



Debates

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Tuesday, 26 October 2010

Justice and Community Safety—Standing Committee.....	4979
Education—outcomes	4979
Climate Change and Greenhouse Gas Reduction Bill 2010	4983
Questions without notice:	
Canberra BusinessPoint—services	5014
Education—NAPLAN testing	5015
Visitors.....	5018
Questions without notice:	
Economy—performance.....	5018
Industrial relations—work safety reform	5021
Superannuation—liabilities	5023
Hospitals—north Canberra	5024
Environment—building materials	5026
Education—disability funding.....	5028
Education—disability funding.....	5030
Liquor licence fees.....	5031
Bushfires—preparation.....	5033
Supplementary answers to questions without notice:	
Bimberi Youth Justice Centre—reoffenders	5035
Canberra BusinessPoint—services	5035
Energy—feed-in tariff	5036
Papers.....	5036
Defence—veterans (Matter of public importance)	5037
Climate Change and Greenhouse Gas Reduction Bill 2010	5052
Climate Change (Greenhouse Gas Emissions Targets) Bill 2008 (No 2).....	5063
Planning and Development (Public Notification) Amendment Bill 2010.....	5064
Liquor (Consequential Amendments) Bill 2010.....	5072
Adjournment:	
Liquor licence fees.....	5081
Canberra Christian Life Centre.....	5081
Refugees—SIEV X.....	5082
Australian National University—Medical School ball.....	5083
Korean War—60th anniversary	5083
Schedules of amendments:	
Schedule 1: Climate Change and Greenhouse Gas Reduction Bill 2010.....	5085
Schedule 2: Climate Change and Greenhouse Gas Reduction Bill 2010.....	5086
Schedule 3: Climate Change and Greenhouse Gas Reduction Bill 2010.....	5093
Schedule 4: Climate Change and Greenhouse Gas Reduction Bill 2010.....	5093
Schedule 5: Climate Change and Greenhouse Gas Reduction Bill 2010.....	5094
Schedule 6: Climate Change and Greenhouse Gas Reduction Bill 2010.....	5094
Schedule 7: Climate Change and Greenhouse Gas Reduction Bill 2010.....	5094
Schedule 8: Climate Change and Greenhouse Gas Reduction Bill 2010.....	5095
Schedule 9: Climate Change and Greenhouse Gas Reduction Bill 2010.....	5095

Tuesday, 26 October 2010

MR SPEAKER (Mr Rattenbury) took the chair at 10 am, made a formal recognition that the Assembly was meeting on the lands of the traditional custodians, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Justice and Community Safety—Standing Committee Scrutiny report 29

MRS DUNNE (Ginninderra): I present the following report:

Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 29, dated 25 October 2010, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS DUNNE: Scrutiny report 29 contains the committee's comments on 75 pieces of subordinate legislation and three government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Education—outcomes Statement by minister

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (10.02), by leave: The most important job for any government is making sure young people get the best possible start in life. This means ensuring every student gets the best possible education. It means having the best facilities, it means having the best teachers in our classrooms, and that is what Labor has been doing, and will continue to work to deliver on.

The ACT's education system is the best in Australia, and our students are performing well in national testing. However, the world continues to change, and we need to ensure that our education system changes with it and that we prepare students for life in the 21st century. The government has come a long way towards achieving this goal, and we will keep working to ensure our education system meets the needs of students.

This ACT Labor government have invested more than any other since self-government in education. Currently, we are investing more than half a billion dollars. While much of this has been in bricks and mortar, which I described in detail for the Assembly last week, much has also been invested in human capital—that of our students and that of our teachers.

Over recent years, we have invested \$421,000 to enhance professional development for teachers in leadership positions; \$984,000 to assist gifted and talented students

through the in pursuit of excellence program; nearly \$700,000 to increase the number of Indigenous teachers and teachers assistants working in ACT public schools through 10 scholarships for year 11 and 12 students who wish to pursue a career in teaching; more than \$3 million to provide more support staff to assist students with English as a second language; \$200,000 over four years to improve language education in the ACT by building closer relationships with embassies and cultural institutions to support language delivery in our schools; and almost \$1.5 million to allow students to undertake industry-based training whilst remaining at school under the Australian school-based apprenticeships program; and we have also provided students at risk of dropping out with extra support through the SPICE program, which has received more than \$800,000 in additional funding.

Our investments in human capital in our schools continued in the most recent budget. This has included more than \$9 million for productivity places and skills, nearly \$4 million over four years to establish the ACT Quality Teacher Institute, \$1.6 million over four years to support students with a disability, \$1.1 million over four years in support of our earn or learn policy, \$600,000 over two years for the implementation of the school-based management review, and \$300,000 over four years to enhance swimming and survival skills in ACT schools.

We continue to invest in ICT, ensuring teachers and students have access to tools that are the basis of literacy in the 21st century. This has supported the rollout of the virtual learning environment. This system will give students added and remote access to features such as podcast lessons, homework requirements and video conferencing for language practice. Through the parent portal, it will also give parents and carers a convenient and effective way to further help their son or daughter succeed at school.

We have invested in pastoral care coordinators to help students through the challenges that can arise, to ensure, as far as possible, they do not derail their studies. These are all massive investments in the people in our schools.

Naturally, we are targeting investment and policy reform to help ensure the most important part of our education system is as effective as possible. In short, we are investing to support our teachers. We have placed an extra 70 teachers into our classrooms to further reduce student to teacher ratios that are already amongst the lowest in the country. We have hired literacy and numeracy coordinators to help our teachers better help those students struggling with reading, writing and maths. We are establishing new accomplished teacher and leading teacher classifications. These classifications will pave the way for career paths which encourage our top teachers to stay in the classroom.

We are investing to free up teachers so that they can spend less time on red tape and more time either in the classroom or preparing for the next day's lessons. We are giving principals more say over how they run their school—more say and clearer accountability. That is why we are moving away from staffing points to introduce real-world single-line budgeting in ACT schools.

Beyond this, we are fully engaging in the national education reforms being driven by the federal government. Because of this work that we have already done in developing

our curriculum framework, every chance to learn, we are well placed to start rolling out the Australian curriculum next year.

As members would know, I am a strong supporter of the My School website, because it provides parents, students and teachers with the information they tell us they want. It helps make all of us involved in the education of young Canberrans more accountable.

There is a lot going on in ACT public schools, and there has been a lot of change. I acknowledge that some people have found this change hard. However, change has been worth it as students do outperform their counterparts in Australia, and we have seen for the first time in a decade enrolments in ACT public schools growing again. The successful reforms of 2006, and since, were hard, but they were necessary to achieve the strong education system that we have today. And whilst change will always be hard, it is a fact of life in education. We must constantly look at how we ensure we get the best outcome for our students with the limited resources that we have.

As I have outlined this morning, we have done a lot in education—investing in new facilities, more teachers and a new curriculum. This investment is paying dividends for students. But we need to keep improving our education system, and the best way to do this is to ensure we have the very best teachers in our classrooms.

Like all other jurisdictions around the country, we face challenges in attracting and keeping the best teachers. As we know from the weekend *Canberra Times*, the Australian Education Union are also concerned about this. They rightly point out that, after around four years, many teachers are likely to pack it in for other jobs. I do note their survey also revealed that as many as half of our teachers see themselves still teaching in a decade. Nevertheless, I share the union's concerns, because teacher quality is the key to a great education.

ACT public schools are still a great career option for the very best teachers. For example, it takes less time for a new teacher to get to the top of the pay scale in the ACT than it does in New South Wales and Victoria. Face-to-face teaching hours in the ACT are the lowest in the country, apart from primary schools in Western Australia. The number of teaching days in the ACT is less than in New South Wales and Victoria and the third lowest in the country. Besides these employment conditions, ACT teachers also work in the best equipped classrooms in the country.

But the problem remains that teaching is still not a profession that appeals to the best and brightest university students. And why is this? Pay is low compared to other professions because from the day you start work your pay increases are determined by the length of your service, not the quality of your teaching, and because over the years the status of the teaching profession has been allowed to decline.

There is no incentive for a young, keen teacher to stick it out in the public school system. Their friends doing law, commerce or economics earn good salaries from day one and they have the potential to earn more if they work hard and deliver results. Just as importantly, they get recognised for their hard work and achievements—a major motivator for anyone in their work.

For those who become a teacher, it is different. It does not matter how hard you work and it does not matter how well you help your students meet their potential; you get paid the same as every other teacher who started when you did. In fact, I understand it can take up to eight years for a graduate teacher to reach the top of the salary scale. And just as it was under the old Soviet system, there is no incentive to do anything more than simply turn up. There is no incentive to get better outcomes for the kids in your class—no incentive other than the pure dedication to the profession and the joy of helping to develop young minds. I am afraid that, in today's world, that is often just not enough.

The ACT invests about 30 per cent more per student than the national average. This has brought us the lowest average class sizes and a student-teacher ratio of just over 12 to one—well below every other government system in the country apart from the Northern Territory and significantly below ACT non-government schools. Yet a look at the My School website shows us we are not getting 30 per cent better outcomes. Why? Because we are not able to use the most important resource, teachers, as effectively as we could. We are not able to promote the best teachers sooner and we are not able to attract the best graduates because we cannot offer them a career path, pay and recognition that would make teaching a profession of choice again.

I am determined to change this. I am determined that in ACT public schools there will be an incentive for teachers who want to make a difference. I am determined that ACT public schools will attract and retain the very best teachers by recognising them sooner, promoting them faster and paying them more. I want to see our best classroom teachers paid six-figure salaries. I want to see them spending more time in front of classes rather than buried in paperwork. I want to see them move faster up the pay scale as a reward for their hard work, creativity and determination to get better results for their students. And I want our newest teachers facing a lighter load as they learn the craft, and being mentored by our best and brightest.

None of this comes cheap, but as I have already shown we are investing heavily in our schools. In my view, it is a matter of making sure the investment goes where it can make the most difference.

In summary, reform is essential. The next EBA cannot be business as usual. More flexibility is required. The government will be negotiating a new teaching staff enterprise agreement next year. We will be putting on the table an offer which takes ACT schooling and the teaching profession forward. I look forward to working with teachers, their union representatives and our school principals to ensure that ACT students get an even better education and that great teachers find their careers even more rewarding.

Mr Doszpot: Madam Assistant Speaker, I ask Minister Barr to move that his statement be noted.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Minister Barr, I believe you need to present it, and then it can be noted.

MR BARR: I present the following paper:

Better careers for teachers, better outcomes for students—Copy of statement, dated 26 October 2010.

I move:

That the Assembly take note of the paper.

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

Climate Change and Greenhouse Gas Reduction Bill 2010

[Cognate bill:

Climate Change (Greenhouse Gas Emission Targets) Bill 2008 (No 2)]

Clause 7.

Debate resumed from 21 October 2010.

MR RATTENBURY (Molonglo) (10.15): I move amendment No 1 circulated in my name [*see schedule 2 at page 5086*].

This is the first of a series of amendments that I will be moving today. I would like to take this opportunity to comment generally on those amendments and then specifically this one. I would note, as I have flagged, that the Greens have suggested quite a number of amendments to the government. They have, I think, engaged very constructively and been amenable to many of the changes to the bill that we have proposed. I welcome those discussions we have had. I think that it has been very constructive and enlightening to go through that process of talking about some of those ideas.

I think that these amendments will make the bill a better bill. In that regard I agree with Mrs Dunne that the government's bill did have some omissions in it but I would have to disagree with her statement that the Greens do not care about those omissions. I realise perhaps that at the time she made those comments Mrs Dunne had not actually read our amendments. If she had, she might have realised that we have actually sought to remedy some of those, what she called, glaring omissions.

But we have sought to do it constructively and I believe that we have secured the support of the government for many of the amendments that we are tabling. Given Mrs Dunne's concern about such issues as accountability and reporting, an energy efficiency target, a renewable energy target set by the minister—not delegated—and accountability for the climate change council, I also imagine that if the government were not to support our amendments then Mrs Dunne and her colleagues will be. In fact, I hope that the Liberals will support some of our amendments that the government, as far as I am aware, are not so disposed to.

I mentioned last week that the bill put forward by Mr Seselja on behalf of the Liberal Party earlier in this term was clearly based on the South Australian legislation. As we have reinserted some of the mechanisms and language from that legislation similar to

some things found in the Liberal Party bill, I assume that there will be Liberal Party support for these amendments as we get to them.

It does raise the question of why the Canberra Liberals did not put the same series of amendments on the table themselves. If they had done the policy work on their own bill, they could so obviously see those glaring omissions. But that is okay because the Greens did make some of these changes that I think Mrs Dunne was alluding to, including reporting on the effectiveness of actions or initiatives taken by the government, inclusion of the requirement for the minister to make an energy efficiency target and setting the requirements for the minister, when setting the measurement methodology, to take into account Australian and international best practice.

I will speak more about each of those as we come to them but I just wanted to flag the general tenor of the amendments. There are quite a few of them but hopefully we can move through them quite quickly this morning.

With regard to my amendment No 1, this amendment provides the capacity for the minister to set additional targets under part 2 of the bill. We think that this would be a useful provision as it is likely that the government would want to set additional targets beyond 2020 and prior to the final target date of 2060 as a way of giving clearer policy direction at that time. I think that this is one of those things that are not a point of dispute. But by inserting this into the legislation we believe that it provides a more definitive opportunity for the government at a later date.

MR SESELJA (Molonglo—Leader of the Opposition) (10.19): I note the fairly combative tone that Mr Rattenbury has taken from the first moment today. I find that interesting. I would just address a couple of the points because he does seem to spend a lot of time focusing on us rather than on the government. The first point I make is that we will support sensible amendments and we will be supporting a number of the Greens' amendments. We have made our position clear in terms of the overall targets and we had quite a lengthy debate on that. We do not believe that overall this is the way to go. That said, we will seek to improve this bill and we have our own amendments to do that.

Mr Rattenbury's critique of us was that we had not put forward as many amendments as the Greens. I do not know whether Mr Rattenbury has noticed but this is a cognate debate. We actually have a whole piece of legislation that we put forward. So we have certainly put our position on the table very clearly. There are a number of the Greens' amendments that we will support. There are some which we will seek to improve. Hopefully, the Greens and/or the government will see the merit of the improvements that we offer to the Greens' amendments.

Our amendments largely will be about again ensuring that there is accountability and we will support reasonable accountability measures in relation to what the government does. We will also support reasonable improvements, some of which will be done through our own amendments, that are about particularly protecting people and ensuring that the government really does set out the costs of the action that it takes. That is the approach we will take and we will therefore be happy to support Mr Rattenbury's amendment.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.21): The government will support this amendment. The amendment provides for the minister to determine additional interim targets if the minister believes that is necessary or appropriate. I think this adds a level of flexibility to the bill that the government would welcome the opportunity to have available to it. So the government will support the amendment.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8 agreed to.

Clause 9.

MR RATTENBURY (Molonglo) (10.22): I move amendment No 2 circulated in my name [*see schedule 2 at page 5086*].

This amendment just seeks to change the way in which the renewable energy target is set. It basically sets out that the minister “must determine” instead of “a regulation may prescribe”. This ensures that the minister does determine a renewable energy target rather than leaving it up to the discretion of the minister.

We appreciate that the government’s intent is to do this but we are building an act that must last us until at least 2060 by the nature of it. So it seems prudent to assume that a future minister may possibly not have the same commitment to this and being explicit seems a prudent way to proceed.

MR SESELJA (Molonglo—Leader of the Opposition) (10.23): I move an amendment to Mr Rattenbury’s proposed amendment [*see schedule 3 at page 5093*].

There are a couple of things to say on this amendment. I think it is an improvement on the current wording, which says that a regulation may prescribe. I think it is important that we require the minister to do this. That said, we have taken a different approach in our bill, which is that we actually set the target out. I think that would be the better approach but that is clearly not going to get up. So I would think that this goes some of the way to improving it and we will therefore support it.

That said, my amendment to Mr Rattenbury’s amendment is simply to put a time frame on that. We believe that six months after the commencement of the act is sufficient time for the government to set that target because if they do not do it within six months, we are getting in to the middle of 2011. I think that that is pushing it too far.

We believe that there should be a six-month time frame to keep the government accountable, and to ensure that they do set a target soon, given that the target is not in the act, as it would have been in ours. I would therefore commend my amendment to

the Assembly. I would also say that if our amendment is successful, we would be happy to support Mr Rattenbury's amendment.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.24): The government's view is that the amendment proposed by Mr Seselja is too restrictive. The government would prefer not to be bound by a particular time frame in relation to that. It has always been the intention of the government to establish a renewable energy target and that is why the government is prepared to support the amendment proposed by Mr Rattenbury.

But the amendment proposed by Mr Seselja is, in our view, restrictive. It may be the fact that other policy development requires the establishment of a renewable energy target at a date beyond six months, obviously during this term, but beyond the six-month period. There may be other factors or policy considerations that come into play and in those circumstances we do not believe we should be locked into that particular time frame.

Whilst the government accepts the proposal to mandate the establishment of a renewable energy target through Mr Rattenbury's amendment, we do not agree to the time frame proposed by the opposition.

MR RATTENBURY (Molonglo) (10.25): We will be supporting Mr Seselja's amendment. I have heard what the attorney has said but I think that this has been in the pipe for a long time. We have been waiting a long time for an energy policy and I think that having a specific and accountable time frame will provide some focus here.

I think it is interesting that we have not seen a similar amendment on the energy efficiency target. I am not sure what the thinking is there—what the difference is between the two. It may well be that an energy efficiency target is a bit more complex. They are certainly less common as far as I am aware. It may take a little more time to work that one out. Probably there is merit in having some difference there. But we will be supporting Mr Seselja's amendment.

Mr Seselja's amendment agreed to.

Mr Rattenbury's amendment, as amended, agreed to.

MR RATTENBURY (Molonglo) (10.26): I move amendment No 3 circulated in my name [*see schedule 2 at page 5086*].

This is a very simple and essentially consequential amendment of the amendment just agreed to. I think it is self-explanatory in that sense.

MR SESELJA (Molonglo—Leader of the Opposition) (10.27): We will support the amendment.

Amendment agreed to.

Clause 9, as amended, agreed to.

Proposed new clause 9A.

MR RATTENBURY (Molonglo) (10.27): I move amendment No 4 circulated in my name which inserts a new clause 9A [*see schedule 2 at page 5086*].

This provision seeks to insert that the minister must determine an energy efficiency target. As I flagged, it is a new provision. As has been discussed at some length both in this debate and on previous occasions, energy efficiency will be the main plank of the government's response to climate change.

Again, as has been discussed here before, it is clearly the most cost-effective measure to tackle climate change, but also one that delivers a range of benefits beyond the obvious reduction in greenhouse gas emissions in terms of the social health and wellbeing benefits delivered by many energy efficiency measures as well as, in a commercial sense, the economic savings and improvement of the bottom line for many businesses and commercial operations.

The Greens think it is appropriate that an energy efficiency target is articulated by the government. This can be done through other mechanisms and the Greens understand that the government is looking at specific legislation that will set energy efficiency standards for electricity retailers.

But this bill today is about defining the major policy parameters for climate change action. Much as the renewable energy target would be defined here, we think that there is merit in including an energy efficiency target in the legislation. I think the nature of this bill is to set a policy direction. We believe in that context that spelling out (a) that we want an energy efficiency target and (b) that the minister should determine one adds to that sense of roundness in the bill. It does not lead to the potential interpretation of an unbalanced approach in tackling the very challenging issue of reducing our emissions. I commend the amendment to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.30): The government will not be supporting this amendment. The purpose of the additional prescriptive target for energy efficiency is not clear. The proposed energy efficiency target is a crude target on the use of energy from electricity.

In fact, it is not a measure of energy efficiency—that is, the amount of energy required to provide products and services. Greenhouse gas emissions as electricity can be generated from renewables as well as from fossil fuels. This target fails to take account of that. Per person targets on electricity use in the government's view are counterproductive. They are counterproductive because they ignore where the energy comes from and the role of renewable energy in electricity generation. It also ignores fuel switching to electricity, because this can have a positive impact on reducing greenhouse gas emissions, for example, through renewable energy in the use of electric vehicles. It also ignores the flexibility needed in the government's policy responses in reducing emissions from other sectors—for example, from transport and waste.

The government's per capita emissions target provides individuals with a benchmark whilst being consistent with the other targets and objectives of the bill. We have serious concerns about the proposal for an energy efficiency target in the way that is proposed by Mr Rattenbury. Primarily, the reason for concern is that it basically sets a maximum amount of electricity use that someone is allowed or someone should be aiming towards achieving but takes no regard of the fuel source. It does not have regard, for example, to renewable energy use; it does not have regard to the ability to achieve energy efficiency in other sectors, such as in transporting waste, which would not be properly taken account of in a per person figure. For those reasons, the government will not support this amendment.

MR SESELJA (Molonglo—Leader of the Opposition) (10.31): The Liberal Party will be supporting this amendment. We have a slightly different clause in the bill which is being debated cognately. Clause 7 has related targets under the act, and one of them is to reduce by 31 December 2020 the per capita use of electricity in the ACT by at least 25 per cent.

I think there are a couple of points to make here. Firstly, energy efficiency is critical. If we are fair dinkum about getting anywhere near targets, energy efficiency will be a significant part of that. Secondly, I think it is reasonable to actually have some of our language—though not necessarily all of our language—in this area around per capita. We cannot simply ignore the fact that there is population growth forecast and that that brings with it greater challenges than if the population was going backwards—

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Seselja, one moment—in fact, many moments. Members, there has been a temporary failure of the technical equipment. The Assembly will suspend until the ringing of the bells while we wait for this to be fixed.

MR SESELJA: That was gold, Madam Assistant Speaker. Are you telling me my comments are not on the record?

MADAM ASSISTANT SPEAKER: I am sorry, members. The chair will be resumed when the bells are rung.

At 10.33 am, the sitting was suspended until the ringing of the bells.

The bells having been rung, Madam Assistant Speaker Le Couteur resumed the chair at 10.43 am.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Members, there has been a temporary failure of the technical equipment. A temporary solution is in operation. The proceedings are being recorded, but there is no sound reinforcement and no sound reticulation. Therefore, I ask the member with the call to speak up and all other members to remain silent. Until the problem is rectified, proceedings in the chamber will not be broadcast, but the *Hansard* record will be available. Mr Seselja, you were interrupted. I suggest you start from the beginning, because I think that your words of wisdom may have been lost for posterity.

MR SESELJA (Molonglo—Leader of the Opposition) (10.43): Thank you, Madam Assistant Speaker. We certainly would not want that. I am pleased that I have to speak up because Mr Hargreaves often criticises the volume with which I speak, so I am happy to put a bit of oomph into it this time for him. We will be supporting the Greens' amendment for a couple of reasons. As I pointed out, we have a related target in the bill that we are debating cognately here. Clause 7(a) and (b) has related targets. Subclause (a) is a proportion of renewable electricity and (b) is to reduce by 31 December 2020 the per capita use of electricity in the ACT by at least 25 per cent to a per capita use of electricity in the ACT that is equal to or less than 75 per cent of 1990 levels.

So we do agree that energy efficiency is very important in terms of meeting targets. It is one of the most cost-effective ways and it is one of the most sensible ways. It is the way that I think is most readily embraced by the community, because they see a direct benefit in terms of their financial situation straightaway if it is done right. So there are a number of reasons for having a focus on energy efficiency targets.

It is worth making the point that, whilst we certainly do not have it for all of the discussions we have in terms of targets, I think it is reasonable that we take into account the per capita. We cannot simply ignore the fact that the population is growing, and that brings with it different challenges in terms of reducing emissions. All of those extra people need to get around. All of those people need to heat their homes in winter and cool their homes in summer, so that does provide greater challenges. I think the per capita is important. I think that energy efficiency is important. As I said, it is something that is outlined in our legislation. It sets a specific target and, therefore, we have no problem with supporting this amendment.

MR RATTENBURY (Molonglo) (10.45): I rise to speak briefly to again clarify some of the details of this amendment in light of Mr Corbell's comments. He particularly made reference to the source of energy, and I want to clarify that the amendment specifically states:

The Minister must determine targets for the per person use of electricity (other than electricity generated from renewable energy sources) in the ACT.

I think the point Mr Corbell was making was correct in the sense that, obviously, renewable energy should not be included in that, if that is where the source is coming from. That is a point that we had picked up from an earlier discussion with Mr Corbell's office and adjusted the language of this specific amendment accordingly. I think that that point is covered, and I just wanted to clarify that for the purposes of the debate.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.46): Just to clarify, the government recognises and agrees strongly that energy efficiency will play a vital role in achieving our greenhouse gas reductions. However, the mechanism proposed by the Greens in terms of reporting in the legislation is one we believe is a very crude mechanism for the reasons that I have

outlined and also, I would emphasise, because it takes account of how you can achieve emissions reductions in other sectors, in particular, transport and waste.

Those are issues that we believe should be flexible in their application. This target will basically determine a particular amount of per person use of electricity in the territory, and it will not have regard to the other factors in other sectors. Because of that, we do not feel that we can support it. I note that a majority of members do agree with it, but I put on the record the government's concerns about the use of such methodology and such a target.

Proposed new clause 9A agreed to.

Clause 10.

MR RATTENBURY (Molonglo) (10.48): I move amendment No 5 circulated in my name [*see schedule 2 at page 5087*].

This amendment adds two things that the minister must take into account when making a determination on the method of counting. Firstly, the minister must specifically seek and have regard to the advice of an independent entity in setting the methodology for the counting of emissions. Secondly, the minister must ensure consistency with the best national and international practices in relation to measuring greenhouse gas emissions.

I know that these two suggestions were taken from the South Australian legislation. As a sensible addition, that would ensure some accountability on the minister. The Greens considered that it might be better to get the independent entity to just determine the methodology without having the input of the minister at all. But it seemed a better option to ensure that there is some ministerial involvement and a level of ministerial responsibility in this process.

I think it would be fair to say that it is quite possible the government might have taken this approach, but, as I have flagged in some earlier comments, I think it is valuable to be explicit about the Assembly's expectations on the minister and also to set a standard for future years where we may be in a different period and where the minister may take a different approach. We think this amendment provides good guidance to the minister on how to undertake the task. I commend the amendment to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.49): It, indeed, was always the government's intention to approach the issue of the reporting and auditing arrangements in this manner, and the government certainly has no objection to this amendment. It concurs with the approach the government had always intended to take.

MR SESELJA (Molonglo—Leader of the Opposition) (10.50): We will be supporting the amendment.

Amendment agreed to.

Clause 10, as amended, agreed to.

Proposed new clause 10A.

MR RATTENBURY (Molonglo) (10.50): I move amendment No 6 circulated in my name, which inserts a new clause 10A [*see schedule 2 at page 5087*].

This clause refers to emissions offsets outside the ACT. The Greens believe this is an important new provision. As the rest of this section sets targets for how the overall target will be achieved, this, too, gives important policy guidance under the legislation in regard to offsets.

The government has not yet released its proposed offsets policy, nor has it articulated what component of the emissions reductions can be achieved through offsets. The Greens think it is important that the ACT does not rely on offsetting our emissions outside the ACT, but that if we are to do this then the government must be accountable for it and the intention should be clearly stated.

I guess what we are trying to ensure, again, is that there is an explicit debate on just how much of our emissions we will seek to offset outside the territory. I think there will also be a very considerable debate about what those offsets might be. That is not for this legislation, but I am sure that it is a debate that will ensue.

Obviously, these offsets do not come for free. It is a necessity that we have a debate about the quantum and the appropriateness of pursuing offsets outside the ACT. In giving the minister the opportunity to determine a maximum amount of emissions that may contribute to achieving any target, that provides an opportunity and an explicit moment when this Assembly and the community can consider whether that amount is appropriate in the light of where we are up to in pursuing our targets.

MR SESELJA (Molonglo—Leader of the Opposition) (10.52): The Liberal Party will not be supporting this amendment for a number of reasons. We believe that the artificial limiting of offsets outside the ACT does not stand up to scrutiny in terms of the overall policy aims or what we should be doing—that is, to find the best solutions and the most cost-effective ways of reducing emissions. I certainly will not support a provision which could potentially see Canberrans being forced to pay more for emissions offsets than they would otherwise have to because there is an artificial restriction on where those offsets can be purchased. I just do not see that this makes any sense.

If there is a legitimate emission to be purchased outside the ACT, whether it is in Australia or elsewhere, and that leads to actions being taken elsewhere which otherwise would not have been taken—the simplest one is the planting of trees—if a lot of trees are planted as a result of the purchase of an offset by the government of the ACT and we can do that cheaply, then we are contributing to the reduction of emissions, but we are looking to get the best price possible for the reduction of those emissions.

I strongly object to the notion that we should put a limit on that so that we cannot necessarily find the most cost-effective ways. Apparently, there are good ways of cutting emissions and bad ways of cutting emissions. We should be looking at what is effective and how much it costs. We should not be taking anything other than a pragmatic approach to this, and I think it undermines the argument that is put forward most prominently by the Greens. We know this is a global problem. The idea that we would draw a line around the ACT and say, "Offsets in the ACT, good; offsets outside the ACT, bad," does not stand up to scrutiny. I do not think that that is logical.

