



Debates

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Thursday, 31 March 2011

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Thursday, 31 March 2011

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

Health, Community and Social Services—Standing Committee Report 5

MR DOSZPOT (Brindabella) (10.01): Pursuant to the order of the Assembly of 23 September 2010, I present the following report:

Health, Community and Social Services—Standing Committee—Report 5—*Calvary Public Hospital Options*, dated 28 March 2011, including dissenting comments (*Mr Doszpot*), together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

The Assembly referred the inquiry to the committee on 23 September 2010 based on the four options put forward by the minister in August 2010. The four options referred to the committee were: (1) the Little Company of Mary maintains the crown lease on the land with the establishment of a new activity funding agreement; (2) the ACT government proceeds with the network agreement in its current form; (3) the ACT government assists the Little Company of Mary Health Care in developing a stand-alone private hospital as a public-good investment; and (4) the ACT government builds a new acute public hospital on Canberra's north side.

Then on 25 February 2011 the minister released a discussion paper outlining in greater detail five new options, which are currently still the subject of public consultation. It should be noted that these new options were also sent to the committee by the minister only on the day of its public release on 25 February. The five new options were a variation of the previous four, but excluded any mention of the future of Calvary Private Hospital. Based on the addition of 400 new hospital beds, these were: No 1 option, option A—expand TCH and CPH by 200 beds each; option B—consolidation of 400 beds at TCH; option C—a new 200-bed north side hospital on a greenfield site and 200 beds at TCH; option D—a new 400-bed acute hospital and CPH converted to a subacute hospital; and option E—a new 200-bed subacute hospital and 200 beds at CPH.

The committee received 18 submissions from doctors, unions, community groups, individuals, the ACT government, Calvary Health Care and the Little Company of Mary Health Care. Namely, they were from Dr Peter French, Mr Mark Rolfe, the Community and Public Sector Union, Dr David Dickson, Mr Keith Sayers, Calvary Health Care ACT, Save Calvary Group, Mr Peter O'Keeffe, LCMHC and Archdiocese Canberra and Goulburn and Catholic Health Australia—there was a joint

submission—the Australian Nursing Federation (ACT Branch), Mr Peter Lawler, Mr Paul Monagle, the Health Care Consumers Association, the ACT government, Dr Andrew Gordon, ACTCOSS, the Australian Medical Association, Dr Roger Lee and Dr James Riddell, Calvary Public Hospital.

The committee held four public hearings on 1 December, 22 December, 23 December and 16 March, the last being a recall of the Minister for Health and Treasurer in response to the late release of the discussion paper containing the five new options. The committee visited the Calvary Public Hospital on 15 December 2010 and the Canberra Hospital on 9 February 2011 and was provided with a comprehensive tour at both sites.

The committee made certain recommendations, including (1) improving the contractual relations between the Little Company of Mary Health Care—LCMHC—and the ACT government; (2) the ACT government detail the steps taken to address cross-charging arrangements between Calvary Public Hospital and Calvary Private Hospital; (3) enhancing Calvary Health Care reporting requirements to better inform the Assembly and the ACT community; (4) the provision of evidence from the ACT government demonstrating the efficiencies to be gained through a fully networked hospital system to better inform the Assembly and the ACT community when the government makes its final decision debate; and (5) consideration of a public-private partnership if the government proceeds with building a new hospital.

Of the five new options, the committee recommended against two pertaining to three acute hospitals for the ACT and transforming TCH into a super hospital. The majority of the committee recommended that the government proceed with the options to develop a fully networked and specialised hospital system.

The committee is grateful to all the participants who appeared before the committee and/or provided written submissions. I would also like to thank my fellow committee members, Ms Amanda Bresnan and Ms Mary Porter, for their contribution to this report. On behalf of the committee, I would like to thank the committee secretary, Ms Grace Concannon, for her much appreciated commitment and assistance and also the committee office administrative assistant, Ms Lydia Chung, for her invaluable assistance. I also thank both Ms Concannon and Ms Chung for their assistance in preparing the committee's final report for tabling.

That is the conclusion of my tabling report on the Calvary Public Hospital options as chair of the Standing Committee on Health, Community and Social Services. Now I would like to present the following dissenting comments in my capacity as a member of the Standing Committee on Health, Community and Social Services.

I dissent from the committee decision on paragraph 7.9 and recommendation 7 which prescribe the government proceed with developing a fully networked and specialised hospital system as proposed by options D and E as the committee's preferred options. Having reviewed the available evidence and analysis, I consider that it is appropriate that the committee recommend against option C, which would result in three acute hospitals, and option B, which would result in a super hospital at TCH. Both of these options would create complications that are clearly explained in the report and show a clear balance in their relative merits assessed by the committee towards the negative.

