with the Prime Minister. In May this year I wrote to you for an update on progress, but I have yet to receive a response. Last week you indicated you had written to the Prime Minister about the review. Chief Minister, what action did you take after June 2009 to progress the review?

MR STANHOPE: Thank you, Ms Hunter, for the question, and it is an important question. I recall the matter. I did write to the Prime Minister. Indeed, Ms Hunter, I regret the tardiness of a response to you. I signed a letter to you, I think, perhaps last night—I imagine you will receive it today—outlining the steps that I did take, the fact that the Assembly's motion on that particular issue—

Mr Hanson: May, June, July, August, September—five months for a reply.

MR STANHOPE: No, I wrote to the Prime Minister, Mr Hanson. Listen to the question instead of being childish. I wrote to you, Ms Hunter, outlining the response to that. Unfortunately, the commonwealth has not been inclined to engage. As I have indicated previously, I have written a number of times in recent years to successive governments. I have raised the issue directly with Prime Minister John Howard and with Prime Minister Kevin Rudd. I have conveyed the sentiments of this place to the federal government. To date, neither of the previous successive federal governments has been inclined to pursue an inquiry into the self-government act as sought by me, as pursued by the Attorney-General, Simon Corbell, and as requested by this place.

I have, however, raised the issue again, as recently as the last week or so with the Prime Minister. Indeed, today, coincidentally, Ms Hunter, I have written to Mr Simon Crean, the minister for regional development, and raised the issue again with him as the minister who I believe will be responsible for pursuing the issue, indicating to

him, as I have the Prime Minister, that it is a matter of significant concern to me, the government, the Assembly and, indeed Canberra. In my letter to Mr Crean today, I have asked Mr Crean to meet with me in November so that I might raise the issue with him personally.

MR SPEAKER: A supplementary, Ms Hunter?

MS HUNTER: Yes, Mr Speaker. Chief Minister, have you had any feedback from the Prime Minister, the Prime Minister's office or any other federal minister on the matter of the review?

MR STANHOPE: I will check and confirm this, Ms Hunter, but I believe my office has had contact with then Prime Minister Kevin Rudd's office in response to my letter following the Assembly motion in which information was conveyed to the effect that the commonwealth would not be initiating a review of the self-government act. But I would prefer to confirm the details of that.

The point I make is that the motion passed by this Assembly, which was conveyed to the commonwealth, did not elicit the response which the Assembly would have hoped. But I will have to check, Ms Hunter, on the basis on which that information was conveyed to the government. I am happy to do that. But suffice to say that the request for a review by the commonwealth of the self-government act was not successful.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: When do you expect a formal response from the Prime Minister? I think you have indicated there has not been a formal response yet.

MR STANHOPE: Thank you, Ms Le Couteur. I think that particular issue that you raise goes to the point that I have just made. I will have to check with my office about the nature of the response which was conveyed by the commonwealth to my office, who it is from, whether or not I might regard that as a formal response. It may be that was a formal response. It is just that I am not quite sure of the mechanics of it. I will have to take advice. Certainly the information has been conveyed to the government—I am not quite sure of, that is the issue I am taking on notice, the avenues of conveyance—that the commonwealth would not be conducting a review of the self-government act.

MS BRESNAN: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Chief Minister, when do you think you will be in a position to report to the Assembly on the matter?

MR STANHOPE: Over and above the report I am giving now and my letter to Ms Hunter, I would be more than happy, Ms Bresnan, to report to the Assembly as

soon as I can gather the information that I need. Indeed, I would be happy to give a commitment now that members of the Assembly will be informed within the next week or so by letter of the outcome of those representations.

ACTION bus service—ticketing system

MR COE: My question is to the Minister for Territory and Municipal Services. I refer to the Auditor-General's report *Delivery of ACTION bus services*. The Auditor-General found:

There is a potential risk that ACTION will not be in a position to use the data produced by the new ATS, for example, to provide services to the public ...

The report also mentions that a 2007 review identified that an increased ICT capacity would be required before a new system is implemented. Minister, what guarantee can you provide that there will be adequate ICT capacity to support a new ticketing system and that ACTION will be able to use the data provided by the new ticketing system?

MR STANHOPE: I thank Mr Coe for the question. Indeed, it is one of the interesting aspects of the report that it did make a critical commentary in relation to data, ticketing and revenue from ticketing—issues that the government has been very open about over the last year or two. It is a significant issue that the government sought to respond to through the purchase of new technology, a smart card ticketing system which will, of course, have the dual purpose and function of dealing with issues around the leakage of revenue as a result of the current arrangements. Additionally, it will deal with major gaps in our capacity to collect and appropriately utilise data.

Again, Mr Coe identifies an interesting aspect of the auditor's report. It makes comment about ticketing. It makes comment about revenue. It makes comment about data. The government has, of course, Mr Coe, as you know, invested \$8 million in a brand new smart card ticketing system which will have that triple function of dealing with issues of data, dealing with issues of revenue and dealing with issues, of course, of efficiency.

These are issues that are being addressed as, of course, were many of the issues that are raised in the report. We have invested \$8 million in a new smart card ticketing system and technology that is currently being trialled. Of course, we are determined to get it right. We are all aware of the issues that Melbourne particularly faced in relation to a smart card ticketing system that did not work well.

But I have every confidence that, as a result of the work that we have done, the consultations that were inherent in that work, the example that we take from Western Australia where we sourced the ticketing system and the technology, we will deal with all of those issues which the Auditor-General highlighted as issues of concern—at a cost of \$8 million.

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Thank you, Mr Speaker. Minister, have you identified what additional ICT would be required to support the use of the data provided by the new ticketing system, even if it is just a single modal system?

MR STANHOPE: I personally have not engaged in the issues around the ICT related to the ticketing system, but I have every confidence that the department has.

MR SMYTH: Mr Speaker, a supplementary.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Minister, how much revenue has been lost due to the frequent delays in introducing a replacement ticketing system?

MR STANHOPE: I do not have the absolute number on that, but it is quite significant and it is a reflection of the fact that the current system is well beyond its use-by date. That is why we have invested \$8 million to replace it. In terms of the quantum, I am happy to take that. The information has been—

Mr Smyth: It was beyond its use-by date.

MR STANHOPE: I believe the information was provided during estimates. In fact, I am sure that information was provided during estimates. If it was not, it is being provided through subsequent questions on notice. If the shadow minister cannot find his copies of that information or access the *Hansard* to ferret it out, I am sure TAMS will be happy to be of further assistance to him.

MR SPEAKER: Mr Seselja, a supplementary?

MR SESELJA: Thank you, Mr Speaker. Minister, given your publicly expressed concerns about governance arrangements, how can you have confidence that this ticketing system will be delivered on time and on budget?

MR STANHOPE: We are currently trialling it. The system is based very much on the system that has been rolled out in Western Australia. Indeed, that was the attractiveness of it—that it has been proven in Western Australia. It has been trialled and it is operational there. We are, of course, taking on board all of the accumulated experience of the Western Australia transport authority. We have worked closely with them. ACTION officials and management have scoped it quite significantly. At this stage I am more than happy to trust in TAMS to deliver this new ticketing system. Having said that, of course, we are aware that some of the anxiety around the smart card ticketing system has been generated by some of the very significant teething issues that were experienced in Melbourne.

Canberra—quality of life

MS LE COUTEUR: My question is to the Chief Minister, and it concerns one of the indicators in Measuring our progress, which is the ACT government's report card on

life in Canberra. Minister, there is an indicator—contact outside the household—that has declined from 98 per cent in 2002 to 81 per cent in 2006: do you or the government know why this has fallen?

MR STANHOPE: I thank Ms Le Couteur for the question. You are quite right, Ms Le Couteur, in relation to the most recent Measuring our progress report. Three of the 28 indicators that we measure progress against showed a decline. They included the one that you raised. I think, perhaps, in terms of a government's capacity to understand, it is the most difficult or the most problematic—a fall in family contact from 98 per cent to 87 per cent is a very significant and stark drop in family contacts over such a short period.

I think that the response that the government has to make is to maintain its commitment to social inclusion and to the capacity that government has to ensure that people are engaged and that they are included rather than excluded from the life of society—and that, indeed, they do engage.

But I have pondered the same issue, Ms Le Couteur. The stark number that is reported is that there has been a drop in family contact. In other words, the level of numbers of people that have regular contact with family has fallen from 98 per cent to 87 per cent and it really does pose a very—

Ms Le Couteur: I think it is 81 per cent.

MR STANHOPE: Sorry, 81 per cent—98 per cent to 81 per cent. That is a very significant drop. You ask me if I know why members of families have stopped seeing each other as regularly as they did a year ago; I do not know the answer, but it represents, I think, a significant challenge for the government and the community in an environment where we know that there are so many people that do not engage to the level that some of us, as we look on, would perhaps wish that they did or perhaps as we fear that they would like to, if only the opportunities were available.

So, I do not know the answer, Ms Le Couteur, but I think it is a very significant issue, and I think it is an issue that really does raise or reinforce the need for us to engage in a conversation around social inclusion and around what it is that governments and communities can do to better bind communities to provide greater social cohesion and to be a facilitator of greater commitment or intercourse within societies and between people.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Minister, the commentary on the indicators said the government regarded the 81 per cent figure as very high. Why does it regard 81 per cent as very high given the fall, and what is the government's target rate, if there is one?

MR STANHOPE: I would assume, Ms Le Couteur—and I will have to take some advice on that—that we would regard 81 per cent of people having contact with family as a high percentage—if that, indeed, is what we did—as a reflection of interjurisdictional comparison. If we regard it as high, we would be regarding it as

high compared to other cities of like size perhaps or of other jurisdictions. But I am more than happy to seek a fuller explanation on that. Normally we do relative comparisons on any claim in relation to whether or not a particular indicator is high or low.

I think of all of the indicators, it is the one that is perhaps the most intriguing and the most difficult to understand in the context of such a significant movement in an indicator—from 98 per cent to 81 per cent—being the proportion of Canberrans who have contact with family and friends. To suggest that there are 17 per cent less Canberrans having any contact or regular contact at least with family or friends represents a very significant shift. In the context of understanding it, as I said before, it is a challenge.

MS HUNTER: Mr Speaker, a supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Chief Minister, given that the ACT government has wound up the social inclusion board and you have reiterated your commitment to social inclusion, what is the government doing to ensure social inclusion in the territory and to halt this decline in social contact?

MR STANHOPE: The government remains committed to working to enhance social inclusion. We are looking at and seeking new ways of achieving that. It is the case that the social inclusion board no longer exists or continues. We believe that decision was appropriate in terms of the work that the board did in identifying the sorts of issues that we might address.

One of the things that we have done quite recently, in direct response to the fact that we are not pursuing the social inclusion board, was to commit, I think, \$85,000 to the pilot of a virtual village, something that community organisations are very committed to, as a way of trying to build, most particularly, social connections between people over the age of 50. Maureen Caine—I think it is Maureen—has been very involved in that. That is one of the initiatives we are pursuing as a direct response to a change.

We also seek to deal with issues of social inclusion and social isolation by the wide range of supports that we provide, most particularly to older Canberrans, accepting that we believe, whilst there is a whole number of identifiable groups of Canberrans or of any community that are most prone to exclusion from work and life in the community, that people as they age are more and more likely to be included within that cohort. We have a whole range of programs that we pursue, most particularly as part of our seniors programs and ageing to deal with issues of exclusion. For instance, some of the other issues that we pursue directly aim at dealing with these issues. There is the support that we provide to community councils. We provide minibuses. We have looked at the issue around social isolation and transportation.

Childcare—costs

MR SMYTH: My question is to the Minister for Disability, Housing and Community Services. Minister, on the COAG website the regulatory impact statement that

addresses the early childhood education and care quality reforms identifies several limitations with the economic modelling of the impact of the new national quality standard. They include a lack of service-level information, the non-inclusion of capital costs for new infrastructure that may be required by centres to conform with the new standards, supply impacts of the new ratios and any above-award wages that may have to be paid to attract staff. Minister, have you or your department considered these un-modelled costs and, if so, what have you done to mitigate the impact of these costs on the community?

MS BURCH: I thank Mr Smyth for his question. The Access Economic framework is the modelling that we are looking to. It is the model that childcare centres are responding to through each jurisdiction's department that has responsibility for childcare centres. I am glad that you are interested in childcare.

Mr Smyth: On a point of order, Mr Speaker, this is absolutely ridiculous. I did not ask about the Access Economics report. If the minister knew, on page 49 there is a list of limitations and un-modelled costs. These are the costs that are not modelled by that report. I am asking her what did she do about it, what research or modelling has her department done and what is she doing to mitigate it.

MR SPEAKER: Ms Burch has quite some time to go. I am sure she will come to the question you have asked.

MS BURCH: I was about to point it out. I did not get 30 seconds into the answer. Given the tendency of those over there to make reference to a report and a page number which is often incorrect, I am not going to take as a given anything that Mr Smyth has said.

What I will say, though, is that the ACT and all other jurisdictions that are implementing the national quality agenda are using that report and that cost modelling. For the elements, should I believe anything that he says—

Mr Smyth: On a point of order, Mr Speaker, under standing order 118(a), the answer to the question shall be concise and directly relevant. This is neither concise nor directly relevant. Page 49 of the regulation impact statement on the web gives a list of limitations and un-modelled costs. If the minister does not know, she should say, "I do not know," and sit down. If she is going to babble on about something that is not directly relevant, you should assert your authority and direct her to answer the question, under your standing order.

MR SPEAKER: Thank you for your commentary, Mr Smyth. I think the minister is trying to answer the question. We will hear further from her.

Mr Hanson: She clearly is not.

MR SPEAKER: Order! Ms Burch has the floor.

MS BURCH: I think the answer is—and the point I will make is—that you do flash around numbers and pieces of paper that are often incorrect. It is the modelling that we are looking at.

For the other element, if I were to believe any other word you said there, this department works across the sector to ensure that the implementation of the transition into the quality agenda framework is about quality for our children being considered.

Mr Smyth: You should just sit down.

MS BURCH: No, I will not sit down. I think I might stand here for another one minute and 47 seconds. For your benefit, Mr Speaker, I will sit.

Mr Smyth interjecting—

MR SPEAKER: Mr Smyth, your next question?

MR SMYTH: I will have the next question if you like, but my supplementary would be: minister, what would be the supply impacts of the new ratios for childcare in the ACT?

MS BURCH: The supply impacts?

Mr Smyth: Yes.

MS BURCH: Supply of workforce? Supply of children? This government is committed—

Opposition members interjecting—

MS BURCH: It is a bit of a nonsense question.

Opposition members interjecting—

MR SPEAKER: Order! Let us hear the minister.

MS BURCH: The national quality agenda is clearly set out and we are moving towards it. There are ratios for workforce to child. There are qualification standards in there as well. The standards that we are looking at is to implement a one to four ratio for children under two. For those over two, it is a one to five ratio. Here in the ACT we already meet those standards for the over-twos. For the under-twos, 25 per cent of our services meet those standards. That is what we are working towards.

On the qualifications, Access Economics advice and the advice that I have is that we will meet those standards by 2015. These processes start in 2012. We are working with the sector to implement those transitional changes.

MR SPEAKER: A supplementary question, Mrs Dunne?

MRS DUNNE: A supplementary question, with some trepidation. Minister, what other limitations and unmodelled costs have you identified in your analysis of the reforms?

MS BURCH: We know that in talking to childcare sectors that some centres will feel a pinch when it comes to matching the needs for the under-twos. That is why, indeed, we are working with services such as Baringa to expand those areas so they can build and accommodate a greater number of children for the under-twos.

The department works closely with the childcare services about meeting the needs that they have for the under-twos. We know that that is a capital investment cost. We know that there is a trading investment cost and we know that there is a policy investment cost to make sure that the services are supported in the policy changes. You are holding your head, Mrs Dunne.

Mr Smyth: That is the standard speech. What other analysis have you done? What other limitations or costs have you found?

MR SPEAKER: Ms Burch, have you finished?

MS BURCH: No. I will respond that the department and the unit work ongoingly with the sector to make sure that we will transition to those changes. These are changes that those opposite do not want to see in place. They have no interest in quality care. The only thought bubble that those opposite have come up with is a centralised intake system. No-one that I have spoken to has given that any credibility at all.

Mr Seselja: Point of order, Mr Speaker. The question was not about us. The question was about other limitations in unmodelled costs. She has not addressed it. If she cannot address it, she should just sit down rather than being irrelevant to the question.

MR SPEAKER: Ms Burch, is there anything else you would like to add?

MS BURCH: No.

Mr Hanson: Are you going to uphold the standing orders or not, Mr Speaker?

MR SPEAKER: Sorry, Mr Hanson?

Mr Hanson: I said, Mr Speaker, are you going to uphold the standing orders or not?

MR SPEAKER: If you have an observation to make to the Speaker, stand and take a point of order. Let us have a little bit of decorum in this place. Thank you. Would you like to take a point of order?

Mr Hanson: I ask the question: are you going to uphold the standing orders or not, Mr Speaker?

MR SPEAKER: Sit down, Mr Hanson. Sit.

Mr Corbell: Point of order, Mr Speaker. That is a direct reflection on the chair.

Mr Smyth: No, it is a question.

Mr Corbell: It is an implication that you are not upholding the standing orders. It is a direct reflection on the chair. It is grossly disorderly and Mr Hanson should withdraw the comment.

Mr Smyth: A point of order was made and no finding was given.

MR SPEAKER: Mr Hanson, as you are well aware, there are ways in which concerns should be addressed to the Speaker. I ask you to use them. Would anybody like to ask a supplementary question?

MRS DUNNE: I have a supplementary question, Mr Speaker. Minister, given the limitations in the modelling and in the light of your criticism yesterday of the cost-benefit analysis for the national broadband network, do you have confidence that the economic modelling on the cost to parents of the reforms is accurate?

MS BURCH: On the advice I have, yes, I do have confidence. Over the next number of months, there will be field testing here in the ACT where we will go out and test a number of the services against the new standards. That will also provide information to us about what we need to do to support the sector in its transitioning. If Mrs Dunne thinks that that does not provide us information around transitional support costs to what we need to do here in the ACT, then it beggars belief.

This government is committed to quality childcare. Do I have confidence in the modelling that I and every other jurisdiction have signed up to? Yes. Are we testing those assumptions across the childcare sector? That is what we are currently doing. That information feeds into an overview and oversight about what this jurisdiction and other jurisdictions need to do to support the transition to the national quality agenda.

Energy—feed-in tariff

MS PORTER: My question is to the Minister for the Environment, Climate Change and Water. Minister, recently you announced that the ACT government will be significantly expanding the feed-in tariff scheme to include large and medium scale generators.

Members interjecting—

MS PORTER: Can you please outline how this initiative will support the deployment of renewable energy generation and how it will take Canberra one step closer to being Australia's solar capital?

Members interjecting—

MR SPEAKER: Before you start, Mr Corbell, one moment. Members, we just had a series of interjections through Ms Porter's question and we then had a series of interjections before Mr Corbell could even open his mouth. The next person who does that will be warned.

MR CORBELL: Thank you, Mr Speaker. I thank Ms Porter for the question. The government is proud of its announcement to expand the feed-in tariff for medium and large scale generators. This is a very important initiative for our city if we are to encourage the deployment of renewable energy generation at scale in the ACT.

Mr Hanson: It's a broken promise. It's a Greens and Labor broken promise.

MR CORBELL: I will take the interjection, Mr Speaker, although I know it is grossly disorderly, about the issue of breaking election promises. Let us be very clear about what the government committed itself to doing and what the government signed up to in its parliamentary agreement with the ACT Greens party. What we said very clearly was that we will deliver a solar power facility capable of powering at least 10,000 homes. Guess what, Mr Speaker? We are going to deliver it, and we are going to deliver it through a large scale feed-in tariff that will ensure that we get renewable energy at the lowest possible unit cost for the highest amount of renewable energy generated. There is simply no other way that you can construe it, Mr Speaker, other than that.

The government has announced that we will expand the feed-in tariff to large scale and medium scale generation. The government will provide a feed-in tariff for renewable energy generators from 30 kilowatts to 200 kilowatts and through an auction scheme for generators above that 200-kilowatt figure. What this will mean is that we will see renewable energy generation start to be deployed at scale in the ACT. The micro scheme has been a great success. There has been an increase of over 500 per cent in renewable energy generation under the micro scheme since the feed-in tariff was first established—established, I note, with the support of the Liberal Party, although now they are walking away from their commitment.

Opposition members interjecting—

MR CORBELL: They voted for the feed-in tariff scheme, but ever since that day they have opposed the scheme—

Opposition members interjecting—

MR CORBELL: despite the fact that thousands of Canberrans have welcomed it and taken it up.

Mr Smyth: On a point of order, Mr Speaker. Under standing order 118B, would you direct the member to answer the question and not debate the issue?

MR SPEAKER: It is an interesting point of order you raise, Mr Smyth, given the constant interjections, but I am sure the minister will return to the question he was asked.

MR CORBELL: Thank you, Mr Speaker, and indeed I will. The government is proud of this important policy announcement. It is one that will expand renewable energy generation in the ACT.

Opposition members interjecting—

MR CORBELL: They just don't like it, Mr Speaker. They don't like the fact that the government is putting in place a progressive renewable energy policy that now places the ACT at the forefront of delivering renewable energy in Australia.

The scheme will mean that we will see large scale renewable energy generators placed on the roofs of office buildings, shopping centres and warehouses. They will get a premium payment. Generators will get a premium payment to assist them with the costs. For the first time, a feed-in tariff will be made available to large scale generation. What this will mean is that the government can implement its election commitment to deliver a large scale solar farm for the ACT, capable of powering at least 10,000 homes.

Of course, the Liberal Party failed to understand that policy is about ends, not means. It is about getting the outcome on the ground. It is about making things happen. This policy will ensure that we are able to make it happen. Indeed, the large scale renewable energy generation category that is now in place will provide for 40 megawatts of renewable energy generation in the first auction. That first auction will allow us to test the market. It will allow us to test the mechanisms.

MR SPEAKER: Ms Porter, a supplementary question?

MS PORTER: Minister, what has been the response from industry to this announcement?

MR CORBELL: Unlike the Liberal Party, the response has been overwhelmingly positive. The response from industry has been a strong endorsement of the government's leadership on the issue of implementing viable, long-term renewable energy policies.

I would draw to the Liberal Party's attention, through you, Mr Speaker, the comments of Mr John Grimes, the Chief Executive of the Australian Solar Energy Society. Mr Grimes has labelled the announcement as:

... a game-changer for the industry, and will lead the way in filling the gap between those micro-systems and the huge 250 megawatt plants that the commonwealth is promoting.

He has gone on to say:

The ACT government has listened to industry, and this could see 10 or 15, maybe more, mid to large-scale projects in the ACT.

Similar feedback has been received from a range of industry players directly who welcome this new mechanism. Why do they welcome it? They welcome it because it gives them a long-term planning environment. They welcome it because it shifts the way renewable energy is delivered away from one-off cash grants, away from one-off cash subsidies and moves it towards—

Opposition members interjecting—

MR SPEAKER: Order! Stop the clock. Mr Hanson, you are already on a warning this week for disorderly conduct. Mr Seselja, you are now warned as well for constant interjection. Through the course of today's question time I have already had to use your name a number of times. Let us try and just listen to the minister. He is giving a factual answer to a question. Let us try and listen to him.

Mr Hanson: Mr Speaker, can I just confirm that I was warned for a week?

MR SPEAKER: That is what I said on Tuesday.

Mr Hanson: Is that in conflict with standing orders? Is there a standing order—

MR SPEAKER: For the sake of clarity, on Tuesday, I indicated—and there are no firm rules on this—that, given the constant issues in question time of rowdy behaviour, I intended to simply not start the clock afresh each day. Through a sitting week, as a matter of Speaker's judgment, I will be looking to try and simply not give people a fresh start each day. You cannot come in here each day and expect to just start with a clean slate if you are going to carry on with some of the behaviour we have seen in this chamber.

Mr Seselja: Sorry, I seek your clarification, Mr Speaker. I do not think anyone heard you say at any time that anyone was warned for the week. Are you now actually suggesting to us that Mr Hanson is now warned for the entire week? Is that the ruling?

MR SPEAKER: Mr Seselja, I would invite you to reflect on the *Hansard* from Tuesday. What I did indicate when I warned both Mr Hanson and Mr Coe on Tuesday was that I would be retaining that warning for the week. I did indicate that very explicitly. I invite you to reflect on the *Hansard*. Mr Corbell, you have the floor.

MR CORBELL: Thank you, Mr Speaker, Of course, it is disappointing that the Liberal Party are not supporting a policy that has been endorsed by a leading industry association such as the Australian Solar Energy Society, when it says that this policy from the ACT Labor government is a game-changer. It is a game-changer that delivers long-term certainty for investment in renewable energy and which has attracted comment from across the country that the ACT is leading on the delivery of a sustainable, long-term renewable energy framework for the city. We look forward to the results of this exciting policy.

MS HUNTER: Mr Speaker, a supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, can you tell us when you will be tabling legislation for the feed-in tariff and what date the auction will occur?

MR CORBELL: I thank Ms Hunter for the question. I have already indicated publicly that the government intends to undertake the implementation of this policy

legislatively in two steps. The first is to amend the electricity feed-in tariff act, the existing act, to expand eligibility to medium generators from 30 kilowatts to 200 kilowatts. I anticipate introducing that amending bill into the Assembly before the end of this year. In relation to large generators, the government's advice, and the advice I have to date, although it is subject to change, is that we expect to need to establish a separate piece of legislation for large-scale generators, and that will need to be developed over the course of the coming months. I expect to introduce that piece of legislation some time in the first half of next year. I would expect the auction to equally occur some time in the first half of next year. I will be able to give more definitive details as the policy work continues and develops, but that is my best advice to the Assembly at this time as to the time frames.