My concern, and the reason we will not be supporting this, is that any sort of cap like this potentially leads to the government not having maximum flexibility to look for the best cost and, therefore, Canberrans paying more than they otherwise would have to. We very strongly oppose this new clause for those reasons. It does not make sense, and it potentially will impose added burdens on the people of the ACT for absolutely zero environmental benefit.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.55): The government will not be supporting this amendment either. A carbon offsets policy for the territory is currently under preparation, and it is appropriate to note that some offsets outside the ACT could have very significant regional benefits. Why would we rule out the provision of such benefits simply because they were beyond the geographical border of the territory?

A limit on offsets ignores the net benefit to the ACT of mitigation options, and we believe that having this requirement for a maximum amount of emissions offsets places the government in a very difficult situation and limits the capacity of the territory to explore all possible options, including appropriately audited and accountable offsets, to address our emissions profile. The government will not support this amendment.

MR RATTENBURY (Molonglo) (10.56): I am concerned by the tenor that this debate has taken. I think that it is quite clear from the way the amendment is framed that this is an option—the minister may determine the maximum amount of emissions. It is quite different from the previous targets we have talked about where it has been a requirement upon the minister to set a renewable energy target and an energy efficiency target. The amendment does not seek to set a quantum now on the amount of offsets that are available. I think that is something that we can determine down the line.

At the same time, the suggestion that we can somehow go for almost a limitless amount of offsets outside the ACT is concerning on two levels. One is that the whole point is that we should be taking action here in the ACT. I am not suggesting that there are not some available offsets, but, as a policy decision, we may want to make a choice to set a policy standard that we only want 10 per cent of our reductions to come from offsets. That may be a policy decision we want to make because that is the sort of impetus that is required to shift transformation here in the ACT. From that point of view, there is value in having the ability to cap offsets so that we do not just, essentially, carbon pardon our way out of our target.

The other consideration is that there are real issues around offsets. I think that these issues have declined in recent years as the rules and accountability around offsets have improved but, nonetheless, there are real issues. Mr Seselja mentioned tree planting. There are issues around the permanency of the offsets that come from tree planting. These issues have been well thrashed out in many fora, but all it takes is one decent bushfire and your carbon offsets are back in the atmosphere fairly quickly.

There have certainly been issues of accounting in places such as Papua New Guinea and Indonesia around double counting of offsets and the potential logging of areas that have been counted as the carbon offset on some previous occasions. There have certainly been some notorious cases of what might best be described as dodgy offsetting practices. Those are the sorts of issues—the permanency, the accounting, let alone the costs of the offsets and whether in fact a bit more ingenuity driven here in the ACT might be better than pursuing an offset, and it is shame that we will not have this opportunity somewhere down the line for the minister to have this kind of option available to him. The fact that it is not in this legislation—as it appears is going to be the case—does not preclude a future minister from setting this, but I commend this amendment to the Assembly.

Proposed new clause 10A negatived.

Clause 11.

MR RATTENBURY (Molonglo) (10.59), by leave: I move amendments Nos 7 to 9 circulated in my name together [*see schedule 2 at page 5087*].

These amendments relate to the independent entity and the way that it reports to the minister. The reporting period is defined further down at the end of this part and is defined as meaning two years after the end of the financial year. The reason for these amendments is to ensure that the report is delivered in a reasonable time frame. However, the reality is that the reporting for the ACT on any one financial year is delayed due to the reporting that is required to be included from the national greenhouse gas inventory.

The Australian government have a requirement under their United Nations Framework Convention on Climate Change commitments to report national accounting figures to the UNFCCC by 15 April for each financial year for the two years earlier—that is, for the 2007-08 year, the reporting is due by April 2010. The latest date that the Australian government can submit these figures without being in breach of their reporting obligations under the UNFCCC is 30 May. These amendments are a method by which we can be sure that the Australian government have completed their annual reporting and allow sufficient time for the ACT to complete their own annual reports.

This package of amendments does, however, also ensure that the Assembly and the community can have confidence about when annual reporting will be completed under the act. I note that some of the real detail, particularly amendment No 9, deals with issues around the Assembly not sitting. We picked these words up from Mr Seselja's

advertising bill, if I recall the drafting correctly, to simply provide the mechanism so that reports can be available to members outside sitting periods. I commend these essentially technical but important amendments to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.02): The government will be supporting these amendments. These amendments recognise that there are some time frames that the independent entity will need to have regard to—in particular, the release of national greenhouse gas emissions accounts and the time frames associated with those. So the government will support these amendments.

Amendments agreed to.

Clause 11, as amended, agreed to.

Proposed new clause 11A.

MR RATTENBURY (Molonglo) (11.03): I move amendment No 10 circulated in my name to insert new clause 11A [*see schedule 2 at page 5088*].

This amendment inserts a new provision that requires a statement to be made by the minister if the targets are not met. The intention of this amendment is to create a process by which the minister formally responds to the annual reporting figures on behalf of the government, including a statement of why the target was not met and what the government's intention is in regard to taking action or changing policy direction to make up any shortfall in emissions savings.

In some ways this is a self-explanatory provision, but we believe that there is an important step here: if the targets are not being met, the minister does come into this place and make a statement as to why that is so—why the government believes it has struggled to meet the target, where it believes the shortcomings in current policy settings are and where it proposes to go in order to address those shortcomings.

This is particularly important when we are dealing with what are essentially long-term targets. To have an ability along the way for the minister to come in and address where we are up to is important in terms of the fact that this bill simply sets that policy direction. There are no punitive measures in this bill; there is no mechanism like an emissions trading scheme. This is about policy direction. There is value in having the minister come in and make that explanation of where the executive sees that we are up to in achieving the targets that the Assembly has set. I commend the amendment to the Assembly.

MR SESELJA (Molonglo—Leader of the Opposition) (11.04): I move an amendment to Mr Rattenbury's proposed new clause 11A [*see schedule 4 at page 5093*].

The amendment that I am moving would simply add to Mr Rattenbury's amendment to ensure that, where a minister does come back and give an account of what is

happening and what action will be taken, we will also have the minister setting out what the government believes the costs of any action that will be taken will be for households and businesses. This is important—that with any action that is taken, the government is up front and clear about what the costs are so that the community have the opportunity to judge it on its merits, to consider the environmental benefits versus the cost that they will bear. That is reasonable for all manner of government policies, but it is particularly important here, in taking measures to reduce emissions, that we always consider the costs on households and businesses.

There is no doubt that cost-of-living issues are increasingly important to Canberrans. Despite a strong economy in the ACT and nationally, we know that there are significant cost pressures. We have seen costs rise in all manner of areas. We know that many families, even those on reasonable incomes, are struggling to make ends meet. This is an accountability measure that we believe very strongly in. We believe that ministers and governments should have to set it out. They should be up-front; they should not try to sneak costs in. They should tell the community what their actions will cost.

MR CORBELL: (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.06): The government will be supporting Mr Rattenbury's amendment. It does provide a reasonable framework for the government to explain why certain targets have or have not been met and what the circumstances surrounding those factors are.

In relation to Mr Seselja's amendment to Mr Rattenbury's amendment, the government does not agree with and will not support it. The reason for that is that a range of measures will obviously need to be deployed to achieve target outcomes—the targets set out in this legislation. Some of those will involve the use of resources through the budget, and there is ample opportunity for the Assembly to scrutinise the cost and benefits of those measures through those mechanisms. Others will occur through legislative provisions, and equally there is ample opportunity for the Assembly to conduct appropriate scrutiny on the costs and benefits of those measures.

So we do not believe that this is required in legislation. Indeed, the minister's statement is not necessarily going to deal with each and every specific policy measure or response required to achieve a particular outcome. That would be dealt with through broader mechanisms of the budget or specific pieces of legislation that come before this place. In those circumstances, there is a wide range of opportunities available to non-government members to scrutinise those proposals, to put the ruler over them and to ask questions about costs and benefits. We believe that that is where that action should occur.

MR RATTENBURY (Molonglo) (11.08): The Greens will not be supporting Mr Seselja's amendment. We believe that, particularly if you look at part (b) of the proposed amendment, this provision is about reporting the broad outcomes; it is about directions. This is a debate we will have with regard to a couple of Mr Seselja's amendments this morning, but the purpose of this bill, broadly speaking, is to set a policy direction. It is not a mechanism; it does not set out the detailed policy programs.

Any sort of cost-benefit analysis needs to be done on specific initiatives rather than on a broad statement about where the government is going or what it is planning to do. Those specific initiatives will be debated at different times. With regard to making such a statement in this sort of context, I think it is not the appropriate place to be specifically debating issues about the financial impacts of particular provisions or particular initiatives. As I say, I think that later in the debate we will come back to this with regard to some of the other amendments Mr Seselja is proposing.

MR SESELJA (Molonglo—Leader of the Opposition) (11.09): We are again seeing, from the failure of the government and the Greens to support this amendment, the lack of regard that is had to the cost implications of many of these policies. We simply cannot proceed on the basis of whatever it takes; we have to take a cautious and prudent approach. That should involve being open and up front with the community about what the costs of these measures will be.

Mr Rattenbury's comments in response undermine the strength of what 11A, his original amendment, is meant to do. Mr Rattenbury is suggesting in his statement that it is simply a broad outline. But 11A(2)(b) ensures that the minister sets out what action will be taken to meet any subsequent target, including how the action will differ from any action that was taken for the target that was not met. Is Mr Rattenbury now suggesting that that is just going to be broad-brush stuff rather than an opportunity for us to actually hear at that moment what are some of the measures that are going to be taken? I think that undermines the credibility of the original amendment.

Not supporting the simple amendment that would keep this minister accountable and require the minister to tell the community the costs of the actions his government is proposing to take again shows the disdain of the Greens and the Labor Party in relation to the cost implications of these policies. We cannot proceed blindly following a target, pretending that there are no costs, hoping that no-one notices or suggesting that any cost is reasonable because that is all that is left.

In line with our earlier amendments, the legislation we have put forward and the position we have taken, we believe that, in taking action to reduce emissions, the costs on households and businesses should always be paramount.

We see parallels with the approach taken by the federal government on the Murray-Darling. There is this situation where you can pretend that you will consider the health of the river and the environment without considering the economic and social impacts of any actions that are taken. You cannot and you should not. The government have had to very quickly back down federally from what they were pursuing there.

Likewise, with our targets we cannot simply ignore the consequences. We cannot ignore the financial consequences; we cannot ignore the other consequences of these actions. We should, in an open, honest and mature way, say, "These are the proposed environmental benefits and these are the likely costs." If we do not, the government, in doing that, is seeking to hoodwink the community and hide the true cost of this

action. If the government believes in the cost benefit of the environment—environmental benefits and the economic costs—it should have no problem whatsoever with making this information public as part of this statement.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.13): This is not about avoiding scrutiny of those costs; it is about at what point that occurs. This statement is, by necessity, a broad-brush statement. To underpin that, I draw the opposition's attention to proposed clause 11A(2), which requires that the minister must, within six sitting days after receiving the ICRC report, present the statement to the Assembly setting out why the target was not met and what action will be taken. That is, by necessity, a broad-brush response, because the minister has only six sitting days to prepare it. I am sure that Mr Seselja and the opposition would want a much more detailed proposal about the cost and benefit of a range of measures to be put to the Assembly. If he seriously thinks that the government can do it within six sitting days of receiving the ICRC report, he is just plain wrong.

The appropriate place for the scrutiny in terms of cost and benefit is in the proposals that come forward through the budget process, where they can be subjected to detailed scrutiny through the estimates process and through this place during the budget debate itself. Or, if it is a legislative response in the debate that occurs on specific bills with specific proposals, that again can occur in this place. That is where that scrutiny and that assessment of the cost and benefit should occur. And the government agrees that that is where it should occur.

To suggest that it should occur at this point fails to have regard to the time frames that are set out in this proposed new clause and the fact that it would simply be impossible for the government to provide a detailed cost-benefit analysis within six sitting days of receiving a report from the ICRC in relation to a performance against certain targets. That is the reason the government does not agree to Mr Seselja's amendment.

MRS DUNNE (Ginninderra) (11.15): The approach of the government and the Greens on this is a very disappointing one and goes to highlight the concerns that the Canberra Liberals have about some of the aspects of this legislation. This is an "all care and no-responsibility" sort of bill. What will happen is that measures will be brought forward in the context that has been created as a result of the passage of this legislation. This legislation does not create a mechanism whereby the people of the ACT are informed about the impact of that legislation.

We all know—we all agree; we have signed on to the fact—that this will be expensive for the people of the ACT. What Mr Seselja's amendment does is require that, step by step, phase by phase, as the individual components of that expense become known, they are reported, through the Assembly, to the people of the ACT, so that step by step, phase by phase, the people of the ACT know what impact that is going to have on their bottom lines, on their hip pockets.

It is not sufficient to say that this will be covered in the budget. The budget is a multitude of initiatives, and it takes a very long time for all of those to become

apparent. When the budget comes down, usually on the first Tuesday in May, it is not clear to all of the members of this place, let alone all of the members of the community, what the implications of that will be in particular areas and what are the hidden nasties. And there are always hidden nasties in the budget; it does not matter what side of government produces them.

What Mr Seselja's amendment does is create a clear point of transparency. "This is an initiative which has been brought about by the passage of this climate change legislation; this is what it will cost, and this is how it will impact on the community"—that is what Mr Seselja's amendment calls for and that is why we will really strongly support that level of transparency. The people of the ACT deserve to know how much this will cost and they deserve to be part of the ongoing conversation about how we will implement this very expensive policy.

MR RATTENBURY (Molonglo) (11.17): I just want to pick up on the last few comments Mrs Dunne was making. I do agree with her that the Canberra community does need to know and debate what the costs of this are going to be. My observation here is simply that I do not think this is the appropriate place in this legislation to insert this point. I note that Mr Seselja will be moving a number of amendments in which he seeks to address the issue of costs throughout the legislation, and we will debate each of those as we come to them, but this is simply not the place; this is a place about policy directions, about government intentions.

Mr Corbell makes a good point that, given that the requirement here is for the minister to report within six sitting days of the ICRC report, any cost-benefit analysis would lack credibility because there simply would not be the time frame to prepare it with the kind of substance that, frankly, we would want to see in this place.

You will note that I just used the words "cost-benefit analysis". I am struck by the fact that all of these amendments that have been put forward by Mr Seselja, if I remember correctly, talk only about the costs. There is never—never—any reference to benefits. I find it amazing that, in even raising this issue, the Liberal Party are talking only about the costs and show no interest in having an assessment of the benefits. There will be benefits. I have spoken of this before, and this is the underlying flaw in this argument. They have no understanding of the costs of climate change. There are costs of climate change as well; there are costs in taking action to ameliorate climate change, to seek to mitigate climate change, but there are also costs of climate change. And there are also benefits; there are opportunities in the changes that we will make.

The fact that there seems to be no interest in moving away from the dirty fuel economy and moving to a clean, greener economy is of concern. I do not know if this demonstrates bias on the issue and an underlying issue on the ideology of climate change or something else. But if we are going to have a serious debate about costs, we need to have a debate about costs and benefits—not just the costs. We do need to be mindful of costs.

Just because the Liberal Party stands up here and says that the Greens and the government do not care about the costs does not make it true. In our commentary we have been absolutely explicit that we must be mindful of the costs, particularly for

those who are most vulnerable to the cost increases. But we have to be realistic about how we can do that—where it is best done and where is the best place in the legislation to put it. At this point, we will not be supporting this suggested amendment because we do not believe that this is the right part of the legislation to address this issue.

Question put:

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

The Assembly voted—

Ayes 5

Noes 9

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

Question so resolved in the negative.

Proposed new clause 11A agreed to.

Clause 12.

MR RATTENBURY (Molonglo) (11.24): I move amendment No 11 circulated in my name [*see schedule 2 at page 5089*].

This amendment adds some principles that we think the minister should have to take into account while undertaking his or her statutory functions. They cover a number of points as set out in the amendment. The first is the application of the intergenerational equity principle. In some ways, this may seem superfluous or even obvious in the context of this bill. After all, if we paid no regard to intergenerational equity then we would not be here today having this debate. But I think it is useful to insert this intent as it enshrines that principle into law so that there is, in fact, no doubt about the point.

“Have regard to how measures to address climate change may affect people who are socially and financially disadvantaged” is paragraph (b) of this amendment. It is important we state this up front, and the Greens have inserted this into the bill in two places. We propose to do so both here and in the composition of the climate change council, as we must be mindful that as we introduce policy measures there are some in our community who will bear a disproportionate burden of those policy measures. There are people in our community already who are suffering energy poverty and we must keep a close eye on them to ensure that they are not driven further into energy poverty and that they are the priority of policies to improve energy efficiency, because it is these people who are least able to make the adjustments as various policies start to have an impact.

The third point, paragraph (c) of my amendment, relates to “consultation and engagement with the community”. We believe that this must sit at the heart of this bill,

which is why we have included the third provision for the minister to ensure community engagement is undertaken as he or she carries out his or her functions under the act. As we have again discussed to some extent, these are going to involve some small changes and some, at times, large changes in the way we go about our lives in the ACT community. We need to make sure that we have the best input from those in our community, best expertise and best experience, but we also need to ensure that, as government leads on occasion, the community understands why the directions are being taken as they are and has a clear understanding of exactly how those changes are going to be implemented because, if we do not, then the community will be left behind and that will undermine the effectiveness of the policies that are being pursued.

MR SESELJA (Molonglo—Leader of the Opposition) (11.27): I move an amendment to Mr Rattenbury's amendment [*see schedule 5 at page 5094*].

We think that the Greens' amendment is a reasonable one but we believe we can improve on it with this amendment. What this amendment would do is take account of the broader costs. Again, we need to be careful not to fall into this trap. What the amendment I am moving would do is ensure that regard is had to how measures to address climate change are likely to cost households and businesses and how much measures to address climate change are likely to cost households and businesses in the ACT, particularly those suffering financial hardship.

So I think we need to do two things here. And I think it is true of most policy areas. We need to always have particular regard to vulnerable groups in our community, whether they be pensioners, low income earners, the unemployed, the disabled or those who find it very difficult to get by on a daily basis. Any compassionate government need to have them at the forefront of their mind in their policy making.

What this amendment would do is acknowledge that they are not the only groups that we need to have regard to. So whilst there should be a particular focus on disadvantaged groups, we believe that there are many families who will not ever, under any ACT government scheme, qualify for assistance and who should be considered by the government in making these policies.

That is the principle that we are stating. And that is to say that a family with three children on \$65,000 to \$75,000 a year, for instance, as we know, are not wealthy. They are not by any stretch wealthy. They face serious cost pressures in the ACT. We know that the likelihood is that government programs to assist disadvantaged groups and low income earners will not touch these groups. So we are saying, "Yes, put a particular focus on disadvantaged groups in our community, that is as it should be, that is what the government should be doing in all its policies," but it cannot ignore the broader impact on the rest of the community and on businesses.

We are agreeing that there should be that particular focus but we are saying: "Go further. Do not ignore the mass of Canberrans who are certainly not rich and who do it tough on a regular basis, and consider them. Simply consider them in framing these policies." That does not mean you have to give them a handout but it does mean that you should always have at the forefront of your mind the cost impacts on families,

whether that be particularly those disadvantaged groups in our community but also many other Canberrans who often get forgotten.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.30): The government will be supporting the amendment moved by Mr Rattenbury. This amendment deals with the issue of having regard to a range of principles and broad considerations that, naturally and inevitably, inform good public policies. So the government has no objection to those proposals.

We consider the amendment moved by Mr Seselja to be superfluous. It is dealt with already in (1A)(b). It has regard to people facing social or financial disadvantage, regardless of their circumstances. Obviously, if there is a large family with a person on an average income, they can face energy stress, they can face utility stress—there is no doubt about that—and they can face financial disadvantage as a result. So these circumstances are adequately captured, in our view, in point (b) of Mr Rattenbury’s amendment, and we see no need to add to it in the way proposed by Mr Seselja.

MR RATTENBURY (Molonglo) (11.31): The Greens will not be supporting Mr Seselja’s amendment. I think that Minister Corbell has just covered the points I wished to make. We believe that the overall costs will be considered consistently as we move through these policy initiatives. The point here is to draw out the potentially disproportionate impact on particular groups in our society. We need to have special regard to them.

Of course, any government will have regard to the overall costs. I do not think that is the dispute here. But there are those who are at risk of being disproportionately affected, and that is what we are seeking to particularly cover in this amendment. It is important to maintain that emphasis, we believe, so that future governments and future Assemblies remain mindful of that point in particular.

MR SESELJA (Molonglo—Leader of the Opposition) (11.32): I think the word “superfluous” used by the minister is an interesting one. Again, we are hearing this disdain for families. Again, we are hearing that the concerns of middle income families in Canberra are somehow superfluous. We disagree with that. We disagree wholeheartedly, and that is why we believe this amendment should be supported.

It is a fact of life that thousands of Canberra families, many of whom will never fall into the technical definition of “disadvantaged”, “low income” or “vulnerable” or however the government chooses to frame it, do face serious pressures as a result of all sorts of cost pressures. A government which imposes additional cost burdens should always be mindful of them.

I find it extraordinary, again, that the Labor Party and the Greens would object to an amendment which would simply ensure that the minister had regard. Are they saying that the minister will not be having regard? That is the message. It has come through in a number of the things that we have debated that the Labor Party and the Greens are not having regard to the overall cost impacts. They are not having regard, particularly, to those who apparently are considered superfluous, which is the tens of thousands of middle income families in Canberra who, we know, do it tough.

In the end, whether they are businesses or whether they are middle income families, a government should always be having regard to the costs. Any tax, any cost burden, any impost that is placed, whether it is on a low income earner, a middle income earner or even a high income earner, should be considered carefully by the government. Governments should always be looking to keep cost burdens on the entire community down, as I said earlier, with a particular focus on those who struggle the most.

So I do find it disappointing that the Labor Party and the Greens will not support this. I would have thought it was quite a sensible amendment, simply to ensure the minister would have regard to these costs. The Labor Party and the Greens will now be voting to not have regard to these families.

Question put:

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

The Assembly voted—

Ayes 5

Mr Doszpot
Mrs Dunne
Mr Hanson

Mr Seselja
Mr Smyth

Noes 9

Mr Barr
Ms Bresnan
Mr Corbell
Ms Gallagher
Mr Hargreaves

Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury

Question so resolved in the negative.

Mr Rattenbury's amendment agreed to.

MR ASSISTANT SPEAKER (Mr Hargreaves): The question now is that clause 12, as amended, be agreed to.

MR RATTENBURY (Molonglo) (11.38), by leave: I move amendments Nos 12 and 13 circulated in my name together [*see schedule 2 at page 5089*].

Amendment No 13 simply inserts a definition of the intergenerational equity principle. This is for, of course, the sake of completeness in the act.

Amendment No 12 is, we believe, a drafting improvement. I guess I was struck by this clause when I first read it. The minister must try to do something. It did cause me to delve into a bit of pop culture and bring a quote to this place from that great Jedi knight philosopher, Yoda, in which he simply said: "Do or do not. There is no trying." That is really the extent or the purpose of the Greens' amendment—to improve the language and perhaps pick up that philosophy.

Amendments agreed to.

Clause 12, as amended, agreed to.

Clause 13.

MR RATTENBURY (Molonglo) (11.40), by leave: I move amendments Nos 14 and 15 [*see schedule 2 at page 5089*] and amendment No 1 on the yellow sheet circulated in my name together [*see schedule 6 at page 5094*].

These amendments address issues around the annual reporting by the minister. Amendment No 14 requires the minister to report on effectiveness of actions. A report that merely lists the actions that any government has undertaken is not helpful and, some could argue, is meaningless. What is important is how effective those measures have been: have they achieved emission reductions, were they cost effective, what were the other benefits? These are the sorts of questions that this place and the community want to be able to draw answers from when it comes to the minister's report.

The government have discussed that they will undertake cost-benefit analyses on abatement options. I think this is a very worthwhile idea as it is not always apparent at first glance whether something is effective and efficient and what are the outcomes it might achieve.

Amendment No 15 removes the definition of the government agency and moves it into the dictionary. That scene, we will obviously come back to later.

The amendment on the yellow sheet, I think, comes back to some of the discussion we have been having already this morning around the issue of cost-benefit analysis and does seek or require that the government present "the findings of a cost-benefit analysis of any government policies or programs implemented to meet the targets mentioned in part 2 during the financial year". I think we have been at some cross-purposes this morning. Nonetheless, I think most people in this place would accept the government will and must undertake cost-benefit analyses and it seems entirely appropriate that they be provided to the Assembly at the time of the annual report.

This is information that the Assembly should have access to. The government, if it has done the work, should provide that information. And that will provide us a basis on which to have further debate and really answer those questions around whether measures have been cost effective, whether they have been the best option and the like. So I commend the amendments to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.42): The government will support these amendments. These amendments provide for a reasonable level of reporting in relation to actions undertaken by the minister or the government in relation to the reduction of greenhouse gas emissions. They also have regard to the need for a proper assessment of cost benefit where that has occurred and, where that has occurred, for the government to make it available to the Assembly through the minister's annual report. So the government will be supporting those amendments.

Amendments agreed to.

Clause 13, as amended, agreed to.

Clauses 14 to 16, by leave, taken together and agreed to.

Proposed new clause 16A.

MR RATTENBURY (Molonglo) (11.43): I move amendment No 16 circulated in my name, which inserts a new clause 16A [*see schedule 2 at page 5090*].

An important aspect of accountability that the government seemed to have overlooked in the drafting of this bill was how the climate change council would interact with the government and the Assembly. This amendment fleshes out a process for that accountability, including the requirement for a financial report from the council that must go to the minister and the requirement of the minister to respond to any advice or recommendations made by the council.

The provision requires the council to provide the report to the minister within three months of the end of the financial year and the minister to table the annual report within 21 days or circulate it via the Speaker if the Assembly is not sitting, following the same procedure as was outlined for the targets report. I commend the amendment to the Assembly.

Proposed new clause 16A agreed to.

Clause 17.

MR SESELJA (Molonglo—Leader of the Opposition) (11.45): I move the amendment circulated in my name on the green sheet [*see schedule 7 at page 5094*].

This would simply change the number of members on the climate change council from nine to 10. It is needed in order to facilitate a further amendment which I will be moving later.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.45): The government will not be supporting this amendment simply because, for practical purposes, it is desirable to have an odd number of members on the council to prevent any deadlock. We hope, of course, as always, that these fora operate by consensus but, in the event that there is disagreement amongst members, we would not want to see a deadlock, which is certainly feasible if you have an even number. Therefore, the government does not agree to the change.

MR RATTENBURY (Molonglo) (11.46): The Greens will not be supporting this amendment. In addition to the comments that the minister has just made, we have not seen a clear case for increasing the number. We will come to this in a moment and I will speak to Mr Seselja's further amendments. We believe that the council has a sufficient number of members in its current proposed format.

Amendment negatived.

MR RATTENBURY (Molonglo) (11.47), by leave: I move amendments Nos 17 and 18 circulated in my name together [*see schedule 2 at page 5091*].

The first of these amendments seeks to omit “must try to” and substitute “must, to the greatest extent practicable”. I will not repeat my pop culture references there. The second of these amendments relates to the composition of members of the council and seeks to change “the environment” to “climate change”. I think this reflects more accurately the topic matter the council will be discussing and provides a clearer focus in the membership the council would ideally be composed of.

MR SESELJA (Molonglo—Leader of the Opposition) (11.47): I understand that the amendments will be passed so I have not moved to split them. I have no problem with amendment No 17 as a fix. However, I do not support amendment No 18. Having someone from the community in relation to the environment is quite reasonable. Climate change science is represented separately. Instead of narrowing the point, it broadens the point and says that those who have concerns about the environment have something to say. Indeed they will be looking, as everyone does, at the impact of climate change on the environment. We believe that the current wording is sufficient and, in fact, it is better than what the Greens are proposing. I understand that the amendments will be passed so I will not move to split them. I will just put that on the record.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.49): The government will be supporting both of these amendments. It is a moot point, I think, in many respects, as to the interests of climate change or the environment. The fact is that climate change science and climate change as a subject are so broad that I think the issues that Mr Seselja is appropriately concerned about, and indeed the government is concerned about, are properly encompassed by this change. The government will support the amendments.

Amendments agreed to.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.49): Pursuant to standing order 182A, I seek leave to move my amendment No 1, which is minor and technical in nature.

Leave granted.

MR CORBELL: I move amendment No 1 circulated in my name [*see schedule 8 at page 5095*].

This change simply provides a change of language. It provides for a person to represent disadvantaged groups in the community in the context of the climate change council. I think it is important, given previous discussions during the in-detail stage

this morning, that we have the ability to have someone from the social sector who has an understanding of the sector and is able to represent the interests of people who are disadvantaged, whether financially, socially, physically or otherwise. I think this is a broad-ranging amendment designed to capture anyone who faces disadvantage and to have their views represented in the climate change council. It is an important change and I commend it to the Assembly.

MR SESELJA (Molonglo—Leader of the Opposition) (11.51): I move an amendment to Mr Corbell's proposed amendment [*see schedule 9 at page 5095*].

This amendment would simply take account of the fact that we ensure that lower and middle income families are represented. We believe that is reasonable. We believe that it will be all-encompassing and will also cover the disadvantaged groups which Mr Corbell refers to. It will actually go broader than what is being suggested. I commend the amendment to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.51): The government does not agree to Mr Seselja's amendment, again for the reasons that we have put forward. This is actually a narrowing of the representation of people facing disadvantage. People can face disadvantage for a whole range of reasons. They can face disadvantage because they have a large family and face large energy and water costs. They can face disadvantage because they have an illness, for example, and they need to use a large amount of electricity because of support or other issues associated with their illness. Disadvantage can occur in a whole range of ways. We believe that for that reason it is best encapsulated in the terms proposed in my amendment and not in those proposed by Mr Seselja.