However, as I have stated in committee meetings, I have not been satisfied that the committee has been presented with all the evidence from the government or with sufficient evidence that would justify the committee from discounting or recommending in favour of any of the remaining options. Without clarity on the issue of where a third public hospital would be built, evidence of the ability to staff all of the options, evidence of any cost efficiencies of a networked system and without some of the evidence and analysis that the government has refused to provide to the committee, I believe that all of the three remaining government options—A, D and E—have a balance of relative strengths and weaknesses that have been articulated in the report and at this stage, with the government still conducting community consultations, should not be discounted.

MS BRESNAN (Brindabella) (10.09): I would just like to speak to the report as a member of the health committee. I too would like to thank the other committee members—the chair, Mr Doszpot, and Ms Porter—and also, obviously, the committee secretary, Grace Concannon, for her hard work once again in bringing together what was quite a lot of evidence which we had heard during the hearings and also from submissions. We also needed to incorporate the information with the government's options paper which came later in the process and then go through those options. I believe we had information, submissions and evidence from various parties which very much fitted in with those options and also the original remit of the committee's terms of reference. I would also like to thank the staff at both Calvary and Canberra hospitals for hosting the committee in tours of both hospitals, which were very informative to the committee during those processes.

The most important issue for me personally in the inquiry was to ask: what is going to be in the best interests of the ACT community and their future health needs? I would hope that all parties with an interest and a stake in health services would also have this at the centre of what they are thinking and what they do. I would like to outline what I believe are some of the key issues that we must consider. All of them were actually discussed at the hearings and have been noted in the report which is being tabled today. One of them relates to having consistent practices between the ACT's hospitals. This includes staffing issues, hospital procedures, communication processes and the technology which is used—and that includes communication technology. These are some of the issues that were raised by groups, including the ANF and staff at TCH, and they go to the importance of having a fully networked hospital and the efficiencies that it can gain.

Issues around infection control were also raised. In particular, Dr Peter Collignon, who is a specialist in this area, noted that hospital design is now very much focused on constructing primarily single rooms due to infection control and that older hospitals, such as Calvary and also parts of TCH, have primarily shared rooms. While shared rooms will still be a part of future hospital design, it was noted that most hospitals will have single rooms due to the importance of maintaining infection control. This was noted during the committee's TCH visit, where we were informed that the design at TCH will be around about 80 per cent single rooms. That is quite significant. This is important in considering, I think, the future design and cost of construction of new acute beds and where they will be located.

Cross-charging arrangements were another issue raised. This goes to one of the recommendations in the report. This issue was raised in a report by the Auditor-General where it was identified that there were problems around cross-charging between Calvary public and Calvary private. The committee's recommendation 4 notes that the government should report on the steps taken to rectify this. This is in light of evidence which we heard from both the Little Company of Mary and the government. They both noted that this has been resolved, but the committee believed it was important to know that this will not be an issue in future. It is particularly important for the community to know this is an issue which has been resolved, and that is why we have made recommendation 4.

A key issue for me—this is one which is outlined in the report and one which was discussed—is the availability of a full range of services to people in the north of Canberra. LCM policy is that reproductive services are not provided. I very much understand and acknowledge that this is due to the philosophy and the policies of LCM, a view I do not necessarily subscribe to. A view which was noted by a couple of witnesses was that people can get in their car and drive across town to get these services. I think it is important that when we are considering the future of health services and we look at the north of Canberra as being one of the fastest growing areas, they should have the full range of services available to them. I believe that this should be a part of the consideration of future health services.

One of the issues noted in the report relates to subacute services. This is an area of growing need for the Canberra population. It is very much about assisting people to return home and preventing them from being admitted to an acute setting if they do not need to be. This is one thing which obviously needs to be considered. In terms of the provision of services we are considering across the board and in other jurisdictions, subacute is a growing need in a growing area. It is one of those areas in the ACT which needs to be further developed, and that has been acknowledged.

Turning to the issue of a fully networked hospital, this is something which there was quite a bit of discussion about. The committee recommended that further information be supplied, which I believe is warranted in terms of giving information to the public, in terms of how a fully networked hospital can benefit people and the efficiencies you can gain from that. We know anecdotally what that can do. We know that when we look at other jurisdictions this is very much the way they are moving. This goes across communications technology and across procedures—the issue I outlined earlier about why having it is important.

I also note, as Mr Doszpot did, that community consultation is still occurring on the options paper and that other ideas will come out of this through submissions from other parties. I very much see this committee's report as a contribution to the debate that is going on. I acknowledge, as we have in the report, that this consultation is still happening and that there will be things that come out of that. I think it is an important contribution to the debate. Obviously we had the terms of reference referred to us earlier and then the options paper came out. But, as I said, those issues are very much aligned. We have looked into them. We have heard from a number of witnesses. We have had submissions to the process. I believe this will be an important contribution to

that debate. I also hope that other groups who are interested in this will look to this report, use it and consider it in terms of their recommendations.