MR SESELJA: Supplementary.

MR SPEAKER: Yes, Mr Seselja.

MR SESELJA: Minister, does the Labor Party election promise from 2008 commit the Labor Party to a \$30 million subsidy for a solar farm and does indeed the Labor-Greens agreement commit to the same and, if so, has that \$30 million been delivered and, if not, will you admit that you have broken both an election promise and the provisions of the Labor-Greens agreement?

MR CORBELL: I thank Mr Seselja for the question, and the answer is simply, no, the government has not broken its election promise and the government has not broken its agreement in the parliamentary agreement, because what both of those things require and commit the government to deliver is a large scale solar farm capable of powering 10,000 homes. That is what it commits the government to do, and a large scale feed-in tariff allows for that to be delivered.

If Mr Seselja says the government must be committed to the means as well as the ends, he has a very funny way of viewing the way that these things evolve. Because, if he was a half intelligent leader of the opposition, he would know that the government will always look at the best and most feasible way of delivering on its commitments. And what we have announced today, based on the feedback from industry itself is that the best way to deliver that election commitment is through a large scale feed-in tariff.

If Mr Seselja knows better than organisations such as the Australian Solar Energy Society, if he knows better than the views of large investors and large companies who are interested in deploying large scale solar here in the ACT, then let us hear his learned opinion. But the fact is that we know that the best way to deliver large scale solar here in the ACT and to deliver the election commitment of a solar farm capable of powering at least 10,000 Canberra homes is to establish a large scale feed-in tariff.

Why is it the best way? Because it means you get the lowest possible cost for the highest possible level of renewable energy generation. What responsible government would not pursue that course of action?

Schools—Black Mountain special school

MR DOSZPOT: My question is to the Minister for Disability, Housing and Community Services. Minister, as you already know, Black Mountain special school

has reduced their school-leaving age from 20 years to 18 years. Minister, what impact will this have on 19 and 20-year-olds who will now be leaving early?

MS BURCH: Black Mountain school is transitioning a number of children out of school this year. The department is working closely with the families of the children at Black Mountain school around those transitional options. Some will move into community-based support. Others will move into other support which affords them other community-based activities or vocational opportunities. There is a change. This work with the department is very active, very proactive across the families of those young people moving out of Black Mountain.

Whilst I understand that there is a level of uncertainty involved for those families—I do not deny that there would be within those families—the department certainly recognises that, which is why we are working very closely with them. My understanding is that the department has spoken with each and every family. Certainly those transition plans are being put in place now so that they will be in place by the end of the year.

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: Thank you. Minister, how will the government's decision to reduce the leaving age for Black Mountain special school to 18 years affect the employment prospects of students with severe or profound disability?

MS BURCH: I thank Mr Doszpot for his interest in this. Last weekend when I was at Cook community hub, I was speaking with women from LEAD, an organisation that is active in supporting people with a disability in employment and other community-based options. They were great supporters of children leaving Black Mountain at the age of 18. Indeed, their comment was that if they leave at 18 the connections to those ongoing supports and opportunities is a more natural fit than waiting until they are 20. Whilst I recognise that there no doubt will be some level of anxiety and uncertainty within families, a number of people I have spoken to think that this is the right move, think that it makes those connections with those post-school options a more natural fit and indeed are quite supportive of it.

MS BRESNAN: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, are there currently enough places in those community-based programs or in those option programs to accommodate students who will now require those services?

MS BURCH: We are working closely in the community-based arrangement. We are looking at support structures. That is limited to, I think, a quantified number of days a week over a three-year period. When they are moving into the vocational or activity-based programs, those programs are far broader and there are opportunities.

Again, I recognise the costs, whether it is young people leaving Black Mountain or how we accommodate a range of young people and not so young people in

community-based activities. It is a challenge not only for the government but for the community sector providers. It is something that we work with, which is why we have regular contact with these community-based organisations as to how do we respond best to those needs, with the resources and the activities that are available in the ACT.

MR SPEAKER: A supplementary question, Mr Seselja?

MR SESELJA: Minister, what advice did the ACT Human Rights Office provide to the ACT government in relation to the lack of post-school options available to individuals with disabilities?

MS BURCH: I do not have a memory of the human rights commissioner making a comment or otherwise, but I am happy to take that on notice.

Childcare—staff

MRS DUNNE: My question is to the Minister for Disability, Housing and Community Services. Minister, in order to implement the new child-to-staff ratios in 2012 in the childcare sector, how many new staff will have to be recruited into the sector in the ACT to maintain the current number of childcare places available to the under-twos?

MS BURCH: I would have to take that on notice to find out the absolute number, but at the moment 25 per cent of our services meet the existing requirements for under-twos.

Mrs Dunne: Well, there is 75 per cent that does not.

MS BURCH: That is right, Mrs Dunne, you can do maths—that is why this department has invested in supporting the transition to those qualifications, and it is my understanding that we will meet those qualifications and we will meet those workforce requirements by 2016. That is some way to go. That is why we have a professional support worker working with the community sector, which is why, through CIT, we are providing fee relief for those training there. What I hear from the sector is that there is an increase—I think it is a 30 per cent plus increase—in enrolments for CIT to do a certificate III, and, as I move around the childcare sectors, increasingly more and more of the workforce are moving into the higher qualifications.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what is the current shortfall of staff across the ACT in the sector and how many centres currently have temporary exemptions from licensing requirements due to their appropriate staff not being available or because centres have been unable to recruit appropriately trained staff?

MS BURCH: Again, I would have to take some advice on the quantum. As for the exemptions for centres where they do not have the staff, I could count them on one hand, I am sure, but I can get back to you with the detail.

MR SPEAKER: Mr Seselja, a supplementary?

MR SESELJA: Minister, what is the government's policy on granting exemptions to centres that are unable to find appropriately qualified staff?

MS BURCH: We have a regime for exemptions in place now and they are for a number of reasons. It could be that they cannot recruit staff and we put an exemption in place that allows the continuance of that program. If the centre is proactive and is demonstrating its recruitment processes, then it just does not seem to make sense to impinge on the function of that centre.

Similarly, there are exemptions in place if there are minor modifications going on. So these are sensible, practical, pragmatic exceptions that allow that centre to continue, but also they are not ongoing. There is also a regime in place about that. They are put in place and they are extended under the guidance and under the approval of the CPRU. So it is not an ongoing exemption. It is just when the services are demonstrating to meet the necessary requirements.

MR SPEAKER: Mr Seselja, a supplementary?

MR SESELJA: What assurances can you make to new parents who will be trying to find care for their children in 2012 that there will be adequate childcare places available for their children close to their home or workplace?

MS BURCH: I thank the Liberals for their interest in childcare. This government is investing in childcare. As I have said here before, we are investing in Flynn, which is providing support accommodation to two childcare services. Also we are supporting another north-side childcare service to expand their areas for under-twos.

We are committed to increasing childcare places. At the moment there are over 15,500. I understand that 15,560 is the current number of childcare places. We expect that in this year that will increase to over 500. We have put more childcare places online already this year, with more to come. Our commitment is to work with the services, to work with families, to ensure that, where we can, we can make sure that there are adequate childcare places.

On childcare places, I note that if you look at the information—I think it is DEEWR who provided the information—there were over 800 vacancies across 100 services last year. So there are vacancies within the system. But we recognise that sometimes that is just a result of not matching the hours and requirements of families.

Health—mental health crisis assessment and treatment team

MS BRESNAN: My question is to the Minister for Health and is about the mental health crisis assessment and treatment team, otherwise known as CATT. Minister, in

the document you tabled regarding CATT, it implies that there are misconceptions in the community because some people believe CATT is an emergency crisis service that should respond immediately. Minister, on what basis is CATT not a crisis service, and what types of situations is CATT willing to respond to?

MS GALLAGHER: CATT is a crisis service. I guess the difference in the language in some of the issues that have come up through the internal review is around whether it is an emergency service similar to the police or the ambulance. The CATT team will triage calls to their intake line based on professional judgments about who needs to be attended to first.

These are some of the issues that have come up—and I have certainly received them—where a parent of someone who has a mental illness is worried that, in the view of the professionals and staff of the crisis and assessment team, their child is not in an emergency situation. There have been misconceptions about the view that you just ring them and someone will come out. That is not necessarily what happens. CATT will respond when, in their clinical judgement, a response is required. If not, they will be able to refer people to other services or to the community mental health team, if that person is a user of that service.

I guess it is around their clinical decision making and the fact that they are not driving around the suburbs with a siren responding to every call that comes through. That is some of the misconception that exists around the crisis and assessment treatment team.

MR SPEAKER: Ms Bresnan, a supplementary?

MS BRESNAN: Minister, when should ACT Policing or the paramedics attend a crisis situation involving a person with mental illness rather than CATT?

MS GALLAGHER: For example, if it is not a mental health situation, if someone has rung CATT and in the clinical judgement of those professionals it is not appropriate for CATT to be involved but perhaps another emergency service should, then that is a legitimate situation. I would be surprised if, because of your knowledge around mental health, this issue has not come up with you. It has come up repeatedly with me, both internally through ACT Mental Health and from some consumer and carer experiences.

We have not taken any view on it. As those documents I tabled show, it is being considered by the department. It is not a do-or-die issue to rename the service or to have a different name or to keep it as CATT. What we are trying to do is get a better understanding of how the service is running and views and perceptions around it.

There are, clearly, cases that would come to CATT, for example, if there were some life-threatening or some physical health emergency involved in that call where another emergency service would be the most appropriate response. I think CATT works with the paramedics and works with police closely in all their dealings with individuals across the city. It is hard to go through every single case that I can think of where a misconception around the role of CATT has occurred but it is certainly an issue. As I said, the renaming or not renaming of the team is not a huge problem.

MR HANSON: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, are you aware of any mental health community organisations who are advising their mental health clients that when they speak to the CATT they should threaten suicide, otherwise they will not receive adequate attention?

MS GALLAGHER: No, that has not been raised with me. I meet with the Mental Health Community Coalition and the Mental Health Foundation. I have the Ministerial Council on Mental Health, which I chair, and that has a representative from mental health organisations across the ACT, and it has not been raised with me at all.

MR SPEAKER: A supplementary, Ms Le Couteur?

MS LE COUTEUR: Minister, is it true that attendance by ACT Policing at a crisis situation involving a person with mental illness is more likely to lead to the use of force than if CATT attends?

MS GALLAGHER: I would have to take that on notice. I think what we would have to do is go back and have a look at the times when the police assist CATT in response and then compare it. But, again, they would be dealing with probably completely different situations. If CATT feels the need to have police assistance, then the clinical nature of that situation and the needs of that individual are probably different from the situations where CATT does not feel the need for police assistance. That would impact, I imagine, on some of the measures that those professionals would have to use to support individuals to get further assistance.

I will see whether we can give a snapshot of that. I am not sure how we would do it without creating a fair bit of work. But I will see whether I can provide any further assistance or information in that regard.

Canberra Hospital—obstetrics unit review

MR HANSON: My question is to the Minister for Health. Minister, earlier this year, following serious concerns from staff, an inquiry into bullying and harassment at the obstetrics and gynaecology unit at the Canberra Hospital was ordered and has been conducted under the Public Interest Disclosure Act. Could you update the Assembly on whether the review has been finalised and, if not, when you expect it to be finalised?

MS GALLAGHER: I have not been advised that it has been finalised. I understand it is at that point where I would be advised. I would not be advised that it will be finalised, for example, in a couple of weeks. I have had no discussions with the department. Indeed, I have stayed right out of it. I presume when it is finished they will tell me. I am happy to share that information with the Assembly when I get it.

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: Minister, will you seek briefings just simply to seek advice on when it will be finalised so that you can inform the Assembly of an expected date?

MS GALLAGHER: I can, but I will take some advice from the government solicitor before I do that, as there are some requirements that ministers not be briefed during the conduct of a public interest disclosure. I am happy to take some legal advice about whether I am able to do that and provide that information to the Assembly.

MR SMYTH: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, have the staff in obstetrics and gynaecology been informed of the progress of this report and have they been told when this report may be finalised?

MS GALLAGHER: I do not believe so. I do not believe they have been told when the report will be finalised. I think there has been a lot of work within the unit with John Graham, who had been doing some of the work around the public interest disclosure. I understand he and other managers within ACT Health have been working with the staff in the obstetric unit throughout the course of this investigation, in order to support them and encourage them to come forward and provide advice. My understanding is that staff at the obstetric unit are up to date with where things are. As to whether they know the date of when things will be finalised, I do not believe so.

MR SMYTH: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, are you concerned at the time that has been taken to compile this report and have you got any indication of when the report might appear?

MS GALLAGHER: No, I am not concerned about the time. It will take as long as it takes. I am not sure that you can put time constraints on these matters. I guess my concern has been to make sure that staff within the unit are being supported from ACT Health, and I understand that to be the case. The issues that have come up, and the work that is being done in the maternity unit, have been very much about supporting staff, reforming that workplace, making sure they have adequate staffing levels and addressing those issues. The public interest disclosure process takes another path. When that is finished, I am sure there will be another process to work through with staff at the obstetrics unit.

Mr Stanhope: I ask that further questions be placed on the notice paper.

Supplementary answers to questions without notice

Schools—distribution of political material

MR BARR: During question time on Tuesday, and again after question time yesterday, members raised some concerns in relation to protocols around MLAs visiting schools. It would appear that the order of three words is the cause of some concern for members. On Tuesday I said:

I think it is fair to observe that there were a number of breaches of protocol in relation to this particular exercise, not least of which was the attendance of three members of the Assembly without formally advising me as minister for education that they were attending the school.

To clarify matters, if those three words “formally advising me” are changed to “me being formally advised”, that clarifies the situation.

Mrs Dunne interjecting—

MR SPEAKER: Order! Have you something to say on this matter, Mrs Dunne?

Mrs Dunne: No.

MR SPEAKER: I will come back to you in a minute; I have not forgotten.

Environment—Cotter Dam

MR CORBELL: Yesterday in question time I took a question from Ms Porter about the Cotter Dam. In my response, I advised that water restrictions had been eased from stage 2 to stage 1. It has been drawn to my attention that this is, of course, incorrect. They were eased from stage 3 to stage 2 on 1 September. I apologise for any confusion.

Childcare—costs

MS BURCH: Earlier today, Mrs Dunne asked me about exemptions. There are 24 exemptions at the moment, across 247 licensed services. There is one on outdoor areas, there are two on group size, but there are, indeed, 21 relating to staffing.

Also earlier, at the beginning of question time, there were a number of things raised in relation to questions about the national quality agenda regulation impact statement. The regulation impact statement, I believe, supports my comments yesterday on the NBN. As noted throughout the report, the absence of sufficient information to rigorously quantify the benefits accruing to the national quality standard and to attribute benefits to a single characteristic of quality means that a large proportion of the benefits cannot be quantifiably included. But we know that, on a quality level, there are significant developmental outcomes for our children.

On the question of the supply response, the statement clearly states that the reforms are assumed not to deviate growth. In fact, it states that, consequently, with the

provider's profit margins relatively unaffected, absent any change to current subsidy levels, the NQA reforms are assumed not to deviate growth in the supply of early childhood ECEC places—early childhood places—from its projected “business as usual” path. While at the service level changes to the staff to child ratios will see some reconfiguration of places offered, in aggregate it is not anticipated that the supply will be impacted. I refer you, Mr Smyth, to page 40, I understand.

Answer to question on notice

Question No 973

MRS DUNNE: Mr Speaker, under standing order 118(a) I seek an explanation from the Treasurer as to the reason for the failure to answer question No 973. The 30 days expired on 3 June. It is now three months and nearly three weeks since that expired. The minister said that she would get an explanation on Tuesday. It is now Thursday, and I do not have an explanation.

MS GALLAGHER: I do apologise to Mrs Dunne. I signed off the question today, so you should have it today.

MRS DUNNE: Under standing order 118(a), Mr Speaker, I would like an explanation as to the lateness.

MS GALLAGHER: I give an explanation: Mrs Dunne has asked a number of questions around Actew and Actew board papers. She has asked me questions about when I read the board papers. She has formed a select committee to inquire into a breach of privilege over Mark Sullivan's comments, in relation to evidence given—

Mrs Dunne: The Assembly formed the committee.

MS GALLAGHER: Sorry. Every question Mrs Dunne asks me on Actew, I go through forensically. I have gone back to try to locate the date on which I read the board papers that were of the particular month Mrs Dunne inquired into, and I have not been able to find the exact date. But there has been a lot of effort put into making sure that there are no mistakes in any of the advice provided to Mrs Dunne, for fear of me being sent before a privileges inquiry.

Standing order 73

Mr Smyth: Mr Speaker, earlier in question time, Mrs Dunne raised a point of order, and your response to the point of order was to say to Ms Burch, “Is there anything else you wish to add?” Mr Hanson then asked, “Are you going to uphold the standing orders?” I want to bring to your attention standing order 73. Standing order 73 says:

Upon a question of order being raised, the Member called to order shall cease speaking and sit and, after the question of order has been stated to the Speaker by the Member raising it, the Speaker shall rule on the matter.

The question for you, Mr Speaker is: is it fair to just simply say to Ms Burch, “Is there anything else you wish to add?” The standing order actually says that you “shall rule

on the matter". All Mr Hanson did was ask, "Will you uphold the standing orders?" I would seek your guidance as to whether you think it is adequate as Speaker to ignore the question raised, by simply saying, "Is there anything else you wish to add?"

Mr Corbell: Mr Speaker, again Mr Hanson's comment was grossly disorderly. It was not asking a question. It was a direct imputation on your impartiality as the chair. It was disorderly, and I find it difficult to believe that anyone in this place could have perceived that comment in any other manner.

MR SPEAKER: Mr Smyth, I think in the spirit of ensuring you get an absolutely clear answer, I will go back and have a look at the *Hansard* on that one, and I will come back to the Assembly at a later time.

Mr Smyth: Thank you, Mr Speaker.

MR SPEAKER: You are welcome. Mr Seselja.

Mr Seselja: Yes, thank you, Mr Speaker. I would like to just raise the opposition's concerns with a couple of the rulings that have come to us this week.

MR SPEAKER: Mr Seselja—

Mr Corbell: Point of order.

MR SPEAKER: Before you go on—

Mr Corbell: Are you seeking leave? Is he seeking leave, Mr Speaker?

Mr Seselja: Well, I am raising a concern with the Speaker.

Mr Corbell: No, you need leave.

MR SPEAKER: Just one moment. Grab a seat, Mr Seselja. There is not actually a formal mechanism to have a discussion after question time about the Speaker's conduct at question time. It would be fair to say that I have established a practice in this place where I have been open to receiving some discussion, but I think it is starting to reach a point where we are having quite detailed discussions after each question time, and I am not sure that that is the form of the house.

Mr Seselja: I would seek your indulgence, Mr—

MR SPEAKER: Order! Let me just finish, Mr Seselja. I am trying to maintain an approach as the Speaker that allows a level of openness, but I cannot entertain an approach where we constantly question this after each question time. So, before we enter into discussion, let us just have a look at a process here, Mr Seselja. How would you like to proceed?

Mr Seselja: I will just seek your indulgence to raise a couple of issues in relation to your rulings this week.

MR SPEAKER: Are they specific questions, Mr Seselja?

Mr Seselja: They are specific questions. I would like to raise concerns formally with you, on behalf of the opposition, over two of your rulings in particular this week, which we find concerning and a significant departure from practice.

The first is one that we only realised had come about today, although apparently it was ruled on on Tuesday, and this is this idea of carrying warnings through from Tuesday right through to Thursday. According to your words—and we have reviewed the *Hansard*—you warned both Mr Hanson and Mr Coe, and you said, “I intend to carry the warnings through question time this week.” It was certainly not clear to us at the time that that meant that they were warned for all three question times, but, now that it is clear to us that that is your ruling, we find that a significant departure. I would raise my serious concerns about that.

I would also raise concerns about the ruling yesterday in relation to Mr Coe, which seemed to be you, as Speaker, saying—

MR SPEAKER: We discussed that one yesterday, Mr Seselja.

Mr Seselja: I do not want to—

MR SPEAKER: This is the end of my indulgence, I am afraid.

Mr Seselja: Mr Speaker, if I can just finish: we could move a dissent, but I do not want to move a dissent. I prefer to put it on the record and not go through the rigmarole—

Mr Corbell: Just move a dissent.

Mr Seselja: I do not want to move a dissent. It is something we do not want to do. I do not think it is unreasonable that we put it on the record.

MR SPEAKER: Mr Seselja, thank you. We did discuss Mr Coe on Wednesday. I am happy for us to have a discussion outside the chamber. I do not think we should be using the chamber’s time to have this conversation.

Mr Seselja: This will not take very long, Mr Speaker. I am just—

Members interjecting—

MR SPEAKER: Order, Mr Seselja! Sit down.

Mr Seselja: Mr Speaker, I move dissent from your ruling.

Mr Stanhope: What ruling?

Mr Seselja: Both those rulings.

MR SPEAKER: Order! Mr Seselja, sit down for a moment. On the issue of the warnings, warnings are, in fact, a courtesy. There is no requirement under the standing orders for me to give a warning. I try to use them as a means to indicate my expectations in the chamber and to not simply name members. That is a courtesy extended by the Speaker, so there is not a ruling there that you can dissent against.

Mr Seselja: Sorry, there's no ruling? So, when you warn people, we cannot dissent against that?

MR SPEAKER: No, you cannot. There is no requirement under the standing orders for the Speaker to give a warning. It is simply a matter of courtesy.

Mr Seselja: I dissent against your ruling to sit me down. I think we have had in the past—Mr Corbell—dissent on your ruling that your ruling is not a ruling. We had a motion moved by Mr Corbell. I will move that motion.

MR SPEAKER: Which?

Mr Seselja: That I cannot dissent on your ruling.

MR SPEAKER: There is no ruling to dissent against, Mr Seselja.

Mr Seselja: You sat me down; is that a ruling? Is anything you do here when you direct us a ruling?

Mr Corbell: Point of order, Mr Speaker. The behaviour of the leader of the opposition is showing complete disregard for your authority as Speaker. If Mr Seselja has a substantive complaint, he can move a substantive motion, but it is quite clear that he has none and, instead, simply wants to continue to flout and disregard your authority as the Speaker.

The Labor government will provide complete confidence in your rulings, Mr Speaker. Indeed, we would say to you that the time for you to exercise restraint in relation to this opposition is well and truly past, and that, if the opposition continue to behave in the manner that they have behaved over the last three to four months in particular and you need to exercise your authority, you will have the complete support of the government.

Members interjecting—

MR SPEAKER: Order! Mr Seselja, I am trying to be clear to you. I do not believe there is a ruling that I have made that you want to dissent from. Is there a specific ruling you are dissenting against? Just answer that very specific question.

Mr Seselja: It is the entire conduct of question time this week.

MR SPEAKER: Sorry, let us be clear—

Ms Bresnan: Point of order, Mr Speaker.

MR SPEAKER: One moment, Ms Bresnan. If it is the entire conduct of question time, that is not a ruling; that will have to come to something rather more serious, if that is the path you wish to—

Mr Seselja: In terms of moving a no-confidence motion, is that what you are suggesting to us?

MR SPEAKER: I am not suggesting anything.

Mr Seselja: If it is the only way we can be heard, we will consider that and we will table that.

MR SPEAKER: Order! Just grab a seat again, Mr Seselja. There are a number of ways you can be heard. We have had some discussion in the chamber this week. I have just offered, a couple of minutes ago, for you and I to have a discussion outside of the chamber, and there are other options which you have just alluded to. So I think there are a number of pathways. And I think we should move on now, Mr Seselja.

Mr Seselja: Well, we will consider our options.

MR SPEAKER: Thank you. We will now move to the presentation of papers.

Intergovernmental agreements Papers 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): I present the following papers:

Intergovernmental agreements—

List of agreements signed by the ACT Government, as at 23 September 2010.
Schedule of Ministerial level negotiations as at September 2010.

I ask leave to make a statement in relation to the papers.

Leave granted.

MR STANHOPE: On 13 December 2005, the Legislative Assembly repealed the Administration (Interstate Agreements) Act 1997. During the repeal debate, the government committed to three non-legislative transparency measures in relation to intergovernmental agreements or IGAs. These were: to table a list of IGAs currently being negotiated every six months; to table all signed IGAs as soon as practicable; to publish the signed IGAs on the register on the Chief Minister's Department website.

I welcome this opportunity to reiterate the government's firm commitment to establishing a less rigid and more comprehensive flow of information to the Assembly

concerning the full range of intergovernmental agreements. In keeping with these commitments I am tabling two lists. The first is a list of ministerial-level IGAs under negotiation. The second is a list of recently-signed IGAs to which the ACT is a party.

The full text of the following agreements will be available on the department's website: the national health and hospitals network agreement, the national health and hospitals network—national partnership agreement on improving public hospital services, the national partnership agreement on an Indigenous clearinghouse, the national partnership agreement on the development of a telephone-based national emergency warning system, the national partnership agreement on pre-apprenticeship training, an implementation plan for the ACT's apprenticeship Kickstart pre-apprenticeship projects, the national partnership agreement on TAFE fee waivers for childcare qualifications, the national framework for sustainable government office buildings, an MOU between the ACT and the head of missions of Latin American nations regarding the establishment in Canberra of a Latin American plaza, a memorandum of understanding for the establishment of the national gambling research program, a memorandum of variation to the memorandum of understanding for the national gambling research program 2008 and a memorandum of variation to the memorandum of understanding for the national gambling research program 2009.

Across these agreements, seven were negotiated and concluded through COAG and its supporting mechanisms. These agreements clearly indicate the government's commitment to the national COAG reform agenda. I would like to mention especially the first two agreements on the list. These documents underpin the deal struck at COAG in April to reform Australia's health and hospital systems.