MR RATTENBURY (Molonglo) (11.52): The Greens will not be supporting Mr Seselja's amendment. It is a slightly confusing point of debate here because my next amendment, No 19, picks up both this matter and Mr Corbell's matter. In my amendment No 19 we refer to a person to represent people who are socially or financially disadvantaged. This picks up on the point that Mr Seselja's amendment seems to make as well.

As I have touched on earlier today, we believe that climate change disproportionately affects particular groups in our society. In this legislation we want to be absolutely explicit about the fact that these are the people we are seeking to consider and that we have a particular emphasis on those people. I can perhaps best explain this by using an example. If electricity prices go up then those who are living at home, perhaps due to unemployment or because they have a disability, are likely to spend more on staying warm at home than those who have an office to go to. The opposite might be true in the summer period with cooling.

While it is true that young parents from a middle income bracket might also find themselves at home, particularly when looking after young children in those early years, the difference between those two families is that those in low income brackets do not have the money to cover the extra bill and do not have another breadwinner

who is earning that second income and perhaps they do not live in a well-insulated home.

They incur the same or perhaps even greater costs than the middle income family, but they have less capacity to adapt or mitigate the costs than those who are in the middle income bracket. This is not an argument to ignore middle income Canberrans in this debate. It is simply an argument to place special focus on those who are most disadvantaged in our community. That is simply the point that we are trying to make here.

Regarding the language that we have picked up in my amendment No 19, which we will come to shortly, we rang ACTCOSS and had a conversation about what was the best way to frame this amendment. That also points to the fact that we will not be supporting Mr Corbell's amendment. We will be moving something subsequently in a moment. Hopefully, the work we have done when speaking with ACTCOSS defines what is considered to be the most appropriate language, or the best description for what we are trying to achieve here, and it will be supported by members of the chamber.

Mr Seselja's amendment negated.

Mr Corbell's amendment agreed to.

MR ASSISTANT SPEAKER (Mr Hargreaves): The question is that clause 17, as amended, be agreed to. Before you start, Mr Seselja, I notice that, quite correctly, you have been addressing your remarks to the chair. Given that we have a technical difficulty, could I ask you to raise your voice just a tad, although that may cause you some mirth.

MR SESELJA (Molonglo—Leader of the Opposition) (11.56): I have been going nice and quiet for you, Mr Hargreaves, but I will do my best. I will do my best to lift the volume. I move amendment No 2 circulated in my name [*see schedule 1 at page 5085*].

Amendment No 2, I think, would significantly improve the climate change council. It would have the areas that play the biggest part in emissions at the moment represented on the council. I found it was an extraordinary omission in this legislation. It was a demonstration that the work had simply not been done by Mr Corbell—given that around 70 per cent of our emissions come from stationary energy and given that around 20 per cent come from transport, we would not specifically have representatives of those sectors on this council. That is a major omission from the government and I think it is important that we correct it through this amendment.

This amendment will ensure that we have a person to represent the housing sector, a person to represent the transport sector and a person to represent retail electricity suppliers. If you are fair dinkum about this, you will go to the source—you will go to where the emissions are. We know the housing sector is important. If we are to deal with energy efficiency in the ACT, it is critical that we get energy efficiency right in the housing sector. Electricity would be covered, transport would be covered and the

housing sector would be covered. We see them as critical players. The facts say that they are the critical players. They should therefore be on the council.

I note that the Greens, in foreshadowing their amendment, have taken the approach that they would not in any way negotiate on this. I think that is disappointing. Presumably they have done some deal with the government where the government will back their amendment. They certainly have not attempted to negotiate with us on this in any way. I commend my amendment. I think it is a significant improvement on what is being put forward by Mr Corbell.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.58): The government does not agree with Mr Seselja's amendment and it will not support it. The reason for that is that, in relation to the proposal from the Liberal Party to include a person to represent the transport sector and a person to represent the housing sector, the government's bill already makes provision for a person to represent the built environment. Obviously, the built environment includes housing, transport and all those elements of city construction, city activity, that are appropriately reflected. It is unnecessary. Mr Seselja is providing a level of specificity that is not required and which is appropriately captured through the provision of someone to represent the built environment.

The other point I would make is that the bill makes provision for at least five and not more than nine members to be appointed to the council by the minister. Only six persons are specified as having to have particular interests represented. Only six areas of specific interest have to be represented in those appointments and those are listed in (i) to (vi). That would still leave three members that the minister could appoint effectively as members at large without having to represent particular interests or come from particular backgrounds.

That would allow for other interests or particular perspectives that the minister determined as being necessary to be represented. But it also ignores the fact that it could very well be the case that people who are appointed to the council may be able to represent more than one of these particular elements already. For example, someone who represents the built environment may also be someone who represents the interests of business because they come from, say, a successful architecture firm or a successful construction company here in the territory.

Equally, someone who represents climate change science may also be someone with environmental management skills and, therefore, those two criteria would be met. It is not uncommon to find people appointed to government bodies who bring more than one particular area of expertise in terms of requirements to provide for certain perspectives to be represented in an act. The government does not agree with the limiting in the way proposed by the Liberal Party.

In relation to retail electricity suppliers, why is it just retail electricity suppliers? Why is it not generators? Why is it not renewable energy generators, for example? Why is it not other players in the electricity space? Why is it just retail electricity suppliers? It is a narrow approach, one that we believe is unnecessary and one that is best

addressed through having a set of criteria that is as broad as possible around certain interests being represented. The government does not agree with the amendment and will not be supporting it.

MR RATTENBURY (Molonglo) (12.02): The Greens will not be supporting Mr Seselja's amendment, although, in some senses, the amendment I am about to propose is not entirely different. I guess the difference lies in the fact that we are seeking to bring expertise rather than interests. It may be a subtle thing, but Mr Seselja's amendment is very much framed in terms of a person representing the housing sector, for example, or a person representing the transport sector. We have framed it in terms of a person representing transport planning or an energy specialist.

I guess it is a subtle difference, but it is trying to pick up that we want this knowledge and expertise on the council. We do not necessarily want people coming along to bat for their corner. That is, I guess, the subtle difference here. The Greens do not disagree with the direction in which Mr Seselja is going, but we would like to suggest a slightly different framing to give the minister greater flexibility when it comes to the appointments that he or she will need to make to the council.

Question put:

That **Mr Seselja's** amendment No 2 be agreed to.

The Assembly voted—

Ayes 5

Noes 9

Mr Doszpot
Mrs Dunne
Mr Hanson

Mr Seselja
Mr Smyth

Mr Barr
Ms Bresnan
Mr Corbell
Ms Gallagher
Mr Hargreaves

Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury

Question so resolved in the negative.

Amendment negatived.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): The question now is that clause 17, as amended, be agreed to.

MR RATTENBURY (Molonglo) (12.07): I move amendment No 19 circulated in my name [*see schedule 2 at page 5091*].

This amendment continues to address the same provision we have just been talking about. It omits clause 17(2)(b)(vi) and substitutes some further areas of expertise as outlined in the amendment. I do note that we have already passed Mr Corbell's amendment, 17(2)(b)(iia), and I think we may end up with some duplication here, so I seek some guidance as to whether I also explicitly need to indicate that we are overriding Mr Corbell's previous amendment here, because it will result in some duplication if we do not address the point.

MADAM ASSISTANT SPEAKER: Maybe you should deliver your speech and we will confer on this issue.

MR RATTENBURY: And we can have a think about that. I will outline the purposes of my amendment. The first, as we have touched on already in debating Mr Seselja's amendment, to some extent, provides for a person to represent transport planning. As we know, this represents around 23 per cent of emissions currently in the ACT, and it is an important part of the transition to a clean energy city that we bring in the expertise to help tackle that sector of our emissions. Whether that is moving to improve public transport or the electrification of our transport system, there is a range of possible initiatives here on which the council can advise the minister. It is obviously a challenging area but it is important that that expertise is represented on the council.

We have discussed a person to represent those who are financially or socially disadvantaged, and I will not rehash that point. The third proposal is for an energy specialist. Somebody who has an understanding of energy and energy systems is going to be crucial to offering sensible policy advice to government on reducing emissions and someone who understands technologies and policies that can drive the uptake of renewable energy. That sort of expertise is what we have in mind here.

I think this is quite different from a person to represent retail electricity suppliers, who have a very particular and perhaps self-interested position. Somebody who can provide that broader expertise on how energy markets work, what drives investment uptake in the renewable energy sector—these are the sort of issues that the government will need advice on and which the council, I think, can usefully advise the government on.

That is the purpose of this amendment. The other one is that we brought back reference to a public employee. That is simply in order to ensure that that point is not dropped off at the end of the list. I commend the amendment to the Assembly.

MADAM ASSISTANT SPEAKER: My understanding is that if the Assembly grants leave for you to move your amendment then all will be okay.

MR RATTENBURY (Molonglo) (12.11), by leave: I move the following amendment to clause 17, as amended:

Omit new clause 17 (2) (b) (iia) (Mr Corbell's amendment No 1).

MADAM ASSISTANT SPEAKER: The question now is that Mr Rattenbury's amendment No 19, as amended, be agreed to.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (12.12): The government are not going to die in a ditch about how you define disadvantage or hardship. Our view is that it is adequately defined in the amendment that I moved earlier this morning—"disadvantaged groups in the

community”. However, if the view is that it is better reflected in “people suffering social or financial hardship”, so be it. I am not going to have an argument about how we define that given the relative closeness of the two terms.

In relation to the other provisions, and with respect to a person to represent transport planning, again, the government’s view is that this is generally covered by built environment considerations. But, equally, I am not going to disagree if we add to that further. In relation to an energy specialist, I think this perhaps more appropriately captures the types of interest that should be represented without trying to specify a particular sector that is being represented.

Amendment, as amended, agreed to.

Clause 17, as amended, agreed to.

Clause 18.

MR RATTENBURY (Molonglo) (12.13): I move amendment No 20 circulated in my name [*see schedule 2 at page 5091*].

This amendment simply seeks to prevent the public employee represented on the climate council from being the chair of the council. I think this is self-explanatory. I do not believe it is controversial. I think this was probably the intent. It is certainly consistent with other discussions we have had in this chamber—for example, regarding the board of the Exhibition Park Corporation and other matters where I think it is common practice—that when we are putting some sort of representative or community council or board together the government representative on that board is not the chair.

Amendment agreed to.

Clause 18, as amended, agreed to.

Clause 19 agreed to.

Part 5 (incorporating clause 20).

MR RATTENBURY (Molonglo) (12.15): I move amendment No 21 circulated in my name [*see schedule 2 at page 5092*].

This amendment relates to the part of the bill that addresses sector agreements. In paragraph (1) the amendment simply seeks to tidy up the language around the strategies listed. We have had some discussions with the government on this and I believe that this is agreed. It makes the intent just a little clearer.

In paragraph (2) the amendment seeks to include a requirement for sector agreements to have review and reporting requirements. It seems prudent, as these sector agreements will be voluntary, that there should be a degree of accountability. We do not want to put an onerous burden on any of these that sign up for these agreements,

but at the same time we do not want to encourage companies or organisations to use sector agreements simply as a form of greenwash or perhaps to become complacent in their delivery and that there is a level of scrutiny of those commitments.

We believe it is appropriate that the government at least try and build in some accountability and that there be an opportunity for the effectiveness of those agreements to be examined. I think this will be important in terms of also learning, perhaps from earlier agreements, about things that have worked or perhaps in some unfortunate cases not worked so well, despite the best intentions.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (12.16): The government supports this amendment. I welcome the consideration that Mr Rattenbury has given to the feedback that I and my department gave him in relation to his earlier version of this amendment, which was a very onerous provision and one that I think could have acted as a disincentive certainly for private sector organisations and sectors to sign up to a sector agreement. So I am pleased that those issues have been taken on board and I thank him for that.

There is still one issue of concern and reservation for the government in this amendment—that is, the requirement for the entity to review and report on the operation of the agreement. We want the private sector to engage in the emissions reduction task and we want them to be willing to sign up to sector agreements, but we do not want an onerous level of bureaucracy to be associated with that effort.

The provision for the entity to review and report on the operation of the agreement is, to my mind, a provision that could act as a disincentive to sign up to a sector agreement and could act contrary to the intention of the provision, which is to encourage cooperation from different entities and different sectors.

I simply put that on the record. The government is not going to oppose this provision but I do have some reservations about the potential impact of that clause. If that clause does result in sectors or entities not being willing to enter into sector agreements then I do reserve the right to come back to the Assembly and seek an amendment because I do not want a provision that acts as a disincentive to industry signing up to sector agreements. If this proves to be such an obstacle, I would want to try and address that issue. But we will see how it goes. I hope I am proven wrong but I simply place that reservation on the record.

MR SESELJA (Molonglo—Leader of the Opposition) (12.19): The Liberal Party will not be supporting this amendment. I am not really clear on what the government's position is on this. They appear to be taking a sort of wishy-washy approach whereby they are putting their concerns on the record but they are voting for the amendment. The minister clearly has not thought this through because he does not seem sure about what he actually wants.

I think the point that the minister made is correct: it will act as a disincentive. The last thing we want in terms of voluntary agreements is to put in place a situation where entities are discouraged from actually doing it. I think there is a very strong likelihood

that that will happen. And we know why. Mr Rattenbury touched on it when he talked about greenwashing and the like. We have a situation now where the ANZ bank, I think it was, won an international award for its environmental credentials, so it has been targeted by environmental groups because, in their opinion, it is not perfect enough and, like all banks, it funds coal-fired power stations, which, of course no-one is proposing that we need to get rid of overnight. I do not know that anyone in this chamber is. So a group like the ANZ bank is being targeted when they have gone out of their way to build their environment credentials and they have been recognised for that. And because in the opinion of certain environmental activists they are not pure enough, they are not perfect enough, they are now being targeted, and in quite a vicious way, which, again, is completely counterproductive.

The next bank or the next large corporation that looks at this issue will say: “Why would we bother taking those environmental steps? Why would we bother making those environmental improvements if, once we do, we will be held to the standard of having to be perfect and, if we are not, we will be condemned, criticised and have a campaign launched against us?”

I think that is the kind of thing we are likely to see, and that is what is being alluded to, I think, by Mr Rattenbury. So let us be clear: that is what happens. And I think it is counterproductive because it will lead corporations, in that case, to step back from these issues. In the case of the amendment we are debating today, it will simply make it less likely that we have these types of sector agreements. For that reason we will not be supporting this amendment.

MR RATTENBURY (Molonglo) (12.21): I will speak briefly in regard to the comments that have just been made. I heard what the minister said and I think he does raise a point. We certainly have no desire to discourage participation by private sector entities in whatever form they take but I do not see this as being a significant burden. Frankly, my experience of most in the private sector is that they are fairly rigorous in analysing the efficacy of their own programs. I think those who would be perhaps scared off by provisions such as this are the ones who would be in this for greenwashing. And we know it takes place; it does happen. But those companies who are doing the right thing, who are rigorous in their own work—and many of them are—will see no burden in this and will actually be quite keen to test the efficacy of their programs. I trust that this will not be seen as a barrier.

But I take the minister’s comments on board. Certainly, if we do find that he is proven to be correct—I note his observation about hoping not to be—we would be open to entertaining a discussion. But a little bit of reporting is never a bad thing, in my mind.

Question put:

That **Mr Rattenbury’s** amendment be agreed to.

The Assembly voted—

Ayes 9

Noes 5

Mr Barr
Ms Bresnan
Mr Corbell
Ms Gallagher
Mr Hargreaves

Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury

Mr Doszpot
Mrs Dunne
Mr Hanson

Mr Seselja
Mr Smyth

Question so resolved in the affirmative.

Amendment agreed to.

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

Sitting suspended from 12.26 to 2 pm.

Questions without notice

Canberra BusinessPoint—services

MR SESELJA: My question is to the Deputy Chief Minister and Acting Minister for Business and Economic Development. Minister, Canberra BusinessPoint is a business advisory and mentoring service that the ACT government provides to smaller businesses in the ACT. This service has been an important source of advice and assistance for people considering establishing a business and for businesses that are in the early stages of development. Minister, has the contract for the delivery of Canberra BusinessPoint services expired and, if so, what decision has been made to continue the delivery of these services?

MS GALLAGHER: I might take some further advice on it. I did see a brief which I believe is about this same program in the last week. If the Leader of the Opposition will allow me to get some further information about that and provide it to the Assembly, I think I should be able to do that in question time.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Thank you. Minister, you may, when you come back or now, advise us: is it correct that Canberra BusinessPoint is currently only accepting telephone calls and is not making any arrangements for counselling or similar face-to-face meetings? If so, what is the reason for the reduction in the services provided by the program?

MS GALLAGHER: I will wait for that further advice. I just do not have all of the detail in my head, but I think I can provide you with that information.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you. While you are taking that on notice, I would like to find out, minister, what evaluation has been undertaken of the effectiveness of the Canberra BusinessPoint program and what has been the outcome of that evaluation.

MS GALLAGHER: I will take that one on notice too.

MR SPEAKER: A further supplementary, Mr Smyth?

MR SMYTH: Because she has not got much to do. Treasurer, perhaps then, as a second supplementary, when will Canberra BusinessPoint recommence providing a complete range of services to the ACT business community?

MR SPEAKER: Are you taking that one on notice as well, Treasurer?

Mr Smyth: No. She has found her brief. She might be able to give us an answer.

MS GALLAGHER: I am just looking to see whether there is a date. I will take that on notice, in the interests of time and a comprehensive answer.

Education—NAPLAN testing

MS HUNTER: My question is to the minister for education and concerns the NAPLAN test results and participation of ACT Aboriginal and Torres Strait Islander students. Minister, in the 2009 report released last Friday by COAG, it indicated the ACT has the largest gap for year 7 reading between Indigenous and non-Indigenous students. Given the attention by the Assembly through its inquiry this year and the department's Aboriginal and Torres Strait Islander strategic plan on closing the achievement gap, why are we lagging behind other states and the Northern Territory?

MR BARR: I thank Ms Hunter for the question. I think Ms Hunter would be aware, as other members would, that we need to have some caution in relation to the data on Aboriginal and Torres Strait Islander students within ACT schools because of the size of the cohort. In the reporting of NAPLAN data, there is a margin of error and that margin of error clearly demonstrates that the range of possible performance for those Indigenous students in the ACT, whilst below that of non-Indigenous students, is still better than for Indigenous students in all other areas of the country. But the government does acknowledge that there still is a gap in performance. We have invested heavily to address that gap and the NAPLAN data does provide some further information to schools and to individual classroom teachers to assist in working with those Indigenous students who are not either achieving national benchmarks or whose performance can be improved with additional support.

The availability of those additional resources, through a series of budget initiatives going back to 2007-08, has been important in improving the performance of Indigenous students in the ACT. We have, of course, released a new program and a new strategic plan for Indigenous students, working with the Indigenous Elected Body and the Indigenous Education Advisory Council on ways to better engage Indigenous students with schooling, with their education. Later this year, in partnership with the

Indigenous Education Advisory Council, I will be hosting a forum to involve Indigenous communities and sporting organisations to further explore how engagement with sport can enhance engagement with schooling.

We know from considerable research in this country, in this city and, indeed, around the world that engagement in extracurricular activities, in things like sport and the performing arts and in other areas of a rich and diverse school curriculum, can improve literacy and numeracy outcomes considerably. We know that that evidence is there. We are now able to target our assistance and change the way we deliver our services to improve outcomes—

Mr Hanson: Why cut the six literacy and numeracy positions?

MR BARR: because not everything is working at the moment. And when things are not working, intelligent people look at why and seek to make changes. They do not just throw cheap slogans across the chamber—

Mr Hanson: This is about an enhancement, is it? It's not about an efficiency dividend?

MR BARR: like our Hansonites over here.

MS HUNTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, given the report indicates the year 7 and year 5 Aboriginal and Torres Strait Islander student participation rate was below that of their non-Indigenous classmates or on the decline, why is this and what is being done to address the participation rates?

MR BARR: Again, I want to sound a note of caution because, given the small cohort, one or two students not participating dramatically changes the percentages as reported in NAPLAN. Having said that, of course we want to see more students, both Indigenous and non-Indigenous, engaging in the NAPLAN process. It is an important diagnostic tool for teachers. We are, of course, analysing the data from the 2010 NAPLAN testing. For the first time it gives us a measure of progress because the students who were tested in 2010 were also tested in 2008. So we are able to see that measure of progress from year 3 to year 5, from year 5 to year 7 and from year 7 to year 9.

This is the first time the education system has had this level of data available to it. It is the first time that schools or classroom teachers have had this level of data. We can work with schools to appropriately interpret this data and identify those individual students. In a jurisdiction of our size, when working with those students—and classroom teachers working with those students—when working with parents and when working as an education community, we can make a difference, and the government is determined to do so.

MR HANSON: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, why are you considering cutting the six positions dedicated to Indigenous literacy and numeracy as part of the debt efficiency dividend cuts?

MR BARR: As I indicated last week, the department is reorganising the way it delivers services to schools, and that has meant a series of changes in the way that that particular unit is constructed. That unit has more responsibilities than just Indigenous education. It supports a range of other support services and activities within the ACT Department of Education and Training.

As I said last week, the government is seeking efficiency dividends from all ACT government agencies. Education is not exempt from that; nor should it be. The department must continue to strive to deliver its services more efficiently to schools, by reorganising the way it does things, to reflect the fact that some programs have not been as successful as we would have hoped.

Some of that is evident in the NAPLAN data. We are changing the way we deliver services. The test of whether this is an improvement and will improve outcomes will be seen in future NAPLAN data.

MS BRESNAN: Mr Speaker, a supplementary?

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. How do Aboriginal and Torres Strait Islander students rate against the 90 per cent year 12 achievement goal for the ACT as quoted in the COAG report?

MR BARR: I do not have that level of detail in front of me at the moment. It would not surprise me if Indigenous students were not at that 90 per cent retention rate. Overall, as a jurisdiction, the ACT performs better than all other states and territories, and as a jurisdiction our Indigenous students perform better than Indigenous students in all other states and territories. But that does not mean that the gap has been eliminated, as I have said in response to an earlier question from Ms Hunter.

This is one of the areas that we will be focusing on as part of the youth compact, the transitions and attainments program, that we are in a national partnership with the commonwealth government on. Funding has been provided to the territory, and we have provided our own resources as well, in order to address just these issues. Will it happen in one year? No, it will not. It will take time to bridge this gap.

We have probably had a century of effort in this area. A lot of it has been well intentioned, but it has not always worked. Focusing on programs and activities and getting outcomes is what we need to do now. That means having an evidence base. We have got for the first time, through the My School website and through the NAPLAN data, publicly available information so that questions like this can be asked and so that there is accountability, at a ministerial level but also at an education system and school level, to ensure that outcomes can be improved.

Visitors

MR SPEAKER: Before we proceed with further questions, members, for your information we are joined in the public gallery today by year 9 students from Burgmann Anglican college. I welcome you to the Assembly today.

Questions without notice Economy—performance

MS PORTER: My question is to the Treasurer. With the recovery in the global and national economies continuing, can the Treasurer advise the Assembly on the state of the ACT economy?

MS GALLAGHER: I thank Ms Porter for the question. It does give me great pleasure to update the Assembly today on the performance of the ACT economy over the last 12 months. All of us in this place would support the extra super effort that has been demonstrated by our economy, far exceeding all the forecasts, I think, from all the commentators and, indeed, our own Treasury.

The latest report by CommSec, the *State of the states*, the third consecutive quarter where they have rated the ACT alongside WA as the strongest performing economy in the country, clearly demonstrates, I believe, that the decisions that both the federal government and the ACT government took 18 months ago to invest in our local economy, to provide extra support when private investment was diminishing, were the right decisions to take. This has been, I think, demonstrated through the results not only in the *State of the states* but also by Access Economics and, indeed, our own results under the national accounts, where we can see, from state final demand figures for the last full year, the economy actually grew by 7.8 per cent, which, again, far exceeds anybody's expectations.

We can also see the low unemployment rate in the ACT, down to three per cent, and the strongly performing housing market which is very much underpinning the recovery of our economy, alongside that very significant public investment. If you do drill down into those national account figures, you can see that public investment increased significantly in 2009-10, by 42.8 per cent.

Obviously, the commonwealth government was a very significant contributor to this but I think we have got our own record to stand on, with the final capital works spend for the 2009-10 year for the ACT government coming in at \$580 million, which demonstrates, whilst we are a small government, our ability to provide stability when it was needed the most.

So I think these results are figures to celebrate in terms of the performance of our own economy. It has far exceeded anyone's expectations and, I think, is due to a range of different efforts, both public and private, to support jobs and provide investment into our local economy when the global and national economies were under such pressure.

MR SPEAKER: A supplementary, Ms Porter?

MS PORTER: Thank you, Mr Speaker. Treasurer, you mentioned the housing market. Can you advise the Assembly of the state of the ACT housing market?

MS GALLAGHER: The housing market certainly is borne out in the CommSec report. The housing market in the ACT showed incredible resilience through the economic downturn. This was supported by the federal government's first homeowner boost initiative, alongside a low interest rate environment and against solid population growth. Our population growth in the last quarter has reached a 30-year high. This is driving demand for housing, and we can see that in the figures.

In the June quarter, dwelling commencements in the ACT rose to the highest level in nearly 18 years, with 1,302 commencements. The ACT recorded the largest quarterly and annual growth of jurisdictions, with increases in the order of 66.6 per cent and 62.9 per cent respectively, compared to increases of 0.8 per cent and 25 per cent. Building approvals in the ACT grew by 35.6 per cent year on year, compared to an increase of 29.3 per cent nationally. Year on year, to August 2010, the value of individual investor commitments in the ACT was up 25.8 per cent, the largest increase in the country.

Mr Hanson: How did retail go, Katy? Are you going to get to that?

MS GALLAGHER: Trend residential building approvals decreased in August 2010—I have a feeling I might be getting to retail soon—for the third consecutive month. It remains significantly above the five-year monthly level. So while we are seeing a very strong housing market here in the ACT, and there are no signs of that changing, I think there are risks to our economy. The single biggest risk remains the federal government's decisions and how they play out in terms of recovering their own budget.

MR HARGREAVES: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Thank you very much, Mr Speaker. Recognising that it is difficult following along from the dusky Mae West in question time, I would also like to ask the Treasurer if she could possibly give us a commentary on the state of the ACT labour market at the moment.

MS GALLAGHER: I think all members of the Assembly would welcome the unemployment rate, which looks to have peaked at 3.7 per cent in the December 2009 quarter, which is in line with Treasury estimates. Now we have seen several consecutive monthly declines in our unemployment rate. We have the lowest unemployment rate in the country at three per cent. This does come with some challenges, of course. When you have unemployment reaching three per cent, and indeed if it goes any lower, the pressure comes on for skills. But this is the 10th consecutive month where trend employment in the ACT is higher than its level a year ago. Also, for the 12 consecutive months, trend full-time employment is higher than the level a year ago.

We have high participation rates. I think we are the second highest in the country, with a participation rate of over 70 per cent, which is way above the national average. I think, again, the ACT government and the ACT Assembly did have a role to play in stabilising and supporting the economy. We took the decision to recover our budget in a slower fashion than those opposite would have done had they been in power. We have put increased investment into our own capital spend to increase the productive capacity of the economy to provide stability and to provide jobs—a \$580 million spend last year. When the pressure came on the economy and industry looked to the government for support and assistance, we provided that support and assistance.

Opposition members interjecting—

MS GALLAGHER: Whilst I certainly will not stand here and take credit for all the good times in the economy, unlike all the responsibility those opposite would have me take when there is pressure or bad times, what I will say is that we had a role to play and we played it. (*Time expired.*)

MR SMYTH: A supplementary.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Treasurer, given the good state of the economy, why are Canberrans being subjected to declining services and higher costs under your government, as well as facing the prospects of higher taxation from your government when we get the tax review?

MS GALLAGHER: I disagree with the question entirely. I think what we have seen is the shadow treasurer stumbling around, trying to find some bad news to put on these economic results. He is the first one out; when the national accounts come out and they show a decline in one figure on page 103, he is the first to have a media release out.

Mr Seselja: On a point of order, the answer has to be directly relevant. Mr Smyth was asking why, given the state of the economy, the budget is in a shambles and we are facing higher taxes and services are not being delivered.

MS GALLAGHER: I am getting there, Mr Speaker.

MR SPEAKER: Yes, there is no point of order at this stage.

MS GALLAGHER: I am just drawing to the Assembly's attention the excitement Mr Smyth feels when there is bad news and that, when the good news comes, he has to go somewhere else.

Mr Smyth: No, that is not true and you know it. I give credit where credit is due.

MS GALLAGHER: You do occasionally, Mr Smyth.

MR SPEAKER: Order! The question, Treasurer.