Going to the key recommendations which Mr Doszpot has already referred to, the committee—and this is the committee as a whole—did not support a third hospital or super hospital being constructed at TCH. We heard from a number of witnesses around workforce issues, and this needs to be taken into account. I think it was a fairly consistent view that it would be very difficult for the ACT to accommodate three acute hospitals. That has come through, as I said, from a number of witnesses. That was a recommendation of the committee as a whole, as was the recommendation that TCH not become a super hospital.

One of the issues when the committee went there involved the construction that is going on at that site. When we had the Minister for Health there—I will refer to her as both the Minister for Health and the Treasurer—we discussed some of the difficulties that have come about while running a hospital and having construction going ahead. That was noted when we went to TCH around the emergency department. The staff had quite a lot of issues to deal with, but I think they have done a wonderful job—as we noted—in terms of continuing to provide services while there is construction going on. That was one of the things we considered in terms of TCH becoming a super hospital. We also noted that there are other services that will need to be provided there in future and that it is not just about being an acute public hospital. That needs to be considered.

As Mr Doszpot has noted, he has dissented from recommendation 7 of the report. Both Ms Porter and I supported recommendation 7, which was that the ACT government proceed with developing a fully networked and specialised hospital system as proposed by options D and E in the government's discussion paper which was released on 25 February. This is very much, again, about having a fully networked hospital. As I said earlier, if we look at this in terms of what is going to be in the best interests of the ACT community in the future, we believe this is the option which will be in the best interests of the community. We have received quite a bit of information and we have heard from a number of witnesses. When we look at that, options D and E are the best options in terms of what is going to best meet the health needs of the ACT community.

Option D is about a new hospital, with Calvary as a specialist subacute hospital. As to option E, the Health Care Consumers Association of the ACT, in particular, raised as an option having Calvary as the acute hospital and a new subacute on the north of Canberra. One thing which I think the committee as a whole has recognised is that, whichever option is pursued, it will involve Calvary. One of the recommendations we also made was that if there is disagreement—if this is actually pursued and an agreement cannot be reached—that a third party be brought in to negotiate that agreement.

However, we recognise that, whatever option is pursued, Calvary will be a part of that. Whether it is through option D—being a specialist subacute facility or service—or whether it is going to be the main acute hospital in the north of Canberra, Calvary will have a role in whatever is pursued. Even if we do construct a new hospital on the

north side of Canberra, Calvary will also need to continue to provide public acute services for the ACT community for some time.

I think we all agreed—obviously Mr Doszpot dissents from recommendation 7—that Calvary is going to have a role in the future health care of the ACT, whatever is pursued. I repeat that Ms Porter and I both supported recommendation 7. When we look at the options paper it is quite clear that in terms of not only economics but also service provision options D and E are the best options. It is our recommendation that the government should be pursuing these two options as the preferred options.

I commend this report to the Assembly. As I said, I hope this will be taken into account in whatever is decided and that the community will also use it as a contribution to the debate. As I have said, I very much recognise that community consultation is still going on and that this is a contribution to that debate.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (10.20): I will make just a few brief comments. Obviously the government will be replying comprehensively to the report, as is standard practice, but I would like to thank the committee for this report. I have not had the time this morning to read all of it, but I have had a quick flick through, and I have to say that the recommendations look entirely reasonable. The government acknowledges the effort that other members of the Assembly have gone to to seek to understand the complexity of the issues facing the community about how we provide healthcare services into the future. From my appearances before the committee, I sensed that members of the committee had grasped those complexities, and it looks as though they have been able to reach some agreement on that.

From the number of meetings that I have been having with interested stakeholders around the future of hospital services across Canberra, I would say that it appears overwhelmingly that options D and E are the ones that are being universally supported for further work. That is certainly something that the government understands and supports. I think that options D and E are the ones that are coming out ahead.

I note that it appears that the Liberals have taken their usual sit-on-the-fence approach to this issue by refusing to actually have a position. They have ruled out the no-role-for-Calvary option. They have ruled out the super hospital, which, as I have said, was really in there as a straw man option. And then they have kept on the table options A, D and E. I am sure Mr Doszpot has discussed this at length with the shadow health minister, but what they have done is they have said: “Well, we might want a new hospital. We haven’t really worked that out. But we also might just want to keep things the way they are, and we don’t want to rule that out either.” At some point in time, the Liberal Party are going to have to have a view, and guess what? It might mean that not everyone agrees with them on something.

You cannot just sit there and ignore the reality of the pressures that are coming and continue to try and be a friend to everybody all the time. It is unreasonable not to have a position, and I think it is clear that Mr Hanson—who probably wrote Mr Doszpot’s dissenting comments—

Mr Hanson: What are you alleging?

MS GALLAGHER: Well, certainly, the dissenting comments are exactly the points that Mr Hanson went on about at length in the committee hearing. I am just drawing attention to the similarity there between what members are thinking. It is interesting; it is not unexpected that the Liberals would have this sit-on-the-fence approach to perhaps the major issue facing the city in the future. It is not unexpected, but it is a bit disappointing.