The national health reforms will ensure more beds in Canberra's public hospitals and more money for Canberra's emergency departments. It will also help address the ACT's unique challenges in relation to GP shortages and cross-border service delivery. The recent conclusion of the national partnership agreement on improving public health services has already seen the ACT receive additional health funding from the commonwealth of \$5.7 million. Madam Deputy Speaker, I provide the lists for the benefit of the Assembly.

Paper

Mr Stanhope presented the following paper:

Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report 2010 (1 April to 30 June 2010).

Territory-owned Corporations Act 1990 Papers and statement by minister

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations): I present the following papers:

Territory-owned Corporations Act, pursuant to subsection 19(3)—Statements of Corporate Intent—

ACTEW Corporation Ltd—2010-11 to 2013-14.
ACTTAB—1 July 2010 to 30 June 2011.
Rhodium Asset Solutions—2010-11, dated July 2010.

I ask leave to make a statement in relation to the papers.

Leave granted.

MS GALLAGHER: In accordance with section 19(3) of the Territory-owned Corporations Act, I hereby present the statements of corporate intent of each territory-owned corporation, namely Rhodium Asset Solutions, Actew Corporation and ACTTAB.

On this occasion I do not intend to elaborate on the Actew and ACTTAB statements of corporate intent. They each have a number of business risks to be dealt with by their respective boards, and the statements of intent reflect those risks and the boards' responses to them.

However, since this will be the final statement of corporate intent for Rhodium as the wind-down of the company's business activity is nearing completion, I would like to take this opportunity to inform members of the progress of that winding down, and to provide some context around the situation with Rhodium.

It is reasonable to ask why Rhodium was established in the first place. When the Labor government came into office in 2001, Rhodium's fleet management and leasing business was operating from within Totalcare. As a consequence of a major restructure in 1997, Totalcare had become a significant financial liability, costing taxpayers many millions of dollars. After conducting a review of Totalcare's operations, the government decided in 2003 to transfer the various business activities into government departments and then proceed to wind up the company.

For legal and tax reasons, a departmental structure was not compatible with certain leases that Totalcare's fleet business already had in place with thousands of individual customers. Rather than burden the fleet business with the task of tackling Totalcare's considerable liabilities, the government decided to establish a new territory-owned corporation.

As an aside, I note here that even to this day we are still not in a position to deregister Totalcare as we continue to grapple with resolving the substantial outstanding superannuation liabilities. Rhodium Asset Solutions was subsequently formed to take over Totalcare's fleet business and commenced operations on 1 January 2005. The intention was to allow Rhodium to continue to operate the government's fleet management contract and pursue business opportunities without further cost to the taxpayer.

Over many years the impression had been created that Totalcare's fleet business was a highly successful and profitable business. However, much to the government's dismay, this perception was found to be far from reality. Contrary to the advice

provided by Totalcare that this was a profitable and relatively low risk business, it quickly became apparent that Totalcare's fleet business had always relied on charging ACT government agencies very high vehicle management fees.

The resulting profits were then used to subsidise various operations, including providing leases to private individuals. The government did not consider this to be an appropriate use of public money and decided to put an end to the practice. This led to the ACT government fleet contract with Rhodium being renewed on 30 June 2006 on a cost-recovery basis only.

This decision by the government was taken in the full knowledge that it would have a direct impact on Rhodium's profitability. Before then, Rhodium had been charging government agencies a management fee of \$190 per vehicle per month. Even though on a cost-recovery basis Rhodium's fleet management fee had been substantially reduced, the new management fee of \$90 per vehicle per month was still more than three times competitive market rates.

It soon became apparent that Rhodium could not operate profitably without the previously embedded cross-subsidies. In November 2006, upon receiving independent advice about the current and future business risks, the government decided Rhodium should be sold. After conducting an open competitive tender process the government came close to securing the sale of the company. However, the sale could not be finalised as the emergence of the global financial crisis had a material impact on the ability of the only remaining suitable bidder to raise the necessary finance.

At that point the government's independent sale adviser indicated it was no longer likely Rhodium could be sold as a going concern having regard to the prevailing market situation. By that time, Rhodium had also suffered a decline in value as commonwealth agencies, which had been Rhodium's main customer base, were banned from entering into reverse novated leases and the major car manufacturers decided to withdraw discounts for these types of leases.

The combined impact of these external factors, which were beyond the control of either Rhodium or the government, meant that Rhodium was no longer experiencing an increase in leasing customers. Allowing Rhodium to continue operating was not considered a viable option due to the high risk of increased financial losses and Rhodium's small size compared with long established and much larger market competitors.

It is indeed unfortunate that all the identified risks, which led to the government's decision to sell the company, actually crystallised during the sale process, and therefore derailed the sale. The government was left with little choice other than to arrange for the company to be wound down.

On 21 July 2008, the government announced that the sale would not proceed and Rhodium would be wound down by disposing of the various business undertakings to external providers. This in itself was a relatively complex task, given the diversity, length and number of leases that had been issued, and the limited appetite of the market due to the financial crisis.

In keeping with the government's decision about the wind-down, the ActewAGL operating leases and the ACT government fleet management contracts were outsourced by mid-2009. After extensive market testing throughout 2009 and into the early months of this year, Rhodium finally managed, on 1 July 2010, to agree to terms to dispose of the last two main undertakings.

The remaining approximately 620 individual novated leases have been acquired by Toyota Fleet Management. The Department of Territory and Municipal Services has also assumed direct responsibility for managing the leases involved in the use of heavy plant and equipment. The department is expected to realise some modest savings under this new arrangement.

Now that Rhodium has disposed of all its main undertakings, a regulation will be made after the annual general meeting in October 2010 to exclude Rhodium from the Territory-owned Corporations Act 1990. Rhodium will then be managed as a shell company by the Department of Treasury for a short period until any residual liabilities have been finalised and the company can then be deregistered.

Inevitably, there are costs associated with winding a company down. These costs need to be viewed in the context of the continuing risks and exposures that would alternatively be borne by government should this company have continued to operate.

Savings are being realised from outsourcing the ACT government fleet contract and these equate to about \$2 million per annum compared to the fees that had been charged by Totalcare before Rhodium came into existence. It is expected that by 31 October 2011 these accumulated savings will have exceeded the losses of Rhodium.

I am assured that the affairs of Rhodium are now drawing to a close. I will also keep the Assembly informed throughout the process in completing the winding up of this company.

Gender analysis report Paper and statement by minister

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (3.39): I present the following paper:

ACT Public Service Workforce Profile 2008-2009—Supplementary Gender Analysis, in response to the resolution of the Assembly of 24 February 2010 regarding pay equity for women.

I move:

That the paper be noted.

My statement is in relation to a motion put forward by Ms Hunter on 24 February 2010 regarding gender pay equity. In agreeing to that motion, the

government reported back to the Assembly in the June sitting period on the measures that it would take to progress gender pay equity. These measures included phasing in an approach for examining and identifying pay equity issues between male and female employees in the ACT public service.

The first step in commencing this staged approach was a commitment from the Commissioner for Public Administration to enhance the ACT public service workforce profile and provide this information to the Assembly by October 2010. I am pleased to announce that the work is now complete, and that the Commissioner for Public Administration has recently released the supplementary gender analysis of the ACT public service workforce for 2008-09. That report is available online; I have tabled that document today. Before I go any further, I would like to acknowledge that the Western Australian government's Department of Commerce audit tool assisted in the development of the methodology for the analysis.

The supplementary gender analysis expands on the ACT public service workforce profile for 2008-09 by providing a more in-depth gendered analysis by employment type, age profile, length of service and remuneration. It should be noted that the data in this report is now 12 months old. It provides observations based on the gender pay gaps identified in agencies and classification groups.

There are a number of classifications within the ACT public service, and classifications have been grouped to assist with the analysis. By taking this approach, we are seeking to identify where the gender equity issues may be and whether the issues lie in more than one agency or in a particular classification group.

In summary, observations from the analysis revealed that as at June 2009 the gender pay gap in the ACT public service was 5.5 per cent. This means that, on average, for every dollar earned by male employees in the ACT public service, females earned 94.5c. The analysis also noted that the ACT workforce gender pay gap as measured by the Australian Bureau of Statistics was 11 per cent, compared to the national average workforce pay gap of 16.9 per cent. However, caution must be exercised in comparing these figures, as the methodologies used vary somewhat.

The report revealed a diminishing gap between the length of service of female and male employees across generations and also noted that variations in the percentage of male and female employees could be impacting significantly on the gender pay gap calculations in agencies with a small workforce. The report will enable the gender pay gap of 5.5 per cent in the ACT public service to be further analysed by agency and classification group, allowing for strategies to be developed to improve pay equity.

The classification group with the highest gender pay gap is within the dentist-dental classification group in ACT Health. In this cohort a high percentage of female employees earned, on average, less than male employees. This group is also predominantly female, at 86 per cent, in comparison to 14 per cent for males. The analysis revealed that the pay inequity appeared to be due to a high number of female dental assistants.

In contrast, the gender pay analysis revealed that in my department there is a negative difference between the salaries of female and male employees—minus 3.4 per cent.

This means that the average earnings of female employees were more than the average earnings of male employees, the reason appearing to be the higher proportion of females in certain areas. For instance, while there are a number of classification groups that are fifty-fifty in the DHCS workforce, women represent approximately 62 per cent of senior officer, 66 per cent of administrative officer and 89 per cent of the health professional officer classifications. A number of other variables identified in the report include length of service, generation groups and changing work expectations.

I am positive that the commissioner's intentions to incorporate an ongoing analysis of classification groups by agencies in future workforce profiles will continue to provide insight into gender pay equity in the ACT public service to enable comparisons over time. Measures such as these will provide the government with opportunities to identify where the issues are and to improve equity for all employees of the ACT public service.

Gender equity was an issue I discussed with the women's ministers at the Ministerial Conference on the Status of Women, which I chaired, on 17 September. I provided those other ministers with the commissioner's report. The discussions reflected the challenges that women's ministers face when identifying where gender inequities exist for Australian women and what needs to be done to overcome these challenges.

An ongoing piece of work for measuring progress is the Australian gender indicators project. One of the aims of the project, being undertaken by the Australian Bureau of Statistics, is to provide indicators that will allow us to measure the more demographic gender equity changes across Australia.

I would like to thank the Commissioner for Public Administration for undertaking this important work. The outcome of this work supports our commitment under the ACT women's plan 2010-15 to provide more meaningful sex-disaggregated data. It supports key priorities for this government in measuring how women in the ACT are progressing in the economic sphere. It supports our commitment to implement gender analysis processes across the ACT government activities. And, as mentioned previously, it supports work being conducted at a national level.

I trust that Assembly members acknowledge the ACT government's commitment and, importantly, action towards addressing gender pay equity in the ACT public service.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (3.37): I welcome this piece of work from the Commissioner for Public Administration. This supplementary gender analysis came from a motion that was passed earlier this year around International Women's Day. I thank the minister and the Labor Party for supporting that Greens' motion. At first it seemed as though it was going to be a very difficult task, but I am pleased that members of the public service were able to take on this task and follow through with it. I am also pleased to note that, in the final paragraph in the foreword, the Commissioner for Public Administration, Catherine Hudson, said:

It is relatively positive news in the ACTPS when reviewing gender pay equity however more can be done, such as sustained and enhanced reporting of this nature in future editions of the Workforce Profile.

I look forward to this more comprehensive analysis being provided in the workforce profile. We do need to keep an eye on the issue of gender equity, and that includes not only across the ACT public service but in many occupations here in the ACT and across Australia.

I note that in her tabling statement the minister talked about supporting the commitment under the ACT women's plan around meaningful sex-disaggregated data. I would also like to note that this is obviously an item in the Labor-Greens parliamentary agreement to follow through.

I am pleased that this work has been undertaken and that the minister has obviously put in work and time to make this a reality. I look forward to further feedback or further reports on progress and for the inclusion of this data in future workforce profiles.

Question resolved in the affirmative.

Water—efficiency

Discussion of matter of public importance

MADAM DEPUTY SPEAKER: Mr Speaker has received letters from Ms Bresnan, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, 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, Mr Speaker has determined that the matter proposed by Ms Hunter be submitted to the Assembly, namely:

The importance of ongoing water efficiency measures in the ACT.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (3.40): I rise today to discuss this important issue of ongoing water efficiency measures in the ACT. I do so because we have had some recent good fortune in regard to the amount of rain the territory has received this year, and the state of our water catchments is looking particularly healthy compared to recent years. This is in stark contrast to the last five years which saw lower than average rainfall and diminished inflows into our catchments.

Indeed, right across the country we are seeing water levels in our reservoirs, lakes and rivers that have not been seen for some years, and it has provided a huge amount of relief to not just the ACT but also rural and regional communities right across the eastern states of Australia. That relief is indeed welcome.

Here in the ACT, the easing of water restrictions has been welcomed by many in the community. People appreciate the chance to wash their cars, nursery operators are keen to encourage Canberrans to get out into their gardens again, and some have asked why we continue to have water restrictions at all.

Our current dam levels in the territory are sitting overall at just over 78 per cent. This is quite a turnaround from this time last year when they were sitting below 50 per cent.

Corin, Bendora and the Cotter are pretty much full, and Googong to our east is sitting at about 65 per cent.

The Bureau of Meteorology has called this year a La Nina year. That is a weather pattern, as we know, that brings average rainfall to much of Australia, particularly inland eastern regions. So it is fair to say that, while our dam levels are up, this may be the result of a weather phenomenon that is all too infrequent and is contrasted somewhat by the far more common El Nino, which is often associated with an increased probability of drier conditions.

The ACT government and Actew have undertaken a lot of work on the territory's water strategy over the past decade, including the major water security projects. It is fair to say that the Greens were always less enthusiastic about building a new large dam and were particularly opposed to a dam being constructed in the Naas Valley. Nevertheless, today we have the extended Cotter Dam project underway at a well-publicised cost of \$363 million. Also awaiting commencement is the Murrumbidgee-to-Googong pipeline, transferring water from the Murrumbidgee at Angle Crossing to the Googong Dam.

When Actew announced the move from stage 3 to stage 2 restrictions, Actew Managing Director Mark Sullivan said:

ACTEW is confident that now is the right time to relax restrictions and farewell Stage 3; we do not expect to see a return to Stage 3 Water Restrictions ...

I have heard some say that, with all that infrastructure to pay for, Actew would be delighted to lessen water restrictions and encourage us all to consume a bit more. But I do not want to take Mr Sullivan out of context here, because while he did voice that some people would enjoy getting back to watering their lawns and so forth, he continued on with a warning which I think we would do well to heed. He said:

Similar rainfall conditions in 2005 were followed by the driest year on record and a depletion of the ACT's water storages to the lowest recorded levels. Over the last fifteen years our average inflow levels have decreased by 50% from the long-term average. The average reduction since 2006 has been more than 70%.

This is the crux of it—Canberrans need to realise that this probably is a reprieve, this wet year. We should probably enjoy the benefits it brings. No-one could possibly say that it is not great to see the grass around the city looking green. It has been good to know that the garden would probably survive without that high level of monitoring and that our older trees are not suffering such a high level of stress as they were after five years of low rainfall.

The reality is that the ACT's rainfall until this point has been more closely aligned with CSIRO worst case scenarios—an average 75 per cent reduction in inflows, down to around 50 gegalitres per year from a long-term average of 200 gegalitres.

There was an interesting document in amongst all the documents that were prepared in the scoping out of the ACT's future water options, and it included a table which gave an indication of how long the various projects and combinations of the various

projects would deliver water security for before we reached what is described as a system failure—that is, in what year would the various projects no longer be able to guarantee reliability of supply for no more than 10 per cent of time in restrictions? The table used population forecasts of 500,000 by 2050 and took into account water that would be saved through demand-side measures—25 per cent by 2023.

With these figures put into the model, the two options that the government and Actew ended up choosing—the extended Cotter Dam and the M2G pipeline—appear to deliver security of supply out to 2034, which is only 24 years away. This is, I should note, in some contrast to the view of the ICRC. In its review of the Cotter Dam, it actually indicated that perhaps the building of the Cotter Dam was somewhat of an overkill response. Either way, at some stage in the future managing water supply and demand is likely to raise its head again.

Water is a long-term problem in our city and our region that we need to consider in our public policy planning. I think that this means we need to be a community that understands the value of water and how not to waste it. We need to be as focused on demand-side management as we are about ensuring security of supply. There is no room for complacency.

This is probably something that we all agree on. However, there has been a small undercurrent that now we have the Cotter Dam on the way, and we have had a wet year, we can relax. I would suggest that we can relax this year perhaps, but, as a community, we cannot relax if we want to be planning for the future.

The Canberra community has done a pretty good job of reducing water consumption over the past decade or so. In 1997-98 our water consumption peaked at around 78 gigalitres. By 2007-08, we had got that consumption down to 43.5 gigalitres. This is an impressive effort. It has come as a result of some quite considerable change in thinking as a result of a number of strategies implemented by the government and by Actew. But it has also come at some costs—our urban amenity, our sporting fields and our gardens.

Water obviously holds different value to different people. While some may value clean windows, some value their gardens, some value washing their cars, some value hosing down their decks, some value their backyard pools and some value their vegetable patches. The Greens this year certainly expressed that we valued the watering of a valuable community space. The one that I refer to is Green Square in Kingston. It was one of the areas we thought was important to water. We cannot ever assume that people value water in the same way.

Indeed, water is an issue on which we receive constant communication from constituents—people concerned about construction companies using water carelessly or complaining about car washing companies that are not recycling water. When the restrictions were lifted this time around, we received emails from people both against and in favour.

The Greens are comfortable that Actew have made a prudent decision in relaxing restrictions to stage 2. I would encourage them to make an equally prudent and timely

decision when it comes to increasing restrictions as we return to drier forecasts. Canberrans need not be afraid of increased restrictions; we are more than capable of handling them.

Right now, it may be that, rather than just lowering the restrictions, we need to think about how we can, as a community, maximise this plentiful rainfall season. We will more than likely see after this season a return to drier conditions for another extended period. So what are we doing now to maximise the opportunity that we have here? Are we taking the opportunity to build resilience in our urban landscape by undertaking a large amount of new planting—planting that will have a better chance of survival than usual because of moist soil and fewer requirements for hand watering? It is important that we do maximise these cyclical opportunities not just so that we can wash our cars at home or clean our windows, but so that we can ensure our city is better protected against the hot, dry periods that we have come to expect.

It is also a good time to think about reviewing our water restrictions and bringing them into line with community expectations, particularly as community expectations have probably shifted after six or seven years of living with water restrictions. The Greens have advocated in the past that we should move to a model of permanent water restrictions. With the government's review of the think water, act water strategy, perhaps this year is the time to do it.

Currently we have a schedule of permanent water conservation measures that clearly does not meet the community standard for water conservation and is unlikely to be applicable in any future water scenario for that ACT. For example, do we really imagine a situation in which the Canberra community thinks it is acceptable for people to be able to water their gardens at any time during the day when common sense tells us that it really should be done in the cooler parts of the day? Should we condone the washing of windows using lots of water? These are the sorts of questions we need to be asking the community.

Are there other issues that we might need to consider integrating into water restrictions as we move forward? For example, it has been suggested that those who grow their own vegetables or engage in permaculture are unfairly affected by water restriction measures. While some might support converting our lawns to native gardens, rockeries and cacti, many others want to grow their own food in their backyards. This is an activity that is actually very environmentally friendly and it has very good benefits not only for those who grow their vegetables but also for the city.

Imagine the difference between a city that paves over back gardens and puts in rockeries versus a city that effectively uses its green spaces. This is not just about food; it can also be about providing urban cooling and building urban resilience in a future where we are likely to have more people living in less space. That really is about ensuring that we keep our green spaces around our city.

So these are the sorts of issues we really do need to start talking about when, during this time, we have a little breathing space to be able to think about it. We need to take a whole range of issues into account, and the sooner we start to plan ahead for these sorts of challenges, the better.

I am looking forward to working further on this issue in the ecological carrying capacity inquiry. This is being run through the climate change committee, and this inquiry will focus on the resource base for the ACT. It will include water and it will include food, as just two examples, and not just the ACT but the surrounding region. Of course, there might be issues of population that come into it, but it is also about how we use resources, our consumption levels and so forth. I am very much looking forward to hearing a range of views from individuals, community organisations, experts and so forth. There will be, no doubt, input from the private sector and members in this place who will participate in that inquiry.

In conclusion, I want to say that water consumption and water efficiency continue to be issues of importance here in the ACT. Population changes, changes to our urban form and climate change scenarios that predict shrinking inflows into our catchments mean that we must remain a community that is vigilant about water demand management well into the future. It is for those reasons that I brought this matter of public importance here today.

I understand that one of my colleagues may be following up to talk about other practical measures that can be put in place around how to conserve that precious resource of water. No doubt we will touch on some of the strategies that are in place already and how we might enhance those strategies. I understand that my colleague Mr Rattenbury will also be speaking on this matter today.

MS PORTER (Ginninderra) (3.54): I am happy to be able to speak to this matter of public importance today. Ms Hunter has talked about decisions concerning water restrictions and other measures in relation to water security. In the ACT, the schemes of permanent water conservation measures and temporary water restrictions apply to the use of water from the Actew potable water supply system.

Water restrictions are designed to protect water security by reducing the overall consumption of potable water during times of water shortage. Permanent water conservation measures are about the efficient use of water to avoid unnecessary capital expenditure on water security programs and recognising the ACT's place in the Murray Darling Basin system.

Compared to recent years of below average rainfall, this year has seen a considerable improvement in total volume. The most recent data from Actew indicates that rainfall for September at the Canberra airport has been measured at 65.4 millimetres. The historical average for September is 52.2. This year we have received 548 millimetres at the Canberra airport, which is about the expected average. The Bureau of Meteorology is forecasting a La Nina, wetter than usual, outlook for spring 2010. Storage is currently at 79.1 per cent. This is the best level at this time of the year since 2002, when it was 69 per cent.

However, we cannot by any means be complacent. It is important to see this recent rainfall in the context of the changeable water conditions our region has experienced over recent times. Over the last 15 years, our average inflow levels have decreased by 50 per cent, and in the four years since 2006 the average reduction has been more than

70 per cent. The current conditions we are experiencing are similar to those in 2005, which was followed by the driest year on record and a depletion of our storage to the lowest recorded levels. The efficient use of our water resource must pervade our society's water use. Indeed, in discussing these issues with my constituents at my mobile offices, this appears to be the opinion held by most.

This is definitely a recovery year for our storage following years which were severely dry. It is time for us to "put water in the bank" by embedding our good water use practices to ensure long-term supply against the predictions of climate change impacts. Cotter remains our most productive catchment. The three dams within the catchment are close to or at capacity. We are currently transferring all we can from these reservoirs to Googong, our largest water storage.

The ACT government has invested significantly across a range of infrastructure programs to ensure that all people in the ACT have clean and secure water for years to come. These projects include ongoing works like the Murrumbidgee to Googong project, the Tantangara transfer project and, of course, the major upgrade of the Cotter Dam. Once the ACT's water security projects are complete, we will have broadened our catchments and be better able to store water received during high rainfall periods, like we have seen recently, to get us through the dry times.

Permanent water conservation measures are designed to facilitate long-term efficient water use and are a major contributor to the government's target of reducing per capita potable water consumption of 12 per cent by 2013, which is on track, and by 25 per cent by 2023. Actew have estimated that the permanent water conservation measures have resulted in estimated water savings of at least eight gegalitres per year. As such, these measures make a critical contribution towards achieving our water savings targets.

Permanent water conservation measures were introduced in 2002 as a statutory scheme under the Utilities Act 2000. They are part of the government's longstanding think water, act water strategy that was introduced in March 2006. Permanent water conservation measures were introduced after community consultation and restrict the watering of lawns and gardens to morning and evening hours, ban hosing of hard surfaces, including driveways and windows, control the use of sprinklers for dust suppression and introduce the compulsory use of trigger hoses for car washing.

In contrast to temporary restrictions, which are designed to meet short-term demand reduction targets, the permanent water conservation measures are designed to secure permanent water efficiencies in the ACT without imposing unreasonable impositions on the lifestyle of ACT residents.

Actew, in close consultation with DECCEW, is developing a proposed new permanent water conservation measures scheme. The new scheme has two major changes to the existing scheme: firstly, new or expanded customer categories to make differentiation between each stage clearer and therefore easier to implement and, secondly, a proposal to expand the scope of permanent water conservation measures to include a requirement for certain classes of non-residential customers to submit water saving plans.

Temporary water restrictions are designed to protect water security by introducing measures that reduce consumption during droughts, given storage levels and demand pressures. Each stage targets savings relative to annual reductions in consumption: in stage 1, 10 per cent; stage 2, 25 per cent; stage 3, 35 per cent; and stage 4, 55 per cent. This is achieved through the application of a variety of restrictions relating to the use of water domestically and commercially through the stages that I have just outlined.

In deciding which level to set and therefore which stage—stage 1 through to stage 4—of temporary water restrictions should be in force, Actew has to consider dam storage levels; the time of year and likely future consumption of water; daily consumption levels in the immediate preceding period; daily consumption levels in the corresponding periods in previous years; currently available weather forecasts and other meteorological advice; the desirability of reducing water usage on an ongoing basis; the desirability of avoiding excess reliance on only one of the ACT's water catchments; the possibility that, if restrictions do not sufficiently reduce current water consumption, water available for later supply may be of a quality that may cause damage to property; and any other relevant considerations at that particular time.

The current stage 2 restrictions are part of the approved temporary water restrictions scheme. Actew can make a change to the level of restrictions under the scheme provided it informs the minister and consults with the environmental planning authority beforehand. Such consultation took place prior to the recent move from stage 3 and another round will follow any Actew decision to move to a different stage of restrictions.