MS GALLAGHER: I disagree with the question. We are providing a higher level of government services in every single area of government service delivery. There has been an increase of over 180 new hospital beds into the hospital system after a very significant decline. We have increased our elective surgery output by 2½ thousand operations a year. It is not fair to say that government is providing less services to people. And when you have a look at our taxation effort and our revenue raising effort, you will see that over the last 10 years, on a per capita measure, the increase in taxation across the ACT has been very, very light—about 75c a day. In terms of the increase in services that we have provided to the community over the last 10 years, when you look at what your mob did in the commonwealth when they were in power—*(Time expired.)*

Industrial relations—work safety reform

MS BRESNAN: My question is to the Minister for Industrial Relations and is in regard to the national harmonisation of occupational health and safety laws. Minister, the ACT Director of Public Prosecutions website cites a decision of the UK Court of Appeal which says that the right to private prosecution “remains a valuable constitutional safeguard against inertia or partiality on the part of the authority”. Given that the national harmonisation OH&S laws propose to erode the right to private prosecution for breaches of OH&S legislation, does the ACT government agree to this erosion? If yes, why does the government agree?

MS GALLAGHER: The ACT has the capacity, through access to common law, for third-party prosecutions. We have fought the argument around the table. We have made the decision to be part of a national scheme. I do not think that there have actually been any third-party prosecutions here in the ACT, even though the right has existed for some time. We fought this fight round the table; we did not win the support of our colleagues. We do believe that a national OH&S system—and I presume those opposite believe in it too—is the right way forward for providing consistency and balancing the rights of workers with the needs of employers for certainty and stability. Our union colleagues know that we fought that fight. We lost it, but our signature on that deal holds firm. And there is an avenue through common law to access private prosecutions. So there is another avenue for that and we were not successful with prosecuting the argument amongst our colleagues.

MR SPEAKER: Ms Bresnan, a supplementary?

MS BRESNAN: Thank you, Mr Speaker. Minister, given that you have claimed that there may be some provisions to privately prosecute under common law, can the government guarantee that unions and individuals will have the same ability to pursue breaches of OH&S law after harmonisation?

MS GALLAGHER: In terms of third-party prosecutions there is that existing capacity. As far as I am aware, we have not had any third-party prosecutions in the history of the ACT.

MS HUNTER: A supplementary?

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, why would retaining private prosecutions as they currently exist be inconsistent with clause 5.1.8 of the intergovernmental agreement on OHS reform that allows for additional provisions to be passed by individual jurisdictions?

MS GALLAGHER: Unusually, I do not have subsection 5.1 point whatever in front of me. This work has been ongoing for the past 18 months—I think it was under Minister Hargreaves, when he was industrial relations minister—to prosecute these arguments.

We have signed up to the national harmonised scheme. There is capacity, for example, in our asbestos regulation where we are looking to use that part of the IGA to ensure that we do not see a diminution of existing protections. But I think the fact that we have access through common law for third party prosecutions provides for unions and/or workers to pursue those claims.

Where we think there will be a diminution in third party prosecutions—we have not had any prosecutions—there is an existing capacity through common law and we do not need to use that part of the IGA. But, for example, with asbestos regulation, we do believe that, if we adopted the national scheme, we would see a diminution, and we are seeking to access that part of the IGA to provide those protections.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, what guarantees can the government give that in the event of breaches of OH&S legislation in the ACT all prosecutions of breaches will take place promptly, competently and impartially?

MS GALLAGHER: Competently and?

Ms Le Couteur: Impartially—promptly, competently and impartially.

MS GALLAGHER: I am not sure where that question comes from, whether—

Mrs Dunne: On a point of order, Mr Speaker, I would just seek your direction on whether or not the comments made by Ms Le Couteur might be considered a slur on the judiciary. That would be contrary to the standing orders.

MR SPEAKER: I certainly did not hear that in the comments, Mrs Dunne, but one moment.

Mrs Dunne: Ms Le Couteur used terms like “prosecuting” and progressing matters “competently and impartially”, and she used some other words. I think it is sailing close to the wind.

MR SPEAKER: Mrs Dunne, there is no point of order. I think Ms Le Couteur may have sailed close to the wind, but I certainly did not hear that intent in her question. I do remind members of the standing order that—

Members interjecting—

MR SPEAKER: Thank you, members. I do remind members of the practices of the house with regard to commentary on the judiciary.

Mr Hargreaves: On a point of order, Mr Speaker. Could I ask whether or not the question from Ms Le Couteur was actually asking for an opinion from the Acting Chief Minister, because that is out of order too.

MR SPEAKER: Ms Le Couteur, it might be helpful if you could repeat your question. Stop the clocks, thank you.

MS LE COUTEUR: Certainly, Mr Speaker. What I said was: minister, what guarantees can the government give that in the event of breaches of OH&S legislation in the ACT all prosecutions of breaches will take place promptly, competently and impartially?

MR SPEAKER: Mr Hargreaves, I do not believe that it was seeking an expression of opinion either. Ms Gallagher, you have the floor.

MS GALLAGHER: Thank you, Mr Speaker. The government is in furious agreement with the opposition on this matter. We would have complete faith in the DPP and the judiciary to deal with prosecutions impartially and efficiently.

Superannuation—liabilities

MR SMYTH: My question is to the Treasurer. Treasurer, in the 2010 ACT budget, you estimated that the liabilities of the superannuation provision account would be funded to the extent of 52 per cent of its liabilities as at 30 June 2010. Treasurer, why were the liabilities of the superannuation provision account funded to the extent of only 44 per cent as at 30 June 2010?

MS GALLAGHER: I am just having a look at superannuation in terms of our forecast in the budget.

Mr Smyth: Page 223, budget paper 3.

MS GALLAGHER: I have got it on page 215, Mr Smyth. Maybe we mentioned it twice. I will take some further advice on this; I am not sure where the figure that you have got is funded to—48 per cent, did you say, or 44?

Mr Smyth: I can read you the quote. It says that the Treasury will therefore have an unfunded liability position of \$1.9 billion, or an estimated funded percentage of 52 per cent, at the commencement of the year.

MS GALLAGHER: I will take some further advice on that, Mr Speaker, but the performance of the superannuation fund, and increases and decreases, has been largely due to the performance of the financial markets.

MR SPEAKER: Mr Smyth, a supplementary?

MR SMYTH: Thank you, Mr Speaker. Treasurer, why has the funding of the superannuation liability declined since the 2009-10 budget?

MS GALLAGHER: I just want to check the figures that Mr Smyth is using in terms of comparing, and I will provide that advice back to the Assembly.

MR SPEAKER: A supplementary, Mrs Dunne?

MRS DUNNE: A supplementary question, Mr Speaker. Treasurer, was the \$320 million in the provision account for superannuation in the budget a real amount or was it just one of your guesses?

MS GALLAGHER: It was a real amount.

MRS DUNNE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Treasurer, what strategies do you have for implementing an increase of funding of the liabilities in the superannuation provision account?

MS GALLAGHER: The government does this as part of its annual budget process. We have also had a review done around the superannuation provisions and our liabilities. We make adjustments to that based on our budget decisions. This occurs every year. We are taking some extra advice on that in terms of the impact of the GFC on our superannuation liabilities and in terms of meeting the target that we have set ourselves. So this is something that we do every year. That advice will be provided to cabinet shortly.

Hospitals—north Canberra

MR HANSON: My question is to the Minister for Health. Minister, on Tuesday, 19 October you said on ABC's 666 radio program that you were currently considering the option of building a new hospital in the north of Canberra and mentioned Gungahlin and the University of Canberra as possible locations. Given the failure of your negotiations with the Little Company of Mary to date with regard to Calvary hospital and the \$77 million of taxpayers' funds that were nearly squandered by you during this failed deal, what confidence can you provide to the people of Canberra that you can manage the complexity of such a plan as to build a new hospital on time, on budget and on scope?

MS GALLAGHER: The commitment I make to the Canberra community I make every four years and I get judged on it. I have to say that every time I have been

judged on my performance in this place I have done okay, Mr Hanson, and I intend on keeping it that way. I am judged on my performance. I am satisfied with how I perform and indeed with the community's feedback around my performance. I think the community understands how complex issues of provision of health services are. These are not easy issues and they are compounded by the fact that 30 per cent of our public hospital system is managed by a non-government provider and that we do need to invest significant amounts of capital on the north side of Canberra. I think the community expects me to take the time, do the work and understand all the issues before we take such a significant decision.

The government have been, over the past two years, updating our population projections for our health demands. I have to say that when we started the CADP work back in 2006, we did not predict our population at the time. The population forecasts were under what they have been. So we are updating all our data and there is a real question to be answered around whether or not the city can support three hospitals. We are going through the detail of that work. The government will make a decision about that in due time when all the information is before it.

MR SPEAKER: A supplementary, Mr Hanson?

MR HANSON: Minister, in this view, you stated that a new 400-bed acute hospital is one of the options that you are considering. Minister, what would be the approximate cost of the 400-bed hospital, and would this amount fit within the current plans for CADP?

MS GALLAGHER: When the plan around the CADP was originally identified, we said this plan was in excess of a billion dollars. It is still a plan in excess of a billion dollars. We are doing the final work around the extent of that program, including a longer term projection based on some of the changes under the national health and hospital funding arrangements and, indeed, some of the new service delivery arrangements. So we are doing a very significant piece of work at the moment.

Mr Smyth: So, 1.2, 1.4, 1.6 billion?

MR SPEAKER: Order! Supplementaries will be quiet.

MS GALLAGHER: In terms of the cost of a third hospital, it depends entirely on decisions that we make for Calvary and decisions that we make potentially for a new hospital. I did not say that was what we were pursuing. It is dependent on the decisions you would take around how your hospital system is structured. For example, if you build a bigger hospital on the north side of Canberra, you perhaps do not have to build as much capacity at Canberra Hospital as we have forecast.

They are some of the decisions that are yet to be taken.

Mr Hanson: On a point of order, I ask the minister to be relevant. I have asked for the approximate cost of a 400-bed hospital that she is discussing. And I would ask her to address the question.

MR SPEAKER: Minister, do you have—

MS GALLAGHER: I am trying to explain that it depends entirely on the type of hospital you build. A 400-bed hospital, which is half sub-acute beds, for example, will be entirely different to a hospital that is 400 acute care beds, with a very large intensive care unit. So it depends entirely on the decisions you take around what sort of hospital you want to build. And we have not done the final figures on that, nor have we taken any of the final decisions.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, in relation to the third hospital, will the government also consider enhanced primary care services or centres, which is a view which has been put forward by the Health Care Consumers Association of the ACT?

MS GALLAGHER: Yes, indeed, that is part of the work. On the north side, work will shortly commence on the Belconnen enhanced community health centre, which is going to be a very large primary care centre established, with consulting rooms, allied health capacity and provision of some services which are currently provided in the hospital. So that will certainly impact, as will the construction of the Gungahlin community health centre. So very much what we are trying to do here is have a hospital system that interacts with and relates to the primary care system. And all of those decisions depend on the final construction of that system. For example, a Phillip enhanced community health centre similar to a Belconnen one will mean that you will not have to build up Canberra Hospital as much. All of this work is currently underway and is feeding into the government's decision making around how we structure our health system and what is the best way to deliver health services to the community within the framework that we are operating in, which is a two-hospital town, and one hospital that is owned and operated by somebody else.

MRS DUNNE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, when do you estimate that you will make a decision about hospitals in north Canberra, given that you have indicated that all decisions about hospitals need to be made in the next five months to allow decisions to be incorporated into the budget?

MS GALLAGHER: That sounds like a pretty reasonable time frame to me.

Environment—building materials

MS LE COUTEUR: My question is to the minister for planning and development and concerns the use of building materials in ACT buildings. Minister, as you know, building materials such as adhesives, insulation and timber contain different degrees of toxic materials that can be harmful to human health. Building materials also vary

greatly in their environmental performance. What requirements are there in the ACT to ensure that toxic and environmentally damaging materials are minimised in all new buildings and renovations, and do these differ from any general federal requirements?

MR BARR: ACT buildings are subject to Building Code of Australia regulations, and of course all of the relevant health and other considerations that are regulated through other agencies. I am not aware of any significant difference in the ACT from other jurisdictions; this would fit under a national regulation. If I am advised otherwise, I will inform the Assembly.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Thank you, Mr Speaker. Minister, are there consistent ACT standards to ensure that toxic building materials, such as those that contain volatile organic compounds, are minimised in all ACT school buildings, including private schools?

MR BARR: In relation to ACT public school buildings, I know this has been an issue that has been raised in the last five years or so, ever since I have been minister. I am certainly aware that the department of education, in the construction of ACT public schools, seeks to minimise or eliminate the use of such materials. I certainly recall, in my speech last week to the Assembly on school capital works, reporting on just this issue. Private schools would be another matter, and I would imagine it would be entirely in the hands of either the Catholic education office or the independent school as to the nature of materials that they use, provided that it is consistent with all of the national and local regulations that are in place for the construction of school buildings.

MS BRESNAN: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, are there ACT standards that require the use of sustainable building materials in new buildings and renovations, including materials that contain recycled content, are recyclable or are sustainably sourced?

MR BARR: I understand that there are some organisations that are lobbying for such standards to be in place and the Greens are amongst those organisations. I know that about seven or eight years ago, so prior to my time in this place, there was some commitment given in a piece of legislation that some work in this area would be undertaken. I do not know that there was ever a time frame put on that work. This is, in fact, the second time that the Greens have raised this or similar matters with me. I understand that the ACT Planning and Land Authority are investigating the matter, but I do not believe that there has been any action at this point.

MS HUNTER: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Thank you. Minister, can you tell the Assembly whether the requirements governing the use of toxic and environmentally friendly materials in ACT buildings and ACT schools represent international best practice in health, safety and sustainability?

MR BARR: That is a very technical question. I would have to go and have a look at all of those. It would not surprise members that that level of detail around the different natures and what one might interpret as international best practice might be something that is contested. I will have to seek some advice on a question of that technicality and that detail.

Education—disability funding

MR DOSZPOT: My question is to the Minister for Education and Training. The recent state of our schools survey by the AEU conclusively showed that “additional support for students with disabilities and behavioural issues” was a factor considered by ACT teachers to assist in student outcomes. And this has been a recurring consideration over the last few years. Minister, was it responsible for your department to look for cuts in the areas of support for disabled students prior to looking for cuts to the departmental car fleet?

MR BARR: There are a number of statements in Mr Doszpot’s question that are just outright distortions of the process that the department undertook. Mr Doszpot should know better than to come into this place and make statements like that which have no basis in fact. If Mr Doszpot actually understood the processes that the department went through, and if he had any understanding of the number of positions that are available within central office in each of those areas, he would recognise that it would not be possible to achieve a one per cent efficiency dividend by only looking at the areas that Mr Doszpot has identified. There simply are not enough staff in those areas to achieve this. Mr Doszpot has conveniently, in a number of his statements in this place, sought to suggest that you could achieve an efficiency dividend of one per cent in the central office without looking at any positions at all that were outside corporate and human services.

The department looked extensively across all of the services that it provides, with one important proviso—that school budgets would be quarantined from the efficiency dividend. The impact of that is that, in effect, a one per cent efficiency dividend for the Department of Education and Training, taken across the totality of the department’s work, equates to a seven per cent efficiency dividend within central office once school budgets are quarantined. The overwhelming majority of expense within the Department of Education and Training occurs within schools. Central office is a very small component of that, about 500 staff out of 4½ thousand—4,610, to be precise. So the budget papers were clear. When we voted for the budget for the Department of Education and Training back in June, the number of positions would be reduced from 4,645 to 4,610. Through that process, the department has consulted widely and has finalised its position in relation to the efficiency dividend and it is now being processed.

MR SPEAKER: A supplementary, Mr Doszpot?

MR DOSZPOT: Thank you, Mr Speaker. I find the minister's—

MR SPEAKER: Mr Doszpot!

MR DOSZPOT: Minister, where does support for disability rank amongst the areas targeted for efficiency dividend cuts?

MR BARR: Incorporating improved services to schools, assisting students with a disability, is an important part of the central office role within the Department of Education and Training. It is also important that a range of other services are delivered by central office. There is not a ranking, and I will not be playing “rule in or rule out” or ranking games with the opposition. The department has to ensure that within its available resources, which were increased by nearly \$60 million in the last budget, it delivers on all of its output classes and all of its performance requirements.

The department will make the decisions given the available resources it has, which were increased in the last budget, with a particular emphasis on literacy and numeracy outcomes and additional support in a variety of areas that I outlined to members this morning. It is important that the department delivers for all students. I am not in the business of ranking one area of central office's performance or responsibilities over another. If the opposition were mature, which they clearly are not, they would recognise the diversity of tasks that the Department of Education and Training is required to perform for the people of the Australian Capital Territory.

Opposition members interjecting—

MR BARR: We can have the usual array of catcalling and all of that from those opposite, but nothing detracts from the fact that when it came to actually voting for a budget at all for the Department of Education and Training those opposite said they wanted no resources at all allocated to education and training in the territory. That is their voting record for two budgets in a row.

Opposition members interjecting—

MR SPEAKER: Order! Mr Smyth has a supplementary.

MR SMYTH: Minister, when will the details of the changed funding arrangements be provided and how will DET staff in the schools community be advised of the changes?

MR BARR: That information has been on the department's website for a number of days.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Thank you, Mr Speaker. Minister, what studies have been carried out and what evidence can be provided to justify decisions on the recent cuts?

MR BARR: The process that the department went through involved consultation with staff members to determine a range of proposals that were put forward for consultation. That consultation ran for three weeks. As a result of that, changes were made. The process has now been finalised and the department is implementing its efficiency dividend in accordance with its enterprise agreements and in accordance with the requirements that this Assembly has placed on the department by way of its annual budget allocation.

Education—disability funding

MR COE: My question is to the Minister for Education and Training. Minister, the government intends to cut the post school options classroom teacher position with service to be provided by the House With No Steps and the Inclusion Support Centre. Minister, what role will the House With No Steps play in providing post-school options support to students with disabilities?

MR BARR: In fact, the government, through a more recent budget initiative, has in fact enhanced the support for post-school options for career transitions and has in fact placed additional staff in each secondary college in the ACT. Next year, when Gungahlin college opens, an additional position will be available there. Rather than delivering the services centrally, they have been delivered within each ACT college, where the students are. That is a more effective way to deliver the services.

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Yes, Mr Speaker. Minister, the inclusion support program supports teachers and staff. How will this directly support students with disabilities in their post-school options?

MR BARR: Through the range of services provided by the department, both in schools and supported through that central office team, a range of services are provided. There is also work in conjunction with the Department of Disability, Housing and Community Services, most particularly now looking at those post-school options because we recognise that staying in school for ever is not the best outcome for those students and it is important that there is a variety of support services available for them.

The question, of course, in terms of government service delivery, is whether that is most effectively delivered by the education department or through Disability ACT. It is important that there is seamless service delivery. And from the client's perspective it matters not whether it is the department of education or the department of disability that is providing the services. What the client wants is to ensure that those services are provided and what the taxpayer wants is to ensure that those services are provided efficiently.

MR SPEAKER: A supplementary, Mr Doszpot?

MR DOSZPOT: Thank you, Mr Speaker. Minister, what role will the House With No Steps play in providing these post-school options?

MR BARR: That is a matter that the department will negotiate with the House With No Steps. It is not a matter that I will be determining.

MR SPEAKER: A supplementary question, Mr Doszpot?

MR DOSZPOT: Yes, Mr Speaker. Minister, have you consulted the families that will be affected by this change in service delivery?

MR BARR: The government certainly has. I had the opportunity to meet with some parents over the weekend. I took the opportunity also to provide a further briefing for a number of associations in relation to the ongoing operation of support services by the Department of Education and Training. It is important to recognise that through the consultation process a variety of views were put forward and the government, through the Department of Education and Training, listened to those views. I think Mr Seselja read out a particular letter from a constituent imploring the government to consider that particular view. The government did. Outcomes have changed and that is a good thing.

Liquor licence fees

MRS DUNNE: My question is to the Attorney-General. The Office of Regulatory Services has today sent a generic letter to liquor licensees and permit holders advising them that the new fees and regulations are available for viewing on the Office of Regulatory Services website. I seek leave to table a copy of the letter from the Office of Regulatory Services.

Leave granted.

MRS DUNNE: I table the following paper:

Liquor fees and regulations—Copy of form letter to licensees/permit holders from the Commissioner for Fair Trading.

No fee schedule was attached to this letter. Apart from a general statement about the structure of the fees schedule, the letter provided no form of guide as to how the new fees would work, nor did it offer any assistance to licensees and permit holders should they require any. Attorney, given the radical changes your government has made to the ACT's liquor licensing laws and licence and permit fees, why was ORS less than helpful in the information that it provided to licensees and permit holders today?

MR CORBELL: I will need to review the substance of the letter that Mrs Dunne refers to. I have not seen a copy of that correspondence, and I will review that before providing further answers to her question.

MRS DUNNE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Attorney, what contingency plans does the government have to deal with any errors in the licensing renewal application process that may arise either from the licensees or through the bureaucracy so as not to jeopardise the continuity of businesses who currently hold licences?

MR CORBELL: My department has been working closely with the liquor licensees to advise them of the proposed changes that are outlined in the new liquor licensing legislation. In particular, my department has held a number of business information sessions and has written to all liquor licensees indicating to them that changes are occurring that will affect them in relation to their licence renewals or new applications.

Industry information sessions have been held. In addition, my department has been providing further advice to individual liquor licensees that are seeking further clarification and assistance. So I am confident that my department is doing everything it can to provide information to liquor licensees about their new obligations under the new legislation.

MR SMYTH: Mr Speaker, a supplementary question?

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Attorney, how do you expect licensees to comply with the renewal requirements when you could not get your act together sufficiently to make the fee schedule and regulations available when the principal act was debated in the Assembly and when you continue to make changes to the legislation?

MR CORBELL: It is normal to make regulations and other determinations after the legislation is passed. That is the case on this occasion also.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Attorney, how does your fee schedule compare with the New South Wales government's fee schedule for liquor licensing charges?

MR CORBELL: It is difficult to compare New South Wales and the ACT because New South Wales does not have a risk-based licensing scheme. The more appropriate comparison is with fee structures in place in Queensland and Victoria, the other two jurisdictions that do have a risk-based licensing regime. Whilst there are some differences between the schemes and the different payments required in Victoria and Queensland compared to the ACT, the fees are broadly comparable with other risk-based licensing regimes. A comparison with New South Wales is not a fair or reasonable comparison because they do not have a risk-based licensing approach.

Bushfires—preparation

MR HARGREAVES: My question is to the Minister for Police and Emergency Services. Minister, could you please inform the Assembly of the steps the government is taking to ensure that Canberrans are prepared for the upcoming bushfire season?

MR CORBELL: I thank Mr Hargreaves for the question. The ACT government is working to make sure that Canberrans are aware of their obligations and what steps they need to take to keep themselves and their families safe in the lead-up to the coming bushfire season. Even though we have been blessed with a great amount of rainfall during the spring period, and the city is looking very green and pretty damp at the moment, it is important to remind Canberrans that, with the return of summer and the hot, dry conditions, the increased grass growth, in particular, that we have seen around the city will dry out, and that will present new fire risks for our city, particularly if rainfall does ease off as we head over December and into January.

For that reason, the government has launched its new information campaign to remind Canberrans of the steps they need to take to keep themselves, their families and their homes safe during the bushfire season. This is focused on the key message of prepare, act, survive. It involves a range of advertisements through radio, print and television to remind Canberrans of what steps they can and should take to protect themselves and their families. Daily messages will include advice on how you can look at issues and risks in your garden; how a bushfire affects people; developing your bushfire survival plan; developing plans for you, your family and friends for your home; understanding the fire danger rating; what you do dependent on what the fire danger rating is; and bushfire alert levels and making sure that Canberrans understand what the bushfire alert levels mean.

This campaign is a comprehensive campaign. It is very important that we remind Canberrans that now is not the time to be complacent; now is not the time to think that everything is going to be all right for this bushfire season. We do face increased bushfire risk as the fuel loads around the territory dry up, particularly fast running grass fires where the opportunity to provide a warning could be very limited because of the particular risks that grass fires present.

For that reason, it is very important that Canberrans are well prepared. This is a joint responsibility on the part of the government and private citizens to make sure that they are well prepared. I would encourage all Canberrans to have regard to and heed the advice being sent out in the campaign over the next week and to take the opportunity to go to the ESA website, to look closely at the bushfire survival plan, to download a copy, to talk about it with your family and friends—to make sure you are well prepared for the coming bushfire season.

MR SPEAKER: A supplementary, Mr Hargreaves?

MR HARGREAVES: Minister, would you please advise the Assembly on the government's progress in implementing the 2009-10 and 2010-11 bushfire operational plans and their importance for fire preparedness in the ACT?

MR CORBELL: Yes. Significant progress has been made on implementing the bushfire operational plans for the territory, those that are the responsibility of Territory and Municipal Services as the land manager in the territory. I am very pleased to report to the Assembly that the key activity of fuel management for the 2009-2010 bushfire operational plan was identified as 99 per cent complete and there has been very positive feedback from both the ESA and the ACT Bushfire Council as to the adequacy of that fuel management progress.

Just to give an indication of the scope of the exercise, during that period there were 4,532 hectares of grazing undertaken, 3,423 hectares of prescribed burning, 465 hectares of physical removal and 6,506 hectares of slashing and mowing. In addition to these works, over 411 kilometres of fire trails across the ACT have received routine maintenance, 55 kilometres were upgraded to a higher standard and 14 kilometres of trails were constructed in the Namadgi national park.

In the 2010-11 plan, there are 49 prescribed burns identified, covering 4½ thousand hectares. In addition, there are 13 further burns that will be passed on to the Rural Fire Service and volunteer brigades, covering an additional 399 hectares. Many of these burns have not yet been able to be commenced because of the very green and wet conditions but it is planned that these will commence once those fuels dry out a little and a burn is able to be conducted this year.

We are undertaking a very significant amount of fuel management and hazard reduction. It is an important responsibility and obligation on the part of the territory to do so. I think, from those figures, you can see it is a very comprehensive task.

MR SPEAKER: Ms Porter, a supplementary?

MS PORTER: Thank you, Mr Speaker. Minister, how important is it that Canberrans prepare for the bushfire season?

MR CORBELL: It is very important that Canberrans themselves prepare for the bushfire season. We do not want people to be complacent. We know that a well-prepared home and garden in particular can significantly ameliorate the risk associated with fire approaching near a householder's property. That is why we are sending out this campaign over the next week, reminding Canberrans that now is a great time to do it. Things are still wet and green so do not leave it till the last minute. Do not leave it until you see flame or smell smoke. That is far too late. Be well prepared. Reduce the risk in your garden. Reduce the risk around your home and talk to your family about your bushfire survival plan so you are clear about what you will do in the event of a fire. That way you are in the best position to protect yourself and your family, and indeed your property.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Minister, in preparation for the fire season, when will the new Emergency Services headquarters at Fairbairn be officially opened and when will the communications centre be operational at Fairbairn?

Mr Hargreaves: On a point of order, Mr Speaker, the question and supplementaries were all about the bushfire season and bushfire preparedness. It has got nothing to do with the ESA and its headquarters.

MR SPEAKER: There is no point of order, Mr Hargreaves. The preparedness of the ESA is clearly a part of the general preparedness for the season.

MR CORBELL: In relation to the comcen, we are currently undertaking what is known as dual-site operations—that is, the comcen is operating at both Fairbairn and at Curtin on a dual-site basis so that we have redundancy as we make the transition to Curtin. That process will be ongoing until the ESA is satisfied that dual-site operations are no longer required, at which point we will switch solely to the new comcen at Curtin. In relation to an official opening, there has been some discussion about a date for an official opening, but that is yet to be finalised and will only be finalised when all elements of the ESA headquarters are operational.

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

Supplementary answers to questions without notice

Bimberi Youth Justice Centre—reoffenders

Canberra BusinessPoint—services

MS GALLAGHER: I have a couple of matters from question time. One is from question time last week, when I undertook to respond to Ms Bresnan around whether anyone under the age of 18 had exited an acute mental health facility to unsupported accommodation.

We have gone back over the past year and 11 consumers under the age of 18 have been admitted to an in-patient facility in the ACT. These did include the paediatric unit, the psychiatric services unit and ward 2N. Of those 11 consumers, none were homeless on admission and none were discharged into unsupported accommodation.

In relation to the Leader of the Opposition's question around BusinessPoint, I did find some information about that, which I think will help. The contract with Deloitte Growth Solutions did expire on 30 June. They have been contracted under a short-term contract to provide key aspects of the current service during the transition period.

A request for proposal was sent out for the contract. Eight proposals were received, two of which were for the delivery of module 1, which is intending early stage business support and module 2, for growth oriented business. Eight proposals were received. Two were received which were only around delivering module 1. Four short-listed tenderers have been interviewed on 22 June. Negotiations with the preferred tenderers—I do not think those have been made public—have commenced

and are expected to be completed by the end of October. The timetable points to the start of new arrangements in November 2010.

In relation to Mr Smyth's question, the current program was externally reviewed in late 2009. I am advised that it provided a generally positive picture of the current service and its use by the business community. However, it did highlight some potential areas of improvement, the need for greater collaboration with other service providers, options for more strategic use of online content and syndicated commonwealth information, greater stakeholder participation in the program governance, and a stronger emphasis on one-to-one services and mentoring support.

The review has not been made public as it contained extensive content from stakeholder interviews which was provided in confidence to the reviewers. However, we are able to provide a precis of the review if the shadow treasurer is interested. I take that nod as a yes.

Mr Smyth: Yes, please.

MS GALLAGHER: In relation to my answer around the superannuation question, it was the performance of the financial markets which had been performing strongly when the budget was being finalised but between mid-April and the end of the financial year the market corrected, resulting in a loss of gross earnings falling in the last six weeks of the financial year.