Overall, the report supports the work that is underway. It acknowledges the complexity and requires the government to do a few more things which, on the surface, while I am looking at them, we are very happy to do. I thank the members for this contribution, which will now feed in to the overall decision-making process that the government will be undertaking in the next few weeks.

MR HANSON (Molonglo) (10.24): I was not going to speak to the report but, given that little outburst from the minister, it is appropriate that I respond. The minister is accusing the Liberal Party of not having a position. I will certainly grant her leave—I am sure my colleagues would, too—to stand up and say what her position is. She has not given this chamber or the public a position. She has not said that it is going to be option D or option E. When I had a briefing the other day with the deputy chief executive and other staff from ACT Health, it was quite clear that a number of options are in play and are still being considered, and that is appropriate.

There is a general consensus that there are two options that should at this stage be discounted—that is the super hospital and the three acute hospitals model. But within ACT Health and the community I think it is broadly acknowledged that there are still three options on the table being considered very seriously by ACT Health.

For the minister to have the audacity to suggest that the Canberra Liberals do not have a position before the government has got a position is quite ironic. When the minister makes a decision and advises the community what she is going to do—bearing in mind that this is about the third or fourth iteration of this—then we will consider that and we will respond in due course.

She also needs to remember that this is a committee. Despite her quite serious allegations that there has been some sort of interference in the committee process, this is a committee report. This is members of the health committee—Mr Doszpot, Ms Porter and Ms Bresnan. It is not the Liberal Party, the Greens and the Labor Party, unless the minister would like to make something a bit clearer about what she has done with Ms Porter's response. This is quite a remarkable thing for the minister to be alleging.

The committee have reported. They have made a number of recommendations. I agree with some of them; I disagree with others. We will continue to go through the process, remembering that it was a Liberal Party motion, my motion, to establish this committee so that we could have further information to consider this proposal. We have a number of bits of information. We have what the committee have presented

today, and I congratulate them on that. We have the government's analysis that has been provided, and I thank the government for that. We have our own consultations that are occurring with the community. So we will make our decision in due course.

The minister needs to acknowledge that, if she is going to criticise us for not having a position, that criticism falls equally at her own feet, because she does not have a position either. The last time she demanded that we had a position, if you recall, was over the purchase of Calvary hospital. That was a secret plan that was taken behind closed doors with the Little Company of Mary. It was not taken to the election, and it was then leaked to the *Canberra Times* in April 2009. We have considered that. She kept carping on, saying: "When are you coming up with a position? When are you coming up with a position?"

We evaluated that, we considered it, and we came up with our position which was in stark contrast to that of the Greens and Labor. They wanted the purchase of Calvary hospital, and we said no. We thought it was an accounting problem the minister was trying to resolve and that it would see the waste of \$77 million of taxpayers' money. In retrospect, we were proved correct, because we considered, we analysed, and we made the right decision. It has been proved that we made the right decision. It is quite clear that we made the right decision, and I am sure that we will make the right decision in this case.

But, as the committee has noted, there is still information lacking. The government is still yet to provide any qualitative, quantitative data that assesses and explains how this networked system will drive efficiencies and effectiveness. It is all anecdotal—trust us, it will do it. Well, I am not prepared to do that. I want to see the evidence, and the government has been unable to do that.

I thank the committee for the work they have done. I think that it is a valuable report. As I said, I do not agree with some of the recommendations and I agree with others. I think it is a very useful document, and I think that it has actually been a useful process. The government could have been more forthright in some of the information that they could have provided. For example, they said we need an additional 400 beds. I asked them to break that down and explain what categories those beds are in, but they refused to do that. They have said that that is part of a cabinet process. I do not see why it would be. They should be open with the community and say, "This is why we need to spend \$700 million of taxpayers' money," rather than just saying, "Trust us, it is a mix of acute and subacute." Why not provide us that data? Why not allow us to go through that information so that we can then consult with the experts in the field and ask whether it is the appropriate number of renal beds, or whatever it might be? The government have failed to do that.

Mr Doszpot's comments—which are his own, I would like to add—are appropriate. As I understand it, what he said—I have only had a quick look at the report and listened to him speak—is that he agrees that two options should be ruled out at this stage but that he has not been satisfied that sufficient evidence has been provided to rule out option A, which is the option that does not involve a new hospital but simply provides 200 beds at Calvary and 200 beds at the Canberra Hospital.

I am disappointed by the minister's response to this committee report, and I ask that the debate be adjourned.

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

Road Transport Legislation Amendment Bill 2011

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (10.32): I move:

That this bill be agreed to in principle.

The road transport legislation, which replaced the Motor Traffic Act 1936, has been operational now for a little over 12 years. In that time, the road transport legislation has for the most part operated quite well to establish an effective scheme for licensing drivers, registering vehicles, and promoting road safety and traffic management.