As a performance target the government has set the objective of the ACT only being in temporary water restrictions one year in 20. This is a standard that is common across all states and territories. With this standard in place the government, in conjunction with Actew, is reviewing the ACT water supply outlook every five years to ensure we have a safe and secure water supply as our city grows and the effects of climate change show their impact on our region and catchments.

MRS DUNNE (Ginninderra) (4.02): I would like to start by quoting two passages from a well-known poem by John O'Brien:

And so around the chorus ran
 "It's keepin' dry, no doubt."
 "We'll all be rooned," said Hanrahan,
 "Before the year is out."

And towards the end of the same poem:

And every creek a banker ran,
 And dams filled overtop;
 "We'll all be rooned," said Hanrahan,
 "If this rain doesn't stop."

These two quotes look at the negative effects, in the words of another well-known poem, "of drought and flooding rain"—the extremes which we in Australia find so

familiar. Despite their negativity, these two quotes serve to remind us that we need to use our water wisely in times of drought and never be complacent about our water supply in times of abundance.

Ms Hunter's topic for today's matter of public importance is timely, especially now that we seem to be approaching a time of abundance. I note from today's *Canberra Times* that the season of abundant rainfall is likely to continue through spring and summer—and Ms Porter has touched on that already—so we can look forward to further increases in our dam levels.

Actew Corporation, with the support of the government, has already relaxed our water restrictions to stage 2. Once the dams reach 80 per cent capacity, which seems likely within a matter of days, there could be a further relaxation to water conservation measures. That may well be fine if the forecast rain continues, with the resultant decrease in community demand for water, but if there is a hot, dry spell during the summer and early autumn there could well be pressure on our water storage levels, with the ultimate sanction being a return to higher level restrictions.

What is the impact of these changes on our water restriction mechanisms and on our water conservation approaches generally? In times of abundance we have to be wary of complacency. Given the rain and the rapidly increasing dam levels, people in the ACT may feel a little complacent. I think it is reasonable to say that that is understandable after years and years of doing it tough. In times of drought, we might be more inclined to doom.

Is the solution simply to maintain a constant regime of water restrictions and conservation measures? Or is the solution to raise and lower water restrictions based simply on water storage levels in our dams? We are in a situation where it is a little bit of column A and a little bit of column B. In the end, the aim must be to achieve a balance between the extremes of Hanrahan's laments. We should not be in a position to shout, "We'll all be rooned," because there is too much or too little water.

Having said that, it seems to me that the time is right to reward the people of Canberra for their considerable restraint in their use of water over the past four to seven years—the last four years when we have been in stage 3 water restrictions and the times when we have been confronted with the possibility of even stage 4 water restrictions. Accordingly, I applaud the recent action of Actew Corporation to ease water restrictions in the ACT. It is time to say to the people of the ACT that it is okay to water their garden, to wash their cars and to wash their windows—within reason.

I applaud the people of the ACT for their impressive efforts in water conservation over the past years. Ms Hunter pointed to the fact that in the late 1990s, the previous century, our gross water consumption was in the order of 75 gegalitres and it is now down to 45 gegalitres. That is an impressive turnaround for the people of the ACT, but in doing that we have had severe impacts upon our community. Perhaps now is the time that Canberra can reclaim its image of being the garden city instead of the dead brown city. In saying that, I have to say that we must make sure that we do not become complacent.

As a community we need to have a conversation about how best we can use our water resources so that we can become a community that conserves water in a proactive way and in a way that treats us as a grown-up community. Members of this place would not be surprised to hear that I have a particular concern about the way in which water restrictions, even stage 2 water restrictions, are constructed. The way they are constructed sends very bad messages to people about what is an effective way of using water in one's garden.

The particular case in point is that, under stage 2 water restrictions, if I wanted to I could stand around between 7 and 10 in the morning and 7 and 10 at night with my trigger hose and water my garden. I would do it in a very ineffective way, but I could do it every day of the week for six hours a day. I would use a considerable amount of water but I would have a very ineffective impact on my garden. It is about time that we had a sensible conversation about how we can better use that amount of water.

From time to time we have had a relaxation of the water restrictions. During the last Christmas holidays there was a relaxation so it was possible, even on stage 3 water restrictions, to water gardens by using a sprinkler one day a week on an odds and evens basis. I would welcome an opportunity to return to that sort of approach across water restriction and water conservation regimes.

We need to tell people that if they are going to put water on their gardens they should not do it little and often. They should perhaps do it longer and with longer spaces in between. That encourages root growth and means that the plants will be stronger and more hardy. It means they will be able to look for water for themselves, especially now that we have increasing water tables in the community.

These are serious questions that we need to have serious discussions about in the context of water restrictions. I find it a little disappointing but not surprising that the tenor of Ms Hunter's presentation was all about the things that the Greens find virtuous. It is all right to put water on your garden if you are going to grow a veggie garden or have a rockery, but there is no mention of the need, the requirement and the desire of many families to have a small patch of lawn where they can play with their kids and their dog. This is not an unreasonable aspiration for people in the ACT in the 21st century.

Most people who live in suburbia do so because they have children and they want to have a safe and commodious place for them to play. We in the Canberra Liberals want to work through the water restrictions and water conservation measures so that it is not an unreasonable aspiration for people to have a patch of lawn where they can play with their children and their dogs, where they can play a spot of cricket from time to time, or whatever people choose to do in their backyard when they want to have their kids outside.

Over the last few years we have seen a decline in the quality of our gardens because of the drought. Now we are presented with an opportunity to be able to revivify those lawns and gardens and have people coming back to more regular and more accepted patterns of behaviour in the use of their gardens. It is not just about the individual

amenity of families. It is about the impact that that has on the whole microclimate of suburbs and streets and Canberra itself. When there is more grass and greenery, a place is cooler. We tend to use less air conditioning and the like. It improves the resale value of our properties, which is something that most Canberrans aspire to. It gives them an opportunity to put some order and some beauty into places that have been degraded during the drought.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.12): I thank Ms Hunter for raising this matter of public importance today.

There are few more important questions in Australia than water conservation. In recent weeks, our water utilities provider, Actew, has been able to relax water restrictions in the territory from level 3 to level 2, thanks to good winter and spring rains. Our dam levels are now close to 80 per cent, a level not seen for almost a decade. That is good news for households, for our natural environment and for many of our businesses.

We need to remember, however, that, while the weather now is favourable, it is also variable and the long-term climate change prognosis remains poor as regards ongoing water availability. So this recent good news should not be taken as a sign that we can now abandon the many excellent practices Canberrans have adopted to conserve water. It is in part thanks to the changes we have all made to our lifestyles that we are now in a position where three of our dams are full and a fourth is at two-thirds capacity.

From the government's perspective, we will not be dropping the ball on water conservation. I would like to take members through some of our ongoing water conservation measures. Firstly, there is the Cotter Dam enlargement. One of the most important initiatives is the expansion of the Cotter Dam, a project that will expand its capacity by almost 20 times, from four to 78 gegalitres. This construction project is the cornerstone of the government's water security strategy, along with the construction of the Murrumbidgee to Googong pipeline and the Tantangara transfer. These three initiatives represent a combined investment of \$545 million in the ACT's water security.

But supply augmentation is only one side of the water equation. The Cotter Dam expansion has also seen the creation of a curriculum unit for our schools so that students can be part of this significant project. This is by no means the first time schools have taken an active interest in water conservation, either at a learning or at a practical level. The ACT's Australian sustainable schools initiative, which was a national finalist in the recent Keep Australia Beautiful sustainable city awards, is being run in almost 127 public and non-government schools in the territory. It has provided staff, students and parents with ways in which they can make their schools and lives in general more sustainable.

A critical component is the WaterWise audit process, a comprehensive audit that takes schools through the behavioural and other changes needed to reduce and maintain a reduction in their water consumption. ASSI officers check the schools' water

consumption levels at the outset of the audit and then again 12 months later. Those that can show a reduction in use become accredited. For the others, the ASSI—or Australian sustainable schools initiative—officers go back to investigate why water consumption did not reduce and what can be done to make it happen.

The results are impressive. Comparisons between baseline data and data collected after 12 months for the 22 accredited WaterWise schools shows a combined reduction in water consumption of 30,000 kilolitres over that period. As well as saving this precious resource, they have also saved the schools \$61,000 in water bills.

Public schools have also benefited from significant water efficiency through retrofitting and upgrades. Over the past five years, water efficient taps, dual flush toilets and time flush urinals have been installed in many schools. Water consumption has been reduced by managing building water usage and reducing the irrigation of grassed areas. The government is investing more than \$2 million in the installation of rainwater tanks, which will substantially reduce water use. In total, ACT public schools have reduced their water use from 600,000 kilolitres in 2007 to less than 375,000 kilolitres last year.

Getting to the issue of household actions, one of the great aspects of the schools initiatives and programs is that the behaviours and knowledge learned can often be carried into the home, where a range of other ACT government initiatives allow families to save water. Two of the main programs are ToiletSmart and GardenSmart.

ToiletSmart has been introduced to assist ACT residential property owners to replace single flush toilets with water efficient dual flush ones. Eligible pensioners are able to receive a dual flush toilet worth almost \$500, supplied and installed for free, with discounts of \$100 available on other selected models to all other program participants. Since its launch in May 2008, ToiletSmart has replaced almost 5,000 single flush toilets with dual flush models. When you realise that ToiletSmart can lead to annual water savings for an average Canberra household of 36,500 litres, that is a significant water saving.

In July this year, the government added a plus element to the ToiletSmart program. This is available to all ToiletSmart participants and offers the additional benefits of water efficient shower heads, tap flow restrictors, repairs to leaking taps, the replacement of leaking outdoor taps and a free home water audit, all in a single visit.

ToiletSmart deals with the bathroom, generally the second largest user of water in any household. The largest component of water use is the outdoors, in particular gardens. For this, the government offers residents GardenSmart. Like ToiletSmart, it is a free service and provides people with tailored, practical advice on reducing water use in their garden, while giving it the best chance to stay healthy.

This program has of course had particular relevance during the drought period. From 2008 to 2010 more than 1,900 GardenSmart visits were carried out. The recent rains have made this program more, not less, relevant. People still need to know the best plants for their garden and, because we cannot count on the wet weather continuing—indeed, it will not—maximising water efficiency remains of paramount importance.

I turn to another initiative on water efficiency: the urban wetlands. Programs that aim to encourage water efficient behaviours in Canberrans have been complemented by the government's investment in our built environment. The Canberra integrated urban waterways project is a four-year program, carried out in partnership with the commonwealth, to reduce consumption of potable water by up to three gegalitres per annum through the increased use of stormwater for irrigation purposes.

This is being achieved by retrofitting existing stormwater infrastructure to better utilise stormwater for irrigation. It involves the replacement of concrete storage and piping with more natural wetlands and natural water channels. Some of the uses for this water will be on sportsgrounds, local parks, ovals and open spaces. The scope for the use of stormwater is significant, with the ACT currently home to more than 250 hectares of irrigated and fully maintained sportsground.

Two of the newest wetlands that are part of this program are in Gungahlin and the Molonglo Valley. These two sites received funding of \$11.5 million in the most recent ACT budget. The 2009-10 budget has already provided investment of \$13.9 million for the construction of wetlands in Dickson and Lyneham. This work is now well underway. The investment of more than \$25 million will significantly reduce potable water consumption in new and established suburbs.

The government has also implemented the "where will we play?" initiative. The urban waterways project supports this initiative, which ensures that by 2013, no outdoor sporting facility in the ACT will solely rely on the drinking water supply for irrigation. There is further support for this in the recent budget, through an investment of \$300,000 for initiatives to help reduce reliance on potable water at the Murrumbidgee Country Club and at the Yowani Country Club. The funding will allow the Murrumbidgee club to build a pipeline from the Murrumbidgee River and the associated pumping station. It will also allow Yowani to construct a pipe and dam to harvest stormwater from Sullivans Creek to help water their golf course and bowling greens.

As I mentioned earlier, the government does not believe now is the time to become complacent when it comes to securing our water supplies. The recent rains have afforded us some breathing space, but we must still push ahead with water security measures and strategies. Much of this work has had to be tailored around existing infrastructure but with new developments and projects we are able to get this right at the very beginning.

Nowhere is this more evident than the Molonglo Valley development. The Department of the Environment, Climate Change, Energy and Water is working with ACTPLA to implement a range of sustainable measures in Molonglo. Chief amongst these is the use of water, and the development has the target of a 40 per cent or more reduction in water use. I have already mentioned one of the ways that this will be achieved, with the construction of the urban wetland project. More generally, planning is allowing for the maximum re-use of water wherever possible.

These are some of the strategies, investments and programs that make ongoing conservation of water supplies a priority for the Labor government. We are currently

experiencing a welcome boost in dam levels and rainfall, but that does not make this work any less of a priority. Over the past decade, Canberrans have led the way in adapting to a dry climate, and one good year does not mean that these behaviours should be forgotten. Some things just make sense. I thank Ms Hunter for bringing this matter of public importance to the attention of the Assembly today.

MR RATTENBURY (4.22): I think that in the ACT, in light of the recent dry period that we have experienced, we have built a culture of being water aware. I think that is a healthy place for a community such as ours to be in. I certainly experience this regularly in the conversations I have with people and in the emails that I receive. I think the Canberra community is extremely water aware. It is something that they realise is very fundamental to the future of this city.

I think people understand that we are facing the long-term challenges of living in a city that is likely to face future water stress. We cannot necessarily measure the benefits of that without understanding exactly how much has been invested in getting the community to this place. But we do not want to lose that appreciation both of water saving and water efficiency. We cannot afford to get complacent, even if we are now going through a period where, fortunately, our dams are filling to well above the dramatically low levels we have seen in the last couple of years.

In that context, I would like to talk about the bigger picture. I think the intent behind Ms Hunter's MPI today is really to say: we are in a period of some relief, but what is the longer term, big picture perspective, for the ACT? It seems to me that that has a lot to do with the cost of demand management versus the cost of major water infrastructure. If we are going to invest in these large-scale projects that will add significant cost to water consumers' bills—as certainly the Cotter Dam and the other projects that are currently underway, or are planned, are going to—then we must first and foremost also ensure that we are doing absolutely everything we can to improve urban water efficiency right across Canberra.

It is well documented that it is cheaper to save water that we already have than to build large-scale infrastructure to get more water—aside from the fact that, obviously, if the water is not falling out of the sky, no matter how much infrastructure you build, it is never going to be any good. However, as I said earlier, we do have these large infrastructure projects under development. That brings us on to this sense of water pricing.

Ms Hunter talked earlier about the fact that different people put different value on water and want to use water for different things. I was struck by Mrs Dunne taking a pot shot at Ms Hunter on this. It was interesting; I think it is the only way that she knows how to do these things. She just could not help herself. Ms Hunter talked about a range of possible things that people value water for. She talked about vegetable gardens, she talked about people wanting to wash their cars and their windows and a whole range of matters. She talked about the Greens' support for acknowledging that the lawns at Kingston—or the Kingston green—were something that we felt should have been retained, because it was such a valuable community asset. Poor old Mrs Dunne could not help herself: she had to take some pot shot about Ms Hunter not wanting Canberrans to have lawns. It is clear that the Liberal Party is now the champion of lawns in Canberra. It was simply a bizarre intervention.

But the important point is that different people do put different value on water and want to use it for different things. Now, of course, theory dictates that one way to find out how much people value water is to price it and to see what they are prepared to pay—to essentially operate a free market around water. When it is less available, it will become more expensive; when it is freely available, of course, the price will drop. That is the classic market model. I know that, when the restrictions were lifted earlier this month, there were some who said that water restrictions should be completely removed. Maybe we should move to a system where water is priced in a way that reflects its scarcity.

The Greens do not support this approach as, clearly, access to safe potable water is a human right and, as with energy prices, we do not want to disadvantage those in our community who can at least afford to pay higher prices. That said, there is also little evidence that setting a market price for water will actually change behaviours in the same way that water restrictions do. Stage 3 restrictions are designed to achieve 35 per cent efficiency savings. What price would we need to see water rise to in order to achieve those kinds of savings?

However, there may be some value in reviewing the water pricing regime. The current threshold for triggering a higher price per unit of water is 200 kilolitres per year. That is around 550 litres per day per household. Given the changes that Canberrans have made to their consumption patterns over recent years, it would be valuable to see how often that threshold is triggered. Many families would not come close to consuming that amount of water, so the current pricing strategy may not be sending any kind of signal about valuing water at all.

I touched earlier on the cost-effectiveness of efficiency measures. I think as well as establishing permanent water restrictions, as Ms Hunter touched on, there is a range of measures that we do want to put in place, because in the long term, as this city continues to grow, there is a limit to how much water we can capture and, therefore, make available. In the context of future projections of water supply and rainfall, we are going to need to be constantly conscious of our water consumption. There is a range of measures. Integration of best practice water sensitive urban design in new developments is one measure, and we have great opportunities in areas such as East Lake and Molonglo, as well as the new suburbs in Gungahlin.

The Greens believe it is not okay just to build new developments without taking this into account. Increasing the number of houses and people will continue to put pressure on our water supply, as I touched on. There are many and varied technologies available that mean new areas can be highly efficient. The houses we build today will continue to consume water over the next 40 or 50 years—well into the period when projections tell us that water security will be an issue for the ACT.

Now I know that ACTPLA's water sensitive urban design has been implemented into the territory plan, and that is certainly a step forward in terms of funding and planning, but there are new developments in other places that are being far more innovative in their grey water management. They are being far more innovative in saying, "We are going to go beyond current norms and we are really going to stretch ourselves,

because we know that over time this will really be something we will value having done today.”

The Greens, of course, have been talking with the government about the provision of household level non-potable water for Molonglo, but I have to say that, apart from the trial of 200 houses in Wright that will have access to recycled stormwater, we have not really heard much about how the government are planning to address this issue. I am looking forward to seeing the government’s assessment of the options to address household access to grey water.

I have been encouraged to see the development of urban ponds and the extension of the Sullivans Creek network, as well as ponds in Woden, Weston and Ginninderra. Again, I think these are good initiatives that take advantage of the water we do have currently. It is a new way of thinking about stormwater management that allows for our stormwater resource to be used to improve our urban environment, parts of which, unfortunately, have fallen victim to high-level water restrictions—our playing fields, community green space and tree streetscapes are all things that, as a community, we value, and they have all been stressed during the recent dry period.

I think it is also a step forward that the government announced earlier this year the extension of the ToiletSmart program. As the minister noted, it was creatively branded ToiletSmart Plus. It is not quite as generous as the scheme that the Greens—and, for that matter, the Canberra Liberals—had in mind, but it does do one very important thing, which is to offer a free water audit to those people who have a replacement low flush toilet installed.

From that point, customers can access cheaper water fittings and pensioners can access free low-flow showerheads. I have had this conversation with the minister, and I think we need to think very creatively about how we help both households and, for that matter, industry and various businesses around town to adopt water saving measures, because some people will take the steps of their own accord, but others will simply not have the time and perhaps will not have the know-how—or just simply will not know where to start. I think there is a role for innovative government programs, and it is not simply about subsidies or handouts, but really about thinking about how we can help people move from where they currently are to where we want them to be in terms of water efficiency.

In conclusion, I would simply like to note that the water challenges for the ACT remain sobering for the foreseeable future, as indicated in the scenarios outlined by the CSIRO for rainfall and, therefore, inflows into our water catchments. I think the ACT government—including all parties in the Assembly—and the community must continue to be vigilant and committed to water efficiency measures. We need to resist some rush for profligate use of water in the good times. It is something to be conscious of, I think. If we are not, we may find ourselves having to build more and more infrastructure. As I said earlier, you can build all the infrastructure you like but if the rain is not coming it is not going to be of any use to any of us.

So the Greens will continue to ensure that government programs are innovative, effective and given the priority they deserve. We do have ideas. I think other places

are doing interesting things. We need to be constantly looking outside our borders, as well as hopefully creating ideas here that other places will also seek to copy from us in this drive to be as water efficient as we can.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): It appears that the discussion is concluded.

Adjournment

Motion (by **Mr Corbell**) proposed:

That the Assembly do now adjourn.

ACT Hockey—presentations Brindabella Blues football club

MR DOSZPOT (Brindabella) (4.33): In my capacity as shadow minister for sport and recreation, I have over the last couple of weeks attended a number of sporting activities. First of all, on Wednesday, 8 September, I was a guest of Hockey ACT for the 2010 Brophy and McKay medals presentation evening. The evening celebrated player, team, coach and administrative excellence and culminated with the announcement of the Brophy and McKay medal winners. The evening also celebrated the 50th anniversary of the presentation of the Brophy medal.

The major award winners were as follows: the Brophy medal went to Dan Hotchkis from Central on 56 points. The McKay medal went to Sam Ellis from Wests on 74 points. The Central trophy went to St Patrick's. The Waratah Shield went to Old Canberrans. The Sue Watt trophy went to Jeff Bingley from Central as most valuable junior umpire. The umpire of the year was Debbie Brown from the women's competition. The Keith Harding memorial trophy went to Benson Williams from United for the most valuable junior umpire. The Jim Gallagher trophy went to Richard Metcalfe as umpire of the year in the men's competition. In addition, it was great to see Heather McKay there presenting the McKay medal and Tony Luchetti presenting the Brophy medal as one of the major sponsors.

A few days later, on 11 September, I had the pleasure of spending a day with the Brindabella Blues, a very active football club in my local Calwell, Tuggeranong area. I would like to compliment the club officials: President Ken Yalg, Vice President Mark Mynott, Secretary Bev Alferink and committee members Frank Bizjak, Bobby Dawson and Peter Ambrose, just to name a few of the hundreds of volunteers who established Brindabella Blues Football Club as a significant junior and senior football club that caters to over 800 junior boys and girls and a further 300 senior men and women players.

The size of the club became quite apparent to me, as the presentations took all day to complete. From 8.30 in the morning to 3.30 in the afternoon, there was a steady stream of young players receiving their trophies for the year. My congratulations to all involved at the club—players, officials, parents and referees. It is always a pleasure to be invited to hand out the hundreds of trophies and to be able to share in the

enthusiasm of the day with the members of a growing club that is making a great contribution to Calwell and the nearby suburbs in Tuggeranong and its community.

Educational trade mission to China

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (4.36): I rise briefly to report on my recent educational trade mission to China. Members will be aware that Canberra is a knowledge city. We are home to world-class public institutions, public education institutions and private training firms.

Naturally, our city's relationship with China is built on education. Foreign students bring in around \$200 million a year to our economy. Their presence supports the jobs of thousands of Canberrans and adds greatly to the cultural life of our city. China is the major source of overseas students for the ACT. This is a relationship that we want to strengthen and that was, of course, the point of the trade mission.

Whilst in China, I attended a number of events, including a trade dinner and a University of Canberra alumni event. As an aside, I also had the opportunity to witness town planning Shanghai style, visiting a handmade scale model of Shanghai that, I would have to say, had the floor space equivalent to an aircraft hangar. I think the scale model of their city was bigger than some Australian towns. It would be fair to say that the urban density within the city of Shanghai, with the function of a rapidly globalising giant economy, trying to meet its global obligations on greenhouse emissions, is something to behold.

Whilst in China, it was also my great pleasure to meet with a number of people vital to our ongoing trade relationship, including the deputy director-general of the Shanghai education commission, Mr Linjun Xiu, the China executive leadership academy program, the deputy director-general of the Shanghai sport bureau, Mr Chen Yiping, and Mr Tom Conner, the Consul General in Shanghai.

The highlight of the mission was undoubtedly the educational export dinner held at the Australian pavilion at the Shanghai World Expo. The ACT government is a silver partner of the Australian pavilion. The trade mission was supported by great Canberra institutions with a range of great initiatives.

At that dinner, I was privileged to be able to announce a number of these. The Australian National University School of Engineering and Computer Science in conjunction with National ITC Australia have established a program to bring six Chinese scholars to Canberra between November 2011 and February 2012. The ANU College of Business and Economics has also developed a scholarship for the ANU/Tsinghua master of management program, which will enable Chinese students to travel to Australia for the program between November next year and February 2012. UC has established a chapter of its alumni specifically for the East China University of Science and Technology MBA graduates. This marks the 10-year anniversary of the signing of a new long-term agreement with ECUST and the University of Canberra.

Finally, the ACT's executive leadership and training organisation, Yellow Edge, in partnership with the China executive leadership academy at Pudong, or CELAP, have established a scholarship. It allows three Canberra business people to participate in a five-day program with CELAP participants as part of the global leadership practices program.

I would like to take this opportunity to congratulate Emma Walter, Sam Prince and in particular Mark Whybrow from the ACT Department of Education and Training, who each received placements under this program. I would also like to congratulate the University of Canberra, the ANU, the Canberra Institute of Technology, Yellow Edge and the Department of Education and Training on their participation in the trade mission. I also acknowledge the involvement of the Academy of Interactive Entertainment and thank all of them for their commitment to building stronger trade links with the People's Republic of China.

International affairs—Sri Lanka

MS BRESNAN (Brindabella) (4.40): I have spoken in this place before about the situation of the Tamils in Sri Lanka and overseas and I did think it was worth noting that on 22 June this year the UN Secretary-General announced the formation of a three-member panel to advise on whether any crimes were committed in Sri Lanka during the final months of its war against Tamil Tiger rebels. The panel will advise the UN Secretary-General on the issue of accountability with regard to any alleged violations of international human rights and humanitarian law during the final stages of the conflict in Sri Lanka.

Peggy Hicks of the New York-based Human Rights Watch group said that the panel was necessary since "the Sri Lankan government is unwilling to seriously investigate war-time human rights abuses". She added that she hoped the panel would produce a roadmap of international investigation. She also urged the UN that, because of the delays already in terms of any action on what is happening in Sri Lanka and in terms of any action looking into the human rights abuses that have happened there, it is important that there be no further delays and that the panel be assisted in their investigations.