Energy—feed-in tariff

MR CORBELL: In question time last week, Mr Smyth asked me what is the cost for each tonne of greenhouse gas saving under the ACT government's feed-in tariff scheme. In response to the question, I can advise that fossil fuel based competitors to renewable energy enjoy a competitive advantage over renewable generation through both the exclusion of environmental remediation costs associated with their emissions and the fact that much of the monopoly infrastructure now in private hands was initially created from public moneys and transferred on advantageous terms.

Renewable energy generation in the territory offers advantages over and above simple emissions reductions. These benefits include increased diversity of supply. Total energy dependence on a single source makes the territory vulnerable to disruptions in the supply grid. Distributed energy reduces that risk.

With our alternative supply sources the territory will remain a price taker in the national market that is susceptible to volatile pricing movements. There is also the opportunity to grow new jobs as part of an emerging new clean economy. In relation to the costs per tonne of emissions averted, it is approximately \$390.

Papers

Mr Corbell presented the following papers:

Territory Records Amendment Bill 2010—Revised explanatory statement.

Civil Law (Wrongs) Act, pursuant to section 205—General reporting requirements of insurers.

Legislation Act, pursuant to section 64—Liquor Act—Liquor (Fees) Amendment Determination 2010 (No 1)—Disallowable Instrument DI2010-276, including its explanatory statement (LR, 25 October 2010).

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Building Act—Building (ACT Appendix to the Building Code—2010 edition) Determination 2010—Disallowable Instrument DI2010-263 (LR, 18 October 2010).

Electoral Act—Electoral Commission (Member) Appointment 2010—Disallowable Instrument DI2010-271 (LR, 15 October 2010).

Health Practitioner Regulation National Law (ACT) Act—Health Practitioner Regulation National Law (ACT) (Transitional Provisions) Regulation 2010 (No 2)—Subordinate Law SL2010-39 (LR, 11 October 2010).

Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission (Investigation into the ACT Racing Industry) Terms of Reference Determination 2010 (No 1)—Disallowable Instrument DI2010-269 (LR, 18 October 2010).

Surveyors Act—Surveyors (Surveyor-General) Practice Directions 2010 (No 2)—Disallowable Instrument DI2010-267 (LR, 5 October 2010).

Utilities Act—Utilities (Electricity Feed-in Code) Determination 2010 (No 1)—Disallowable Instrument DI2010-268 (LR, 14 October 2010).

Defence—veterans

Discussion of matter of public importance

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

The importance of Defence Force veterans to the ACT community.

MR COE (Ginninderra) (3.13): Our Defence Force veterans do play a very important role across the ACT community. It really is a pleasure to stand here today in this place to put on the record the opposition's support for veterans and the sterling role they have played in their professional life and their role that they continue to play post retirement, post service in the community.

Of course, the ACT opposition recognises quite formally the role that veterans play in our community. That is evidenced by the fact that we do have a shadow minister for veterans' affairs. We put on the record that we believe this is a very important part of our community. It is a part of our community that we think deserves the attention and deserves the respect that having an appropriate shadow minister does indeed give.

I would like also to put on the record my thanks for the great work that Jeremy Hanson is doing as the shadow minister for veterans' affairs. He is, of course, a veteran of conflicts himself and he has served Australia in the Army for a number of years. He, of course, has a great insight into the role that veterans play and also the needs that they have post retirement in living in and around the ACT.

As many of you would know, prior to my being elected to this place I was actually the national research adviser at the national headquarters of the Returned and Services League of Australia. The RSL is an organisation I have tremendous respect for and one that I was truly honoured to work for for a period of time. As I have done in this place before, and as I inevitably will do again, I would like to put on the record my support for the national secretary of the RSL, Mr Derek Robson AM, and also the then national president of the RSL, Major-General Bill Crews AO. While I was at the RSL, I took a great deal of experience from them. I am very grateful for the opportunities that they gave me whilst I was there.

The motto of the RSL is "the price of liberty is eternal vigilance". This is something that is as true today as it was back in 1916 when the RSL was formed. We do have to be vigilant that we are doing the right thing in conflicts but also in supporting those post conflict as well.

I believe that all Australia, including the federal government and each of the territory and state governments, do have a contract with service men and women that we should be fulfilling post retirement. When we talk about benefits and we talk about entitlements for our ex-service men and women, let us be very clear about the fact that they went into a contract with our country. It is our country's responsibility to honour that contract and to give what is rightfully theirs through entitlements, through protection and through ongoing benefits in exchange for the wonderful contribution that they have made to our country.

They put their lives on the line and they put their family's lives on the line as well to make Australia the country it is. To that end, we as the Australian Capital Territory Assembly but also parliaments across Australia need to make sure we have the right legislative environment in place and also the right culture in place to be able to deliver these services.

There are many organisations in the ACT which support the veteran community and different communities within the ACT. They are all in the kindred organisation committee of veteran affairs. I will read into *Hansard* the list of those organisations. They are the Australian Army training team in Vietnam, the ACT Returned and Services League, ACT Totally and Permanently Incapacitated Association, the ACT Totally and Permanently Incapacitated Wives Association, Defence Force Welfare Association, the Korea and South-East Asia Forces Association, Legacy, the National Servicemen and Combined Force Association, the Naval Association of Australia (ACT section), Partners and Veterans Association, the ACT Royal Australian Air Force Association, the Royal Navy Association, the Veterans Assistance and Advisory Office, the Vietnam Veterans Association, Vietnam Veterans Federation, the War Widows Guild and the Women's Royal Australian Naval Service Association ACT.

Those organisations all play a different role but there is also much that does actually unite them. What does unite them is the fact that they are all in support of the men and women that have served Australia and their families so very well. These organisations often run on a shoestring budget. They run, by and large, on the back of volunteers and they do so extremely well.

These people were extremely selfless in service and they are extremely selfless post service as well. I think that when you meet men and women from these organisations and you actually deal with them in a professional or in a social capacity, you realise just how much sense of duty they actually have. You realise just how committed they are to our community and how committed they are to seeing Australia continue to be a prosperous country that enjoys freedom.

A couple of organisations that I want to make particular mention of, as I have done before in this place, are some sub-branches of the RSL. They are based in my electorate of Ginninderra. They are the Belconnen sub-branch, which is ably led by its president, Air Vice Marshal Mac Weller AM, and secretary, Mr Dennis Wilkes. I also mention the Gungahlin sub-branch, which is to the north of my electorate, including the suburb of Nicholls, of course. That is ably led by its president, Mrs Christine Coulthard OAM, with the secretary being Rod Bennett. Both of those sub-branches are particularly active, I am very well aware, and they do some superb work.

I would also like to put on the record my commendation of the work done by the Vietnam Veterans Association and Vietnam Veterans Federation ACT. They have got their headquarters in Page. They do some superb work with a group of service men and women that were so very poorly treated by this country for such a long time.

I think that what so many Vietnam veterans had to endure post-service is a national disgrace. I am glad that successive Australian governments have sought to rectify this. There is, of course, still a lot of damage that has been done as a result of that treatment but I am glad that organisations such as the Vietnam veterans and veterans federation are able to provide that much necessary support to the veterans and to their families. They have got their headquarters in Page in the ACT in my electorate of Ginninderra. They do some fantastic work out of that office.

It is important to note that the role of a serviceman or a servicewoman is not one that people enter lightly. It is one that truly is a life changing experience. I certainly did see that in my time working at the RSL. It is no surprise that after service, after retirement, that same commitment to serving our country remains. The role that retired personnel play across our community is really quite amazing. They certainly do punch above their weight. I would think that they are very well represented—in fact, probably over-represented—in the many charities and community groups that we have across Canberra, whether it be Rotary, Lions, Apex or church communities.

Regardless of the community group, it is so often the case that it is veterans who have that underlying commitment to service and commitment to making Australia a better place. They actually carry out very prominent roles in these organisations. Again, it is

a significant sacrifice that they make but one that I think Australia should be very grateful for in terms of their ongoing commitment to our community.

There are also tangible things that the ACT can do to support veterans. In addition to making sure that we accurately record and teach the history of our conflicts and our times of peace, we also need to make sure that we are supporting our veterans on a lot of tangible things such as health care, access to transport, housing support, counselling services—whatever it may be.

Australia does have a fantastic repatriation system. That does not mean that there is not still work to be done and it does not mean that we can relax. As I said at the beginning of my speech, the price of liberty is eternal vigilance. We in the ACT must remain vigilant to ensure that the needs of veterans are ably met by all government agencies and also by the broader community as well. We need to make sure that the ACT community does foster a culture whereby we are truly grateful to those that have served our country through the armed services and through supporting men and women in the armed forces, especially the families.

I do very much believe that Defence Force veterans play a very important role in the ACT community and I am very pleased to be able to acknowledge that fact here today.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (3.24): I would like to thank Mr Coe for raising this matter of public importance and also acknowledge his success in getting the matter of public importance today—an usual victory for you, Mr Coe.

This government recognises the contribution made by our veterans. They and their families have placed the wellbeing of this nation ahead of their own, and for this we, as a nation and as a community, express our gratitude.

While the ACT has some very important initiatives in place for veterans, it is important to keep in mind that the responsibility for veterans matters rests with the commonwealth. Many of our veterans are in need of, and are entitled to, support; and the commonwealth is able to offer coordinated support for veterans and their dependants. The mission of the Department of Veterans' Affairs is to support those who serve or have served in defence of our nation and commemorate their service and sacrifice.

The Department of Veterans' Affairs administers nearly half a billion dollars worth of payments every year for Australian veterans and has a departmental staffing of over 2,000 staff located across Australia. They take a holistic approach to the care of veterans and their families. This involves not only medical care and pensions but also education, compensation, mental health services, support services and memorials and commemorations.

Their clients include veterans, war widows and widowers, serving members and former Defence Force members and their families and eligible members of the Australian Federal Police who have served overseas. DVA will continue to deliver services to the ex-service community while implementing the government's commitments and initiatives.

Given the importance of veterans matters to this government, the Chief Minister takes primary carriage of the oversight of matters relating to veterans. In the current Chief Minister's term, he has been honoured to take part in a number of significant ACT initiatives that recognise our veterans and their importance to the ACT community.

The battle of Lone Pine was launched by the 1st Brigade AIF on 6 August 1915. It lasted for four days and resulted in more than 2,000 Australian and more than 5,000 Turkish casualties. Seven Australians were awarded the Victoria Cross for their deeds over the course of those four bloody days. It has a very important place in Australian military history.

In recognition of this, on 4 September 2008, on the 93rd anniversary of the battle of Lone Pine ridge at Gallipoli, a most significant planting was held at the arboretum. Attended by the Chief Minister and the Prime Minister, as well as the Turkish ambassador and the President of the RSL, 17 Lone Pine seedlings donated by the Turkish embassy were planted at the arboretum. They were grown from seed of the commemorative "Lone Pine" planted in 1934 at the Australian War Memorial. The planting of these trees recognised the contribution made by these heroes of our past and they will have their own track worn to their base by Australians who want to stand there and reflect for a moment on what occurred so long ago in another place. They will be a lasting tribute to our veterans' sacrifice. The ACT is proud to recognise our veterans in such a tangible way.

In a little over two weeks, the Chief Minister will be hosting another event at the Canberra International Arboretum. On 12 November, the Chief Minister, along with members of the RSL and kindred organisations, will meet at the arboretum to participate in the planting of a forest of Lone Pine trees. This is planned to be located close to the initial ceremonial site of the Lone Pine plantings and is expected to involve the planting of over 200 trees, again a fitting tribute to our nation's veterans.

On 10 August 2006, the ACT Chief Minister dedicated the ACT memorial as a place for contemplation, reflection, awareness, commemoration, gatherings and ceremony. The ACT memorial honours men and women who have had association with the ACT and who served in conflicts, peace-making missions and related service throughout the world, some of whom made the supreme sacrifice.

The memorial has two parts: the physical memorial, located opposite Civic Square on London Circuit, and the ACT memorial website, containing the database of names and information about people honoured by the memorial. The ACT memorial was designed by Canberra artist Matthew Harding, incorporating representations of the world and the overarching goal of peace, and provides a quiet place for remembrance and contemplation. In dedicating the ACT memorial, the Chief Minister, Jon Stanhope, said:

... the ACT Memorial, commissioned by the Government, redressed a long neglect.

While the national capital is a city replete with memorials, there has never been a memorial to those of our fellow Canberrans who have served and sacrificed so much for their country and their community ...

Just last month, the Chief Minister unveiled 18 new plaques at the ACT honour walk located near the ACT memorial. Among those honoured was war veteran Corporal Ernest Albert Corey. Corporal Corey holds the distinction of being the only soldier from the former British Empire to be awarded the military medal with three bars for acts of great bravery as a stretcher bearer during World War I. He is remembered for his gallantry, courage and skill. On returning in 1919, Corporal Corey moved to Canberra and worked in a number of jobs helping to develop the nation's fledgling capital. Corey fought in World War II with the 2nd Garrison Battalion. He was buried with full military honours in the Woden cemetery in 1972. Corey Place in the suburb of Gowrie is named after him.

In fact, the ACT has a great number of street names which honour Canberra's armed services personnel. You can have a look at ACTPLA's website, which lists the street names of the ACT. A search this morning provided a total of 209 streets or places that are named in honour of Canberra's armed services.

On 16 March 2007, the Chief Minister dedicated the first memorial to officially recognise the service of Canberra's naval veterans. The anchor memorial is located in Eddison Park, Woden. The ACT government contributed \$5,000 towards the anchor memorial. Speaking at the unveiling of the anchor memorial ceremony, the Chief Minister said:

... the memorial honours the men and women of Canberra and the surrounding region who have served in the Australian Navy.

In 2005, the government joined with the Department of Veterans' Affairs and the Australian Defence Force to present three days of commemorative events in Canberra to mark the 60th anniversary of the end of World War II in the Pacific. We allocated \$100,000 in the budget to support the commemoration. Highlights included a reception at Parliament House, an air show over Lake Burley Griffin and a commemorative service at the Australian War Memorial on VP Day, Monday, 15 August. The government was pleased to support the staging of the salute to veterans on Sunday, 14 August, featuring displays in the air and on the water by the Air Force, Army and Navy, at which World War II veterans were guests of honour.

In my own portfolio, the Canberra Hospital, our major tertiary public hospital, has a dedicated veterans liaison officer to help veterans, ex-service men and women, war widows and their families when they attend the hospital. The officer is employed to assist with a wide range of specialist services, and provides liaison with the Department of Veterans' Affairs and the commonwealth if it is needed. The Canberra Hospital has a veterans lounge for the exclusive use of veterans. The lounge, which is wheelchair accessible, offers veterans a television and video system, a selection of daily newspapers, a small library, a phone for local calls, a computer with access to the internet and tea and coffee-making facilities.

Every year at the Canberra Hospital, staff and patients remember Anzac Day—I have been lucky to attend that ceremony over the years—with a service at the veterans garden located just outside the veterans lounge. Each year, the Anzac commemoration

is organised by the Woden Valley RSL and a group of Vietnam Veterans Federation members called the Dark and Stormies. This commemoration allows hospital veterans to commemorate the special day, and is always followed by fantastic Anzac cookies made by the women's auxiliary.

In conclusion, this government value and recognise the contribution made by veterans to the community. I have outlined a few of the initiatives where we have sought to appropriately recognise them in a very public way. We are committed to working with the commonwealth to ensure that Canberra's veterans receive all the support and recognition so deserving of these honoured members of our community. I again thank Mr Coe for bringing this matter of public importance to the Assembly today.

MS LE COUTEUR (Molonglo) (3.33): I rise to speak very briefly about a particular group of veterans which I particularly identify with. Of course, given my age, it is Vietnam veterans. My colleague Ms Bresnan will also speak about veterans issues more broadly.

Vietnam was the war of my generation. I was in the moratorium marches. My point is that it was a very important symbolic and defining war for the generation that I am part of. Whatever side you were on at the time, the point is that that was where the young men of my generation went. A lot of them did not go there willingly; there was conscription in those days. But they all came home after what could only be described as very traumatic experiences—I will not go through those—and they all came home affected. It was particularly affecting, given the controversy about the war, that when they came home they were not welcomed back to Australia in many cases.

I think that we have reached the stage now where we may or may not agree about whether the Vietnam War was a good thing but we can all agree that the Vietnam vets were people who now deserve our support 100 or 150 per cent. That is what the Vietnam vets association is doing. Because my parents live in Ginninderra nursing home, next to their premises, I go past them every week. I have had the pleasure of having lunch with them, and they are a great organisation. As I said, they are my age. They are supporting the men my age. They are supporting their partners—quite a number of my friends' partners are supported by Vietnam vets—and they are supporting their whole families.

It is a really great place to go. It has got a really good garden. People who have not had the privilege of visiting it will not appreciate it, because you see the tin sheds from the outside, but if you do get a chance to have lunch there, I strongly suggest that you do. It is a good lunch, and it is a great garden. When you go in, you will find that they have got lots of facilities. They have got a really well-equipped carpentry workshop, which my father would have given his eyeteeth for when he was younger. They have got a metalworking workshop, again something that my father would have given his eyeteeth for. They have even got a decent kitchen—a more than decent kitchen. And they are planning to become more environmentally sustainable. They are putting in water tanks and, if they can get funding from the government, they will be putting in some PVs.

Apart from what they do in the facilities there, one of the most important things they do is advocacy for the Vietnam vets—advocacy with the veterans' affairs department in particular, but also advocacy with Centrelink and other agencies. As well as the issues they have as a result of being Vietnam vets, they are all reaching a stage where they are getting a bit older and some of them are needing greater or lesser amounts of support.

In conclusion, I would say that, while one of the Greens' principles is non-violence, and I and many people have issues about war in general; we all have an obligation to support the people who have been involved in it in support of Australia upon their return. As Mr Coe mentioned, there is a large list of organisations which are playing an important part in the community in supporting our vets. I particularly mention the Vietnam vets. As I said, in terms of veterans, they are my lot of veterans, you could say. But they all are a very important part of our community, and it is really good that there are so many community associations that they are part of and that support them and us.

MR HANSON (Molonglo) (3.38): I would like to thank Mr Coe for bringing this important matter before the Assembly today, and I also thank Ms Gallagher and Ms Le Couteur for their words; I think they are good ones. It is important that we recognise the role of veterans in our community for many reasons, not the least of which is the significant proportion of veterans that we have here in the ACT compared to any other state or territory. We have the biggest proportion per capita of veterans here as part of our community. There are about 5,000 serving Defence Force members here in Canberra, and the estimates I have is that there are about 13,000 ex-service personnel here. Of course, you have to add to that their families. So a significant number of veterans are here, and they are a big part of our community. They do play a big role—I am sure the Treasurer would appreciate this—simply in economic terms when it comes to serving soldiers, but also the veterans play a big role in every element of our community. They are there in the fabric of our community.

It is important to recognise the unique role that veterans play, and I was reminded of this just on the weekend when I attended the 60th anniversary of the commencement of hostilities in Korea. Korea is described as the forgotten war. It was a war in which almost 350 soldiers, sailors and airmen were killed. The majority were from the Army and from the 3rd Battalion, the Royal Australian Regiment, my old battalion. It was a pretty horrific war. It was fought in very difficult conditions, often freezing cold, against a determined and, in some cases, overwhelming adversary. It was great to be out there on the weekend and meet some of the veterans and hear their stories and see some of the veterans' organisations there. In this case it was the Korea and South East Asia Forces Association of Australia, with people like Jan Properjohn, Barry Morgan, Colin Khan and Christine Coultard out there supporting our veterans.

I got to meet Keith Paine VC, who won his VC in Vietnam. He is well known for that, but he also served in Korea. I heard some amazing stories. There was an ex-Army infantryman—either infantry or signals—who was a motorbike despatch rider and who laid a wreath. He had actually been shot off his motorbike in the battle of

Kapyong, and then was captured by the Chinese and held as a prisoner of war. There was an ex-fighter pilot there who laid a wreath and who had led and been part of the first mission into North Korea as part of 77 Squadron. There was an amazing array of veterans, and it was great to see the community support for them.

Of course, we have Remembrance Day coming up next month when we will see all the organisations out there, and it will be an opportunity for us to purchase poppies and remember. That dates back to wars many years ago, but we should also bear in mind that there are many members of our community and their families and their friends right here and right now who are involved in struggles that are occurring in Afghanistan. We have now had 21 deaths in that conflict. This year 56 soldiers have been wounded, and it is 156 wounded to date. In fact, there were four wounded last week from the special forces task group—that was only announced yesterday—including three who were shot. I would like to mention that a good friend of mine was shot in 2007. Thankfully he was only wounded, but it is the sort of measure of the men and women that we have got over there that, although he was shot, he remained on duty and completed a four-month tour. It was the first patrol that he went out on that he was shot on, and he recovered in the field of operations and continued on with his tour.

While we are talking about Afghanistan, I would like to commend the contributions made in the federal parliament by the members there, in particular, led by the Prime Minister and the Leader of the Opposition. I have read both their speeches; they are both very good speeches. Many others also stood up to recognise the role that our armed services are playing in the important conflict in Afghanistan.

Some of the issues affecting veterans—there are no World War I veterans left, but there are World War II veterans and those through to the current day—include issues of physical harm that they have experienced and disability but also the mental anguish. There are many people that are coming back from conflicts—I think Vietnam is probably the conflict we recall most when this issue comes to mind, but it is equally relevant for those who have served in more recent conflicts, as well as World War II—with some terrible mental trauma.

A lot of our veterans are obviously ageing. Many of our World War II veterans are well into their 90s, and our Vietnam veterans are also getting on in years. There was a motion that was discussed in this place last year that was brought before the house about pensions of our Defence Force members. It is an important point to make that our service personnel do not have their pensions indexed in the same way that politicians or other members of the community do. So the DFRDB is linked to CPI. I know that Ms Bresnan made some comment about that, and I was a bit disappointed, I have to say, that the Greens did not take that on as an issue during the federal campaign. I will continue to urge all members to advocate their federal colleagues to make sure that our Defence Force veterans do not face inequality. Many of them are just on a single income and have been seeing their income in real terms diminish over the years.

As Mr Coe said, there are many organisations in the ACT who are doing an amazing amount of work. He named a few, and I will just make sure I go through the list as

well—the Defence Widows Support Group, National Servicemen’s Association of the ACT—I would just like to recognise the president, Bob Hand, and the secretary, Bob Fletcher, whom I have met a number of times—Canberra Ex-Service Women’s Association, ACT TPI Wives Association, RAAF Association—I recognise Peter McDermott—Naval Association of Australia—I recognise Peter Cooke Russell—Royal Australian Signals Association, Royal Australian Regiment Association, of which I am a member—I would like to recognise Fred Pfitzner—Australian Army Training Team Vietnam Association who allow me to march with them on Anzac Day—I would like to recognise their president, John Jackson, and a couple of their members Ian Gollings and Simon Header—WRANS Association ACT—Keryn Northrope, and we were out at her memorial the previous weekend—HMAS Sydney, Escorts and Vietnam Logistic Support Veterans Association—I thank them for allowing me to attend one of their meetings—Legacy, of which I am a member, the RSL—I am a member of the Woden Valley sub-branch—Australian Federation of Totally and Permanently Incapacitated Ex Servicemen and Women, Defence Force Welfare Association—I note their president, David Jamison, and also their executive director, Les Bierkiewicz, who I see quite regularly—Malaya and Borneo Veterans Association of Australia, War Widows Guild of Australia, Kindred Organisations Committee—Pat McCabe I would like to especially acknowledge—Vietnam Veterans Association of Australia—Pete Ryan, I know, is a tireless advocate for veterans’ rights—and also the Vietnam Veterans Federation Association of Australia, which has been mentioned by Mr Coe, and also by Ms Le Couteur. Certainly it is worth going for a visit out there to Page to see what they are doing there on behalf of veterans. It is a fantastic facility, and the comradeship is remarkable. I recommend if you are going that you go on the ladies’ Tuesday, where they will cook you lunch. I assure you that it is a pretty good feed, and they will insist that you have a taste of everything—dessert as well—which I did, and went back for seconds.

Mr Coe: Your sense of duty.

MR HANSON: Yes, as a sense of duty, Mr Coe, indeed. But all of the organisations—Legacy, RSL and so on—are doing an amazing job for our veterans. I think it is great that we can take the time in the Assembly here to recognise the unique nature of military service and what we are doing.

I recognise that the government are taking some initiatives towards supporting veterans in the community. I acknowledge those, but I think that it is appropriate that we have a minister for veterans’ affairs. We have ministers for other groups in our community—for example, women and multicultural affairs. They are the sorts of groups that we can look at and ask why we do not have a minister for veterans’ affairs. I certainly think it is appropriate that the government actually come to the table on this one. There has certainly been a call from members of the community for it, including some sections of the RSL.

MR HARGREAVES (Brindabella) (3.48): I wanted to address a couple of different facets of this MPI. I thank Mr Coe very much for putting it into the Assembly, and I want to also thank colleagues for the sentiments that they have expressed. To have a healthy society, it has to have its heroes, and its heroes are not just people who have done well in their chosen profession; they are the people who have actually put out an

incredible sacrifice. What greater sacrifice can you ask of someone than that they lay down their lives for their brothers? There is nothing, in my view, more significant than that sacrifice.

Each and every person who dons the uniform of this country walks in the company of those heroes and they walk in the footsteps of those heroes. People who have either never been in the services or have come out of the services ought to reflect that we now walk in the footsteps of those people. They, for me, are giants.

Mr Coe and Mr Hanson spoke quite eloquently about the contribution of returned servicemen, but we also need to recognise that there are some people who are not returned servicemen but who also put themselves forward to do that sort of role. Many people who join the armed forces are quite prepared to go overseas and fight if necessary, if that is what the people of the country want, and, fortuitously for them, they have not been called upon to do it. That does not mean to say that their families have not gone through the horrors because of the expectation that they may go. The saying “they also serve who only stand and wait” applies to the soldiers who are prepared to go but do not and also to their families who are terrified, particularly, I know, mothers. I will come to that a little bit later.

When we talk about the returned servicemen that my colleagues have spoken about, we need to remember, and we do remember, the contribution that they make to the life of not only Canberra but Australia. We recognise that and we respect it and we honour it, but not in all conflicts. We respect the Anzac tradition; we respect the efforts during World War II and the Korean War. I am not so sure we are real good at it with the Iraq war and the Afghan theatre. I am not so sure we have done it in other theatres which do not really necessarily have a massive war hue about them, like Timor and the Solomons and some of those smaller conflicts in the grand scheme of things. I am not so sure with the Vietnam War—the American War, as the Vietnamese call it—whether we particularly have as a society come to grips with that properly yet.

I know I still bear a lot of the scars from that particular era. There are many, many returned servicemen from that conflict who remember the antipathy. We do not necessarily praise and honour and respect them. Mr Coe made the point that we are moving rapidly towards that, and I congratulate him for bringing that on. I do not think we are moving quickly enough. I think we should get there. We should be respecting them. We should be honouring them. We should not blame our servicemen for political decisions taken by the government of the day. We should be saying to them, “Thank God you’re doing what you do, because if you don’t do it, I’m going to have to do it.” Most of the people I know would not put themselves in those people’s shoes.

In terms of those others, we need to recognise that this country has people who were engaged in the theatre not only in New Guinea and that sort of thing during the war, but what about those people in Darwin and Broome and Rockhampton and Newcastle? All were visited by enemy aircraft. Some lost their lives on Australian soil no less, and so we need to remember those people. I would like to add my voice to the list of organisations that Mr Coe and Mr Hanson read out: National Servicemen and Combined Forces Association, which is fairly new and of which I am a member.

I would also like to underscore the Vietnam vets' work at Page, but there is one part of their work that people forget. They are not just about being a club house. The thing that scares them the most is the rate of suicide amongst their colleagues who still bear the internal scars of that conflict. They still bear the scars of being spat on when they came back. These people are doing something actively about it by giving peer support. When I talked earlier on about giants, these are the people I was talking about.

I have been in the Army twice. I got to be a corporal twice, and we will not go into those details because there are some interesting stories about that. But when I went into the national service, I was not conscripted. As I have said jokingly before, I could not even win the national service lottery. I volunteered to serve for two years, because I believed in the government of the day. I believed that it was incumbent upon us young people to try to put ourselves between an enemy and the people of this country. Did I get that conflict wrong! I got that conflict wrong so badly that I bore the scars of it and the antipathy and the abuse almost bordering on hatred. I bore that for many, many years.

As an Air Force kid, I used to sit and watch Anzac Day parades all of my life, but not after I got out of the Army. I could not face it, and I could not face it for nearly 30 years. I could not face Remembrance Day for 30 years. I still have difficulty today. That is because people blamed our soldiers for discharging their duty instead of blaming the politicians that sent them into the theatre in the first place and should not have done it. We need to be able to recognise these people so that they can banish their demons, so we can help them with their guilt.

Something happened to me which I want to share with you, which does not help. I got a couple of medals. I do not have anything anywhere near as appropriate as Mr Hanson does, but I got a couple. I very rarely bring them out. I think they have been out of the cupboard only twice or three times max in my life. I wore some miniatures once to a particular formal function in the Great Hall at Parliament House, and a chap came up to me who had nothing but a suit on and said, "Which weeties packet did you get them out of?" That did not help, I can tell you. I did not feel like bringing them out of the cupboard again for a long, long time. I thought, "How ignorant are you, sunshine?" But I did not say it, I just copped it. I have to tell you, colleagues, that I am not known for my patience and I am not known for taking it, but I did.