Since 1999, additional laws have been passed to provide for the regulation of public passenger services and heavy vehicles with additional mass, loading or dimension restrictions. This bill does not seek to make fundamental changes to the policies that underpin the road transport legislation. Instead, it makes technical or operational amendments to a range of existing provisions to ensure that they work more effectively to implement those policies. In some cases, the amendments fill unintended gaps in the legislation or provide essential clarity about the content of police powers.

The bill amends the Road Transport (Driver Licensing) Act 1999 to enable people who incur excessive demerit points who are subject to a period of licence suspension or licence ineligibility to make an election to be of good behaviour after the suspension or ineligibility period has commenced. Under the current provisions, the election to be of good behaviour for 12 months must be made before the suspension or period of licence ineligibility commences. The amendments allow the election to be made at any time before the suspension or ineligibility period ends, noting that the person will still be required to undertake a full 12 months of good behaviour whenever the election is made.

The amendments to the Road Transport (Driver Licensing) Act 1999 create a new offence in section 31A of driving while a person's right to drive in the ACT has been suspended. The offence applies to persons who do not hold an ACT driver licence and whose right to drive in the ACT has been suspended by a territory law. The new offence replaces the offence in section 44(8) of the Road Transport (General) Act

1999. It is being moved to this act and located next to section 32, which contains similar driving status offences. The relocated offence will apply to any circumstances in which a person's right to drive has been suspended by a territory law, including for non-payment of a traffic infringement notice or a court fine.

The bill also includes minor amendments to the Road Transport (Driver Licensing) Act 1999 to clarify that driver licence photos and signatures, which may be used for the purpose of the road transport legislation, may also be used for the purposes of the Dangerous Goods (Road Transport) Act 2009.

The bill will also amend the Road Transport (General) Act 1999 and the regulations made under that act to clarify police powers in relation to false, unlawful, cancelled or suspended driver licences and public vehicle driver authority cards. The regulations will provide for ways that specimen signatures may be given to compare with licence signatures to assist a police officer in determining whether the licence that was produced to the officer was lawfully held by the person in whose possession it was found.

The bill amends the provisions dealing with immediate suspension notices for drink-driving offences. The first of these amendments explains that an immediate licence suspension notice ceases to have effect when the Chief Police Officer or the Director of Public Prosecutions notifies the person that charges will not proceed.

While the act already provides that an immediate suspension notice ceases to have effect when a proceeding for an immediate suspension notice offence is withdrawn or dismissed, in practice several weeks may elapse between the time that prosecuting authorities decide that a charge ought to be withdrawn and the formal termination of the relevant proceedings by the court. This amendment enables the affected driver's licence to be restored to them quickly once the prosecuting authorities decide to drop charges.

The second amendment requires the road transport authority to return licences to drivers as soon as practicable after the immediate licence suspension ceases. The effect is that drivers are not obliged to apply to the authority for the return of their licence when the suspension ends. The bill includes technical amendments to the provisions dealing with suspensions for non-payment of court fines, to provide for suspension of a person's right to drive in the ACT.

The existing sanctions provide for disqualification of a person from holding or obtaining an ACT driver licence, but this sanction cannot be effectively enforced against interstate fine defaulters. The bill also omits the offence of driving while the right to drive was suspended from section 44(8). As I explained previously, this offence has been remade as a new section 31A of Road Transport (Driver Licensing) Act 1999.

Finally, part 6 of the bill contains amendments to section 30 of the Road Transport (Vehicle Registration) Act 1999. These amendments clarify the power to seize stolen, forged or fraudulently altered number plates and registration documents and ensure

that police can enter a vehicle in order to exercise the power to seize registration-related documents.

The power to seize false or otherwise unlawful driver licences and registration-related documents will complement the RAPID (recognition and analysis of plates identified) automatic number plate recognition technology used by police to detect possible unlicensed drivers or unregistered vehicles in roadside operations. The trial of the RAPID system during the first half of 2009 saw 2,348 individual vehicles and people of interest being identified; 1,820 infringements being issued; and 200 suspensions or disqualifications issued.

ACT Policing formally launched the RAPID system in November 2009. In its first three days of full operation, the RAPID team had an immediate impact. Working in cooperation with ACT vehicle inspectors, the team detected 32 unregistered and 13 uninsured cars, eight unlicensed drivers, two unroadworthy vehicles and issued 21 defect notices. Unregistered vehicles and unlicensed drivers are a significant road safety hazard. In 2010, around one-third of the ACT's road fatalities involved an unlicensed driver or unregistered vehicle and crash statistics from other jurisdictions confirm that unlicensed drivers have a crash risk that is two to three times greater than licensed drivers.

Mr Speaker, the technical amendments in this bill are important for the effective operation of the road transport legislation and I commend it to the Assembly.

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

Road Transport (Alcohol and Drugs) Amendment Bill 2011

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (10.39): I move:

That this bill be agreed to in principle.