I did also want to refer to a group which has been formed, the Global Tamil Forum. They held their inaugural conference on Wednesday, 24 February this year. It was attended by the then Foreign Secretary of State, the Rt Hon David Miliband MP. He was joined by the then shadow foreign secretary, the Rt Hon William Hague MP, along with many other national and international parliamentarians, civil leaders and academics in a show of support for the Tamil diaspora congregation.

The Global Tamil Forum has a membership of Tamil groups from across the world, including Australia, and they will be working to promote and further the interests of Tamil diaspora and the situation of the Tamil people in Sri Lanka.

Belconnen Community Council

MR COE (Ginninderra) (4.42): I rise this afternoon to give a plug to the Belconnen Community Council and the great work done by all the community councils across

Canberra but in particular the Belconnen one. Being involved in these community councils is, by and large, a thankless task, charged with quite a broad scope, I think. The mandate of these councils is not overly clearly defined, yet I think they do have a great record of contributing and adding value to debates in and around Canberra, especially on planning issues but not exclusively.

In particular, I would like to commend those on the Belconnen Community Council committee and the office bearers. I thank those on the committee: Brian Rhynehart, Charlie Thompson, Charles Thomas, Damien Haas, Dineth Ekanayake, Graeme Evans, Michael Neilsen, Shiela Keunen, Shirley Gourgaud, and Matthew Watts. Of those committee members, I particularly thank the office bearers: President Shirley Gourgaud, Vice-President Damien Haas, Secretary Mathew Watts and Treasurer Michael Neilsen.

All these community councils meet monthly and the numbers that turn up vary greatly, depending on the issue and whatever else is happening in town on that particular day. I do commend their determination, their conviction and their consistency in continuing to add to the debate, as volunteers with very limited resources. I think they do a superb job and I look forward to the Belconnen Community Council's AGM, which I believe is next month, October. I commend the Gungahlin Community Council which also covers part of the electorate of Ginninderra.

Question resolved in the affirmative.

The Assembly adjourned at 4.44 pm until Tuesday, 19 October 2010, at 10 am.

Schedule of amendments

Schedule 1

Justice and Community Safety Legislation Amendment Bill 2010 (No 3)

Amendment moved by Mrs Dunne

1
Schedule 3, Part 3.2
Amendment 3.2
Proposed new section 68C (2) and (3)
Page 25, line 18—

Omit proposed new section 68C (2) and (3)

Answers to questions

Actew Corporation Ltd (Question No 973)

Mrs Dunne asked the Treasurer, upon notice, on 4 May 2010:

- (1) On what date did the Minister receive the board papers for the meeting of the ACTEW Corporation Board held on 13 May 2009.
- (2) What documents were included in those papers.
- (3) When did the Minister read those papers.
- (4) Did the Minister consider that she required a briefing on any particular matters in those papers prior to the board meeting; if not, why not; if so, (a) when did the Minister take the briefing, (b) what matters was the Minister briefed on and (c) what feedback or matters of guidance/instruction did the Minister provide in response to that briefing.

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

- (1) The board papers for the meeting of the ACTEW Corporation Board held on 13 May 2009 were received on 11 May 2009.
- (2) The documents included monthly financial and compliance reports, business performance reports, reports on progress of the Water Security Major Projects and other general business papers.
- (3) I have not kept a record of the date of when I read the board papers.
- (4) I did not seek a briefing on any particular matters in the Board papers prior to the Board meeting as it is standard practice for ACTEW's Managing Director to brief me in a letter after each meeting.

Education—funding (Question No 1033)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 17 August 2010:

- (1) How is value for money defined and implemented in decisions to fund projects receiving the Building the Education Revolution (BER) funding.
- (2) What processes are in place to ensure value for money from conception to completion of projects.
- (3) Are there best-practice guidelines being used; if so, what are they.
- (4) What financial management and accountability systems are in place to ensure value for money.

- (5) How many projects have not been completed on time and can the Minister provide a list of these projects, including (a) project description, (b) BER funding element, (c) cost and (d) reason for delay.
- (6) How many projects have had to be rolled back and/or reworked and can the Minister provide a list of all relevant projects and description of reason for project rollback and rework.

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

- 1) In line with the ACT procurement guidelines, a market-tested pricing process was used to select construction managers to deliver the *Building the Education Revolution* (BER) projects. Trades packages for sub-contract work also followed the ACT procurement guidelines with both the construction managers and ACT Procurement Solutions assessing and approving sub-contracts.

In addition to the assessment of costs, projects were also assessed on the basis of achieving quality outcomes for each ACT public school. This included consultation with school communities on the project preferences and project designs that met the needs of each school as well as regular site inspections to monitor project progress.

- 2) The ACT Government procurement guidelines are designed to ensure value for money at all stages of a project.

The Building the Education Revolution Implementation Taskforce presented its Interim Report on 6 August 2010 (Orgill Report). This addressed the processes employed by jurisdictions, including the ACT, and the value for money outcomes for selected schools. The report noted that the ACT did not de-scope work as a cost control measure and that the ACT Government chose to fund any extra costs to achieve the original scope.

The Orgill Report can be accessed at
http://www.deewr.gov.au/Department/Documents/BERIT_Interim_Report_06082010.pdf

- 3) Yes, the ACT Government procurement guidelines.
- 4) Financial management for capital works projects, including the BER projects, is managed by the ACT Government's procurement agency, ACT Procurement Solutions.

The Department of Education and Training also developed an in-house cost reporting system to record the approved funding allocations for each project and to monitor project payments.

- 5) All National School Pride projects were completed by the dates approved by the Australian Government. One *Primary School for the 21st Century* project, at The Woden School, was completed nine days after the approved completion date. This project, which was required to be completed by 31 May 2010, was completed on 9 June 2010.
 - a) Construction of three new classrooms with student toilet facilities and storage space.
 - b) The approved project funding from the Australian Government was \$850 000 with a further \$177 740 approved, comprised of \$164 300 reallocated from savings on other BER projects and \$13 440 in ACT Government funds.

- c) \$1 027 740.
 - d) The initial timeframe set by the Australian Government for the completion of construction works was tight and a minor delay was experienced in the connection of the mains power by *ActewAGL* to the new building. A request to extend the approved completion date to 9 June 2010 was submitted to and approved by the Australian Government.
- 6) No ACT public school BER project has been de-scoped.

Education—funding (Question No 1035)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 17 August 2010:

- (1) Will the Minister provide a list of all Building the Education Revolution (BER) projects categorised according to the funding elements of the program, Primary Schools for the 21st Century, National School Pride Program and Science and Language Centres for 21st Century Secondary Schools.
- (2) In relation to the Minister's comment during Estimates to refer to the Department of Education and Training's (DETs) BER webpage, for the projects included in part (1), can the Minister provide details of the costs for (a) project management, (b) design, (c) materials and supplies, (d) labour, (e) ongoing depreciation and maintenance and (f) per square metre, which are currently not listed on DETs BER webpage.

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

- 1) Details of the 68 Primary Schools for the 21st Century (P21) projects and 84 National School Pride projects for ACT public schools are on the Department of Education, Employment and Workplace Relations *Building the Education Revolution* website at <http://buildingtheeducationrevolution.gov.au>.
- 2) In its Interim Report released on 6 August 2010, the Building the Education Revolution Implementation Taskforce recommended that each education authority publish school specific project cost data related to the BER P21 projects in a nationally common structure with consistent definitions. The ACT Government supports this recommendation. Together with other jurisdictions, the ACT Government is working with the Taskforce to finalise the structure and definitions for project cost data, so that costing data can be published in a consistent manner.

Canberra Institute of Technology—staff (Question No 1037)

Ms Bresnan asked the Minister for Education and Training, upon notice, on 17 August 2010:

- (1) How many (a) permanent, (b) temporary contract and (c) casual, (i) teaching and (ii) non teaching staff were employed by the Canberra Institute of Technology (CIT) for (A) 2006-07, (B) 2007-08, (C) 2008-09, (D) 2009-10 and (E) 2010-11 to date.
- (2) How many positions identified as permanent were at some stage filled by temporary contract or casual staff.
- (3) Does the Government have a strategy for increasing the level of permanent employment at CIT.

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

- (1) The CIT operates on a calendar year financial basis (January to December). For 2006-07, 2007-08, 2009-10 I would refer you to CIT's Annual Reports.
- (2) The *Canberra Institute of Technology Act 1987* directs that CIT staff are employed under the *Public Sector Management Act 1994* (PSMA). This is the same Act that most ACT government agencies are staffed under.

As with all ACT public service Agencies, the *Public Sector Management Act 1994* provides that the CIT Chief Executive may approve the creation of an office in CIT with an approved classification (i.e. ASO 4). Each office is designated with a position number in order for them to be differentiated from each other. The term "office" is what might generally be referred to as a position.

A created office or "position" is not classified as permanent or temporary in nature.

However, staff employed in these offices or positions are employed in either a permanent or temporary capacity dependant on the business needs of the CIT. Naturally, these business needs change over time and so while on one occasion an office may be filled temporarily, on another occasion a decision may be made to fill the role permanently.

When casual staff are employed they are not held against an office.

- (3) The Canberra Institute of Technology has an Enterprise Agreement covering teaching staff and a Collective Agreement covering general staff. Both Agreements provide an acknowledgement that the parties are committed to promoting permanent employment and job security for employees within the Institute.

To that end the Agreements stipulate that CIT will endeavour to minimise the use of temporary and casual employment, including limiting the use of these employment types to circumstances where there is no permanent officer available with the requisite skills or if the work is urgent or specialised and it is not practical to utilise the services of a permanent officer. Also included is a provision which stipulates when casual employment can be used.

Both agreements provide for the monitoring of vacant "positions" with reporting to and consultation with relevant unions on the filling of these "positions" on a permanent basis. In addition, the Agreements provide a mechanism for temporary staff to be made permanent without a further merit process where certain criteria are met. A significant number of staff over the years have gained permanency in this way.

CIT management regularly monitor the use of all forms of employment to ensure that the business needs of the organisation and its commitments under the Agreements are being met.

Education—Indigenous students (Question No 1038)

Ms Hunter asked the Minister for Education and Training, upon notice, on 17 August 2010:

- (1) Can the Minister provide the number of Aboriginal and Torres Strait Islander students in ACT schools that were suspended for (a) one day, (b) two to five days, (c) five to 15 days and (d) 15 days or longer for the period 1 January to 31 March in (i) 2009 and (ii) 2010.
- (2) How many of the Aboriginal and Torres Strait Islander students suspended and or their parents/carers were engaged with the Suspension Support Team pilot in 2010.
- (3) What support was given to those Aboriginal and Torres Strait Islander students who were not referred to the Suspension Support Team Pilot in 2010.

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

1. The number of Aboriginal and Torres Strait Islander students in ACT schools suspended is as follows:
 - a) One day: Term 1 2009 - 23 students. Term 1 2010 - 33 students.
 - b) Two to five days: Term 1 2009 - 41 students. Term 1 2010 - 50 students.
 - c) Five to 15 days: Term 1 2009 - 6 students. Term 1 2010 - 8 students. No Aboriginal or Torres Strait Islander students were suspended for longer than five days in either Term 1 2009 or Term 1 2010.
 - d) No Aboriginal or Torres Strait Islander students were suspended for 15 days or longer in either term 1 2009 or term 1 2010.
2. One suspended Aboriginal and Torres Strait Islander student and their parents/carers were engaged with the Suspension Support Team pilot in 2010.
3. Aboriginal and Torres Strait Islander students who were not referred to the Suspension Support Team Pilot in 2010 received support which involved developing a plan in the suspension re-entry meeting to support the student engage in schooling. The plan is based on individual student need and can include referral to counselling, identifying a staff mentor, development of an individual learning plan to address learning difficulties, restructuring a student's learning program, a behaviour monitoring contract, referral to a community agency e.g. respite care, and referral to a small group to work on social skills or anger management.

Additional support may be available in high schools and feeder primary schools through an Indigenous Education Officers. Eight Indigenous Education Officers are based in high schools across the ACT, including Canberra High School, Gold Creek School, Lyneham High School, Telopea Park School, Stromlo High School, Melrose High School, Wanniasa School and Calwell High School.

The role of these officers includes supporting schools to engage with and support Aboriginal and Torres Strait Islander students, families and communities across the ACT. Indigenous Education Officers may be asked to support the school in liaising with the family and student during all stages of the suspension process or support the school to develop strategies and relationships between the student and school that will assist and engage with the student on their return. Indigenous Education Officers have also been invited to be part of the re-entry process and in particular liaise and develop relationships with the family and student to support ongoing success at school.

The Aboriginal and Torres Strait Islander Education Matters Strategic Plan 2010-2012 outlines the priorities and actions for Aboriginal and Torres Strait Islander education in ACT public schools. One of the performance measures included in the Strategic Plan is a decreased rate of student suspensions. A copy of the Plan is included with this response.

Bicycles—helmets (Question No 1039)

Ms Le Couteur asked the Minister for Transport, upon notice, on 19 August 2010:

- (1) When were bicycle helmet laws introduced in the ACT.
- (2) Can the Minister provide statistics of the number of people riding bicycles in the ACT from the period of two years before bicycle helmet laws were introduced until 2010.
- (3) Can the Minister provide any data on how the introduction of helmet laws impacted on the number of people riding bicycles.
- (4) Can the Minister provide data for the period of two years before helmet laws were introduced until 2010 regarding (a) the number of cyclist injuries and deaths in the ACT, (b) the type of injuries that were suffered by cyclists over the this time and whether a helmet was being worn or not, (c) whether a vehicle was involved in the accidents or not; if so, the estimate of its speed and (d) the location of the accident, for example, roadway, cycle path, on road bicycle lanes.

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

- (1) 1 July 1992.
- (2) TAMS does not have statistics for the number of people riding bicycles in the ACT for the period from 1990 to 2010. However, bicycle volume surveys that have been conducted give an indication of trends in the number of cyclists in the ACT. A survey of bicycle volume on selected main roads from 2005 to 2009 showed an increase in the number of cyclists of approximately 103% and a survey of bicycle volume on selected bicycle paths from 2006 to 2008 showed an increase in the number of cyclists of approximately 100%.
- (3) A report by the ACT Department of Urban Services published in July 1993 'Bicycling in the ACT – A Survey of Bicycle Riding and Helmet Wearing in 1992' includes a survey of the number cyclists using bicycle paths for one week during the Spring of 1991 (before the helmet law was introduced) and for one week during the Spring of

1992 (after the helmet law was introduced). Automatic counts were taken at 23 cycle path locations. It was found that the average daily volumes on weekdays recorded in 1992 were about one third lower than the similar period in 1991, with average daily volumes on the weekend declining over the same period by about half.

The report identifies that there were twice as many days with rain recorded in Canberra during the 1992 survey period than the 1991 survey period, which could account for the reduction in cycling between the two surveys. The report also identified that the introduction of legislation to make wearing bicycle helmets compulsory could have contributed to the decline in bicycle path traffic. However, it noted that in measuring this cycle activity, no causal link between cycle activity and helmet legislation had been established.

- (4) (a) I can provide some statistics on the number of cyclist injuries and deaths in the ACT for the period 1990 to 2009:

Year	Fatalities	Injuries
1990	3	77
1991	2	93
1992	1	73
1993	0	91
1994	0	68
1995	0	68
1996	3	80
1997	2	63
1998	3	56
1999	0	54
2000	0	39
2001	0	46
2002	0	32
2003	0	26
2004	0	33
2005	1	40
2006	1	41
2007	0	52
2008	0	63
2009	0	60

The source of this information is the 'AFP Crash Report' provided by ACT Policing. It is important to note that the above information is for 'on-road' crashes only. Bicycle crashes on bicycle paths are often unreported.

(b) TAMS has no statistics on the type of injuries that were suffered by cyclists. This information can only be obtained from hospital records. TAMS has no readily available records of whether a helmet was being worn or not for each injury crash involving a cyclist.

(c) TAMS has no readily available statistics on whether a motor vehicle was involved in each of the injury crashes involving a cyclist and the estimated speed of the vehicle.

(d) In relation to the location of each of the injury crashes reported in the above table, the Bicycle Crashes report is for bicycle accidents on roads only, so it does not

include bicycle paths. During the last 3 years TAMS has commenced collecting specific data for bicycle crashes on the on-road bicycle lanes. Comparison data for the past three years is:

Year	On Road Bicycle Lanes	On Road
2007	5	52
2008	14	63
2009	22	60

Motorcycles—parking (Question No 1040)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 19 August 2010:

- (1) What work is being done by the Government to review motorcycle parking arrangements and laws in the ACT.
- (2) Which agencies are involved in the work referred to in part (1).
- (3) What are the timelines for the completion of the work referred to in part (1) and for decisions by Government.
- (4) What opportunities have been, or will be given, for the public to be involved in any review of motorcycle parking arrangements.
- (5) What options are being considered for potential changes to motorcycle parking arrangements in the ACT.

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

- (1) The ACT Parking Strategy, to be released as part of Transport for Canberra, will include actions for monitoring new registrations of motorcycles and scooters to see if parking provision rates for two-wheeled vehicles need to be increased.
- (2) Agencies involved in development of the ACT Parking Strategy as part of the Transport for Canberra package of policies include: Department of Territory and Municipal Services, ACT Planning and Land Authority, Treasury, Land Development Agency, Department of Land and Property Services and Chief Minister's Department.

Other agencies which have participated on meetings to consider the Transport for Canberra package include the Departments of Environment, Education, Health, Disability, Housing and Community Services and Justice and Community Safety.
- (3) The Transport for Canberra policies – including the Parking Strategy - are expected to be released following *Time to Talk* and alongside the Government's new climate change and spatial planning policies in 2011.
- (4) Parking provision for motorcycles and scooters were outlined in the Draft ACT Parking Strategy released for public comment in March 2007. A number of the comments related to parking for these vehicles. The *Parking Code* was subsequently amended to incorporate formal requirements in relation to motorcycle and scooter parking when the 'new' Territory Plan was promulgated on 31 March 2008.

A review was undertaken by Transport Regulation and Planning (TAMS) in consultation with territory agencies, business and community representatives, including the Motorcycle Riders Association in the ACT. During consultation in 2009/10, the issue of allowing parking of motorcycles on footpaths was considered. This was not supported and a decision was made not to change territory laws in this regard.

Draft Variations of the Territory Plan include a Consultation Notice and opportunity for public comment.

(5) See responses to (1) and (4) above.

Pace Farm—battery hens (Question No 1041)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 19 August 2010:

- (1) Is Parkwood Farm now compliant with all aspects of the Model Code for Poultry Welfare, including in relation to cage door sizes.
- (2) What inspections have been performed on Parkwood in the last six months, including in relation to compliance with this code.
- (3) Has the Government taken any action to assist Parkwood to be compliant with the Animal Welfare Act from September 2010, when new requirements commence.
- (4) What investigation or consideration has the Government done to determine whether Parkwood may be breaching the Animal Welfare Act, particularly as some aspects of its operation do not comply with the Model Code for Poultry Welfare, and therefore are not exempt from the general provisions of the Act.
- (5) Under ACT law, what action can be taken against an individual or company that does not comply with the requirements under the Animal Welfare Amendment Regulation 2010 (No 1) and how will this regulation be enforced from September 2010.
- (6) Is the Government aware of any legal action currently being taken against Parkwood for alleged breaches of animal welfare laws.

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

- (1) The poultry sheds located at Pace Farms, that still contain birds, meet all the current regulations as set out under the *Animal Welfare Act 1992*.
- (2) Inspections by the ACT Government Chief Veterinarian Officer (CVO) have been conducted on 13 January, 22 March and 28 May 2010, for sheds presently occupied with poultry. As no restocking had occurred since that time, in the other sheds, further inspections have been limited and consisted of contact with management to ascertain when restocking will occur or alterations made to caging located in the vacant sheds.

- (3) Yes, progress meetings have been held with Pace Farms on 27 January, 12 February, 12 April, 2 June and 29 July 2010 to make sure they are aware of the new Regulations and to discuss any possible alterations required to meet the new standards.
- (4) The CVO has conducted a number of inspections as well as discussions with Pace Farms Management to outline requirements under the regulations. Agreement was reached with management regarding the upgrading of caging to meet the new regulations. The agreement allows for cage modifications to be completed after the end of the poultry cycle i.e. when caging is empty of birds and prior to restocking with 'fresh' stock.
- (5) If an inspection of Pace Farms (or any other relevant entity) revealed a breach of regulations prior or subsequent to the adoption of the *Animal Welfare Amendment Regulation 2010 (1)*, Pace Farms Management would be immediately advised and remedial action discussed.

Failure to comply with requested remedial action would expose Pace Farms to prosecution for breaching regulations listed under the *Animal Welfare Act 1992*.

- (6) No.

Waste—building waste (Question No 1042)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 19 August 2010:

- (1) Which companies are granted concessional fees for landfill tipping.
- (2) What is the current policy on which companies should be granted concessional tipping fee arrangements.
- (3) What facilities accept and recycle building waste in the ACT and what proportion of building waste do they recycle.
- (4) What incentives exist for builders to take their building waste to facilities that recycle a large proportion of that waste.
- (5) How much unsorted building waste goes into landfill in the ACT per year.

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

- (1)
Standing landfill fee waivers

I have granted standing landfill fee waivers on public interest grounds to the following organisations:

- Anglicare (Canberra and Goulburn)
- Barnados
- Hand to Hand / Ginninderra Care Inc

- Koomarri
- Lone Fathers Association
- Oasis Care Inc
- Salvation Army Family Store
- Society of St Vincent De Paul Pty Ltd
- St Barnabas Anglican
- The Salvation Army Mancare Community
- The Smith Family

The Department is currently reviewing this landfill fee waiver process.

One-off landfill fee waivers

From time to time, I also grant one-off fee waivers on public interest grounds, such as where an agency must clean up waste that has been illegally dumped. For instance, in November 2008 I granted a landfill fee waiver for the disposal of waste that had been illegally dumped in Bruce.

Landfill concessions under contract

Some ACT Government waste and recycling contractors utilise a concessional rate for sending waste to landfill or a certain allocation of free waste to landfill. This is done to ensure that contractors accept and recycle the most waste possible. If contractors had to pay full rates to send residual material to landfill, they would not accept marginal material for recycling. Controls are factored into contracts and contract management procedures to ensure that concessional rates and allowances are not abused.

The following are examples of concessional contractor arrangements.

- Both Reusables Facilities (Mugga Lane and Mitchell) may dispose of an amount of material to landfill each month free-of-charge, with concessional rates applying if this amount is exceeded.
- Resource Recovery contractor at Mugga Lane pays the Territory a concessional rate to dispose of residual waste. The rate is calculated under the contract and varies according to tonnages disposed.
- The Materials Recovery Facility makes concessional payments to dispose of residual waste. The rate for payments is calculated under the contract and varies according to tonnages disposed.

(2) Criteria for granting standing landfill fee waivers

In the past, standing landfill fee waivers have been granted based on four criteria:

- a) The waste generated is associated with an established recycling process.
- b) The organisation does not receive funding from either the Commonwealth or ACT Governments for providing these services.
- c) The organisation does not compete with private-sector businesses to undertake the services provided.
- d) The organisation is non-profit.

The Department is reviewing this process at the moment.

Criteria for one-off fee waivers

I grant one-off fee waivers on public interest grounds according to whether it is in the public interest to grant the fee waiver. I look at the individual facts of each case. Often, I grant these where an organisation must bear the expense of cleaning up waste that it has not generated (eg. illegal dumping).

Concessions under contract

Concessional landfill rates and free allocations for contractors depend on each individual contract. The intention of these is to ensure that recycling is maximised. The exact nature of the concession varies from contract to contract and is negotiated as part of the contract negotiations.

- (3) Several private businesses in the ACT recycle or reuse construction and demolition waste, including:
- ACT Recycling Pty Ltd;
 - ACT Skip Hire;
 - Canberra Concrete Recyclers;
 - Cleanaway;
 - Combined Demolition;
 - Corkhill Brothers;
 - Delta group;
 - Handyman's Trading Post;
 - No Waste Woodbusters;
 - ReGyp;
 - Ritchies Bricks; and
 - Thor's Hammer.

The Department of Territory and Municipal Services collects data from individual recycling businesses but this data is commercially sensitive and the Department undertakes to release it only in aggregated form. For this reason, I cannot provide advice about what proportion or what tonnes of construction and demolition waste each business recycles. Data is only released for the sector as a whole.

- (4) Landfill fees are usually higher than the rates charged by businesses to recycle building waste. For instance, the standard commercial fee for waste to landfill in 2010-11 is \$117.80 per tonne. Most commercial building waste recycling rates are lower than this. This means that generally, it is cheaper for organisations to have their building waste recycled than it is to send the material to landfill.

In addition to establishing a price incentive to recycle, the Department provides education about recycling options through its website, publications, media and responses to queries.

- (5) Data for 2009-10 has not yet been finalised and released. In 2008-09, around 27,500 tonnes of construction and demolition waste were sent to landfill, or around 13% of the 214,000 tonnes sent to landfill that year.

ACT Brumbies
(Question No 1043)

Ms Le Couteur asked the Treasurer, upon notice, on 19 August 2010 (*redirected to the Minister for Tourism, Sport and Recreation*):

- (1) How much money has the ACT Government given to the ACT Brumbies since the Griffith headquarters were built and what is the breakdown of this funding by category.
- (2) Has the ACT Brumbies requested further funding from the ACT Government if its current proposed development in Griffith takes place.
- (3) Does the ACT Government anticipate continuing to fund the ACT Brumbies if the proposed development takes place; if so, how much would this funding cost the ACT Government per year.
- (4) Are the land and utilities taxes and rates paid by the ACT Brumbies equal to those which would be paid by a different business operating on that land; if not, what is the difference between those paid by the ACT Brumbies and those that would be paid by a different business operating on that land.