We need to be very careful about how we deal with these sorts of things. Out of my platoon of 44, the reunion is down to 35. A couple of people have died of cancer, but a couple of people we left behind. They went to Vietnam and did not come back. When we look into the faces of their families, you just weep. You look into the faces of their kids, and all they have got, instead of a father, is some medals and a discharge certificate. Well, we need to be a little bit better than that.

Members will know the old adage that if we do not recall or learn from the past then we have got no future. We need to learn from the past. We need to make sure that we do not do to the troops in the Middle East when they come back what we did to the troops in Vietnam. Whether we agree with the conflict or not—I would suggest that

probably most of us here disagree with the conflict; I certainly do—I actually feel for those soldiers and I respect them. In conclusion, I count myself very lucky to have worn the same uniform as they are wearing, and I count myself very, very lucky to walk in their shadow.

MS BRESNAN (Brindabella) (3.57): I would like to thank Mr Coe for bringing forward this matter of public importance today. It is an issue of importance for all the community and I acknowledge the words Mr Coe and the other speakers have used regarding the importance of providing support to our returned service men and women. I believe it is a duty, not just a need, that we have as a community. Again, coining the words of other speakers, I would like to acknowledge the work of the range of organisations that support service men and women and their families, including organisations such as Legacy and RSL.

Veterans of Australia's armed forces deserve recognition for their contributions to the community, and one of the most important ways in which we can show our gratitude for this service and acknowledge the contribution to the community is by providing adequate income support. As Mr Hanson has already discussed, because of the way in which the federal government indexes their pensions, veterans are being left behind in the spending power of their retirement income. Because the pensions do not keep pace with inflation, they may experience real economic hardship. And this does not reflect the debt we owe to those who make a significant contribution through our armed forces. Indexing superannuation to the CPI does not adequately maintain the real buying power of Defence Force pensions. A more appropriate measure would be to link pensions to a measurement of wages.

It has also been suggested that an independent tribunal could be appointed to determine increases in all welfare allowances. Such a tribunal already exists to decide the salaries of federal politicians. So we do need to ask why 1.2 million pensioners, including veterans, do not receive the same treatment. The Greens senators have been lobbying on this issue for several years now, not just through the last election campaign where they did bring that up as an issue. It is something they have been campaigning for for several years now. The ACT Greens very much support them in their efforts on this issue.

As has already been discussed, obviously ex-service men and women have significant needs regarding their health and disability services. The requirements of those veterans who served from the mid to the late 1900s are well documented, as there has been some time now in terms of looking at the symptoms of illness and disability as they become evident. But many of us also have seen the effects of those wars of the 20th century on our grandparents and parents as they dealt with the trauma and sometimes locked away that trauma that came with that and started new lives.

However, years later trauma, particularly trauma which has not been treated or acknowledged, can cause great conflicts in families as people try to find a way to deal with the delayed and ongoing pain. The impact of this trauma can sometimes be felt for generations. I think most of us would have a relative or a family member or know someone who has served in a conflict, and I think we do see the impact it has on people's lives.

Like other speakers today, I would like to praise the work of the local veterans associations that provide forums for individuals suffering particularly from post-traumatic stress disorder. Two such forums are the Vietnam Veterans and Veterans Federation ACT and Picking up the Pieces, a community group committed to a national campaign to raise awareness about the signs and symptoms of post-traumatic stress disorder.

If we look at veterans who have served recently, we are only just starting to see the symptoms of illness and disability, and already there is quite significant data to raise concern about their wellbeing. For example, from 2007-08 to 2008-09, there was an increase of 280 per cent in the costs of caring for injured Australian veterans that have served in Afghanistan and Iraq. Forty-five per cent of cases related to mental illness and 40 per cent to hearing loss. Studies conducted in the US have also shown that one in five returned personnel who were deployed in Iraq returned with post-traumatic stress disorder. I think they are quite concerning statistics that we need to consider also for the ACT.

In the last federal government estimates process, Greens Senator Scott Ludlum asked about mental health services provided to current defence personnel. Transcripts from those hearings show that the federal government has had to increase its spending in this area by about \$20 million a year. In the ACT, I understand we will have additional psychologists—two, to be exact—with potentially an increase in the number of mental health nurses in the near future. The ADF are also employing eight more drug and alcohol coordinators who will engage in outreach programs across Australia.

We have talked about, obviously, the contributions of soldiers to the various conflicts over recent years, but Australia has also obviously, as we know, had significant peacekeeping forces and contributions in fields with the United Nations for over 50 years. In Indonesia in 1947, Australians were part of the very first group of UN military observers anywhere in the world and were, in fact, the first into the field.

In the early years, Australia's peacekeepers were generally unarmed military observers promoting peace indirectly through monitoring roles. The Australian Defence Force has played and will obviously continue to play an important role through these various measures.

Mr Hargreaves did speak about the current conflict in Afghanistan and did mention that, regardless of what the political views are or support for that war, everyone supports what our troops are doing in terms of being sent into that conflict and having to perform their duties. I would like to read out the words of Bob Brown in his speech last week in the federal parliament where there has been the debate on Afghanistan. His words were:

Regardless of political allegiance, this body politic gives the Australians in Afghanistan our thanks and our congratulations for their service at the behest of the government and in the cause of the nation.

While the question we should be looking at in relation to the debate that is happening nationally is whether continuing to have a presence in that conflict is in our nation's interest and, indeed, those of our armed forces and service men and women, given the current situation, including the current political situation, I think it is important that we do have that debate in the public forum.

I would also support Mr Coe's words and those of the other speakers, indeed, that we do need to support returned veterans through a range of services. That includes health and housing. Australia does have a strong support system for our veterans through the Department of Veterans' Affairs, and this has been carried on by successive governments over a number of years.

I believe that we will see an ongoing, potentially increased need for the department's services following the conflicts in Iraq and Afghanistan and we will need to ensure that, when we send our service men and women to such conflicts, we then have the services to support them when they return, including the likely complex health and other consequences that they are going to have, and that we as a community are going to have to deal with this due to those conflicts we have sent them into.

MR SESELJA (Molonglo—Leader of the Opposition) (4.05): I would like to spend a few minutes adding my words of thanks to our veterans community, not just in the ACT obviously, but right around the nation. I think it is worth pointing out, particularly, Mr Hanson's service to our nation for many years, his distinguished service and what he brings to the role of shadow veterans' affairs minister. I think that he brings an amazing amount of credibility to that role and has taken to that task with relish and has worked with many different veterans groups to understand their needs and to try to get the support that they deserve and that we certainly believe that they deserve. I would like to say well done to Jeremy.

I would also like to quickly pay tribute to a couple of others who have not been mentioned. They probably do not get mentioned very much in these forums. Obviously, there are a whole range of organisations that have been touched on by my colleagues but I would like to pay a tribute to Neil James, who I think does an amazing advocacy role for the Australian Defence Association. He is the one who is often advocating on behalf of our diggers—he is constantly in the media—in a very reasoned way, a very reasonable way, a very non-partisan way in terms of politics. He will be critical where he needs to be critical and he will praise where he needs to praise. So I have got the highest regard for his professionalism and for his integrity. I would like to congratulate him on the work that he does.

There is also a lesser known group who I have had a little bit to do with, the Vietnam Veterans Motorcycle Club. They are an outstanding group of individuals. They always make everyone feel very welcome. Their events are always a lot of fun, and they do a fantastic job in bringing together not just the Vietnam vets who have that passion for motorbikes but also a younger generation who have joined that club as well. They provide a real support for a lot of defence families. They do some wonderful charitable work. Recently they ran a raffle and they handed over, I think it was, around \$41,000 just as a result of the efforts of the Vietnam Veterans Motorcycle

Club. That \$41,000 was for the MS Society. It was outstanding to see what a great job they had done in selling those raffle tickets, and it was truly appreciated by MS. So to Dimplex, aka Ron Sheargold, and some of the other crew such as Dusty and others, well done on the work that they do. I would like to put on record my thanks to them for the way that they always make me feel welcome and feel part of their club, even though I am not a motorcycle rider.

MADAM ASSISTANT SPEAKER (Mrs Dunne): The discussion of the matter of public importance is concluded.

Climate Change and Greenhouse Gas Reduction Bill 2010

[Cognate bill:

Climate Change (Greenhouse Gas Emission Targets) Bill 2008 (No 2)]

Part 5 (incorporating clause 20).

Debate resumed.

Part 5, as amended, agreed to.

Proposed new clause 20B.

MR RATTENBURY (Molonglo) (4.09): I move amendment No 22 circulated in my name which includes a new clause 20B [*see schedule 2 at page 5092*].

This provision ensures that government agencies must report on policies and programs to address climate change in their annual reports. This makes sense in terms of providing the Assembly and the community with information and progress that can be measured. I understand that the government is slowly moving ahead on improving sustainability indicators in annual reports.

This amendment will ensure that not just measurement of government operations will be accounted for but that we will see reporting on all policy initiatives that are designed to deliver emission reductions. I think this is consistent with quite a number of the amendments I have brought forward which are designed to ensure that this legislation sets up a transparent system so that members of this place can hold the government to account and members of the community are able to inform themselves of the progress that is being made towards achieving the targets that are set out earlier in the legislation. I commend the amendment to the Assembly.

Proposed new clause 20B agreed to.

Proposed new clauses 20A and 20B.

MR SESELJA (Molonglo—Leader of the Opposition) (4.10): I move amendment No 3 circulated in my name which inserts new clauses 20A and 20B [*see schedule 5 at page 5094*].

This amendment is, again, about accountability and about the government being held to account for what it is doing under this scheme. It is all well and good for there to be

targets. We disagree on the extent of those targets but it will now be up to the government to actually turn these targets into a reality, turn these targets into a plan. What this amendment would do is ensure that the minister prepares a report on the actions the government intends to take to meet the targets mentioned in part 2 and the expected costs of implementing the actions under paragraph (a) for the government and the community. And the minister must present the report to the Legislative Assembly by 30 April 2011.

There is also a report about the costs of implementing policies. This section applies to a government policy that a government agency proposes to implement to reduce greenhouse gas emissions in accordance with the act. The minister must prepare a report about the expected costs for ACT households and businesses if the policy is implemented.

We would expect that this is the kind of clause which would improve this bill and is particularly one that would be welcomed by the government if they are fair dinkum—if they are fair dinkum about doing this and if they are fair dinkum about being held to account in the way that they do it. If one sees a situation where the government do not support this—and I understand that is the case—one can only conclude that they have doubts about their ability to be up front with the community about what they are doing and about how much it will cost. They have doubts about, perhaps, their ability to set out a road map.

Often we will hear from the minister that they set it out in various documents. We know how long they have delayed doing that in various circumstances. And so what this does is set a time frame and set out what must be done. This is a fairly basic requirement. This would be a fairly basic requirement in terms of what the community would expect us to be doing to be ensuring what our government does as it pursues these policies.

I think it is an important amendment because, again, it goes to those two issues. It goes to the issue of accountability of this government for its targets and what it is going to do and it goes to the issues of costs. It goes to the issues of how much it will cost.

We have heard Mr Rattenbury. The whole bill is predicated on the fact that there are costs to not doing things. The whole bill is predicated on the fact that there is a decision that there should be action. So what we need to do now is say: “Yes, we are agreeing that there should be some environmental outcomes. We differ on the way of getting there. We differ on the extent of those actions that should be taken. We differ on the extent of the emissions cuts.”

But having agreed that there should be targets, having supported legislation to implement targets, surely we can agree that we want to hold the government to account on how they do it and that we want them to outline the costs. In all of these discussions it is implicit that there are environmental benefits; otherwise you would not bother with a regime like this. You would not bother with environmental legislation such as this if you did not believe that there was some environmental benefit.

That said, as worthy as these policy goals are, they do come with a cost. And we are saying that the government should be forced to set out to the community how much those costs will be, that they should be forced to set out the road map, how they are going to get there. That is why we believe that this amendment is important and I commend the amendment to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.15): The government will not be supporting this amendment, on the same terms as the government has not supported other similar amendments proposed by Mr Seselja during this debate. And that is primarily about the appropriateness of where these types of expectations about cost-benefit analysis and analysis more generally should sit.

Our view is that they should not sit in the legislation itself. Details, costs and implementation will form a part of action plan 2. The government has made it very clear that its policy document actions to implement and to start working towards the first of these targets will be outlined in action plan 2 and that action plan 2 will detail the measures the government proposes to implement and the costs and benefits of doing so.

So that is the way we believe these matters should be managed. It is not necessary for this level of detail to be provided for in the bill. Indeed it is most unusual to have this level of detail in the bill. Whilst I appreciate that the opposition wish to make a political point, the government does not agree that this is the appropriate place for these measures. But that does not in any way diminish the government's commitment to appropriately outlining the detail of the costs and benefits of various measures it proposes.

MR RATTENBURY (Molonglo) (4.17): The Greens will not be supporting these amendments today. While we have sympathy with the intent of these clauses, we are unable to support them because we have real concerns about how they will work and their lack of proportionality.

I think it is a very real concern for the public to be able to see what the government's actions will be and how much government programs and policies will cost. And this is information that the Greens also think it is important to have a level of debate about. But the problem with both these amendments is that they place a statutory demand on the government, yet they are not specific about exactly what is required. Let me take each of them in turn.

Proposed section 20A essentially requires the government to prepare a detailed report on what it is going to cost to meet these targets before the act commences, more or less—by 30 April 2011. I suppose it is saying that we want to know right at the beginning what it is going to cost to achieve this. This misses the point of the bill, and I made this point earlier in debate. The bill sets a policy direction; it does not set out the mechanisms of how we are going to get there. And it is almost impossible, and certainly close to meaningless, to cost a policy direction without having selected all of the mechanisms.

The question that the leader of the opposition keeps putting is: how much will it all cost? Frankly, if the government turned around and told me how much it would cost, I would not believe much of what they told me, because the truth is that it would be a meaningless piece of modelling that could not possibly factor in all of the issues that are likely to be a consideration.

For example, what are the mechanisms that are going to be used? How much will technology change in the coming years? What will the price of solar be over the next decade given the price changes we have seen in the past decade? What will the unintended consequences of the mechanisms introduced be—either positive or negative? And what else will change over time and how much will it change? The price of carbon is just one factor. What about changes in the price of oil? What about the impact of a changing population or the impact of moving to a smart grid? And what about changes in personal behaviour, one of the hardest things to predict? It is fanciful and meaningless to imagine that we can answer all of these questions for a bill that has its preliminary target in 2020 and its latest target in 2060.

I want to be clear that the Greens are not suggesting that mechanisms or policies should not be costed. But we do not believe it is useful to link that to this legislation; it is not what the bill intends to do.

The Liberals may say that this is dangerous, that we are enacting a bill and we do not know what it will cost. I would say two things in response to that suggestion. Firstly, there is no danger inherent in this bill, because there are no punitive measures in this bill. The risks and opportunities, and costs and benefits of the major policies and programs that the government implements should be assessed, but because there is no mechanism in this bill, this is not the place for it.

Secondly, I think it is interesting to explore whether we need this sort of costing mechanism for this kind of target, and whether this is the right way to go about it. I wish I had been around to know the answer to this, and maybe somebody else can answer it for me, but was there this kind of cost-benefit analysis for the no waste by 2010 strategy when it was introduced in 1996? The best research I have been able to do suggests that it was not until 2000, four years after it was introduced, that the Liberal government at that time commissioned TAMS to do any sort of cost-benefit analysis. At least that was a cost-benefit analysis; they actually acknowledged that there would also be benefits. I do not believe that we had the same level of hysteria about costs then, and it certainly would have been a much simpler strategy to cost.

Let me turn to the second of the proposed amendments, 20B. Again, we have sympathy with the intent of this amendment, but again we raise concern about proportionality. At what point would this requirement be triggered? Would it be required for a \$5,000 program even though it may cost \$2,000 to undertake the analysis? This amendment has quite complex implications for the operation of government and could be overly onerous for the outcome that it may deliver.

As I said, we have some sympathy with the intent; I am just not clear as to the possible ramifications of such an amendment in terms of its workability. That is the

basis on which we are not able to support it today. If we were to pass it, we would want it to be a cost-benefit analysis, a point that I have made a number of times now. It should not just be an analysis of costs. I have earlier made comments about the fact that all of these amendments have been rather one-eyed in their agenda of examining only costs and not being open to the fact that there may be benefits and possibilities which would offset some of the costs that will be incurred.

MR SESELJA (Molonglo—Leader of the Opposition) (4.22): It is becoming quite a pattern here. The Labor Party and the Greens, for one reason or another—many of them manufactured reasons—are telling us that they cannot support amendments that go to costs because it does not suit what the government and the Greens are trying to prosecute. They like the headline that goes with it; they like the headline of 40 per cent. They like to be seen as leaders. But they are not prepared to outline how they are going to get there and how much it will cost. That is fundamental to this debate and why we are seeing the rejection of some of these amendments by the Labor Party and the Greens—they do not want to have this conversation with the community; they want to keep it only in the broad.

They want to say, “Because climate change is the greatest moral challenge of our time,” in the words of, I think, not just Kevin Rudd but Shane Rattenbury as well, “we therefore need to have the most aggressive target we can come up with.” But they do not want to talk about what that means, and that is where there is a significant disconnect in this debate. The Labor Party and the Greens do not want this conversation. They do not want the conversation about the facts; they do not want the conversation about what it means in practice; they do not want the conversation about how it might affect the community.

It is not surprising, though it is disappointing, that the Labor Party and the Greens will again be rejecting a sensible amendment which is simply about accountability and openness when it comes to the costs. It is about being open with the community about what this all means. Time and time again, as part of this debate, we have seen the Labor Party and the Greens choosing to run away from that debate and let the government off the hook by voting against these amendments. I again commend the amendments to the Assembly.

MRS DUNNE (Ginninderra) (4.24): I would like to support the passage of these amendments. They are important mechanisms whereby the people of the ACT have some connection with this legislation and some idea of the implications of this legislation.

It is fallacious to say, as the attorney did, that we never have this level of detail in legislation. That is not the case. Later today or later this week we are going to debate the liquor bill, which has a high level of detail about what is required. Mr Rattenbury says that it is not reasonable that we should cost this bill or cost the measures that grow from this bill because it is too hard to do so. Every bill that comes before this place is supposed to have a regulatory impact statement. And when there is new policy, that new policy is supposed to come with a price tag.

There will be a whole range of initiatives which Mr Corbell says will appear in subsequent budget cycles; they will have to have a price tag. And when those matters

come up and the policy is developed and the minister says that this is the way we are going to go forward for the next five or 10 years, there should be a price tag attached to that. The reason that this government and the Greens are in cahoots is that they are afraid of the price tag—and rightly so. This will be expensive. Because it is expensive, it is something that needs to be out there in the public domain.

We are seeing it everywhere. It was on television news bulletins last night. There are issues in relation to the escalating cost of energy across the country. These are bread-and-butter issues for our constituents—the people of the ACT. They are entitled to know the government's best guess about what this will mean in one year, two years, five years and 10 years time, in 2020 and in 2060. It is not sufficient to say, "We don't ever do it like this." It is not true to say that we never cost things like this. That is not true.

What we are seeing here today is the Greens and the Labor Party, in cahoots, saying to the people of the ACT, "We've signed up to this, and we have signed up to it sight unseen. We are not prepared to share information with you about the implications of this legislation—not today, and not in the future." The Canberra Liberals will support and stand up for the people of the ACT so that they are informed. So much for openness and accountability! So much for casting sunlight and ensuring that the people of the ACT are informed about what is going on! So much for the much-vaunted support of transparency that you hear the Greens talk about all the time!

This is where the rubber hits the road. This is where the ACT taxpayers will take out their chequebook and pay for this policy. They are entitled to know. They are entitled to a transparent system that says, "This is what it is going to cost; these are the ways we are going to go." That is why I support the amendments that Mr Seselja has moved here today, and it is why everyone in this place should support those amendments.

MS LE COUTEUR (Molonglo) (4.28): I rise to speak briefly on the subject of costs and the Greens' views on these. I would love it if life was as simple as Mrs Dunne was portraying, if we could predict accurately all the costs and all the benefits. Unfortunately, life is just not that simple.

The amendment proposed by Mr Seselja has a problem of proportionality, as my colleague Mr Rattenbury mentioned. It would require the same level of analysis of costs and benefits for a change which could be very minor as for a very major change. We run the considerable risk of spending more money in looking at costs than in looking at policy development or benefits.

And while I am talking about costs, I would like to hark back to what I said on Thursday, I think, when we last debated this. We have to look at all the costs. The Liberal Party is focusing on potential costs of action. We need to look at costs of inaction, particularly the costs of inaction for all of us. I will not go into detail about them again, because we have gone through them before, but they are extreme weather events, heat, cyclones, floods, droughts and increasing food costs. We all know that food costs have increased a lot in the last five or 10 years, and, to at least some extent, this has been due to extreme weather events. And there is the issue of water supplies.

In my speech in the in-principle debate on this, I quoted Dr Hansen, who, as we all know, is a climate expert from NASA. I would like to quote a bit more from him. This is paraphrasing. He said that, while you cannot say for any individual extreme weather event, “This happened because of climate change,” what you definitely can say is that, if the CO₂ parts per million levels were less than 280, as they used to be, the series of extreme weather events which we have been having over the past few years would not have happened. I ask the Liberal Party—I guess all of us, but the Liberal Party in particular—to reflect upon the costs of the extreme weather events that have been happening in the world, such as the extra cyclones and the floods in Pakistan, which are absolutely devastating.

I would also like to point to something which I read in the *Sydney Morning Herald* at the weekend. Professor Garnaut is going to be briefing the new climate change committee, and he was asked what advice he is going to give. One of the things that he said he was going to tell them was that Australia is in absolutely no danger of being ahead of the world in terms of climate action. In fact, we are lagging behind. We are lagging behind China; we are lagging behind the United States.

What the ACT needs to do is act for the future—look at our priorities for the future. If we design all our long-lived infrastructure in light of the prospect—not the prospect; at this stage, the actuality—of climate change, and we design it all for a 40 per cent reduction, then, when the time comes when we are forced to do it, we will be ahead of the game. It is going to save the ACT money over the long run if we act sooner rather than later. And it is going to have really wonderful consequences for us—for human beings and all other species.

I would also like to point out that a lot of climate change policies do not have costs; they have benefits. I know that I have harped a lot about solar hot water, but that is something which is a positive economic benefit. One of the examples that Mr Seselja had was that the government should do a costing impact of any increase in car parking prices. If the government does do such an analysis, it will be also very important that it look at the benefit.

I have done a bit of work on active transport, particularly with the Heart Foundation. One of the biggest problems for Australia in terms of public health is lack of physical activity and obesity. Australia has the dubious honour of being the fattest nation in the world. If we change our car park pricing, as Mr Seselja mentioned, so that we have more people walking and catching buses, more people cycling and fewer people driving their cars, then, when we start looking at the benefits to us in terms of human health and reduced hospital costs and medical costs, this will probably turn out to be a benefit.

I would very much like to see any discussion of costs include all the costs and all the benefits. And we would also need to get someone with a much better crystal ball than I or anyone here has got so that we can do it accurately.

MR CORBELL: (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and

Emergency Services) (4.33): Just to make it clear, let me say in response to some of the assertions made by those opposite, that the government remains committed to a process whereby we provide detailed cost-benefit analysis as part of individual policy initiatives. Those policy initiatives will be announced through the mechanisms that the government has outlined, including action plan 2, the energy policy and others. These will talk in detail about the measures that we should be adopting to work towards these emission reduction targets, the relative cost benefit of doing so, the efficiency of doing so, the opportunities in doing so and so on. The government is committed to this, and any suggestion otherwise is simply wrong. But the government believes that this level of detail is very unusual for a bill of this nature; we believe that it is the wrong place for it, not that it should not occur.

I should also highlight the comments made by Mrs Dunne in relation to energy costs. It is worth putting on the record that electricity price increases are occurring. Overwhelmingly, they are occurring because of a failure to invest in modern infrastructure to deliver electricity to people. The cost of upgrades in infrastructure is now having to be met by consumers through price increases. Indeed, in terms of electricity price increases due to the purchase of renewable energy, less than three per cent of the total increase in electricity is down to renewable energy generation, and in the longer term it is anticipated to be less than six per cent. So 93 or 97 per cent of the increases in electricity costs are not a result of renewable energy generation but a result of failure by electricity utilities, governments and others to invest in modern infrastructure.

What is very pleasing is that here in the territory, with a relatively modern electricity infrastructure, we have not had to face that same magnitude of increase that places such as New South Wales and others have. It is very important to put that on the record. Price increases in electricity are not driven overwhelmingly or even significantly by renewable energy generation; they are driven by a range of other structural factors. It is important that commentators and members in this place understand that. The government will not be supporting this amendment, but we remain committed to detailed assessment and analysis of our policies moving forward.

Question put:

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

The Assembly voted—

Ayes 5

Mr Coe
Mr Doszpot
Mrs Dunne

Mr Seselja
Mr Smyth

Noes 9

Mr Barr
Ms Bresnan
Mr Corbell
Ms Gallagher
Mr Hargreaves

Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury

Question so resolved in the negative.

Proposed new clauses 20A and 20B negatived.

Clause 21.

MR RATTENBURY (Molonglo) (4.39): I move amendment No 23 circulated in my name [*see schedule 2 at page 5092*].

This is a very simple amendment regarding the review of the act. The amendment will bring the review of the act in line with the expiration of the 2020 target. Currently, the act would be reviewed in 2015 and 2025. This provision ensures that it is reviewed in 2020—obviously the key measuring point in terms of whether we have met the agreed 40 per cent target or not. I commend the amendment to the Assembly.

Amendment agreed to.

Clause 21, as amended, agreed to.

Clause 22 agreed to.

Dictionary.

MR RATTENBURY (Molonglo) (4.41), by leave: I move amendments Nos 24 to 26 circulated in my name together [*see schedule 2 at page 5092*].

I will speak briefly to these amendments. These are very simple changes to the dictionary which reflect or flow on from earlier changes made in the legislation and to pick up a definition of government agency which was moved from its earlier position in the bill.

Amendments agreed to.

Dictionary, as amended, agreed to.

Clause 17, as amended—reconsideration.

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

That **Mr Corbell's** amendment No 1 and **Mr Rattenbury's** amendment No 19 to clause 17, as amended, be reconsidered.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.42): I move amendment No 1 circulated in my name [*see schedule 8 at page 5095*].

My amendment No 1 has been effectively replaced by Mr Rattenbury's amendment No 19. However, they both still currently appear in the bill and we would have a strange situation if we have two members appointed to the climate change council, both of whom seek to represent people from a disadvantaged background, albeit with slightly different definitions.

To address that issue, the government will be conceding the point and will not be calling for a vote in relation to my amendment. We will subsequently be supporting Mr Rattenbury's amendment when it is moved.

Amendment negatived.

MR RATTENBURY (Molonglo) (4.43): I move amendment No 19 circulated in my name [*see schedule 2 at page 5091*].

Amendment agreed to.

Clause 17, as reconsidered, agreed to.

Title.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.44): I would like to thank members for their contribution to the debate on this bill. This is an important piece of legislation, a piece of legislation the Labor government is very proud to be putting forward to the Assembly today.

It establishes a clear framework for the territory to move towards a low carbon future. This is essential for our children and their children. It is essential to ensure that our economy and our community are well placed to meet the challenge of climate change, to adapt to it and to ensure that we continue to provide a just, equitable, sustainable and liveable city for future generations.

The bill before us today, which we are about to vote on in toto, is a bill which provides for ambitious but achievable greenhouse gas reduction targets. They are targets based on the science. They are targets that recognise that making that transition requires a significant effort on the part of all advanced Western economies. This city is one of the most affluent cities per capita in the nation. It is not without its disadvantage, not without those who struggle. But it is a city in an advanced Western economy and we believe that these targets are the targets needed for the future.

We believe that these targets pave the way for a significant and important debate and decisions about how we manage settlement and development in our city, how we manage energy supply in our city and how we manage the provision of transport in our city.

The legislation will give guidance and will set the framework when forming decisions in all of those areas. But more importantly, it will act as a significant spur not just to the government itself in this place and the policies and the legislation we put forward. It will also act as a spur for the broader community—for individuals, for community organisations and most importantly for businesses. Businesses can focus on how they can contribute towards these levels of carbon reduction, how they can seize the economic opportunities that come from that, how they can transform their businesses, create jobs, create economic advantage, and create new industries and new areas of

service delivery that are going to be to the service and benefit of the broader community, as well as making a significant contribution to greenhouse gas reduction.

I would like to thank all the officers in my department who have worked towards the development of this legislation and the significant amount of research and analysis that has occurred in bringing it to this point. I would also like to thank those in the community who have lent their support for what is an ambitious but achievable target to achieve significant greenhouse gas reductions.

Finally, I would like to thank those members in this place who have lent their support to this process as well. This is an important piece of legislation and one that will inform and guide our decision making for many years to come. I commend the bill to the Assembly.

MR RATTENBURY (Molonglo) (4.47): I want to speak very briefly. I think the minister has elaborated some of the points but I simply wanted to note my sense of pride on behalf of my colleagues in the Greens that we, as an Assembly, are passing this bill today. This bill flows from the parliamentary agreement between the Greens and the Labor Party in which we agreed to legislate the greenhouse gas reduction target.