This bill consolidates the significant policy reforms to the Road Transport (Alcohol and Drugs) Act 1977 which were made last year. It contains a number of technical and operational amendments, some of which are consequential to amendments made last year and some of which are included to refresh the drafting of an act that was passed last year. The amendments in this bill affect the Road Transport (Alcohol and Drugs) Act 1977, the Road Transport (Driver Licensing) Regulation 2000, the Road Transport (General) Act 1999, the Road Transport (Offences) Regulation 2005, the Crimes Act 1900 and the Spent Convictions Act 2000.

Turning to the details of this bill, many of the provisions in this bill relate to the enforcement of the zero blood alcohol concentration (BAC) for driver trainers. Last year, the government introduced amendments to impose a zero blood alcohol concentration (BAC) on driving instructors, driving supervisors and heavy vehicle driver assessors, collectively known as driver trainers in the bill, while they are accompanying a learner driver.

The rationale for these amendments was twofold: firstly, driver trainers, particularly parents who act as driving supervisors, are important role models for learner drivers. Learner drivers' attitudes and behaviours towards driving are influenced not just by what they are told but by what they observe driver trainers doing themselves. Secondly, driver trainers need to retain some degree of control over the vehicle and the driver so that they can intervene when a dangerous situation arises. The driver trainer cannot exercise effective control of the situation if he or she is impaired by alcohol or drugs or both.

The introduction of a zero BAC for driver trainers involved two related sets of amendments in the 2010 amendment bill. Firstly, the bill provided for these people to be included in the list of special drivers in section 4B of the act. Secondly, the amendments provided that the prescribed concentration of alcohol for a special driver was reduced from 0.02 to zero. However, the 2010 bill did not specifically apply the random breath-testing or drink-driving offences under the act to driver trainers, so the zero alcohol limit for driver trainers has not been enforced thus far.

The bill gives effect to the intention of last year's amendments by ensuring that the zero BAC for driver trainers can be enforced through random breath-testing provisions and through the drink-driving offences under the act. The bill also applies the random drug-testing provisions and the new drug-driving offences to driver trainers, as the rationale for prohibiting impairment by alcohol while undertaking driver training responsibilities applies equally to impairment by illicit drugs.

All other Australian jurisdictions, except Western Australia and Tasmania, apply their drink and drug-driving laws to driver trainers, and the majority of these jurisdictions have set a low or zero alcohol limit for driver trainers.

The bill clarifies the application of different levels of alcohol concentration to drivers who hold licences issued in foreign countries. The purpose of these amendments is to ensure that certain foreign driver licence holders are subject to the same BAC as a person who holds an ACT licence of a corresponding class. Not every foreign country has corresponding classes of licence and the bill makes it clear that a person is regarded as holding a foreign licence of a corresponding class if the person's licence was issued by a country that is on the list of countries recognised by Austroads as having standards for driver licensing that are equivalent to Australia's standards.

Foreign drivers whose licences are not issued by a recognised country will be regarded as special drivers and subject to a zero BAC. The zero BAC is imposed on these drivers because the standard of driver training required to gain a licence in the country that issued the person's driver licence is not known. It cannot be assumed that

those requirements involve the same level of experience or competence as an ACT full driver licence holder. Therefore, the safest approach is to place foreign drivers from unrecognised countries in the same category as provisional drivers and subject them to a zero alcohol limit.

The bill amends the provisions for taking blood samples to include the option of taking a blood sample from a driver at a sampling facility. A sampling facility is a place prescribed by regulations where a blood sample may be taken by a doctor or a nurse. It may be a police station or even a specially equipped police vehicle, as occurs in other jurisdictions.

At present, the act requires all drivers who need to give a blood sample to be taken to a hospital for this procedure. This requirement places pressure on resources at emergency departments because samples must be taken from drivers within two hours after the person last drove the vehicle. So priority has to be given to taking the sample even if the driver is otherwise uninjured.

The amendments do not change the requirement for a blood sample to be taken by a doctor or a nurse. That requirement still applies whether the blood test is carried out at a hospital or a sampling facility.

In addition to relieving pressure on hospital staff, the amendment may reduce the amount of time drivers spend in police custody because it means that drivers who require blood tests will not need to be transported between the hospital and a police station. The option of having a blood test at a sampling facility may also provide greater privacy for drivers when they undergo testing than is available in a hospital emergency department.

The bill contains a series of amendments to replace references to “public street” and “public place” with “road” and “road related area”. “Road” and “road related area” are the terms used in the ACT road transport legislation and national transport legislation, including the various model acts drafted by the National Transport Commission and the Australian road rules. The definitions of “road” and “road related area” are not completely co-extensive with the definitions of “public street” and “public place” but the difference between the two is covered by a determination made under section 12 of the Road Transport (General) Act. That provision confers on the relevant minister a power to determine that an area is a road-related area for the purposes of the road transport legislation.

If there are any additional areas that need to be covered, a further determination could be made. The bill also includes a specific regulation-making power to prescribe areas as road-related areas for the purpose of the Road Transport (Alcohol and Drugs) Act.