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

- (1) See the below table for amount/type of funding:

Year/s	Type of funding	Total amount
2004-2009	Brumbies Performance Fee Agreement	\$4,200,000
1996-2010	Triennial Funding and Performance Bonuses	\$581,565
2009	Performance Fee Agreement Variation	\$300,000
2009	Performance Fee Agreement Variation	\$170,000*
2001-2008	National League Team Program	\$800,000
2010**	Performance Fee Agreement	\$965,022

*repayable loan over five years ** new Performance Fee Agreement for 2010-2015

- (2) No.
- (3) Yes. The current Performance Fee Agreement runs through until 2015 and it would be anticipated that support for community rugby provided through the Sport and Recreation Grants Program (currently \$42,000 per annum) would be sustained.
- (4) Property taxes paid by the ACT Brumbies in relation to Block 15 and Block 17, where any redevelopment was to progress, would be consistent with that paid by any other organisation using the site/s for the same purpose. These taxes necessarily consider the permitted land use, the current lease provision and the associated land valuation.

Housing—building quality forum (Question No 1044)

Ms Le Couteur asked the Minister for Planning, upon notice, on 19 August 2010:

- (1) What were the outcomes of the building quality forum hosted by the Government in August 2010.
- (2) Who were the attendees at the meeting.
- (3) What is the Government's proposed follow up to the meeting.

- (4) Will there be a public report produced about the meeting

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

- (1) At the Building Quality Forum, held on 26 July 2010, the participants brought forward a range of issues that are to be considered in detail through a series of working groups, to be represented by the members of the Forum. It will be the role of these working groups to review in detail the range of areas associated with the quality of buildings in the ACT, including:
- a review of insurance provisions;
 - mechanisms for protecting owners' rights;
 - areas where industry skills and competence can be increased; and
 - the roles of effective site supervision.

The findings of these working groups will be captured in the report to the Assembly on the quality of buildings, which I look forward to tabling in September 2010.

- (2) Representatives from each of the following organisations and agencies attended the Building Quality Forum:
- Owners Corporation Network, ACT
 - Housing Industry Association, ACT & Southern NSW
 - Master Builders Association, ACT
 - Strata Management Institute (ACT)
 - Australian Institute of Building
 - Australian Institute of Building Surveyors
 - Australian Institute of Quantity Surveyors
 - Australian Institute of Architects, ACT Chapter
 - Real Estate Institute of the ACT, Ltd
 - Insurance Council of Australia
 - Property Council of Australia
 - Adjudicate Today Pty Ltd
 - ACT Law Society, Property Law Society
 - ACT Regional Building and Construction Industry Training Council
 - ACT Building and Construction Industry Training Fund Board
 - Construction, Forestry, Mining and Energy Union (CFMEU), ACT
 - Office of Regulatory Services, Department of Justice and Community Services
 - ACT Planning and Land Authority

- (3) The follow-up to the building quality forum involves the established meetings of the working parties to discuss the range of issues associated with improving the quality of building work in the ACT. ACTPLA has coordinated the inaugural meetings of each of these groups and has scheduled further meetings in the process of obtaining information required to support my report to the Legislative Assembly.

It is anticipated that the meetings of the working groups will continue beyond September, allowing some ongoing review of any initial short term measures to be put in place, and input for further potential reforms.

- (4) The report to be tabled at the Legislative Assembly later this month will address the role and outcomes of the building quality forum and highlight the discussions held at that meeting. That report will be a public document.

**Roads—safety initiatives
(Question No 1045)**

Mr Coe asked the Minister for Transport, upon notice, on 25 August 2010:

Can the Minister provide details of expenditure on road safety initiatives across the ACT, by location, for each year from 2002 to 2010 to date.

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

This question is too broad to answer specifically, as it is difficult to separate road safety initiatives from other capital, traffic management and maintenance works which have multiple objectives, including safety aspects. For example, installing a roundabout can have both road safety and traffic management benefits.

**Roads—Belconnen Way bus lane
(Question No 1046)**

Mr Coe asked the Minister for Transport, upon notice, on 25 August 2010:

- (1) In relation to the dedicated bus lane on Belconnen Way near the Macarthur Ave intersection, how much money was spent installing and marking the original bus lane installed approximately 12 months ago.
- (2) How much money was spent removing the markings and bitumen.
- (3) What was the reason for removing the markings.
- (4) What was the cost of replacing the markings and bitumen earlier this year.

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

- (1) Costs associated with the provision of the bus lane 12 months ago - \$50,000
- (3) The existing markings were removed to improve the skid resistance of the road pavement in response to safety concerns raised by the bus drivers.
- (4) This work was undertaken as part of the \$4.5M Barry Drive bus lane project which has been delivered within budget.

**Waste—illegal dumping
(Question No 1048)**

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 25 August 2010:

- (1) How many offenders were prosecuted for illegal dumping in (a) 2006-07, (b) 2007-08, (c) 2008-09 and (d) 2009-10 to date.

- (2) How many of the offences occurred at 24 hour recycling centres for those prosecutions referred to in part (1).
- (3) What penalties were imposed for those prosecutions referred to in part (1).

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

1. No prosecutions have been made for illegal dumping from 2006 to present; however, the numbers of infringement notices issued for illegal dumping are:

a.	2006-07:	70
b.	2007-08:	97
c.	2008-09:	53
d.	2009-10:	48
e.	2010 to date:	17.
2. No prosecutions have been made for illegal dumping at 24 hour recycling centres from 2006 to present. TAMS is unable to provide statistical information on the number of litter infringement notices that specifically relate to 24 hour recycling centres.
3. No penalties have been imposed for prosecutions for illegal dumping from 2006 to present. The *Litter Act 2004* imposes a range of penalties for offences against the Act. Additionally, the *Magistrates Court (Litter Infringement Notices) Regulation 2004* provides a range of infringement penalties for litter infringement notices.

Waste—recycling centres (Question No 1051)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 25 August 2010:

- (1) What is the total cost to install closed circuit television (CCTV) cameras at 24 hour recycling centres.
- (2) Will CCTV cameras be installed at all recycling centres.
- (3) When will the CCTV cameras be installed.
- (4) When will the CCTV cameras become operational.
- (5) What is the expected recurrent costing of this initiative per year.

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

- (1) The total for installation of CCTV Camera systems at Phillip and Tuggeranong Recycling Drop-Off Centres was \$83,424.00 excluding GST.
- (2) CCTV cameras have been installed at Phillip and Tuggeranong Recycling Drop-Off Centres only. These sites are subject to the most illegal dumping. Depending on available budgets and the efficacy of the current systems, further camera systems may be installed at Mitchell and Belconnen Recycling Drop-Off Centres. Other sites do not experience illegal dumping to the levels at the four main centres.

- (3) Installation at both sites was completed on Friday 13/8/2010.
- (4) The cameras at Phillip have been operational since 23/8/2010. The cameras at Tuggeranong became operational on 28/8/2010.
- (5) The first twelve months of technical support and maintenance are included in the installation costs. Ongoing preventative maintenance and support beyond that period is expected to cost \$2,227.50 per year for both sites.

Libraries—book return chutes (Question No 1052)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 25 August 2010:

- (1) What is the total cost of installing automated return chutes in ACT libraries.
- (2) Where will automated return chutes be located and when will rollout be completed.
- (3) How many full-time equivalent staff are/were located at each ACT library, by library location, for the (a) 2010-11, (b) 2009 -10 and (c) the 2008-09 financial years.

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

- (1) To date the total cost of installing automated return chutes in ACT Libraries is \$189,101.00.
- (2) Automatic return chutes have been installed at Woden and Kingston Libraries. An automatic chute will be installed in the new Gungahlin Library. Installation of other automatic return chutes in libraries will be ongoing to address Occupational Health and Safety in libraries. There is no fixed date for completion of all libraries.
- (3) Full-time equivalent staff located at each ACT library, by library location, for the (a) 2010-11, (b) 2009 -10 and (c) the 2008-09 financial years are –

Branch	2008-09	2009-10	2010-11
Belconnen	9.20	9.00	9.10
Civic	8.20	7.50	5.30
Dickson	7.40	7.33	11.30
Erindale	7.80	7.95	7.50
Gungahlin	5.80	5.10	5.70
Kingston	n/a	n/a	4.60
Kippax	5.85	5.35	6.15
Tuggeranong	7.40	8.70	7.50
Woden	12.60	12.40	14.60
	64.25	63.33	71.75

**Roads—accident statistics
(Question No 1053)**

Mr Coe asked the Minister for Police and Emergency Services, upon notice, on 25 August 2010:

- (1) How many motor vehicle accidents involved learner or provisional plate drivers with a blood alcohol reading of between 0.00 and 0.02 during (a) 2008, (b) 2009 and (c) 2010 to date.
- (2) How many of the accidents referred to in part (1) resulted in a fatality.

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

1. Disaggregation of data to enable the identification of learner and provisional drivers amongst motor vehicle accident reports is not possible with current systems.
 2. There have been no fatalities in 2008, 2009 or 2010 (YTD) where a involving a learner or provision plate driver with a blood alcohol reading of between 0.00 and 0.02.
-

**Health—public benefit institution concession
(Question No 1056)**

Mr Smyth asked the Minister for Health, upon notice, on 26 August 2010:

- (1) In relation to the application of the Public Benevolent Institution (PBI) concession within ACT Health, what (a) analysis has ACT Health undertaken of the application of the PBI concession across all areas within the department, (b) documentation exists that explains the application of the PBI concession to staff and can the Minister provide a copy of this documentation.
- (2) How many staff (a) receive and (b) do not receive the PBI concession and in what functional areas do they work.
- (3) What is the role of the staff who (a) receive and (b) do not receive the PBI concession.
- (4) What (a) requests for advice have been made by ACT Health to external organisations, including the Australian Taxation Office (ATO) and professional accounting firms, about the application of the PBI concession and (b) advice has ACT Health obtained from any external organisation and can the Minister provide a copy of the requests for advice and of any advice that has been received.
- (5) What assessment has been made of the potential effect of the current restructure of ACT Health on the application of the PBI concession to staff and can the Minister provide a copy of any assessment that has been made including any advice that has been received from the ATO, professional accounting firms or any other source.
- (6) If no assessment referred to in part (5) has been made, why not.

Ms Gallagher: I am advised that the answer to the member's question is:

Firstly I would like to correct Mr Smyth's understanding of the mechanism in place within

ACT Health in relation to the subject matter of this Question on Notice.

ACT Health is not a registered Public Benevolent Institution and nor is any part of ACT Health.

ACT Health like all ACT Government agencies offers salary packaging to its employees. In addition, following work with the Australian Taxation Office (ATO) co-ordinated by PricewaterhouseCoopers (PwC), ACT Health has an entity "ACT Health Public Hospital" endorsed as a Deductible Gift Recipient (DGR).

It is through this endorsement as a DGR that most of the employees of ACT Health are able to salary package and receive fringe benefits tax exempt benefits. This is a capped benefit.

As Mr Smyth should recollect from his involvement with the action that occurred during the Select Committee on Estimates 2005-06, the ATO Office has audited and endorsed the salary packaging arrangements in place for ACT Health.

The Chair of the Select Committee was provided with all relevant documents associated with the application to the ATO and the decision to extend exempt salary packaging in June 2005, and in March 2006 the Chair was provided with a copy of the letter from the ATO that confirmed that we were complying with the Fringe Benefits Tax legislation and that the salary packaging arrangements put in place were correct.

Also in October 2005 a suite of papers were provided to Mr Richard Mulcahy MLA on this matter following a request under the Freedom of Information act 1989.

The functions of ACT Health have not changed in the following years that have caused a change to the approach undertaken for providing access to exempt salary packaging benefits. The functions of the ATO endorsed ACT Public Hospital 'entity' include primary and community based services, outpatient services, emergency services, overnight acute inpatient services, same day acute inpatient services, mental health services, population health services, teaching and research, and administrative support functions including human resources, finance, business and infrastructure, internal audit, and information communications and technology. The remaining functions of the Department, and not endorsed by the ATO for exempt benefit salary packaging, are policy, planning, government relations, the office of the chief executive and executive support.

The endorsement for DGR stands and will do so until either the ATO advises of a change to its policy or if ACT Health determines that it should no longer be endorsed.

(1) (a) I do not propose restating the work undertaken in 2004 and 2005 in relation to exempt salary packaging under the DGR endorsement given it has been the subject of detailed scrutiny. The methodology and application process has been audited and approved by the ATO. (b) Attached is the structure approved by the ATO that shows the included and excluded functions.

(2) (a) Of the approximately 5,500 employees eligible to utilise salary packaging with exempt benefits, approximately 3600 employees have elected to salary package. (b)

There are approximately 80 staff in ACT Health performing functions that the ATO would not endorse for access to salary packaging with exempt benefits.

- (3) (a) The roles of the staff that have the opportunity to salary package with exempt benefits are to operate in or support the ACT Health Public Hospital entity as endorsed by the ATO. (b) The role of staff who do not have access to salary packaging with exempt benefits is to support the Department in its policy, planning, government relations, office of chief executive and executive support functions.
- (4) (a) ACT Health engaged PwC to support it in approaching the ATO for registration as a DGR. As explained previously, the ATO endorsed the ACT Health Public Hospital 'entity' for DGR in 2004 and there has been no need for any further assistance or advice. The Chief Executive of ACT Health is responsible for self assessing against the fringe benefits tax legislation and the process endorsed by the ATO has continued in place since then. The functions of providing public health services have not changed nor have the functions of policy, planning, government relations, office of the chief executive and executive support. (b) The paperwork was provided to the Chair of the Select Estimates Committee 2005-06 and to Richard Mulcahy MLA. There has been no further request by ACT Health for advice since then.
- (5) There has been no assessment of the impact on exempt benefit salary packaging on the proposed new structure of ACT Health. Once the new structure is agreed, ACT Health will assess if there has been any change to the function performed within the organisation. That will include assessment of eligibility for new functions.
- (6) The impact on salary packaging will not be a factor in finalising any structural change within ACT Health. The Chief Executive of ACT Health will assess eligibility for salary packaging with exempt benefits against the ATO approved framework at the appropriate time. The functions identified and endorsed by the ATO will not change as a result of the proposed new structure. There will still be the ACT Health Public Hospital 'entity' and there will still be the policy, planning, government relations, chief executive office and executive support functions.

(A copy of the attachment is available at the Chamber Support Office).

Health—rehabilitation services (Question No 1059)

Ms Bresnan asked the Minister for Health, upon notice, on 26 August 2010:

- (1) What services and facilities does the ACT Government offer or fund, to provide rehabilitation services to people who have a serious mental illness and have some use of illicit drugs, not enough to warrant entry to a drug and alcohol rehabilitation facility but enough to aggravate symptoms of mental illness.
- (2) What are the timeframes for the ACT Health's development of an Integrated Alcohol and Other Drug and Mental Health Comorbidity Strategy and what key documents are available with regard to this strategy.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

1. ACT Health funds a range of rehabilitation services for those with serious mental illness who also experience problems in relation to their use of drugs. These include:

Government

- Psychiatric Services Unit (PSU) and Ward 2N Calvary Hospital
- Adult (18-64) STEP UP/STEP DOWN (partnership with Mental Illness Foundation of Victoria)
- Youth (13-17) STEP UP/STEP DOWN -STEPS (partnership with Catholic Care and Child and Adolescent Mental Health Services)
- Brian Hennessy Rehabilitation Service
- Mobile Intensive Treatment Team (MITT) North
- MITT South
- Adult Community Mental Health teams (Belconnen, City, Tuggeranong and Woden)
- Child and Adolescent Mental Health Community teams (Northside and Southside)
- Dual Diagnosis Officer
- Mental Health ACT's Education and Training Calendar

Community Sector

- Richmond Fellowship, youth and adult programs
- CatholicCare Youth and Wellbeing, and SAILS programs
- Inanna Mental Health Respite and Outreach programs, Mental Health Foundation Respite, Outreach and Rainbow programs

2. ACT Health's Integrated Alcohol and Other Drug and Mental Health Comorbidity Strategy is expected to be finalised by December 2010. The ACT Alcohol, Tobacco and Other Drug Strategy 2010-2014 which was publicly released earlier this year identifies some of key initiatives which will strengthen the policy and service interventions to those experiencing comorbidity. The development of the Comorbidity Strategy is also informed by the ACT Mental Health Services Plan 2009-14.

Health—mental health (Question No 1060)

Ms Bresnan asked the Minister for Health, upon notice, on 26 August 2010:

- (1) Can the Minister confirm that the contact details for the Crisis Assessment and Treatment Team (CATT), which are currently listed in the 'Advice and Assistance' section in the front of the *White Pages* and *Yellow Pages*, will continue to be listed as is currently the case and will not be removed by Mental Health ACT from this section.
- (2) Is the Minister aware of concerns that have been raised that Mental Health ACT intends to rename CATT, focusing on the removal of the word crisis; if so, does Mental Health ACT have any intentions to rename CATT; if so, what options are being considered.

Ms Gallagher: I am advised that the answer to the member's question is:

- (1) The contact details for the CATT which are currently listed in the 'Advice and Assistance' section in the front of the *White Pages* and *Yellow Pages*, will continue to be listed as is currently the case.
- (2) I am aware of the concerns that have been raised to rename CATT with consideration to taking out the word 'Crisis'. This was one of the recommendations from the

internal review of CATT. The recommendations from this review, including the recommendation to rename CATT, are still under consideration and no final decisions have been made.

Health—mental health (Question No 1061)

Ms Bresnan asked the Minister for Health, upon notice, on 26 August 2010:

- (1) If a person is to be discharged from a mental health facility such as The Canberra Hospital Psychiatric Services Unit or Calvary Hospital Care Mental Health Unit, and they are homeless, is a discharge/rehabilitation plan provided in all cases; if not, why not; if so, in what way is it limited because of the person's homelessness.
- (2) Does Mental Health ACT allow people who are homeless to be treated at the Step-up Step-down mental health facility; if not, why not.
- (3) If a person is exiting a mental health inpatient unit and is homeless, what specific government and non-government options are considered for that person's immediate housing and what options are dominantly pursued and engaged.
- (4) Have people who have exited from a mental health inpatient unit been sent to Dickson Backpackers or any other backpacker hostels; if so, how often has this occurred.
- (5) Are people exiting mental health facilities ever taken to stay at Samaritan House; if so, what (a) specialist mental health services are provided to those clients while they are at Samaritan House, and how often are they provided, (b) training and/or assistance is provided to Samaritan House workers to assist them in their care of people who are suffering from a serious episode of mental illness and (c) requirements are placed on the staffing with regard to managing medication.

Ms Gallagher: I am advised that the answer to the member's question is:

- (1) In all cases where a consumer is identified as homeless, assertive community follow up is provided following discharge. All consumers have a nursing and medical discharge plan developed for them. A copy of the discharge plan is provided to the consumers GP (where one has been nominated).
- (2) Homeless people are not generally admitted to the Step Up Step Down Residential Program. It is an entry criteria that consumers accepted into the Step Up Step Down have exit accommodation identified. This ensures that the Step Up Step Down can have flow through for the following presentations:
 - (a) for people for whom a short stay at the Adult Step Up Step Down Program may offset the likelihood of an acute hospital admission; and
 - (b) for people who have experienced an acute relapse of mental illness and no longer require psychiatric inpatient care, but who do require a period of recovery in a supported accommodation setting.

There is a maximum length of stay of 3 months.

- (3) All options to access accommodation in the government and community sector are undertaken. Emergency accommodation services such as Samaritan House and Toora Women's Shelter would be considered in the first instance. Other options but not limited to include Richmond Fellowship, Catholic Care, Canberra men's Centre and Inanna. Mental Health ACT currently manages a number of group houses supported by the Mobile Intensive Treatment Team and this option is considered in the context of vacancies and resident interpersonal mix.
- (4) Accommodation at the Dickson Backpackers has been sought. This is an infrequently sought option.
- (5) Yes.
- (a) CATT has a long-standing, close working relationship with Samaritan House. CATT provides specialist mental health services to Samaritan House based on the consumer's discharge plan.
- (b) All Samaritan House staff are invited to attend relevant mental health training provided by Mental Health ACT.
- (c) CATT delivers medication to Samaritan House for clients resident there on an as needed basis. CATT workers leave medication with Samaritan House workers and provide written instructions. Samaritan House workers are also encouraged to call CATT 24/7 if they have any queries about the medication.

Health—mental health (Question No 1062)

Ms Bresnan asked the Minister for Health, upon notice, on 26 August 2010:

Did the Minister state on 18 May 2010 in the 2010-11 Estimates Committee hearings that funding for mental health made up around 8% of the total health budget; if so, what are the exact figures from the budget that the ACT Government used to calculate this.

Ms Gallagher: I am advised that the answer to the member's question is:

Mental Health expenditure appears in both Output 1.2 (Mental Health Services) and Output 1.7 (Early Intervention and Prevention). The 2010-11 Budget includes:

Output 1.2	\$74,380,700
Output 1.7 (Mental Health related)	\$6,956,900
Total Mental Health	\$81,337,600
 Total ACT Health	 \$1,068,551,000

Therefore, Mental Health expenses are estimated to be 7.6 per cent of total Health expenses in 2010-11. This figure is likely to increase following the allocation of Sub-Acute funding provided through the National Health Reforms, for which only limited information was available at the time of the 2010 11 Budget.

**Health—primary care infrastructure grants
(Question No 1063)**

Ms Bresnan asked the Minister for Health, upon notice, on 26 August 2010:

- (1) On what date was a letter sent out by the ACT Government to general practitioners regarding the Primary Care Infrastructure Grants Program, providing information about how they could make an application, given that the letter was signed by the Minister on 28 July 2010 and applications to the Australian Government closed on 20 August, however some general practitioners did not receive the letter until 16 August, giving them only four days to make the application.
- (2) Has the Minister received any complaints from any general practitioners that they did not receive the letter in time to make an application; if so, how is the ACT Government and Australian Government responding to these complaints.

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

- (1) My letter to Canberra GPs was not sent out until Thursday 12 August, meaning most GPs did not receive their letters until Monday 16 August. It was regrettable that there was a delay in sending these reminder letters out to GPs.

For the members information, in its 2010 – 11 Budget, handed down in May 2010, the Australian Government announced it would be providing an additional \$355 million in funding to the GP SuperClinics Program. This funding is to be used to support the construction of 23 new GP SuperClinics, and to fund the Primary Care Infrastructure Grants Program (the Program). The Program aims to enable the upgrade of approximately 425 existing general practices, primary care and community health services, and Aboriginal and Torres Strait Islander Medical Services across the country.

Details of the Program, including guidelines and applications were released on the website of the Australian Department of Health and Ageing (DoHA) on 24 June 2010. DoHA is responsible for the rollout and administration of the Program, and GPs across the country have had more than four days to make an application.

The ACT Division of General Practice (ACTDGP) had also indicated to me that it would run a promotion on the program in its newsletter. Similarly, the Australian General Practice Network ran a news article on the Program; the Royal Australian College of General Practitioners, in July 2010, released a detailed guide for its members into completing the Program's application form; and the Australian Medical Association, on 13 August 2010 released a guide for medical practices to the Program.

When the Program, being offered through the Australian Government was brought to my attention, I recognised the opportunity presenting itself to Canberra GPs to access some vital funding. The intent of my letter was to ensure GPs in Canberra were aware of the program, in case they had not become so already through the media or other channels such as the Australian Government, the Royal Australian College of General Practitioners, the Australian Medical Association or the ACTDGP.

My letter was not an announcement of the Program, and it is important to recognise that the ACT Government is not responsible for administering the Program. There

may be some confusion between this Commonwealth Program, and the ACT GP Development Fund. In July 2009, the ACT Government allocated \$12 million over four years for the GP Workforce Program which aims to support, sustain and expand the general practice workforce. As part of this program, the ACT GP Development Fund offers a bi-annual grants program, over four years, for GP practices that commit to supporting the attraction, retention and development of the general practice workforce. The fund provides grants for education and training; attraction and retention; infrastructure; and innovation. The ACT Government is responsible for the ACT GP Development Fund, and I am advised that the Fund has been well promoted, with over 45 applications received in round one, and 41 applications being received in round two.

- (2) I have received one complaint from a GP. I have written to the GP in question, and have asked ACT Health to look into their processes to ensure that such a delay does not happen again.

**Social welfare—carers advocacy service
(Question No 1064)**

Ms Bresnan asked the Minister for Disability, Housing and Community Services, upon notice, on 26 August 2010:

- (1) What are the timeframes relating to the tendering for and establishment of a Carers Advocacy Service.
- (2) What is the size, scope and nature of the service that is intended to be provided.
- (3) Will the full \$100 000 that was allocated for 2010-11 be allocated and spent in 2010-11; if not, why not.

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

1. The Request for Tender for the Carers Advocacy Service was advertised on 4 September 2010 and will close on 7 October 2010. It is anticipated the contract will be awarded in November 2010.
2. This will be a new service, working in partnership with an existing service with established links to relevant community organisations and client groups. The service will work in collaboration with advocacy services to streamline access to information, services and support the government commitment to reduce red tape for carers in the ACT.
3. Yes

**Housing—community
(Question No 1065)**

Ms Bresnan asked the Minister for Disability, Housing and Community Services, upon notice, on 26 August 2010:

- (1) How many properties are currently provided in the ACT through community housing.

- (2) How many of these properties referred to in part (1) charge rent that is based on a percentage of a household's income, for example, no more than 30% of disposable income, and how many charge rent based on a percentage of market rent, for example, 74.9% or less of market rent and how are these expected to change in the future.
- (3) What levels of gross income per annum would households have to be earning to be eligible for community housing that is rented out at 74.9% of market rent and how do these income levels compare with median household income levels for the ACT.
- (4) What evidence is there to show that all households that are renting community housing properties at 74.9% of market rent are paying less than 30% of their disposable income in rent.
- (5) What are the general income levels that are the cut-off point for public housing eligibility.
- (6) What is being done to target community housing towards those households that are unable to qualify for public housing and are in housing stress.