I welcome the government moving forward on this as part of that agreement and the constructive conversations we have had over the two years in moving towards this point and particularly in the context of the actual passage of the bill and the mechanics around it. We have much work to do. This is simply a steppingstone on what is going to be a long and challenging journey for both government and the citizens of the ACT.

But we have set a standard to strive for, we have set a standard that reflects the science and I believe we have set a standard that offers hope—hope that humanity can turn around this titanic known as climate change, that we can tackle it with all of our ingenuity, with all of our vision and with all of our determination and that we can do our very best to ensure a safe climate for future generations on this planet.

I commend the bill to the Assembly as well.

Title agreed to.

Question put:

That this bill, as amended, be agreed to.

The Assembly voted—

Ayes 9

Noes 5

Mr Barr
Ms Bresnan
Mr Corbell
Ms Gallagher
Mr Hargreaves

Ms Hunter
Ms Le Coureur
Ms Porter
Mr Rattenbury

Mr Coe
Mr Doszpot
Mrs Dunne

Mr Seselja
Mr Smyth

Question so resolved in the affirmative.

Bill, as amended, agreed to.

Climate Change (Greenhouse Gas Emissions Targets) Bill 2008 (No 2)

Debate resumed from 10 December 2008, on motion by **Mrs Dunne**:

That this bill be agreed to in principle.

MR ASSISTANT SPEAKER (Mr Hargreaves): Before I call Mr Corbell, I remind members that this bill was debated cognitively with the previous bill.

MR SESELJA (Molonglo—Leader of the Opposition) (4.52): I do not know exactly how people are going to vote on this because I have not actually spoken to it but I was looking forward to hearing directly from Mr Corbell. I assume from that earlier discussion that they will not be supporting our bill.

Mr Assistant Speaker, it is worth just going back a step and talking about the differences and why we believe this is the better path. We have heard a lot in this debate, particularly from Mr Corbell and also from Mr Rattenbury, about this magic number that is 40 per cent. We had Mr Rattenbury sort of drawn out more on it. He was right. When he finally actually got down to the facts, the fact is that the IPCC has not said that the magic number is 40 per cent. Despite what Mr Corbell claimed, the IPCC has not said that for developed nations. In fact, for developed nations the IPCC has said between 25 and 40 per cent.

To pursue a target of 30 per cent, as the Canberra Liberals have proposed, is within the range for developed countries that the IPCC itself has recommended is necessary. You cannot claim that the science says that you must have a 40 per cent target because the science simply does not say that. The IPCC does not say it and to suggest otherwise is simply wrong.

What we have is choices to make. We have choices to make even if we accept the IPCC's recommendations. We then have a choice. We take into account what is going on internationally and nationally. What we have seen nationally is the debate lead to a situation where it looks as though a five per cent target is on the table. That may go higher but I do not think anyone would be suggesting that the national target anytime soon is going to be up at the 40 per cent mark. It simply will not happen.

We must debunk what has been put out there in this debate by the Labor Party and the Greens—that is, that there is a magic number, that if you get 40 per cent then you are correct and you will achieve the emissions reductions that are necessary to prevent dangerous global warming. It is simply not the case. It is not a magic number. We as policy makers have decisions to make. We take into account not just what is going on elsewhere but also the costs that are associated with these targets.

The Labor Party and the Greens have chosen to go for the absolute upper end of the target. They have chased that headline. What we have said, and what we did through our amendments throughout this debate, was that we will hold you to account for that. We will seek to improve your bill where possible and we will actually stand up and say that someone has to consider the costs. Someone has to consider the costs. You can advocate strong targets, as we have, but you have to actually also balance what the costs are to the community? How can it be achieved? Is it achievable?

What we have come down to, we believe, is a far more sensible path. It is not a path that is blinded by ideology as we have seen from the Labor Party and the Greens. It is very clearly informed by the science but it is also informed by our responsibilities to the community not to saddle the people of the ACT with a target that is too burdensome and in fact does not achieve the environmental benefits because of what is going on, particularly nationally and internationally.

We are very pleased to be the party who stands up for that, who are informed by the science but who are not in any way carried away by the ideology so much as the Labor Party and the Greens are—to get to a point where they say that the only way to do it is to get the absolute highest target in the IPCC's band. We have considered it very carefully. We believe that 30 per cent is a far better way to go. We believe our legislation is the better way to go and I commend the bill to the Assembly.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 5

Noes 9

Mr Coe

Mr Seselja

Mr Barr

Ms Hunter

Mr Doszpot

Mr Smyth

Ms Bresnan

Ms Le Couteur

Mrs Dunne

Mr Corbell

Ms Porter

Ms Gallagher

Mr Rattenbury

Mr Hargreaves

Question so resolved in the negative.

Planning and Development (Public Notification) Amendment Bill 2010

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

That this bill be agreed to in principle.

MR SESELJA (Molonglo—Leader of the Opposition) (5.00): The Canberra Liberals will support this bill today. The bill, if passed, will make a very small but important amendment to the Planning and Development Act 2007 in regard to the public notification of applications for development approval. As we are well aware,

depending on the nature of a proposal and whether it is assessed on the merit or impact tracks, the public notification period for a development application must be held for 10 to 15 days. This may involve the use of signage, newspaper announcements or letters to adjoining properties.

I note that the new provisions in this bill apply to errors in notification. According to the explanatory statement:

The Act as amended will require the public notification to be repeated in certain situations. ... public notification must be repeated if:

- a) the notice (letter, sign on property or newspaper notice) is defective because the content is incorrect, incomplete, misleading and ACTPLA considers the defect is likely to detract from someone's awareness of the proposal or restrict the ability of someone to comment on the proposal; and
- b) ACTPLA becomes aware of the defect and its impact during the original public notification period.

Further, the bill will require public notification to be repeated if the notification did not take place at all and if the authority becomes aware of this before the public consultation period ends. The Canberra Liberals have consulted industry about this bill and no serious concerns have been raised with us. We will therefore be supporting the bill.

MS LE COUTEUR (Molonglo) (5.01): The Greens will be supporting the planning and development amendment bill today. However, I note that we discussed this exact same topic in this chamber only a few months ago in June. I will discuss the contents of the bill in a moment, but I think it is very important that first I address a fundamental problem that we have in the Assembly. It is an issue which was addressed in the editorial of the *Canberra Times* last week, which is that we are a three-party Assembly and we need to work collaboratively to get legislation and motions passed. We cannot just work as individual parties and presume that is good enough.

Voting against a bill because it is not yours is simply immature. When we debated my Planning and Development (Notifications and Review) Amendment Bill in June, it would have made a lot more sense for the government or even the Liberal Party, given that they are now going to support the bill today, to amend our bill. Mr Barr said in his speech that he wanted to fix the same notification problem in the planning act, and he foreshadowed it at the time. However, rather than amending my bill or even asking for an adjournment to allow ACTPLA time to consider their approach, he and the Liberal Party voted my bill down in principle. He voted the principle of my bill down, despite introducing a bill which addressed one of these exact same issues just two months later.

It is childish and frustrating that the government is unable to debate an issue when it is proposed by another party and then, only two months after we finished the debate on it, tables a bill which covers exactly the same issues. It tabled a bill that covers public notification and addresses it in almost exactly the same way. I find it difficult to

believe that the government thought that it was acceptable that DA notifications did not necessarily have to have any particular relationship to the actual content of the DA. We know that Mr Barr and ACTPLA already knew what they were planning to propose back in June, as Mr Barr flagged it in his speech. He said:

This brings us to the Latham DA which is being used as an example for the need to introduce these provisions. Following this case, ACTPLA has reviewed its internal procedures concerning verification of notifications. As a result, the government will be introducing amendments to the Planning and Development Act to provide a legislative process to allow re-notification of applications. These will be able to occur prior to any decision being made on the DA where there may have been a deficiency in notification.

I acknowledge that the government have taken a slightly different approach to solving the same problem than we did, but this is exactly what the amendment process is for. If they were not ready to do it at that stage, I would have been quite amenable to adjourning debate until they were. I do not really mind that the Greens have become a think-tank for the government, but it is poor form to dismiss our proposals in the chamber and then present them as their own ideas.

We have seen this kind of thing from the government before. Last year Amanda Bresnan introduced legislation to regulate the solarium industry in the ACT. The government refused to support the Greens' legislation and instead adjourned debate and introduced almost identical regulations to address the issue themselves. There are numerous other examples where the outcomes have suffered because the government have not collaborated or engaged with Greens-led initiatives. However, in the end, I am pleased that the Assembly continues to slowly achieve improved results for the Canberra community.

In terms of the bill itself, I am very pleased to see that this bill proposes to renotify a development application if ACTPLA becomes aware that the original notice is defective and—this is what ACTPLA have borrowed from my bill—the defect is likely to:

(A) unfavourably affect a person's awareness of the timing, location or nature of the development proposal in the application; or

(B) deny or restrict the opportunity of a person to make representations about the application under section 156 ...

This may be because the contents of the notice are incorrect, incomplete or misleading. This clause applies to the same three public notification areas which I wished to address—public notice to adjoining premises, registered interest holders and major public notifications. The Greens, of course, support these provisions, as they are certainly an improvement to the current notification process. I can understand why there would be a clause allowing ACTPLA not to renotify if a sign was displayed but then subsequently moved, altered, damaged, covered or had access to it prevented. However, I would hope that all steps possible would be taken to avoid these situations.

Given the causal effects of public notification not being carried out effectively, meaning that people may not put in objections and are therefore not given standing to

appeal, it is vital for natural justice reasons that notification be improved as far as possible. If people do not know what the DA proposed actually entails, it makes it extremely difficult for people to object.

Section 246 of the Planning and Development Act 2007 provides that the validity of a lease is not affected where ACTPLA has not complied with the section. In this case, it operates to protect those who have acted in good faith from any error on the part of ACTPLA, who are administrators of the system and should not make that type of mistake. This is a fair and reasonable application of this type of clause. But it is frustrating that, just a few months ago, Mr Barr suggested that the mere omission of a comma could mean that the notification was invalid. He totally belittled the whole experience of people where the notification was invalid. Nobody ever suggested that a mere comma would be the issue.

The case of the DA in Latham needs to be raised, as it probably instigated this debate in the first place. This DA was put out for public notification, but it only contained a lease variation proposal. The actual demolition and development proposal was completely omitted from public notification. Despite this, ACTPLA used the out clause and permitted a decision on the whole proposal. This should be a breach of the DA process, and the notification should be started again. I am glad that Mr Barr and his department have now realised that my complaint was a reasonable one and that this fault is finally being partially fixed with this bill.

It can also be the case that the developer has not given the full or correct information, and thus what is being notified is incorrect. There is very little cost involved to correctly notify a development application, and it could well be that members of the public will be forced to suffer a significant detriment without ever having had the opportunity to put their case. Given the reliance our planning system places on objector comments, it is proportionate and reasonable to ensure that the community are given a fair opportunity to have their views heard.

I would like also to mention the human rights component of the Latham example. Given that the notification was not carried out properly, Professor Peta Spender, the presidential member of ACAT who heard the interlocutory application, examined the composite process of this case in February this year. Although ACAT did not have jurisdiction to order a renotification, she found:

... the respondent has the same obligations as the Tribunal under section 40B of the *Human Rights Act* to give proper consideration to a relevant human right and recommends ... that it considers its own obligations as a public authority to preserve and foster the rights of potential affected parties under section 21 of the *Human Rights Act* and to make arrangements to renotify the development proposal.

When I raised this matter through questions without notice, first with Mr Barr and then with Mr Corbell following the ACAT finding, I was disappointed that neither our planning minister nor our minister responsible for human rights was concerned about this loophole in the legislation. It has been suggested to us that there should be a formal process whereby the government should respond to recommendations from ACAT. This seems like a reasonable proposition which we will continue to follow up with the government.

I was tempted to put forward further improvements from the other aspects of my original bill to improve standing and appeal rights, but I believe that the Assembly has already had this debate. If I had faith that my amendments would be fully considered, I would put them forward again, but given that I know the government prefers to put ideas forward itself, I will instead request that ACTPLA examines these proposed amendments fully and brings forward further improvements. They are all issues which I have had extensive representations on from members of the public and, in particular, community councils. They are not my own ideas. They are the ideas of affected members of the public, and I will not rule out bringing forward amendments myself in future if we do not see any action.

Mr Barr and ACTPLA will already be aware of some of these issues as the Environmental Defender's Office sent all parties the same letter outlining them. One key issue is that the full range of improvements to the major public notification process have not been transcribed to the public notice to adjoining premises or to registered interest holders. This means that whereby with major public notification, if a notice was simply not published it must be renotified, this is not the case for the other types of notification, but it should be.

Another issue is the lack of legal recourse if the renotification requirements in this bill are not complied with. That is, if a DA was incorrect and not renotified, and someone who would have been eligible to object was therefore unable to, they have no recourse or any way of appealing the lack of input options. This issue was dealt with in my original bill, and the Greens maintain that the community deserves better standing rights.

Another problem which will still exist after this bill is passed is that renotification is only required if ACTPLA is aware of the defect before the public consultation ends. This obviously is flawed. It is really unclear how ACTPLA would in fact become aware of the flaw before the end of the notification period.

Although it must be noted that the onus is also on developers, large or small, to ensure that ACTPLA is correctly notifying the development, if a developer realises that the development has not been properly notified then they should contact ACTPLA and have it notified properly so that it can be properly rectified. No other jurisdiction's legislation allows their notification process to so blatantly discount the public's right to know about DAs in this way. Given how short the consultation periods are, between 10 and 15 days, a set period could be set whereby a renotification could still be allowed after the original consultation closing date.

Another simple improvement on top of what is being proposed today, which would make the DA process far easier for the public, would be to require colour pictures of the proposals to accompany the DA documents and for a picture of the proposed development to be inserted as part of the notification sign. It can be very difficult for the general public to interpret development plans. I think that in many cases a picture would make the proposal a lot more understandable and hence, in some instances, less daunting. One last suggestion is to improve the signage around DAs so that people can better see the DA signs and that they can be seen from all publicly accessible locations that the proposed development is visible from.

I have also had numerous complaints about ACTPLA's website not containing all the information when the consultation period starts, and then it only appears, in some instances, after complaints. This means that the full information is not available for the whole consultation period. Given how complex some of the documents can be, this is not a fair process. Also, those people who looked at the information when the DA first went up on the website may not be aware of the missing documents. ACTPLA should take better steps to ensure that all information is available at the outset of the consultation period.

The Greens will continue to monitor and advocate for improvements in the Planning and Development Act and to ensure that the community has a fair process to work with. I look forward to further planning bills to achieve this.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (5.15), in reply: I am pleased to be able to speak again to close this debate. I thank the Leader of the Opposition for his succinct—I believe it was 75 seconds—speech in support of the legislation. I also thank Ms Le Couteur for providing some comedy this afternoon. It is always a pleasure to hear from Ms Le Couteur on planning matters, and certainly her contribution this afternoon contained a rare moment of comedy in the planning debate. I acknowledge that contribution, although I do feel, Ms Le Couteur, that if you are going to use comedy, it is best not to undermine yourself a little later in the speech by revealing where the true source of your ideas come from. But I digress, Mr Speaker.

As I have noted previously, this bill applies to the process of public notification of applications for development approval under the Planning and Development Act. This process is commonly referred to as the public notification process, and this bill is about practical, well-targeted improvements to the development application public notification process.

The key elements of the bill have already been raised and discussed, so I do not propose to go through the bill in detail again. But I will take a moment to touch on a few important points. The measures in this bill apply if ACTPLA discovers an error in the content of the original notice. If ACTPLA believes the error is one which could impair someone's ability to understand or comment on the development proposal, then, and only then, must ACTPLA repeat the notification process. The same approach applies if the required sign on the property or notice in a newspaper is defective or was never made at all.

These provisions only apply to errors or defects brought to the attention of ACTPLA during the original public notification period. The provisions do not apply to any errors discovered after this period. These practical measures represent an incremental improvement to the existing public notification system. They are consistent with a public notification and assessment process that is fair, effective and able to produce timely decisions that can be relied upon.

This bill is, as I have already noted, significant not just for what it does but also for what it does not do. As previously indicated, these matters concerning public

notification have been debated already this year. In recent months the notification was again debated in response to Ms Le Couteur's bill. The government's bill before the Assembly today quite deliberately rejects many of the measures contained in the more radical Greens bill.

The deliberate limitations in the government's bill are important, because they preserve the fairness and effectiveness of the existing notification and assessment process. The limitations are important because they preserve the ability of the existing system to deliver decisions and outcomes that can be relied upon by industry and the general public.

The government's bill is also informed by the fact that errors in the content of public notifications are rare, and there is simply no need and no justification to apply a legislative sledgehammer in this area. The new measures in this bill apply only to defects that come to light during the period of the original public notification of 10 or 15 days. This ensures that once an application is decided, it will not be open to challenge on the basis of public notification errors potentially discovered many months or years down the track.

In the absence of such a limitation, development approvals would be open to challenge for weeks or months after ACTPLA's assessment and decision. This risk, even if realised on but a few occasions, would introduce a level of uncertainty for all development approvals. This level of uncertainty would be unacceptable to property owners, and it would be unacceptable to the development industry.

The ACT Greens' bill also included another measure that has been omitted from this bill. Existing sections 153, 154 and 155 of the act confirm that a breach of public notification requirement does not invalidate any final development approval granted by ACTPLA. This confirms that the development approval, once granted, will not be able to be challenged weeks or months down the track on the basis of a late discovery of a possible public notification error.

This provision is important. It gives the assessment and decision-making framework the ability to deliver outcomes that can be relied upon. The ACT Greens' bill would, if passed, have removed these validating provisions. Under the government's bill, the existing provisions on the validity of development approvals will remain undisturbed.

Another limitation in the government's bill was noted in a recent letter I received from the Environmental Defender's Office. The Environmental Defender's Office stated that the bill applied to cases where a letter is sent to a lessee of a neighbouring property as required but was defective in some way. The office suggested that the government bill should apply equally to cases where the required letter was not sent at all or was sent to the wrong address. After all, the bill does cover the situation where a sign on the property has not been put in place as required.

I acknowledge the issue raised by the Environmental Defender's Office to the extent that the bill in this way would introduce a new requirement, a new process, that could involve ACTPLA in time-consuming exercises ad infinitum to determine whether letters were sent and, if so, whether they were sent to the right address. This analysis

could turn on whether the letters were received and whether they were sent to the most up-to-date address held by ACTPLA. Debate and assessment might be required if the relevant lessee has change their address without notifying the relevant authorities. Debates might be had as to which properties are adjoining properties. I do not believe that these complexities are best addressed by entrenching them in a new legal process with real potential to divert considerable time and resources for, frankly, minimal gain.

The best approach in this area is one of practical improvement to the relevant administrative processes. ACTPLA has refined its processes for sending out letters to the relevant lessees. Currently ACTPLA sends out letters to the street address of the neighbouring property. In addition, if ACTPLA has on its database a lessee contact address different to this street address, a letter is also sent to this alternate address. So, in many cases, not one but two or more letters are sent out to two or more contact points.

This letter notification process has been further strengthened in recent times with the cooperation of the office of the Commissioner for ACT Revenue. The office of the commissioner for revenue has, as members would be aware, a database of lessee contact details for the administration of the property rate system. This database is able to be kept up to date as a result of ongoing contacts with lessees in relation to the collection of their property rates. In recent months ACTPLA has worked with the commissioner's office on ways for it to utilise the database of lessee contact details held and kept up to date by the commissioner's office. Importantly, the use of this information by ACTPLA is restricted to lessee name and contact details and does not in any way involve access to taxation records or other information held by the commissioner.

This work has progressed to a point where ACTPLA is now in the process of updating its own database of contacts with information from the commissioner's office. I am informed that public notification letters have already been sent out using this updated information. It is anticipated that the use of the commissioner's database in this way will be fully operational in the next few months. This process for the augmentation of ACTPLA's own address database is made possible by section 395B of the act. Section 395B is a relatively new provision added by the Planning and Development Act 2010 in February this year.

I would like to thank members again for their support of this amendment which has now proven instrumental in delivering significant improvements to public administration. I also thank the Commissioner for ACT Revenue and officers for their cooperation and assistance in this area. In the government's view, the best course of action with regard to notification is to complete these administrative reforms and assess their effectiveness before resorting to new legislation.

These are not the only improvements made to administrative processes around public notification. As I have indicated previously, an error in the public notification of a Latham development application was raised in the debate on the Greens' earlier bill. Since that error came to light, ACTPLA has revised monitoring processes to ensure that notification errors are eliminated as far as possible.

In short, this bill should be considered as but one part of an overall strategy. Other equally important elements of the revised administrative procedures are now in place or are being put in place. The overall strategy considerably strengthens an already robust system, a system that has already been delivering an exceptionally low error rate in the content of public notices.

The changes I have outlined should keep this error rate exceptionally low and reduce it even further. This bill achieves this result in a focused and well-targeted way. The bill achieves this result in part because it avoids radical change, the kind envisaged in the earlier Greens' bill.

In summary, the government's bill avoids an unlimited expansion of appeal rights. The bill does not make development approvals vulnerable to challenge months or years after they are granted, and the bill does not permit the appeal process to be used as a tool to defeat legitimate market competition. The measures in this bill and the administrative improvements will together give the territory an optimal public notification process, a process that is equitable and effective and able to produce timely decisions on which land owners, industry and the community can rely. The bill also reflects the ongoing efforts of ACTPLA staff to continually improve the planning system. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Liquor (Consequential Amendments) Bill 2010

Debate resumed from 23 September 2010, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (5.27): The opposition will support this bill in principle but we have a number of amendments that we intend to put forward. I will mention those matters now and address them more fully in the detail stage. This bill introduces a range of consequential amendments and transitional arrangements ahead of the 1 December 2010 deadline for the commencement of the new liquor laws.

Of interest is the fact that it also has a number of fix-ups and bits that the government forgot. This is not just a consequential amendment bill. Indeed, two of my amendments fix up mistakes that have escaped the attention of this government. There are two others that have been drawn to the government's attention.

Schedule 2 sets out the consequential amendments as well as amendments to clarify matters removing ambiguity or fixing problems in the original act. It also carries

a range of transitional provisions. Schedule 2 makes a consequential amendment relating to amendments made under the Smoking (Prohibition in Enclosed Public Places) Amendment Act 2009 which start on 1 December as well, including the renaming of the principal act to the Smoke-Free Public Places Act 2003.

I take the opportunity to highlight a few of the amendments. The amendments to the commencement provisions are intended to allow people in the industry until 1 December 2011 to get their necessary responsible service of alcohol certificates. RSA trainers would be allowed until 1 May 2011 to develop their course offerings and get them approved. However, during my briefing on this bill, for which I thank the attorney, I did not point out but my staff pointed out an important drafting error which, if it remains in place, means a difference of three months for certain commencement elements.

Section 78 requires the commissioner to consider the suitability of the premises when deciding to issue, amend or renew a licence or permit. This section enables the commissioner to look at the history of the premises and take that into account. During the debate on this section in August, I sought an amendment that would link the history of the premises to the application of a licensee.

The government and the Greens voted my amendment down but they did so, I contend, on a false premise. In that debate the attorney claimed that the operation of the section did not apply to new licence applications. But the section quite clearly, through reference to other relevant sections in the act, applies to new licences in exactly the same way as it does to a renewal or an amendment.

The government has sought to clarify this matter by adding a note to the section indicating that the section applies to decisions of the commissioner to issue, amend or renew licences or permits. This note serves to confirm my interpretation of the section when the original bill was debated in August. During the detail stage I will be proposing an amendment to address this situation.

Section 124(4)(c) requires staff members or crowd controllers, when giving a receipt for seizure of false identification, to give a receipt that includes their name and how they can be contacted. The amendment in this bill would require crowd controllers, rather than give their name, to give their identification number under the security industry regulation, to protect their privacy. However, there is no such protection for the staff member who gives a receipt—the staff member, somebody who works behind the bar. They still provide their name and how they can be contacted.

The attorney, in his presentation speech for the bill, commented that the amendment for the crowd controllers would protect them from any retaliation, but no such protection is afforded to staff. I will be presenting an amendment that both introduces efficiency and addresses that shortcoming.

The bill removes section 128, thus removing the requirement for licensees to make risk assessment management plans, or RAMPs, available for public inspection. This is a good amendment. However, it leaves a potential loophole, albeit a remote potential, for someone to get access to RAMPs through the commissioner. I will introduce an amendment to address this loophole.

Currently, under sections 183(1)(a) and (b) and 184(1)(a) and (b), licensees or permit holders are subject to occupational disciplinary action from ACAT if they or their premises do not comply with the act. This would expand the compliance requirements to include a number of other pieces of legislation. They are the Building Act 2004, the Environment Protection Act 1997, the Food Act 2001, the Roads and Public Places Act 1937, the Smoking (Prohibition in Enclosed Public Places) Act 2003, which has been renamed, and the Work Safety Act 2008. Licensees or permit holders would be exposed to the possibility of losing their licence or permit in an occupational disciplinary matter before ACAT if they contravene or are contravening any provision of any one of those acts.

In addition, a licensee or permit holder could be exposed to the penalty provisions that are carried by this act for non-compliance. I consider this a heavy-handed and grossly unreasonable approach, and we will not support it. I will introduce an amendment that omits these changes proposed by this heavy-handed, unreasonable amendment.

New part 20 of the act introduces a range of transitional provisions. They include the following. Existing licensees applying for new licences before 1 December 2010 will not need to include a police certificate if one has been provided since 1 July 2010, include certificates or plans required under a referenced section in the act, or undertake public consultation. However, the provision is deficient in that it fails to be specific as to which plans do not have to be submitted.

The explanatory statement refers to floor plans and ACTPLA certificates. But the relevant section in the bill refers to a section in the act that covers RAMPs but does not refer to plans. On interpretation, it could be held that the renewal application need not include a RAMP, but I understand this is not the government's intention. During my briefing on the bill, I drew this to the government's attention.

Nonetheless, there is a reasonable case to be mounted to allow licensees some latitude for the drafting and submission of RAMPs. After all, the commissioner is allowed six months under the transition provisions to assess the renewal applications. In anticipation that the government will introduce an amendment to clarify whether the RAMPs will be required to be submitted with renewal applications, I will introduce an amendment that will provide licensees with more time to prepare and submit them.

If a police certificate does need to be submitted, the licensee has 90 days to do so, but the application will not be considered until it is submitted. My amendment in relation to RAMPs will reflect this provision. The application is required to include a considerable amount of data on liquor purchases to enable the commissioner to determine the licence fee.

In the briefing on this bill, I was advised that the government will be amending the provision to reduce the level of detail required to be provided. In addition, until the commissioner makes a decision on the renewal of licence applications, the old licences remain in force. Old permits, including tourism wine permits, current when the new act starts, are taken to be commercial permits under the new act and will expire on the expiry date or after three months if no date is specified. They may be

amended, transferred or renewed. The same applies for not-for-profit organisation wine permits, which will become non-commercial permits. RSA certificates obtained between 1 December 2009 and 1 December 2011 are taken to be new RSA certificates, expiring on 1 December 2012.

I note that the new regulations and licence fees were notified in the legislation register last week. I will not comment on those matters today but reserve the right to bring the matters forward for debate within the time allowed for that purpose. The time allowed would be by 6 December. It would be unreasonable to do that, and I propose to do this before 17 November this year.

I do need to take a moment to reflect on the government's failure to provide my office with their amendments to the amending bill. By way of information, there has been considerable backwards and forwards over the issue of liquor licensing amendments, and this goes back to Tuesday of last week. Late on 19 October, my staff advised both the government and the Greens that we would have amendments and we asked whether either the government or the Greens would have any amendments.

Early on 20 October, at 8 am, the government advised my staff that they would have amendments. It subsequently transpired that, at just about 11 o'clock on 20 October, the government sent their amendments to the Greens. At 11 o'clock, about the same time, we sent our amendments to both the Greens and the government. There was a follow-up email the next day, at 10.52, 21 October, to Mr Corbell's staff from my staff that they understood that the government had sent their amendments to the Greens and were they going to share them with us. The Greens eventually, because we did not know what was going on, shared their version of the government's amendments with us late last week.

It is clear, as there is a cheat sheet available, that the chamber support staff obviously, and rightly, received a copy of the government's amendments some time ago as well. I received them and my office received them today at 22 minutes past two, during question time. I think that is unacceptable.

This issue has gone on. It arose a number of times last week. It was the matter of some discussion, I understand, during the whips' meeting yesterday about sharing these things. We were up-front, because we do have a large number of amendments, and we shared those. We gave notice of them as soon as we could, because we anticipated that this would be debated last week. We shared them with the Greens' staff and the minister's staff as soon as we could, as soon as they were in a condition to be circulated. It has been quite clear that from last Wednesday the government's amendments existed and were available at least to the Greens, and it took until question time today for the same courtesy to be extended to the Canberra Liberals.

The minister has to learn to play nicely in these matters. He has not played nicely on this occasion and, as a result, we will not be progressing the debate beyond the in-principle stage today. I do have to bring it to the Assembly's attention. This is a complex bill. It has huge implications. This suite of legislation has huge implications for the business viability of people, the employment of people and the safety of people across this territory. And if it is good enough for the opposition, with

one staff member working on this, to provide our amendments over a week ago, it is incumbent upon the government, with the resources of the department behind them, to provide them to us in a timely fashion.

The Canberra Liberals will be supporting the consequential amendment bill but there will be substantial amendments in the detail stage.