The current act provides for persons to be taken into custody for the purposes of alcohol or drug testing. Significantly, when persons are in custody for testing under the act, in most cases they are not under arrest for an offence. This means that the usual suite of police powers in relation to arrested persons does not apply to them. Nevertheless, as they are persons in police custody, the police owe duty of care to them, including for any time while they are being transported to and from police

stations. The duty of care includes taking steps to prevent persons in custody being injured. It extends to the prevention of injury from self-harm.

Unfortunately, it is not uncommon for the police to take an intoxicated person into custody and to discover that the person has a weapon, such as a knife. At present, under the act there is some uncertainty as to the legal basis for conducting a preventative search of drivers in custody to determine whether the person has items that could be used for self-harm or to injure others while in police custody. To provide a clear legal basis for preventative searches of this type, the bill includes a provision, based on section 5 of the Intoxicated People (Care and Protection) Act, to provide a power to search persons taken into custody for alcohol or drug testing and to remove any items that may pose a risk of injury to the person or to others.

Like the search power in the Intoxicated People (Care and Protection) Act, it is not a forensic or evidentiary search provision. The purpose of the search is not to find evidence to establish the person's involvement in the commission of any offence. The purpose is to ascertain whether the person is carrying any items that may be used to cause harm or injury to that person or to others. If the police did not act to remove a dangerous item from a person in custody, the police may be held accountable for resultant harm.

The bill includes technical amendments to section 16 of the act which deals with medical examinations of persons arrested for certain driving offences. These amendments clarify that, where a person is suspected of the offence of driving while intoxicated, the person may be asked to provide a body sample under section 16 for testing for the presence of a prescribed drug even though it has not been practicable or possible to carry out a drug screening or analysis first. The amendment takes account of the technical limitations of roadside drug-screening technology. The bill therefore provides for the situation where it is not practicable to require a person to undergo a drug-screening test or drug analysis before the person is arrested on reasonable suspicion of committing an offence against section 24 of the act or a culpable driving offence.

It is important that a sample be taken from the driver within a comparatively short time after the alleged offence and the drug analysis instrument may not be readily available within that time frame. Therefore, replacement section 16(1) applies to enable a blood sample to be taken to test for the presence of a prescribed drug, even though it has not been possible to undertake preliminary drug screening or analysis.

The bill includes other amendments relating to foreign drivers that clarify the eligibility provisions for foreign drivers who seek an exemption from the requirement that a person must have held an ACT provisional licence of the relevant class for a certain period before applying for a full driver licence of a particular class. These technical amendments to the Road Transport (Driver Licensing) Regulation explain that it is only foreign drivers who hold a licence from a country recognised by Austroads that are regarded as holding a driver licence that corresponds to an ACT licence of the equivalent class.

Finally, the bill includes a suite of drafting, technical and consequential amendments related to the changes I have outlined, including amendments to the Road Transport (Offences) Regulation 2005. The drafting and technical amendments include minor amendments dealing with oral fluid analysis statements and evidentiary certificates which will ensure the effective operation of the drug-testing provisions when drug testing commences in the coming months. The amendments outlined in this bill will improve the workability of the current legislation and I commend them to the Assembly.

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

Electoral (Casual Vacancies) Amendment Bill 2011

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.51): I move:

That this bill be agreed to in principle.

This bill makes amendments to the casual vacancy provisions of the Electoral Act 1992 to provide that where a casual vacancy in the Legislative Assembly arises and the vacating member was elected as a party candidate, and no unsuccessful candidates from that party apply to contest the vacancy, the vacancy would be filled by an appointment made by the Assembly.

This bill arises from a recommendation made by the ACT Electoral Commission in its report on the conduct of the 2008 ACT Legislative Assembly general election. Mr Speaker, casual vacancies in the Assembly are currently filled by conducting a count-back of the ballot papers used to elect the vacating member. The count-back method of filling casual vacancies serves to preserve the integrity of the proportional representation aspect of the ACT's Hare-Clark system, as it enables the voters who elected the vacating member to choose that member's replacement.

In practice, this has always meant that a vacating member of a particular political party has been replaced by a member of the same party, thereby retaining the party balance in the Assembly, which in turn reflects the will of the electorate at the relevant general election. However, the Electoral Commission has noted that the count-back method will only operate as intended to preserve the proportional outcome of the original general election where there is at least one candidate of the vacating member's party available to contest the vacancy.

Should a party member resign, and at least one unsuccessful candidate from that same party is not available to contest the vacancy, under the current law that vacancy would

be filled by a candidate from a different party or, indeed, potentially by an independent candidate. Arguably, Mr Speaker, such an outcome would not deliver a representative result, and might serve to alter the balance of power in the Legislative Assembly.

To address this issue, the Electoral Commission has recommended that the Electoral Act be amended to provide that, where a casual vacancy arises and the vacating member was elected as a party candidate, and no unsuccessful candidates from that party apply to contest the vacancy, then the vacancy would be filled by an appointment made by the Assembly using the method set out in section 195 of the Electoral Act. This bill is being introduced to give effect to the Electoral Commission's recommendation.