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

- (1) As reported under Output 1.1 Social Housing Services, there are 244 community housing properties. It should be noted that this figure includes group or share accommodation such as Havelock House and Ainslie Village which are counted as single properties but house multiple tenants. When individual tenancies are considered rather than individual properties the figure is 510 tenancies, as reported in 2008-09 Community Housing Survey.

In addition there are housing properties which are owned or tenancy managed by community housing organisations which were not funded by Housing ACT and are not subject to reporting arrangements to Housing ACT.

- (2) Of the community housing providers funded by the Department of Disability, Housing and Community Services, Havelock Housing Association has in place service funding arrangement which enable it to house up to one third of tenants and Havelock House ($104 \times 0.33 = 34.4$ tenants), and Gungahlin Singles Accommodation ($21 \times 0.33 = 7$) at the affordable rate of 74.9% of market rent. The remainder of tenants would be charged approximately 25% assessable income as rent.

- (3) Please refer to CHC website at

<http://www.chcaffordablehousing.com.au/about-temp-us.php?pT=22>

These criteria apply both to affordable rental in community housing properties and affordable rental in other CHC properties.

For other providers please refer to the PRHAP determination at

<http://www.legislation.act.gov.au/ni/2010-454/current/pdf/2010-454.pdf>

- (4) Disposal income of households is not recorded. The standard definition of housing stress is rent above 30% gross income, not disposable income.

- (5) Income eligibility for public housing can be found here:

http://www.dhcs.act.gov.au/hcs/public_housing/eligibility_for_public_housing

- (6) Community Housing has both rebated rents and affordable rents and therefore applicants for community housing may also be eligible for public housing

For those who are above the income eligibility for public housing they will benefit from the ACT Government Affordable Housing Action plan which can be found at

<http://www.actaffordablehousing.com.au>

CHC Affordable Housing has received properties and access to a loan facility from the ACT Government the principal amount of which is not to exceed \$50 million, to provide affordable housing.

Pierces Creek—rehabilitation management (Question No 1066)

Mr Rattenbury asked the Minister for Territory and Municipal Services, upon notice, on 26 August 2010:

- (1) What management plans are in place for the land located in the Paddy's River Road region south of Pierces Creek and east of the Namadgi National Park that was burnt out during the 2003 bushfires.
- (2) Has Parks Conservation and Lands undertaken an assessment of the regrowth of the old pine forests and native vegetation in that region in the past two years; if so, when.
- (3) What is the current status of the regrowth of the old pine forests and native vegetation in that region and does it in any way pose a fire risk.
- (4) What rehabilitation work has been undertaken in the last three years and is any further rehabilitation work planned and what will it entail.
- (5) What fire management plans are there for the area and where are these plans outlined.
- (6) Has there been any consideration of developing this region as a recreational area; if so, what work has been undertaken.

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

- (1) Part of this area is in the Lower Cotter Catchment (LCC) and is covered by the Lower Cotter Catchment Strategic Management Plan. Part of the area in question is in the Bullen Range Nature Reserve and is therefore covered by the Murrumbidgee River Corridor Management Plan. The remaining area is managed as plantation forestry under a Code of Practice.
- (2) Detailed assessments were undertaken in the LCC section in 2008 to assess the progress of rehabilitation and revegetation efforts. All existing pine plantation areas outside the LCC have been extensively assessed for both native and pine regrowth and strategies have been put in place to manage these areas accordingly.

- (3) Outside the catchment area the current pines are being managed as plantations pending the outcome of a cabinet submission into the future use and management of the pine plantations in the ACT. Within the LCC the regrowth of native species has been promoted by weed control of competing blackberry and pine wildlings, and by active revegetation planting in accordance with the LCC Strategic Management Plan. The Paddys River Catchment from the Cotter River upstream to just beyond Murrays Corner is included in the biodiversity offsets program being undertaken by ACTEW Corp as part of the Enlarged Cotter Dam- it will be subject to erosion control, fish habitat creation, weed control and revegetation.

The fire risk in this area is no more or less than anywhere else in the ACT. Management of the fuel loads in the whole area has been considered in the Regional Fire Management Plans which were developed to advise the Strategic Bush Fire Management Plan version 2 (SBMPv2). The risk of fire in this area (as with all areas in the ACT) has been assessed and strategies (identified in the Bush Fire Operational Plan) have been put in place where required.

- (4) Extensive rehabilitation work has been undertaken. In the LCC the focus has been on stabilising soils through managing roads and erosion areas and re-establishing native vegetation. Immediately post January 2003, extensive areas adjacent to the Cotter Dam and the Cotter River were ripped, mounded and planted in an effort to prevent surface run off. This work has continued over the years since 2003 and will continue until at least 2012, with the main focus being mainly weed control and maintenance of erosion control structures and roads. Similar activities have been undertaken in the plantation areas to re-establish pine plantations, manage roads and control overland erosion.
- (5) The Regional Fire Management Plans that were prepared by TAMS to inform the SBMPv2 cover this area. These Regional Plans cover all forms of hazard reduction and account for the ecological and recreational aspects of the landscape over the next 10 years. The TAMS Bushfire Operational Plan (BOP) is a requirement under legislation and is produced annually utilising the information from the Regional Plans. The 2010/11 BOP has been endorsed by the ACT Bush Fire Council and approved by the Commissioner of the Emergency Services Agency and is currently being implemented – copies can be obtained from TAMS.
- (6) The area in question has always been widely used for active recreational pursuits. The land managers responsible for this area over the past 80 years have actively encouraged this use and many formal picnic and recreation facilities have been developed including Murrays Corner and Cotter Reserve. Fire trails in the area are used for recreational driving, including 4 wheel-driving, motorcycling, bicycling, walking and running. Recreation within the LCC is guided by the LCC Recreation Strategy (draft) which uses a zoning approach to identify what types of recreational activities can be undertaken, based on water catchment protection.

Mulligan's Flat nature reserve—interim board (Question No 1067)

Mr Rattenbury asked the Minister for Territory and Municipal Services, upon notice, on 26 August 2010:

- (1) Has the Government convened an Interim Board for Mulligan's Flat Nature Reserve; if so, who is on the Board and how were they selected.
- (2) Can the Minister provide the minutes of any meetings that have been held by the Board;
- (3) Are the Board meeting minutes made public; if so, where are they available; if not, why not.

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

- (1) Yes. The members of the Interim Board of Management for the Mulligans Flat Woodland Sanctuary are Professor Tony Peacock (Chair), Dr David Shorthouse, Ms Jenny Bounds, Professor David Lindenmayer, Dr Barry Richardson, Dr Adrian Manning and a nominee from the Department of Territory and Municipal Services. Expressions of interest were invited from the public for membership of the Interim Board of Management, and applications were assessed against specific selection criteria.
- (2) Interim Board deliberations to date have been largely concerned with governance issues surrounding the structure of the future Capital Woodland and Wetlands Conservation Trust and are not considered to be of wide public interest. A briefing on the deliberations of the Interim Board can be arranged if desired.
- (3) No. See answer to question (2).

Jerrabomberra wetlands—interim board (Question No 1068)

Mr Rattenbury asked the Minister for Territory and Municipal Services, upon notice, on 26 August 2010:

- (1) How often has the Interim Board for Jerrabomberra wetlands met since it was established.
- (2) Who is on the Board and how were they selected.
- (3) Can the Minister provide the minutes of any meetings that have been held by the Board.
- (4) Are the Board meeting minutes made public; if so, where are they available; if not, why not.

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

- (1) There have been four formal meetings of the Interim Board of Management for Jerrabomberra Wetlands.
- (2) The members of the Interim Board of Management for Jerrabomberra Wetlands are Mr Warren Nicholls (Chair), Professor Mark Lintermans, Mr John Hibberd, Ms Christine Ellis, Mr Chris Davey, Dr Richard Shodde, Dr Richard Norris and a

nominee of the Department of Territory and Municipal Services. Expressions of interest were invited from the public for membership of the Interim Board of Management, and applications were assessed against specific selection criteria.

- (3) Interim Board deliberations to date have been largely concerned with governance issues surrounding the structure of the future Capital Woodland and Wetlands Conservation Trust and are not considered to be of wide public interest. A briefing on the deliberations of the Interim Board can be arranged if desired.
- (4) No. See answer to Question (3).

Sport—community infrastructure grants (Question No 1069)

Mr Rattenbury asked the Minister for Tourism, Sport and Recreation, upon notice, on 26 August 2010:

- (1) Is the Minister aware that the Commonwealth Government announced the \$800 million Regional and Local Community Infrastructure Program, which provides funding to local governments for community infrastructure including local sport and recreation facilities, and has the ACT Government applied for this grant.
- (2) Is the ACT Government aware of any community groups who have applied for this program; if so, what groups have applied and have they been successful.

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

- (1) I am aware of this program, announced by the former Prime Minister in November 2008 as part of the Nation Building Economic Stimulus Plan. There have been three funding rounds within the Regional and Local Community Infrastructure Program, the total amount available being \$1.12b. The ACT Government has sought, and received, funding through this Program.
- (2) Local Governments/local Councils were able to apply for funding from the Regional and Local Community Infrastructure Program. Community groups were unable to directly apply.

Bicycles—cycle path safety (Question No 1070)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 26 August 2010: (*redirected to the Minister for Transport*)

- (1) What assessment has been done to ensure the safety of the intersection in Dickson, at the point behind the Dickson College, where the bike path ends and a narrow footpath and narrow bridge meet the bike path.
- (2) How many accidents is the Government aware of involving bicyclists at the intersection referred to in part (1).
- (3) What plans does the Government have to improve the safety of this intersection.

- (4) Can the Government provide approximate figures on the number of people that use this path.

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

- (1) An investigation into the opportunities to improve the connectivity of the shared path at the location described by Ms Le Couteur will be undertaken as part of the forward design for the upgrade of the Phillip / Majura Avenue intersection.
- (2) Roads ACT do not collect and/or maintain accident data and/or history records for the shared path network.
- (3) Measures aimed at improving the safety of this intersection will be considered as part of the intersection upgrade detailed design process.
- (4) Roads ACT do not gather usage data of the shared path at this location.

**Finance—departmental bank accounts
(Question No 1076)**

Mr Seselja asked the Minister for Planning, upon notice, on 26 August 2010:

In relation to each department in the Minister's portfolio, what was the balance of all departmental bank accounts, including Territory bank accounts, at the end of each month in 2009-10, and what were the total withdrawals and deposits each month.

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

While the information sought in the questions exists, it is not collated in the format requested and the Government is not prepared to authorise the diversion of resources necessary to do so.

Details of cash balances, payments and receipts are published in agency annual reports in accordance with Generally Accepted Accounting Principles (GAAP) as required by the Financial Management Act 1996. Annual Reports for 2009-10, which include agency financial statements, will be tabled shortly in accordance with established procedures.

**Finance—departmental bank accounts
(Question No 1078)**

Mr Seselja asked the Treasurer, upon notice, on 26 August 2010:

In relation to each department in the Minister's portfolio, what was the balance of all departmental bank accounts, including Territory bank accounts, at the end of each month in 2009-10, and what were the total withdrawals and deposits each month.

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

While the information sought in the questions exists, it is not collated in the format requested and the Government is not prepared to authorise the diversion of resources

necessary to do so. Details of cash balances, payments and receipts are published in agency annual financial statements in accordance with Generally Accepted Accounting Principles (GAAP) as required by the Financial Management Act 1996. Annual Reports for 2009-10, which include agency financial statements, will be tabled shortly in accordance with established procedures.

**Finance—departmental bank accounts
(Question No 1082)**

Mr Seselja asked the Minister for Education and Training, upon notice, on 26 August 2010:

In relation to each department in the Minister's portfolio, what was the balance of all departmental bank accounts, including Territory bank accounts, at the end of each month in 2009-10, and what were the total withdrawals and deposits each month.

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

While the information sought in the questions exists, it is not collated in the format requested and the Government is not prepared to authorise the diversion of resources necessary to do so. Details of cash balances, payments and receipts are published in agency annual financial statements in accordance with Generally Accepted Accounting Principles (GAAP) as required by the *Financial Management Act 1996*. Annual Reports for 2009-10, which include agency financial statements, will be tabled shortly in accordance with established procedures.

**Finance—departmental bank accounts
(Question No 1083)**

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 26 August 2010:

In relation to each department in the Minister's portfolio, what was the balance of all departmental bank accounts, including Territory bank accounts, at the end of each month in 2009-10, and what were the total withdrawals and deposits each month.

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

While the information sought in the questions exists, it is not collated in the format requested and the Government is not prepared to authorise the diversion of resources necessary to do so. Details of cash balances, payments and receipts are published in agency annual financial statements in accordance with generally Accepted Accounting Principles (GAAP) as required by the Financial Management Act 1996. Annual Reports for 2009-10, which include agency financial statements, will be tabled shortly in accordance with established procedures.

**Budget—savings
(Question No 1085)**

Mr Seselja asked the Chief Minister, upon notice, on 26 August 2010:

- (1) In relation to each portfolio area, what savings did the Minister offer from their portfolio area as part of the 2010-11 Budget process and what was the value of each.
- (2) Which of these savings were included in the Budget.
- (3) If the Minister's savings were rejected, why.

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

By longstanding and accepted convention, explained in the *Cabinet Handbook*, the deliberations of the Cabinet are strictly confidential. The decisions taken by the Cabinet in settling the 2010-11 Budget are published in the Budget Papers.

**Budget—savings
(Question No 1086)**

Mr Seselja asked the Minister for Planning, upon notice, on 26 August 2010:

- (1) In relation to each portfolio area, what savings did the Minister offer from their portfolio area as part of the 2010-11 Budget process and what was the value of each.
- (2) Which of these savings were included in the Budget.
- (3) If the Minister's savings were rejected, why.

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

By longstanding and accepted convention, explained in the *Cabinet Handbook*, the deliberations of the Cabinet are strictly confidential. The decisions taken by the Cabinet in settling the 2010-11 Budget are published in the Budget Papers.

**Budget—savings
(Question No 1088)**

Mr Seselja asked the Minister for Business and Economic Development, upon notice, on 26 August 2010:

- (1) In relation to each portfolio area, what savings did the Minister offer from their portfolio area as part of the 2010-11 Budget process and what was the value of each.
- (2) Which of these savings were included in the Budget.
- (3) If the Minister's savings were rejected, why.

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

By longstanding and accepted convention, explained in the *Cabinet Handbook*, the deliberations of the Cabinet are strictly confidential. The decisions taken by the Cabinet in settling the 2010-11 Budget are published in the Budget Papers.

**Budget—savings
(Question No 1091)**

Mr Seselja asked the Minister for the Arts and Heritage, upon notice, on 26 August 2010:

- (1) In relation to each portfolio area, what savings did the Minister offer from their portfolio area as part of the 2010-11 Budget process and what was the value of each.
- (2) Which of these savings were included in the Budget.
- (3) If the Minister's savings were rejected, why.

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

By longstanding and accepted convention, explained in the *Cabinet Handbook*, the deliberations of the Cabinet are strictly confidential. The decisions taken by the Cabinet in settling the 2010-11 Budget are published in the Budget Papers.

**Budget—savings
(Question No 1092)**

Mr Seselja asked the Treasurer, upon notice, on 26 August 2010:

- (1) In relation to each portfolio area, what savings did the Minister offer from their portfolio area as part of the 2010-11 Budget process and what was the value of each.
- (2) Which of these savings were included in the Budget.
- (3) If the Minister's savings were rejected, why.

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

By longstanding and accepted convention, explained in the *Cabinet Handbook*, the deliberations of the Cabinet are strictly confidential. The decisions taken by the Cabinet in settling the 2010-11 Budget are published in the Budget Papers.

**Budget—savings
(Question No 1093)**

Mr Seselja asked the Minister for Health, upon notice, on 26 August 2010:

- (1) In relation to each portfolio area, what savings did the Minister offer from their portfolio area as part of the 2010-11 Budget process and what was the value of each.
- (2) Which of these savings were included in the Budget.
- (3) If the Minister's savings were rejected, why.

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

By longstanding and accepted convention, explained in the *Cabinet Handbook*, the deliberations of the Cabinet are strictly confidential. The decisions taken by Cabinet in settling the 2010-11 Budget are published in the Budget Papers.

**Budget—savings
(Question No 1094)**

Mr Seselja asked the Minister for Industrial Relations, upon notice, on 26 August 2010:

- (1) In relation to each portfolio area, what savings did the Minister offer from their portfolio area as part of the 2010-11 Budget process and what was the value of each.
- (2) Which of these savings were included in the Budget.
- (3) If the Minister's savings were rejected, why.

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

By longstanding and accepted convention, explained in the *Cabinet Handbook*, the deliberations of the Cabinet are strictly confidential. The decisions taken by the Cabinet in settling the 2010-11 Budget are published in the Budget Papers.

**Budget—savings
(Question No 1099)**

Mr Seselja asked the Minister for Education and Training, upon notice, on 26 August 2010:

- (1) In relation to each portfolio area, what savings did the Minister offer from their portfolio area as part of the 2010-11 Budget process and what was the value of each.
- (2) Which of these savings were included in the Budget.
- (3) If the Minister's savings were rejected, why.

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

By longstanding and accepted convention, explained in the *Cabinet Handbook*, the deliberations of the Cabinet are strictly confidential. The decisions taken by the Cabinet in settling the 2010-11 Budget are published in the Budget Papers.

**Budget—savings
(Question No 1100)**

Mr Seselja asked the Minister for Transport, upon notice, on 26 August 2010:

- (1) In relation to each portfolio area, what savings did the Minister offer from their portfolio area as part of the 2010-11 Budget process and what was the value of each.

(2) Which of these savings were included in the Budget.

(3) If the Minister's savings were rejected, why.

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

By longstanding and accepted convention, explained in the Cabinet Handbook, the deliberations of the Cabinet are strictly confidential. The decisions taken by the Cabinet in settling the 2010 -11 Budget are published in the Budget papers.

Budget—savings (Question No 1101)

Mr Seselja asked the Minister for Tourism, Sport and Recreation, upon notice, on 26 August 2010:

(1) In relation to each portfolio area, what savings did the Minister offer from their portfolio area as part of the 2010-11 Budget process and what was the value of each.

(2) Which of these savings were included in the Budget.

(3) If the Minister's savings were rejected, why.

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

By longstanding and accepted convention, explained in the Cabinet Handbook, the deliberations of the Cabinet are strictly confidential. The decisions taken by the Cabinet in settling the 2010 -11 Budget are published in the Budget papers.

Budget—savings (Question No 1106)

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 26 August 2010:

(1) In relation to each portfolio area, what savings did the Minister offer from their portfolio area as part of the 2010-11 Budget process and what was the value of each.

(2) Which of these savings were included in the Budget.

(3) If the Minister's savings were rejected, why.

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

By longstanding and accepted convention, explained in the Cabinet Handbook, the deliberations of the Cabinet are strictly confidential. The decisions taken by the Cabinet in settling the 2010 -11 Budget are published in the Budget papers.

**Finance—departmental loans
(Question No 1108)**

Mr Seselja asked the Minister for Planning, upon notice, on 26 August 2010:

- (1) In relation to each department or agency within the Ministers portfolio area, what loans were outstanding as at 30 June 2010.
- (2) When was each loan entered into.
- (3) What is the interest rate and maturity date of each loan.
- (4) Who has provided each loan, and how was each loan acquired.

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

The ACT Planning and Land Authority have no loans.
(1) - (4) See above.

**Finance—departmental loans
(Question No 1115)**

Mr Seselja asked the Minister for Health, upon notice, on 26 August 2010:

- (1) In relation to each department or agency within the Ministers portfolio area, what loans were outstanding as at 30 June 2010.
- (2) When was each loan entered into.
- (3) What is the interest rate and maturity date of each loan.
- (4) Who has provided each loan, and how was each loan acquired.

Ms Gallagher: I am advised that the answer to the member's question is:

- (1) ACT Health had no loans outstanding as at 30 June 2010.
- (2) Not applicable
- (3) Not applicable
- (4) Not applicable

ACT Health did incur borrowing costs of \$0.406 million during 2009-10 however this was as a result of finance leases being entered into for vehicles. There were 318 finance leases as at 30 June 2010 with interest rates varying between 3.9% and 7.9%. The vehicle fleet is leased through SG Fleet and the finance leases were entered into at various times over the previous two years under a rolling vehicle replacement program.

**Finance—departmental loans
(Question No 1121)**

Mr Seselja asked the Minister for Education and Training, upon notice, on 26 August 2010:

- (1) In relation to each department or agency within the Ministers portfolio area, what loans were outstanding as at 30 June 2010.
- (2) When was each loan entered into.
- (3) What is the interest rate and maturity date of each loan.
- (4) Who has provided each loan, and how was each loan acquired.

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

- (1) to (4)
The Department of Education and Training does not have any outstanding loans.
-

**Finance—departmental loans
(Question No 1121 supplementary)**

Mr Seselja asked the Minister for Education and Training, upon notice, on 26 August 2010:

- (1) In relation to each department or agency within the Ministers portfolio area, what loans were outstanding as at 30 June 2010.
- (2) When was each loan entered into.
- (3) What is the interest rate and maturity date of each loan.
- (4) Who has provided each loan, and how was each loan acquired.

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

- (1) Nil
 - (2) N/A
 - (3) N/A
 - (4) N/A
-

**Finance—departmental loans
(Question No 1122)**

Mr Seselja asked the Minister for Transport, upon notice, on 26 August 2010:

- (1) In relation to each department or agency within the Ministers portfolio area, what loans were outstanding as at 30 June 2010.

- (2) When was each loan entered into.
- (3) What is the interest rate and maturity date of each loan.
- (4) Who has provided each loan, and how was each loan acquired.

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

This information is contained within the response to QON 1128.

Finance—departmental loans (Question No 1128)

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 26 August 2010:

- (1) In relation to each department or agency within the Ministers portfolio area, what loans were outstanding as at 30 June 2010.
- (2) When was each loan entered into.
- (3) What is the interest rate and maturity date of each loan.
- (4) Who has provided each loan, and how was each loan acquired.

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

- (1) At 30 June 2010 there is one loan outstanding relating to ACT NoWaste.
ACTION's loans outstanding as at 30th June 2010:
 - Loan 1 - Commonwealth Government Loan
 - Loan 2 - The Central Financing Unit, ACT Treasury loan.
- (2) The ACT NoWaste loan commencement date was 31 January 2004.
ACTION
 - Loan 1: At the time of self-government for the ACT in 1988-89 a debt transferred from the Commonwealth to the ACT.
 - Loan 2: The Central Financing Unit, ACT Treasury, provided ACTION with a loan on 15 June 2004. This loan was for the purchase of buses and construction of a compressed natural gas (CNG) refuelling facility.
- (3) The ACT NoWaste interest rate is fixed at 7.82% per annum, maturing on 28 January 2014.
ACTION
Loan 1: Interest Rate 12.57%, maturing on 30 June 2023.
Loan 2: Interest Rate 5.5% per annum, maturing on 15 June 2014.
- (4) The purpose of the ACT NoWaste loan was to finance the building of the ACT NoWaste recycling plant and the associated infrastructure located at Hume ACT. The finance was provided by Theiss Services Pty Ltd.

ACTION

Loan 1: Commonwealth Borrowings

Loan 2: The Central Financing Unit, ACT Treasury, Loan

**Finance—government programs
(Question No 1130)**

Mr Seselja asked the Minister for Planning, upon notice, on 26 August 2010:

- (1) In relation to each portfolio area, what were the top ten underspending programs in the 2009-10 financial year.
- (2) What was the cause of each underspend.
- (3) Will any funding be rolled over into the 2010-11 financial year as a result of the underspend.
- (4) What were the top ten program overspending programs in the 2009-10 financial year.
- (5) Where was funding allocated from to accommodate the overspend.
- (6) What adjustments have been made to the 2010-11 budget as a result of the overspend and by how much and in what areas have adjustments been made.

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

Details of appropriation rollover instruments prepared under the Financial Management Act 1996 are tabled by the Treasurer from time to time, together with information on funds allocated from the Treasurer's advance in accordance with Financial Management Act 1996.

Details of programs requiring additional funding are disclosed in the Budget Papers in the event that additional funding is provided (as occurred in the 2010-11 Budget). In addition agency annual financial statements and management, discussion and analysis explain significant variances between budgeted appropriation and appropriation drawn, budgeted expenditure and actual expenditure.

Agency statements of performance include actual GPO and cost by output together with variance explanations where there is a material variance from budget. Annual reports for 2009 10, which include agency financial statements, management, discussion and analysis and statement of performance, will be tabled shortly in accordance with established procedures.

**Finance—government programs
(Question No 1136)**

Mr Seselja asked the Treasurer, upon notice, on 26 August 2010:

- (1) In relation to each portfolio area, what were the top ten underspending programs in the 2009-10 financial year.

- (2) What was the cause of each underspend.
- (3) Will any funding be rolled over into the 2010-11 financial year as a result of the underspend.
- (4) What were the top ten program overspending programs in the 2009-10 financial year.
- (5) Where was funding allocated from to accommodate the overspend.
- (6) What adjustments have been made to the 2010-11 budget as a result of the overspend and by how much and in what areas have adjustments been made.

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

Details of appropriation rollover instruments prepared under the Financial Management Act 1996 are tabled by the Treasurer from time to time. The Treasurer tables information on funds allocated from the Treasurer's advance in accordance with Financial Management Act 1996 from time to time.

Details of programs requiring additional funding are disclosed in the Budget Papers in the event additional funding is provided (as occurred in the 2010-11 Budget). In addition agency annual financial statements and management, discussion and analysis (MD&A) explain significant variances between budgeted appropriation and appropriation drawn, budgeted expenditure and actual expenditure.