MR RATTENBURY (Molonglo) (5.40): By way of general comments in the in-principle stage, the Greens support this bill in the broad sense as it makes a range of amendments necessary for the transition from the old Liquor Act to the new act. It was a significant reform bill that the Assembly passed earlier this year in reviewing the Liquor Act and the bill today follows it up with relatively minor but still important changes to both the new act as well as related legislation.

There are a range of amendments to the bill proposed by both the government and Mrs Dunne on behalf of the Canberra Liberals, which Mrs Dunne has already spoken to to some extent. I think important issues of principle and policy are raised by some of those amendments and I would like to flag at this stage that I will speak to each amendment as it arises as they raise quite discrete issues in some ways and ones that require perhaps some conversation at the time rather than necessarily at the in-principle stage now.

But for now it is enough to say we support the reform process that led to the Liquor Act 2010 and the consequential and transitional amendments made today. I am noting that at points along the way we thought the government could have acted more quickly but ultimately we did get there. I think that the bill broadly is a good outcome.

We will be supporting quite a few of the amendments that have been brought forward both from the government and from Mrs Dunne. I think on both counts they do pick up some important corrections, tweaks and adjustments to the legislation as passed. As I say, we will come to those later.

One specific point I would like to make is in relation to responsible service of alcohol and the six-month postponement of those requirements that this bill will grant to industry. On behalf of the Greens, I support the postponement because it appears the government have listened and have heard that people are not ready and the RSA courses will not be approved in time. So this is the sensible adjustment. Whilst certainly the Greens and most in this place would be keen to see the rollout of these important reforms that will hopefully lead to a reduction in the amount of alcohol-related violence and a more responsible drinking culture in the ACT, it is also important that we do it in an orderly way. I think this is an example of making sure that it is done in an orderly way.

One comment that I would like to make is that I would urge the government to fully advise all licensees and training providers of this change. And this is a general observation because I assume that this will take place immediately on the bill passing later this week. I cannot imagine we are going to finish it today. But at times during the reform process I think consultation and communication have not been as strong as they could be, and this is an opportunity to improve on that.

Members may recall that earlier this year I brought on a motion during private members' business about the need to move forward on liquor reform. One of the things we particularly addressed in that was the importance of a strong education campaign for both licensees and staff but also for the community because, in order to ensure that many of the good reforms in this legislation have as much impact as we desire, we need people to know about them, to understand them and to have been brought along with those changes, rather than simply find themselves perhaps being bailed up by one of the 10 new late-night police officers and being told they were doing something that a few months ago was legal and now is illegal. So I think there is some real work to be done there to promote these changes to the law and to keep the licence holders up to date.

I read with interest the letter that Mrs Dunne tabled in question time today regarding licence fees. I guess I was a little underwhelmed by the quality of the communication. I would like to think we can do a whole lot better. I am really conscious of some of the people that are the target audience. I have met some of the owners of the rather smaller establishments. These are often the owner-operators of small pubs and places that do not seat many people. They are in the suburbs. Perhaps they are not the high-profile venues. They are working pretty damn hard to keep their venues afloat and do not have time to sit around necessarily perusing the internet for the significant changes to the law.

Even in some of the larger venues I have been to, the owners of these venues have a day job and run these businesses as an investment. I think we need to be really mindful of communicating in a way that is as effective as possible for the people that we are targeting.

The last thing I wanted to comment on at the in-principle stage was the observations Mrs Dunne made about the circulation of the amendments. I am concerned. I look forward to possible clarification from the minister when he gets up to speak in a moment. I do not think that is a very satisfactory situation if it is as Mrs Dunne described it.

I certainly find the Greens in an awkward position. I do not believe it is our responsibility to circulate to other groups other people's amendments. I think that it is the prerogative of those who draft the amendments to circulate them and I do not want to be in a position where we are expected to do it because it is not our choice as to when it happens. So I am concerned that, if that is the case, it is not a very good way to do business in this chamber and I look forward to the minister's clarification on why those circumstances evolved as they did.

But the Greens will be supporting this bill in principle. As I said, we certainly will also be supporting quite a few of the amendments as we work through them because I think, as a package, both the bill and the amendments provide some important tidy-ups that progress this legislation in a positive way.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and

Emergency Services) (5.46), in reply: I thank members for their support of this bill. Can I address a couple of issues first off the bat before I move to some of the substance of the government's proposed amendments that have been foreshadowed. First of all, in relation to the issue of amendments, it is, indeed, the prerogative of individual members as to when they make their amendments available to others, and that will continue to be the case. We all understand how this place works, and we all understand what risks we take if we do not provide adequate notice to certain members. That is a matter for the Assembly to determine.

But I have to say that the Liberal Party should not stand in their glasshouse throwing stones on this matter. The Liberal Party are renowned for providing amendments late. They are renowned in this place for failing to communicate what their business will be day to day. So I think it is a bit rich for Mrs Dunne to come in here and sanctimoniously complain about lack of notice in relation to amendments. It was always the intention of the government that the detail stage was not going to be dealt with today. In fact, it was in some doubt as to whether we would get to this bill at all today. I indicated to Mrs Dunne that if we did get to the bill today, it would only be in principle, for the very reason to ensure that all members did have the opportunity. But in any event—

Mrs Dunne: After I raised the matter with you. Let's put the whole picture.

MR CORBELL: We will talk about putting the whole picture in a moment, Mrs Dunne. In any event, the issue of when a party circulates amendments is a matter for that party. In any event, the Liberal Party should reflect on their own practice and procedure about giving advance notice of business to other members in this place before they start throwing stones.

I would also draw the Assembly's attention to the issue of the letter from the ORS that Mrs Dunne tabled today. Regrettably, Mrs Dunne did not table the full letter; she only chose to table that page that she felt suited her purposes. The full letter included further advice to licensees that there would be further information, fact sheets and guidance material regularly uploaded to the ORS website, and it encouraged licensees to visit the website regularly to keep informed about further developments as the Assembly considered other pieces of legislation. So it is unfortunate that Mrs Dunne sought to only table one part of the letter and not all of it. I would have thought that, in the interests of the fullness and openness that she just lectured me about, she would have adopted the same approach.

I think the ORS are doing a good job in regard to the issue of advice to licensees. It is simply not practical, and I do not think it would be in the interests of smart use of resources or, indeed, the costs of sending out information, to send a full copy of the full fee structure in a paper form to every licensee in the territory. That is an onerous mailing task. Instead, the decision was taken to direct licensees to the relevant information, which is being regularly updated on the ORS website.

I am confident that the licensees have the wit and the knowledge and the understanding of their particular businesses to look at that information and to assess what it means for them. But for those licensees who do want a paper version, the ORS

is quite willing to make it available. Indeed, with the requests that it has already received in this regard, it has provided that information to licensees. The ORS remains available and indeed is stressing at every point that, if licensees have questions, there are people at the ORS who can assist, and they simply need to contact the ORS for that further advice and assistance. I would simply draw that information to the attention of members, and I reject absolutely any suggestion that we are not attempting to do everything feasible to advise licensees of their new obligations under the act.

In relation to this bill, it makes a number of consequential amendments and puts in place a range of transitional arrangements to facilitate the transition from the old to the new liquor licensing framework. The new act is planned to commence on 1 December, but commencement of some of its provisions needs to be phased in. For example, the responsible service of alcohol, or RSA, provisions have been delayed for six months to give the training sector sufficient time to develop appropriate responsible service of alcohol courses and have them approved by the Commissioner for Fair Trading. The new offences dealing with the supply of liquor without an RSA certificate have also been delayed for 12 months to give people working in the liquor industry sufficient time to enrol with a registered training organisation and undertake the relevant course.

Turning to a range of the amendments made to the Liquor Act 2010 by this bill, a number of amendments have been made to clarify and remove uncertainty about the operation of a number of provisions in the act. Section 25 has been amended to make it clear that only licensees who sell liquor for consumption on the premises will need to complete a risk assessment management plan, or RAMP. The sole purpose of the RAMP is to inform the commissioner about how licensees intend to manage and mitigate the risks associated with the consumption of liquor at the venue. Off licensees who sell liquor from bottle shops or supermarkets will not have to complete a RAMP, because their customers cannot consume the liquor they purchase on the premises.

Section 39 clarifies for licensees that forms must be used if approved by the commissioner and fees are payable if determined under the act. During the debate on the Liquor Act itself, there was some discussion about when the suitability information about premises in section 78 would need to be considered by the commissioner. I would like to foreshadow that the government is moving amendments to this section to clarify the circumstances when the commissioner must consider the suitability of premises for a liquor licence or permit.

Also, to protect the privacy of crowd controllers from retaliation when issuing a receipt for seized false identification documents, the amendment to section 124 will require them to only provide their unique identifying number rather than their name.

I will also be making three other government amendments in respect of these issues. Sections 125 and 126 clarify that the offences they contain only apply to permitted premises which have a public area with a determined occupancy loading since not all permitted premises have an area with an occupancy loading.

When the Liquor Act was debated, section 129 was inserted by the Assembly to protect the confidentiality of certain information contained in a risk assessment management plan. The government's decision to remove the offence provision altogether during the debate on the substantive bill by not requiring a licensee or commercial permit holder to make the RAMP available for public inspection at all resolves the issue of confidentiality and removes the need for sections 128 and 129.

New section 136(2)(a), which was inadvertently omitted from the act, 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)(b)(a) removes any doubt about its operation. It also provides clarity for authorised officers in relation to the extent of their powers of entry under the new act.

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

There is a range of other amendments and issues arising but I will not address them all now at the in-principle stage; I will leave that to the detail stage. I simply make the point that this is a complex piece of legislation. The government and my department are working very hard to get the new framework up and operating in the time frame that the Assembly has requested. I believe that every practical step is being taken to achieve that.

There is naturally going to be some concern amongst licensees as they get to grips with the new legislative provisions. Those of us in here have been familiar with them for quite some time but obviously for licensees it is a much shorter period of time. I understand that and that is why ORS is working diligently with my department and with licensees to make it clear what their obligations are—what steps and processes they need to go through—so that we can have a smooth transition to the new legislation in time for 1 December. I thank members for their support of the bill.

MRS DUNNE (Ginninderra): Madam Assistant Speaker, under standing order 47, I seek to explain a matter in relation to the comments that were made by the minister.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mrs Dunne, you have the floor.

MRS DUNNE: Thank you, Madam Assistant Speaker. The minister referred to the document that I tabled in question time today. I have checked with the Clerk. It was my intention to table the full document. I have nothing to hide. The point that needs to be made is that people could only find things out by going to the website. It was not provided to them. It was not a matter of hiding some matters. I thought that I had

checked when I left my office that I had both pages. For some reason, I must have left one behind. In the adjournment debate I will seek to table the full document for the information of members. I apologise to members for the inadvertent losing of the page.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 3, by leave, taken together.

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

Adjournment

Motion by **Mr Corbell** proposed:

That the Assembly do now adjourn.

Liquor licence fees

MRS DUNNE (Ginninderra) (5.58): I seek leave to table the document which I thought I tabled in question time, which now definitely does have the bit over the page.

Leave granted.

MRS DUNNE: I table the following document:

Liquor fees and regulations—Copy of form letter to licensees/permit holders from the Commissioner for Fair Trading, dated 25 October 2010.

Canberra Christian Life Centre

MR COE (Ginninderra) (5.59): I stand in the Assembly today to put on the public record my support and congratulations to the enlarged and renovated home of a number of community services based at the Canberra Christian Life Centre in Charnwood, which was formerly the Charnwood high school. Last week Mary Porter and I joined Mrs Heike Anderson to officially open the refurbished facility. It was a pleasure to join Pastor Sean and Lynda Stanton; Pastor for Community Care Jody Sisley; architect Jefferson Godfrey; James Folk and Matt Rendell; and staff and volunteers from the West Belconnen Health Co-Op and the various other programs.

The facility itself is a wonderful re-use of the former school site that has been reworked to suit the multitude of community uses it now facilitates. The area is bright and welcoming, there is good workspace and there are places to meet and socialise. There is room for administration and there is good parking which CLC have provided. And it is, of course, close to Charnwood shops, primary schools and other community facilities.

I would like to briefly outline the four programs that will be run out of the newly renovated space. The first is Charity Computers Australia, which is an organisation which has been operating at the site for nine years. They train and skill people in IT and provide low-cost, refurbished and fully supported computers to the community. They also recycle e-waste. There is the Re-Runs op shop, which is very popular in the provision of clothing and other household items for families. They, too, have been operating for nine years. There is HandUp food care services, which provides food to hundreds of families in the local community every week. And there is CAP, which is a budgeting, debt and financial counselling service that has been making a difference in the area for about a year or so. This is a very worthy service and one that is very much in demand.

As I said at the time of the opening last week, whilst there is much that can be done with money, with tax revenue, no amount of money can buy the values, motivation and commitment of the dozens of staff and volunteers that make these initiatives happen. It is the commitment and professionalism of the volunteers that mean that they are not simply undertaking transactions, but are genuinely engaging with all who come through the doors seeking support in one form or another.

Whilst Canberra as a whole is an affluent city, this generality means nothing to someone who is struggling to put food on the table, cannot operate a computer, cannot type up their CV for a job interview, is struggling to get out of credit card debt or needs clothes for themselves or their family. To offer such services with dignity and respect is a marvellous gift to our community that tax dollars cannot buy.

We must ensure that whatever government support or government facilitation is required, it is not so rigid that it stifles in any way the operations of the programs. We as a legislature, and the agencies and funding bodies as regulators, should acknowledge the good work of such groups and work with them to get the optimal outcome for the community and for our tax dollars.

I look forward to working with Ms Porter, who was at the launch, my Ginninderra colleague Mrs Vicki Dunne MLA, and others to ensure that Charity Computers Australia, Re-Runs op shop, HandUp food care services and CAP do not need to go through excessive red tape and are duly recognised for the services they provide.

In conclusion, I once again applaud all those involved with the ongoing delivery of these great services to residents of Belconnen and beyond.

Refugees—SIEV X

MS LE COUTEUR (Molonglo) (6.02): The 19th of October marked the ninth anniversary of the tragic sinking of the boat called SIEV X. The boat was only 19.5 metres long and it was destined for Australia. It held about 400 passengers, and the sinking resulted in the terrible loss of 353 lives. Only 45 people survived the sinking, clinging to the wreckage for over 20 hours before they were eventually rescued by Indonesian fishing boats. Only seven of those people eventually made it to Australian shores, where they could only receive temporary protection visas.

On Saturday, I was part of a rally organised by the Refugee Action Committee by the merry-go-round. About 50 people gathered to mark this tragic event, the loss of so many lives. Bearing in mind the MPI discussion that we had earlier today, I point out that a lot of refugees are fleeing the effects of war. The effects of war are not just on the combatants; they are also on the non-combatants. The refugees of the world have disproportionately suffered from the appalling effects of war.

The thing that we have to remember about refugees in all of our dealings with them is a very simple, straightforward fact: refugees are people too. They are human beings, just like the rest of us. If anyone has not visited the memorial to SIEV X in Weston Park, I would urge you to go and have a look at it and pay tribute to the victims and their families.

Australian National University—Medical School ball Korean War—60th anniversary

MR HANSON (Molonglo) (6.04): I rise tonight to talk about the ANU Medical School graduation ball, which I attended on Friday, 22 October, at the Great Hall of Parliament House. The minister was also in attendance. It was a fantastic night. I was very impressed with the young men and women—some not so young, but predominantly young men and women—who showed such talent and joie de vive and who were clearly excited about graduating and what lay before them as doctors. It was a fantastic night.

There were some highlights. There was a singing duet by a couple of the students. There was a solo by one of the students. There were some video productions highlighting the year in a most humorous fashion. It was a very well-conducted night. I would like to congratulate the dean. Unfortunately, he was not there. We were hosted by the deputy dean, David Elwood. I would like to thank them for a most enjoyable night.

On the evening, a number of awards were presented. I would like to highlight those awards and pass on my congratulations to the recipients. The winner of the Australian Medical Students Association national student award 2010 was David Corbet. The winner of the Louis Szabo silver probe award was Caroline Bissex. There were three winners of the ACT Division of GP excellence in GP prize, Sumit Chadha, Leanne Currie and Bosco Wu. The joint winners of the Southern General Practice Network rural health prize were Daniel MacKay and Luke Manestar. The winner of the rural health prize was David Corbet. The joint winners of the Indigenous health prize were Monica Mylek and Peter Sturgess. The winner of the leadership prize was Stephen Peterson. The winner of the Mary Potter award for excellence was Leanne Currie. The winner of the Guan Chong prize in surgery was Julia Hoy. The winner of the Gareth Long prize in orthopaedic surgery was Melissa Craft. The winner of the Graham Wilkinson prize was Alicia Paul.

There is no doubt in my mind that as the doctors in question move through the system—many of them are going to be working in our hospital system, thankfully—we will find ourselves in very good hands and treated by a wonderful bunch of young professionals.

On Saturday, I had the honour of attending, at the Korean War memorial on Anzac Avenue, the commemoration of the 60th anniversary of the commencement of the Korean War. It was attended by, amongst others, the Governor-General, the Chief of Army, the Korean ambassador and Keith Payne VC.

As I mentioned earlier in the MPI, Korea is very much the forgotten war. People tend to remember World War II and Vietnam and other conflicts, but Korea was a very significant war for Australia. Nearly 350 Australians lost their lives, predominantly from the army and predominantly from the 3rd Battalion of the Royal Australian Regiment, which was there at the outset and fought all the way through but which was also joined in the later stages of the conflict by the 1st and 2nd battalions of the Royal Australian Regiment.

The Air Force also played a significant role, led by the 77th Squadron of the Royal Australian Air Force. The Navy also played a significant role. An Air Force carrier group was deployed at one stage, the only time in Australia's history that has occurred. The Navy played a significant role in a number of actions.

It was a great event on Saturday. It was very well attended by veterans and was, again, a very well-organised event. It seems that many of these events for veterans are organised by a small group of people that do an amazing amount of work in organising them. I would like to pass on my thanks in this case to Christine Coulthard, Jan Properjohn and Colin Kahn.

Also I would like to note that the chief executive of TAMS, Mr Gary Byles, who is an ex-serviceman, was there representing the Chief Minister. It was great to see him there representing the government.

Question resolved in the affirmative.

The Assembly adjourned at 6.09 pm.

Schedules of amendments

Schedule 1

Climate Change and Greenhouse Gas Reduction Bill 2010

Amendments moved by Mr Seselja (Leader of the Opposition)

2

Proposed new clause 17 (2) (b) (va) to (vc)

Page 11, line 24—

insert

- (va) a person to represent the housing sector; and
- (vb) a person to represent the transport sector;
- (vc) a person to represent retail electricity suppliers;

3

Proposed new clauses 20A and 20B

Page 15, line 1—

insert

20A Report about meeting targets

- (1) The Minister must prepare a report on—
 - (a) the actions the government intends to take to meet the targets mentioned in part 2; and
 - (b) the expected cost of implementing the actions under paragraph (a) for—
 - (i) the government; and
 - (ii) the community.
- (2) The Minister must present the report to the Legislative Assembly by 30 April 2011.
- (3) This section expires on 30 June 2011.

20B Report about costs of implementing policies

- (1) This section applies to a government policy that a government agency proposes to implement to reduce greenhouse gas emissions in accordance with this Act.
- (2) The Minister must prepare a report about the expected costs for ACT households and businesses if the policy is implemented.

Examples—expected costs

- 1 an increase in the cost of electricity
- 2 an increase in the cost to use carparks

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) The Minister must present the report to the Legislative Assembly before the policy is implemented.
- (4) In this section:
government agency—see the *Public Sector Management Act 1994*, dictionary

Schedule 2

Climate Change and Greenhouse Gas Reduction Bill 2010

Amendments moved by Mr Rattenbury

1

Proposed new clause 7 (1A) and (1B)

Page 4, line 15—

insert

- (1A) The Minister may determine additional interim targets.
- (1B) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

2

Clause 9

Page 5, line 2—

omit

A regulation may prescribe

substitute

The Minister must determine

3

Proposed new clause 9 (2)

Page 5, line 3—

insert

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

4

Proposed new clause 9A

Page 5, line 3—

Insert

9A Energy efficiency targets

- (1) The Minister must determine targets for the per person use of electricity (other than electricity generated from renewable energy sources) in the ACT.

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

5

Proposed new clause 10 (2A)

Page 5, line 13—

insert

- (2A) In making a determination, the Minister must—
- (a) seek, and have regard to, the advice of an independent entity to assist the Minister to determine the method for measuring greenhouse gas emissions; and
- (b) as far as practicable, ensure consistency with the best national and international practices in relation to measuring greenhouse gas emissions.

6

Proposed new clause 10A

Page 5, line 13—

insert

10A Emissions offsets outside the ACT

- (1) The Minister may determine a maximum amount of emissions offsets outside the ACT that may contribute to achieving any target in this part.
- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

7

Clause 11 (3)

Page 6, line 8—

omit clause 11 (3), substitute

- (3) The independent entity must give the report to the Minister within 3 months after the end of the reporting period.

8

Clause 11 (4)

Page 6, line 11—

omit

2 months after receiving it

substitute

21 days after receiving the report from the independent entity

9

Proposed new clause 11 (5) and (6)**Page 6, line 11—***insert*

- (5) However, if there are no sitting days during the 21-day period—
- (a) the Minister must give the report, and a copy for each member of the Legislative Assembly, to the Speaker; and
 - (b) the report is taken for all purposes to have been presented to the Legislative Assembly on the day the Minister gives it to the Speaker (the *report day*); and
 - (c) the Speaker must arrange for a copy of the report to be given to each member of the Legislative Assembly on the report day; and
 - (d) despite paragraph (b), the Speaker must present the report to the Legislative Assembly on the next sitting day.

- (6) In this section:

reporting period, for a financial year, means 2 years after the end of the financial year.

Speaker includes—

- (a) if the Speaker is unavailable—the Deputy Speaker; and
- (b) if both the Speaker and Deputy Speaker are unavailable—the clerk of the Legislative Assembly.

unavailable—the Speaker or Deputy Speaker is *unavailable* if—

- (a) he or she is absent for duty; or
- (b) there is a vacancy in the officer of Speaker or Deputy Speaker.

10

Proposed new clause 11A**Page 6, line 11—***insert***11A Statement by Minister if targets not met**

- (1) This section applies if a target mentioned in this part for a financial year is not met.
- (2) The Minister must, within 6 sitting days after receiving a report from an independent entity under section 11 for the financial year, present a statement to the Legislative Assembly setting out—
 - (a) why the target was not met; and
 - (b) what action will be taken to meet any subsequent target, including how the action will differ from any action that was taken for the target that was not met.

11
Proposed new clause 12 (1A)
Page 8, line 6—

insert

- (1A) In the exercise of the Minister's functions, the Minister must, to the greatest extent practicable—
- (a) apply the inter-generational equity principle; and
 - (b) have regard to how measures to address climate change may affect people who are socially or financially disadvantaged; and
 - (c) engage the community on decisions that relate to climate change.

12
Clause 12 (2)
Page 8, line 7—

omit

must try to

substitute

must, to the greatest extent practicable,

13
Proposed new clause 12 (3)
Page 8, line 14—

insert

- (3) In this section:
- the inter-generational equity principle* means that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

14
Clause 13 (1)
Page 8, line 16—

omit clause 13 (1), substitute

- (1) For each financial year, the Minister must prepare a report on—
- (a) the actions the Minister has taken during the year in the exercise of the Minister's functions under the Act; and
 - (b) the effectiveness of government actions taken to reduce greenhouse gas emissions during the financial year.

15
Clause 13 (4)
Page 8, line 26—

omit

16

Proposed new clause 16A**Page 11, line 3—***insert***16A Annual report by council**

- (1) For each financial year, the council must prepare a report about the council's activities during the financial year, including any advice given or recommendations made to the Minister.
- (2) The council must give the report to the Minister within 3 months after the end of the financial year.
- (3) The Minister must, within 21 days after receiving the report, present to the Legislative Assembly—
 - (a) the report; and
 - (b) a statement by the Minister responding to any advice given or recommendations made to the Minister in the council's annual report.
- (4) However, if there are no sitting days during the 21-day period—
 - (a) the Minister must give the report and the statement, and a copy of each for each member of the Legislative Assembly, to the Speaker; and
 - (b) the report and the statement are taken for all purposes to have been presented to the Legislative Assembly on the day the Minister gives it to the Speaker (the report day); and
 - (c) the Speaker must arrange for a copy of the report and a copy of the statement to be given to each member of the Legislative Assembly on the report day; and
 - (d) despite paragraph (b), the Speaker must present the report and the statement to the Legislative Assembly on the next sitting day.
- (5) In this section:

Speaker includes—

 - (a) if the Speaker is unavailable—the Deputy Speaker; and
 - (b) if both the Speaker and Deputy Speaker are unavailable—the clerk of the Legislative Assembly.

unavailable—the Speaker or Deputy Speaker is *unavailable* if—

 - (a) he or she is absent for duty; or
 - (b) there is a vacancy in the officer of Speaker or Deputy Speaker.

17

Clause 17 (2)

Page 11, line 14—

omit

must try to

substitute

must, to the greatest extent practicable,

18

Clause 17 (2) (b) (ii)

Page 11, line 20—

omit

the environment

substitute

climate change

19

Clause 17 (2) (b) (vi)

Page 11, line 25—

omit clause 17 (2) (b) (vi), substitute

(vi) a person to represent transport planning;

(vii) a person to represent people who are socially or financially disadvantaged;

(viii) an energy specialist;

(ix) a public employee.

20

Clause 18

Page 12, line 8—

after

council

insert

(other than a member who is a public employee)

21

Part 5

Page 14, line 1—

omit part 5, substitute

Part 5

Sector agreements

20

Sector agreements

- (1) A *sector agreement* is an agreement with an entity under which the entity agrees on a voluntary basis to assist in reducing greenhouse gas emissions and meeting the targets mentioned in part 2 by introducing strategies to—

- (a) reduce energy use; or
 - (b) increase use of renewable energy sources; or
 - (c) carry out other avoidance or mitigation activities.
- (2) A sector agreement must—
- (a) be consistent with the objects of this Act; and
 - (b) include a requirement for the entity to review and report on the operation of the agreement.
- (3) A regulation may prescribe requirements for a sector agreement.

20A Register of agreements

- (1) The Minister must keep a register of sector agreements.
- (2) The register must be available for public inspection—
- (a) on the internet site (if any) of the administrative unit responsible for administering this Act; and
 - (b) during ordinary office hours at an office of the administrative unit.

22

Proposed new clause 20B

Page 15, line 1—

insert

20B Information to be included in agency annual reports

A report prepared by a government agency under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include details of any policies developed or programs implemented by the agency during the year to address climate change, greenhouse gas emissions and the targets mentioned in part 2.

Note **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

23

Clause 21 (a)

Page 15, line 5—

omit clause 21 (a), substitute

- (a) as soon as practicable after the end of this Act's 5th and 10th years of operation; and

24

Dictionary, note 2, proposed new dot point

Page 16, line 6—

insert

- administrative unit

25
Dictionary, note 2, proposed new dot point
Page 16, line 17—

insert

- public employee

26
Dictionary, proposed new definition of *government agency*
Page 16, line 22—

insert

government agency—see the *Public Sector Management Act 1994*, dictionary.

Schedule 3

Climate Change and Greenhouse Gas Reduction Bill 2010

Amendment moved by Mr Seselja (Leader of the Opposition) to Mr Rattenbury's amendment No. 2

1
Clause 9
Page 5, line 2—

insert after “determine”

“within six months after the commencement of the Act”

Schedule 4

Climate Change and Greenhouse Gas Reduction Bill 2010

Amendment moved by Mr Seselja (Leader of the Opposition) to Mr Rattenbury's amendment No. 10

1
Proposed new clause 11A (2)
Page 6, line 11—

insert

- (c) the costs of this action on households and business.

Schedule 5

Climate Change and Greenhouse Gas Reduction Bill 2010

Amendment moved by Mr Seselja (Leader of the Opposition) to Mr Rattenbury's amendment No. 11

1
Proposed new clause 12 (1A)
Page 8, line 6—

omit clause 12(1A)(b), substitute

- (b) have regard to how much measures to address climate change is likely to cost households and businesses in the ACT, particularly those suffering financial hardship;

Schedule 6

Climate Change and Greenhouse Gas Reduction Bill 2010

Amendment moved by Mr Rattenbury

1
Proposed new clause 13 (1) (c)
Page 8, line 18—

insert

- (c) the findings of a cost-benefit analysis of any government policies or programs implemented to meet the targets mentioned in part 2 during the financial year.

Schedule 7

Climate Change and Greenhouse Gas Reduction Bill 2010

Amendment moved by Mr Seselja (Leader of the Opposition)

1
Clause 17 (1)
Page 11, line 5—

omit

9

substitute

10

Schedule 8

Climate Change and Greenhouse Gas Reduction Bill 2010

Amendment moved by the Minister for the Environment, Climate Change and Water

1
Proposed new clause 17 (2) (b) (iia)
Page 11, line 21—

insert

- (iia) a person to represent disadvantaged groups in the community;

Schedule 9

Climate Change and Greenhouse Gas Reduction Bill 2010

Amendment moved by Mr Seselja (Leader of the Opposition) to the Minister for the Environment, Climate Change and Water's proposed amendment

1
Proposed new clause 17 (2) (b) (iia)
Page 11, line 21—

omit

disadvantaged groups

substitute

low and middle income families