Agency statements of Performance include actual GPO and cost by output together with variance explanations where there is a material variance from budget. Annual Reports for 2009-10, which include agency financial statements, MD&A and statement of performance, will be tabled shortly in accordance with established procedures.

Finance—government programs (Question No 1143)

Mr Seselja asked the Minister for Education and Training, upon notice, on 26 August 2010:

- (1) In relation to each portfolio area, what were the top ten underspending programs in the 2009-10 financial year.
- (2) What was the cause of each underspend.
- (3) Will any funding be rolled over into the 2010-11 financial year as a result of the underspend.
- (4) What were the top ten program overspending programs in the 2009-10 financial year.
- (5) Where was funding allocated from to accommodate the overspend.
- (6) What adjustments have been made to the 2010-11 budget as a result of the overspend and by how much and in what areas have adjustments been made.

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

- 1) to 6) Details of appropriation rollover instruments prepared under the *Financial Management Act 1996* are tabled by the Treasurer from time to time. The Treasurer tables information on funds allocated from the Treasurer's advance in accordance with the *Financial Management Act 1996* from time to time. Details of programs requiring additional funding are disclosed in the Budget Papers in the event additional funding is provided (as occurred in the 2010-11 Budget). In addition the agency annual financial statements and management, discussion and analysis (MD&A) explain significant variances between budgeted appropriation and appropriation drawn, budgeted expenditure and actual expenditure. Agency statements of Performance include actual GPO and cost by output together with variance explanations where there is a material variance from budget. Annual Reports for 2009-10, which include the agency financial statements, MD&A and statement of performance, will be tabled shortly in accordance with established procedures.

Finance—government programs (Question No 1144)

Mr Seselja asked the Minister for Transport, upon notice, on 26 August 2010:

- (1) In relation to each portfolio area, what were the top ten underspending programs in the 2009-10 financial year.
- (2) What was the cause of each underspend.
- (3) Will any funding be rolled over into the 2010-11 financial year as a result of the underspend.
- (4) What were the top ten program overspending programs in the 2009-10 financial year.
- (5) Where was funding allocated from to accommodate the overspend.
- (6) What adjustments have been made to the 2010-11 budget as a result of the overspend and by how much and in what areas have adjustments been made.

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

Details of appropriation rollover instruments prepared under the Financial management Act 1996 are tabled by the Treasurer from time to time. The Treasurer tables information on funds allocated from the Treasurer's advance in accordance with Financial Management Act 1996 from time to time. Details of programs requiring additional funding are disclosed in the Budget paper in the event additional funding is provided (as occurred in the 2010-11 Budget). In addition agency annual financial statements and management, discussion and analysis (MD&A) explain significant variances between budgeted appropriation and appropriation drawn, budgeted expenditure and actual expenditure. Agency statements of Performance include actual GPO and cost by output together with variance explanations where there is a material variance from budget. Annual reports for 2009-2010, which include agency financial statements, MD&A and statement of performance, will be tabled shortly in accordance with established procedures.

**Finance—government programs
(Question No 1145)**

Mr Seselja asked the Minister for Tourism, Sport and Recreation, upon notice, on 26 August 2010:

- (1) In relation to each portfolio area, what were the top ten underspending programs in the 2009-10 financial year.
- (2) What was the cause of each underspend.
- (3) Will any funding be rolled over into the 2010-11 financial year as a result of the underspend.
- (4) What were the top ten program overspending programs in the 2009-10 financial year.
- (5) Where was funding allocated from to accommodate the overspend.
- (6) What adjustments have been made to the 2010-11 budget as a result of the overspend and by how much and in what areas have adjustments been made.

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

Details of appropriation rollover instruments prepared under the Financial management Act 1996 are tabled by the treasurer from time to time. The Treasurer tables information on funds allocated from the Treasurer's advance in accordance with Financial Management Act 1996 from time to time. Details of programs requiring additional funding are disclosed in the Budget paper in the event additional funding is provided (as occurred in the 2010-11 Budget). In addition agency annual financial statements and management, discussion and analysis (MD&A) explain significant variances between budgeted appropriation and appropriation drawn, budgeted expenditure and actual expenditure. Agency statements of Performance include actual GPO and cost by output together with variance explanations where there is a material variance from budget. Annual reports for 2009-2010, which include agency financial statements, MD&A and statement of performance, will be tabled shortly in accordance with established procedures.

**Finance—government programs
(Question No 1150)**

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 26 August 2010:

- (1) In relation to each portfolio area, what were the top ten underspending programs in the 2009-10 financial year.
- (2) What was the cause of each underspend.
- (3) Will any funding be rolled over into the 2010-11 financial year as a result of the underspend.

- (4) What were the top ten program overspending programs in the 2009-10 financial year.
- (5) Where was funding allocated from to accommodate the overspend.
- (6) What adjustments have been made to the 2010-11 budget as a result of the overspend and by how much and in what areas have adjustments been made.

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

Details of appropriation rollover instruments prepared under the Financial management Act 1996 are tabled by the Treasurer from time to time. The Treasurer tables information on funds allocated from the Treasurer's advance in accordance with Financial Management Act 1996 from time to time. Details of programs requiring additional funding are disclosed in the Budget paper in the event additional funding is provided (as occurred in the 2010-11 Budget). In addition agency annual financial statements and management, discussion and analysis (MD&A) explain significant variances between budgeted appropriation and appropriation drawn, budgeted expenditure and actual expenditure. Agency statements of Performance include actual GPO and cost by output together with variance explanations where there is a material variance from budget. Annual reports for 2009-2010, which include agency financial statements, MD&A and statement of performance, will be tabled shortly in accordance with established procedures.

Finance—government assets and liabilities (Question No 1152)

Mr Seselja asked the Minister for Planning, upon notice, on 26 August 2010:

- (1) For each portfolio area, what were the top ten assets as at 30 June 2010 and what was their value, broken down by specific asset, not asset class.
- (2) What were the top ten liabilities as at 30 June 2010 and what was their value, broken down by each specific liability.

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

The Government does not account for assets and liabilities by portfolio. Details of the assets and liabilities are published in agency financial statements in accordance with Generally Accepted Accounting Principles (GAAP) as required by the Financial Management Act 1996.

Under GAAP, departments are required to disclose their assets and liabilities by output class where it is feasible to do so. Annual Reports for 2009-10, which include agency financial statements, will be tabled shortly in accordance with established procedures.

Finance—government assets and liabilities (Question No 1158)

Mr Seselja asked the Treasurer, upon notice, on 26 August 2010:

- (1) For each portfolio area, what were the top ten assets as at 30 June 2010 and what was their value, broken down by specific asset, not asset class.
- (2) What were the top ten liabilities as at 30 June 2010 and what was their value, broken down by each specific liability.

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

The Government does not account for assets and liabilities by portfolio. Details of the assets and liabilities are published in agency financial statements in accordance with Generally Accepted Accounting Principles (GAAP) as required by the Financial Management Act 1996. Under GAAP, departments are required to disclose their assets and liabilities by output class where it is feasible to do so. Annual Reports for 2009-10, which include agency financial statements, will be tabled shortly in accordance with established procedures.

Finance—government assets and liabilities (Question No 1165)

Mr Seselja asked the Minister for Education and Training, upon notice, on 26 August 2010:

- (1) For each portfolio area, what were the top ten assets as at 30 June 2010 and what was their value, broken down by specific asset, not asset class.
- (2) What were the top ten liabilities as at 30 June 2010 and what was their value, broken down by each specific liability.

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

- 1) to 2) The Government does not account for assets and liabilities by portfolio. Details of assets and liabilities are published in agency financial statements in accordance with Generally Accepted Accounting Principles (GAAP) as required by the *Financial Management Act 1996*. Under GAAP, departments are required to disclose their assets and liabilities by output class where it is feasible to do so. Annual Reports for 2009-10, which include agency financial statements, will be tabled shortly in accordance with established procedures.
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Finance—government assets and liabilities (Question No 1166)

Mr Seselja asked the Minister for Transport, upon notice, on 26 August 2010:

- (1) For each portfolio area, what were the top ten assets as at 30 June 2010 and what was their value, broken down by specific asset, not asset class.
- (2) What were the top ten liabilities as at 30 June 2010 and what was their value, broken down by each specific liability.

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

The Government does not account for assets and liabilities by portfolio. Details of the assets and liabilities are published in agency financial statements in accordance with Generally Accepted Accounting Principles (GAAP) as required by the Financial Management Act 1996. Under GAAP, departments are required to disclose their assets and liabilities by output class where it is feasible to do so. Annual Reports for 2009-10, which include agency financial statements, will be tabled shortly in accordance with established procedures.

Finance—government assets and liabilities (Question No 1167)

Mr Seselja asked the Minister for Tourism, Sport and Recreation, upon notice, on 26 August 2010:

- (1) For each portfolio area, what were the top ten assets as at 30 June 2010 and what was their value, broken down by specific asset, not asset class.
- (2) What were the top ten liabilities as at 30 June 2010 and what was their value, broken down by each specific liability.

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

The Government does not account for assets and liabilities by portfolio. Details of the assets and liabilities are published in agency financial statements in accordance with Generally Accepted Accounting Principles (GAAP) as required by the Financial Management Act 1996. Under GAAP, departments are required to disclose their assets and liabilities by output class where it is feasible to do so. Annual Reports for 2009-10, which include agency financial statements, will be tabled shortly in accordance with established procedures.

Environment—greenhouse gas (Question No 1174)

Mr Seselja asked the Minister for the Environment, Climate Change and Water, upon notice, on 26 August 2010:

- (1) In relation to each initiative implemented by the Government that is designed to reduce greenhouse gas emissions since 2008-09, what cost benefit or cost effectiveness study was undertaken on each policy before it was implemented.
- (2) Which external consultants were engaged to provide advice to develop each initiative, and what was the cost of engaging each.
- (3) What experience did each consultant referred to in part (2) have in each field.
- (4) How many staff have been engaged to implement each initiative.
- (5) How much greenhouse gas emissions have been saved by the implementation of each initiative to date.

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

- (1) A broad range of ACT Government policies contribute to greenhouse gas emission reductions including those not specifically designed to address climate change. Key actions since 2008-09 are set out in *Weathering the Change Action Plan 1 2007 – 2011*. These actions were developed by a number of ACT government agencies through research, analysis and consideration of approaches in other jurisdictions, including through consultants where appropriate.
- (2) Initiatives to address greenhouse gas reductions are being developed under Weathering the Change Action Plan 2.

In scoping policy options, the Department of Environment, Climate Change, Energy and Water (DECCEW) commissioned Kinesis and Heuris Partners. These consultancies cost \$230,000.

Two consultants were used for the investigation of an expanded Feed-in –Tariff Scheme: KPMG Econtech and Climate Policy Australia. These consultancies cost \$132,043.

- (3) Consultants Heuris Partners and Kinesis are energy specialists.

KPMG Econtech is an economic modelling specialist.

Climate Policy Australia has experience in providing climate policy advice to the Australian Government.

- (4) There have been 3 new FTE engaged since 2008-09 within DECCEW to work on climate change related to policy development and implementation.
- (5) The most recent ACT Greenhouse Gas Inventory relates to 2007-08. The impact of greenhouse gas reduction policies will become apparent in future inventories.

Gungahlin Drive extension—bridge collapse (Question No 1175)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 26 August 2010:

- (1) In relation to the Gungahlin Drive Extension (GDE) Barton Highway Bridges, for example Stage 1 and Stage 2, (a) when was the Project Concept Brief (i) submitted to cabinet and (ii) approved by Cabinet and (b) what were the expected risks in regard to implementation.
- (2) What requirements or guidance did the National Capital Authority give the Department of Territory and Municipal Services (TAMS) or any other ACT Government agency regarding the Stage 2 or Stage 1 bridges.
- (3) Were (a) site investigation, (b) architect, (c) landscape architect, (d) quantity surveyor, (e) structural engineer, (f) civil engineer, (g) electrical engineer, (h) mechanical engineer, (i) hydraulic engineer, (j) artist, (k) specialist sub-consultant and (l) testing

& modelling consultants engaged for Stage 1 or Stage 2; if so, how many were engaged and from what companies were they from.

- (4) Were there any adjustments made to the total lump sum fees for either bridge.
- (5) In relation to both bridges, (a) what payments were made by the Government to the contractors, how much were they and when were they made, (b) how many revisions were made during the preliminary design stage to document readiness, (c) on what date were drawings/documents stamped as 'For Tender' or a similar notation and (d) how many revisions were there on drawings/documents issued for construction.
- (6) As of the date of the bridge collapse, what number revision were the drawings/documents at and when was that revision issued.
- (7) Were all revisions of the drawings/documents from Stage 1 given to the contractors working on Stage 2.
- (8) What documents from Stage 1 were given to contractors on Stage 2.
- (9) Was it intended that the Stage 2 bridge would be the same as the bridge of Stage 1.
- (10) Were the plans for the span of Stage 2 the same as the span of Stage 1.
- (11) In relation to both bridges, on what dates were site inspections made by the Project Officer.
- (12) Did the Project Officer change at any point during construction of either bridge; if so, on what dates and what were the reasons for the changes.
- (13) In relation to both bridges, (a) was an occupational health and safety (OH&S) system put in place by the head consultant and were any changes made to this system, (b) was an OHS&R Plan put in place by the consultant and were any changes made to this plan and (c) did the plans conform to AS 1100.
- (14) Was a design options study undertaken for Stage 1 and/or Stage 2; if so, on what dates were the reports submitted.
- (15) Was a designs options study sought for Stage 1 or Stage 2; if not, how many alternative design concepts were submitted.
- (16) Were the means of access to voids and bearings for inspection and maintenance incorporated in the Final Sketch Plans for both bridges.
- (17) Was a draft maintenance and inspection manual incorporated in the Final Sketch Plans.
- (18) Have any contractors or sub-contractors who worked on the Stage 1 or Stage 2 worked on any other ACT Government capital works project since 2006 and for any such project, did the contractors complete the task they were assigned to do as specified at the awarding of the tender; if not, why not.
- (19) In relation to both bridges, (a) what information was included in the Final Design Report and (b) what changes and on what dates were changes made to (i) design forces, moments, capacities and section properties for major members, (ii) expected

short term and long term deflections due to dead load or any other relevant action, and pre-camber specified to compensate for long term deflection, (iii) bearing/expansion joint loads and movements, (iv) bearing inspection and replacement criteria and procedures, (v) service conduits in relation to differential thermal movements and possible vertical dislocations at joints etc or (vi) the steel reinforcement schedule.

- (20) In relation to the changes listed in part (19), were site inspections made to verify any changes.
- (21) Was a pre-construction condition audit undertaken of the Stage 1 bridge as part of the design submission process.
- (22) In relation to both bridges, (a) when was the post-tender meeting, where did it take place and who was present, (b) what record-keeping did the consultant agree to undertake, (c) when was the Project Quality Plan submitted to the Project Officer, were any changes made to it, was any quality surveillance or audits undertaken; if so, when, (d) regarding monthly reports (i) how many were submitted and when were they submitted and (ii) were any problem areas, quality assurance or other issues identified, (e) were variations made in accordance with AS 2124, (f) how many routine variations were made to the contract and when did the variations arise and when were they submitted, (g) how many 'non-routine' variations were made to the contract and when did the variations arise and when were they submitted and (h) were any variations submitted with regard to the girders or the girder design; if so, on what dates were they submitted.
- (23) Was information about the spacing and loading requirements and falsework pre-camber of the Stage 1 bridge given to the contractors working on the Stage 2 bridge.
- (24) In relation to both bridges, (a) on what date were complete design drawings and formwork documentation of falsework beam submitted, (b) was any information about the proposed splicing arrangements, bolt grades and sizes and torque setting submitted to the ACT Government; if so, when were they lodged and by who.
- (25) Did anyone from the ACT Government inspect the splicing arrangements, bolt grades and sizes and torque settings at any time; if so, when did the inspections take place.
- (26) Was information about the splicing arrangements, bolt grades and sizes and torque setting used on Stage 1 given to contractors working on Stage 2.
- (27) When will the Stage 2 bridge be complete.
- (28) What is the expected financial cost to the Territory.
- (29) How many meetings took place with officers from Procurement Solutions and TAMS to discuss the progress of the tender or construction of Stage 1 or Stage 2.
- (30) How many officers from Procurement Solutions (a) were involved in the project management of both Stage 1 and Stage 2, (b) were involved in only Stage 1 and (c) were involved in only Stage 2.
- (31) What bodies, for example, teams, committees, working groups, working on Stage 1 and Stage 2 involved officers from Procurement Solutions and TAMS and what were their job titles and roles on the body.

- (32) Did the Project Director from TAMS responsible for Stage 1 or Stage 2 change during either process; if so, why did such a change occur.
- (33) In relation to Stage 1 or Stage 2 of the GDE Barton Highway bridge, how often did the Project Director from TAMS meet with Project Officers of Procurement Solutions and when did they meet.

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

The Government has offered and provided Assembly members briefings on this issue. In addition I tabled in the Assembly the Government's independent engineer's report on Wednesday, 25 August 2010.

As there is currently an investigation into this accident by Worksafe ACT, I am not prepared to answer this question until the investigation has been completed.

Questions without notice taken on notice

Children—kinship carer support program—Thursday, 26 August 2010

MS BURCH (*in reply to a supplementary question by Mr Doszpot*): In response to Mr Doszpot's question, there was not a representative of the Aboriginal and Torres Strait Islander community on the tender assessment panel.

MS BURCH (*in reply to a question by Mrs Dunne*): In response to Mrs Dunne's question there were two (2) tenders in total for the Kinship Carer Support Programs. Marymead was the successful tenderer for the Advocacy and Support component and did not tender for Category B – services targeted to the needs of Aboriginal and Torres Strait Islander people or Category C – education, awareness and support programs of kinship carers. The other tender received was for all categories of the tender and was assessed as not suitable in providing these services.

Schools—relief teachers—Thursday, 26 August 2010

MR BARR (*in reply to a supplementary question by Ms Hunter*): There were 1340 casual teachers registered as approved for casual relief on Thursday, 26 August 2010. Three hundred and forty one (341) relief staff were engaged to work on the day in question.

The Department of Education and Training does not collect information about alternative staffing arrangements made by individual schools.

Domestic Animal Services—dogs—Thursday, 26 August 2010

MR STANHOPE (*in reply to a supplementary question by Ms Bresnan*): I have received advice from the Registrar of Domestic Animal Services that DAS continues to impound dogs whilst the facility is in quarantine, as there is no alternative facility to impound stray and seized dogs in the ACT.

During the period 19 June 2010 to 27 August 2010, DAS impounded 323 dogs and ex-pounded 318 dogs; 217 of these dogs were strays. These impoundments included 26 transferrals from the RSPCA and 31 dogs that were handed in for re-homing. Additionally, during this period, two dogs were handed in for destruction due to the behaviour that they had exhibited to the owner/or family, resulting in them being considered a risk.

Of the dogs ex-pounded, 197 were claimed by their owners, 21 were sold to new homes and 14 were relocated to Rescue Services. Unfortunately, 20 dogs were euthanased for welfare reasons due to the parvo virus outbreak or due to their general poor condition.

MR STANHOPE (*in reply to a question by Ms Le Couteur*):

Domestic Animal Services (DAS) has had a series of outbreaks of canine parvovirus during the winter months of this year. Parvovirus is a highly contagious disease

transferred between dogs. Unfortunately, it is often fatal if not treated in the very early stages. It is however a disease that can be prevented by vaccination.

Parvovirus was first detected at DAS on 23 June 2010. During the detections of parvovirus, DAS has implemented quarantine measures that have included restricted public and volunteer accesses to the facility, daily disinfection of the dog holding pens, and the provision of disinfection foot baths at the entry to the facility and throughout the dog holding areas. DAS also accepted an offer by the RSPCA to test and vaccinate dogs for parvovirus. Eleven dogs were infected by parvovirus during the recent outbreaks, and unfortunately had to be euthanased. DAS has been clear of further parvovirus detections since 6 September 2010.

In respect to your question about maintenance and staff upgrades, senior officers from the Department of Territory and Municipal Services (TAMS) are working in close cooperation with the Chief Executive Officer of RSPCA-ACT, Mr Michael Linke, on a project to relocate the RSPCA from their existing Weston facility. A model that will involve co-location of the RSPCA with DAS in a new purpose-built facility is being explored. The Government will examine the joint proposal from TAMS and the RSPCA with a view to funding the new facility. Minor maintenance issues at the existing DAS facility are being addressed.

DAS recently completed a recruitment process for three vacant ranger positions. I am pleased to advise that the facility is now fully staffed including the appointment of a part-time DAS volunteer coordinator, who will commence in the second half of September 2010.

MR STANHOPE (*in reply to a supplementary question by Ms Hunter*):

I have received advice from the Department of Territory and Municipal Services that the *Code of Practice for the Handling of Companion Animals in Pounds and Shelters* has not been reviewed since its adoption in 1995.

I am advised that the Animal Welfare Advisory Committee plans to review the *Code of Practice for the Handling of Companion Animals in Pounds and Shelters* during their next term of appointment.

Alexander Maconochie Centre—drugs—Tuesday, 21 September 2010

MR STANHOPE (*in reply to a supplementary question by Mr Hanson*):

ACT Corrective Services (ACTCS) staff drug test all prisoners, by way of urinalysis, on admission to the Alexander Maconochie Centre (AMC). This testing is conducted only to ascertain an idea of the substances used by prisoners prior to incarceration, and no disciplinary action is taken as a consequence of positive results.

ACTCS staff also conduct targeted urinalysis testing, based on intelligence information, and additionally, conduct random drug testing.

Domestic Animal Services—dogs—Thursday, 26 August 2010

MR STANHOPE (*in reply to a question by Ms Le Couteur*):

You asked if I was aware that since the last sitting a parvo-infected dog was released from the shelter to a foster carer and had to be put down within two days.

DAS staff are trained & authorised under the Domestic Animals Regulation 2001. Staff follow best practice standards and protocols that have been developed to ensure safety for both staff, visitors and animals under DAS care. It is current practice that dogs being rehomed are vaccinated against Parvovirus. Prior to 13 September 2010 dogs being rehomed to Rescue Services were not vaccinated.

Parvovirus was confirmed at the animal shelter on 10 July, 2010, following the impoundment of an unregistered stray dog that was found wandering in Macquarie by a Ranger. This dog was diagnosed by a vet and euthanized and the animal shelter was immediately put into a 14 day quarantine period. It was feared that this dog had contaminated other dogs at the shelter, so these dogs were all isolated and monitored.

Quarantine at the DAS Shelter involves restricting access to the dog yards. F10 disinfectant is used to disinfect all pens including drop off pens daily. This includes all floors, walls and mats via spray gun and includes all dogs prior to their entry to the pound.

On Monday 19 July 2010, another dog suspected of being exposed to parvovirus, tested positive. This diagnosis was confirmed by a vet and the dog was euthanized. This was a stray dog that had been picked up from the RSPCA on 9 July 2010 and isolated in a pen.

On 3 September 2010 DAS lifted the quarantine period and resumed normal activities. The pound was continually monitored for any additional sign for parvovirus since quarantine was lifted.

On 10 September 2010 ARF (ACT Rescue & Foster Inc) collected a dog for re-homing. On 12 September 2010 this dog was euthanized as it was affected by parvovirus. DAS was not aware of or observed any symptoms of Parvovirus prior to the dog's release.

On 13 September 2010 quarantine procedures were immediately implemented at the DAS animal shelter.

You also asked me to explain DAS's ability to contain the outbreak when the RSPCA successfully contained an outbreak within seven days.

Every effort is made by DAS to control Parvovirus at the shelter. DAS regularly reviews its procedures and is currently vaccinating all dogs with C3 to prevent the spread of parvovirus. Vaccinated dogs that have passed the incubation period are being released to rescue services, following normal temperament testing to assess their suitability for re-homing.

You also asked if the animal shelter was closed last week after the recent outbreak and if the animal shelter was now open. DAS was not closed last week and is open for normal operational hours.

MR STANHOPE (*in reply to a supplementary question by Ms Hunter*):

Every effort is being made by DAS to control the recent parvovirus outbreak and the animal shelter, car parks and walking areas also have de-contamination procedures in place during any quarantine period.

On 13 September 2010 Quarantine procedures were immediately implemented at DAS. Disinfection of all holding areas has been undertaken and access to the dog yard has been restricted.

DAS is currently vaccinating all dogs with C3 and has done so since 13 September 2010 to prevent the spread of parvovirus. Only vaccinated dogs that have passed the incubation period for parvovirus are being released to rescue services, following normal temperament testing to assess their suitability to for re-homing.

DAS continues to review its procedures relating to prevention and de-contamination processes at regular intervals to ensure it has the best possible measures in place.

MR STANHOPE (*in reply to a supplementary question by Ms Bresnan*):

Every effort is being made by DAS to control the recent parvovirus outbreak and the shelter, car parks and walking areas have de-contamination procedures in place during any quarantine period.

Children—kinship carer support program—Wednesday, 25 August 2010

Ms BURCH (*in reply to a question by Mrs Dunne*):

In response to Mrs Dunne's question, the selection of the evaluation panel is a process completed by my Department, independent of myself.

I am informed that the evaluation panel consisted of members from my Department including the Executive Director, Office for Children, Youth and Family Support, the Senior Manager, Strategy and Purchasing and the Senior Program Officer, Out of Home Care, Youth and Family Support. In addition an officer from Procurement Solutions oversaw the process to ensure the probity of the tender assessment and to ensure that appropriate processes and procedures were followed.

These panel members have a wide range of experience and knowledge in the area of Care and Protection and specifically the Out of Home Care Sector in both Australia and internationally. The panel members are also experienced in the purchasing of services in line with Procurement requirements in the ACT.

Procurement Solutions releases the final report of the outcome on the procurement process.