Section 195 of the ACT's Electoral Act currently provides for the situation where a casual vacancy occurs and it is not practicable to fill the vacancy by count-back at all. Such a situation could arise either because of a technical difficulty such as, in the days before electronic counting, where some or all of the ballot papers were destroyed by accident or because no candidates applied to contest the vacancy.

Under section 195, if a vacancy cannot be filled by count-back, there is a mechanism for the Assembly to appoint a replacement member from the same party of the vacating member, where the vacating member belonged to a party, or to appoint a candidate with no party affiliation where the vacating member was not elected as a party candidate. This method is similar to the Senate casual vacancy rules which, like the ACT's count-back rules, are designed to preserve the proportionality of multi-member election outcomes.

This bill will extend the operation of section 195 to cases where the vacating member was elected as a party candidate and no unsuccessful candidates from that party apply to contest the vacancy. The bill also makes consequential amendments to the Aboriginal and Torres Strait Islander Elected Body Act 2008, which applies various provisions of the Electoral Act to the conduct of elections for the elected body. The effect of these amendments will be to leave the existing elected body rules essentially unchanged, as political party candidates are not recognised in elections for the elected body.

This proposed change to the casual vacancy rules is subject to the Proportional Representation (Hare-Clark) Entrenchment Act 1994. The entrenchment act provides that it applies to any law that is inconsistent with any of the listed principles of the proportional representation Hare-Clark electoral system, including the principle that "where there are two or more eligible candidates in relation to a casual vacancy, the vacancy shall be filled by a recount of the ballot papers counted for the person who, at the last election before the vacancy occurred, was elected to the seat in which the vacancy has occurred".

Any law to which the entrenchment act applies has no effect unless it is passed by at least a two-third majority of the members of the Legislative Assembly, or passed by a simple majority of the Legislative Assembly and subsequently passed by a majority of electors at a referendum.

Consequently, Mr Speaker, to have effect this bill must be passed by one of these special majorities. The purpose of the special majority requirements of the entrenchment act is to ensure that any significant changes to our electoral system have multi-party support. In this case, given the compelling arguments for making the proposed changes, aimed at preserving the representative nature of the Assembly, the government hopes that this bill will receive the support of all Assembly members.

As mentioned in the presentation speech for the Electoral Legislation Amendment Bill 2011, which I will be presenting shortly, the government has also decided to seek to refer these bills to the Standing Committee on Justice and Community Safety for review and report. I intend to speak to the chair of the committee and to other members of the committee in advance of moving such a referral to seek their advice on the timing of such a referral and the period of time required to give consideration to these bills.

These bills are an important change to the way our electoral system operates in relation to one particular aspect. It is important that we provide for detailed public scrutiny of the proposals and an opportunity for all Assembly members to consider their import, their consequences and whether or not they should proceed. At this stage, Mr Speaker, I will foreshadow that the government would be wishing to move a referral of these bills to the relevant Legislative Assembly committee for inquiry and report in the next sitting week, but that will obviously depend on discussions with the relevant members of the committee. I commend the bill to the Assembly.

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

Electoral Legislation Amendment Bill 2011

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.59): I move:

That this bill be agreed to in principle.

This bill provides for amendments to the Electoral Act 1992 and the Electoral Regulation 1993. The amendments primarily arise from recommendations made by the ACT Electoral Commission in its report on the conduct of the 2008 ACT Legislative Assembly general election.

Changes recommended by the Electoral Commission after the 2008 election that appear as amendments in this bill include: limiting the number of candidates that may be nominated for an election in an electorate to no more than the number of members of the Legislative Assembly to be elected for the electorate; providing for the return of

a candidate's deposit to the person who paid it, or to a person authorised by the person who paid it; providing that the certified list of electors used in polling places contains the year of birth and gender of each elector to assist in correctly identifying electors as they vote and providing that the extract of the certified list of electors provided to candidates will not contain the year of birth and gender of electors in order to protect their privacy; allowing the Electoral Commission to provide the extract of the certified list of electors to candidates in electronic form; removing the requirement for a person to sign as witness when a voter is casting a postal vote; and providing flexibility to the Electoral Commissioner as to where the word "declaration" is to be printed in relation to the words "ballot paper" on declaration ballot papers.

Another amendment arises from changes made in 2010 to the Commonwealth Electoral Act 1918. This amendment will lower the age of entitlement to provisionally enrol to vote from 17 years old to 16 years old to bring the ACT into line with the commonwealth. The requirement that an elector must be 18 years old or over before they can vote will not be affected.

Four amendments suggested by the Electoral Commission after the 2008 election are not being supported by the government and are therefore not proposed for this bill. These include allowing any voter to pre-poll vote without the need to declare that they are not able to attend a polling place on polling day; changing the authorisation requirements for double-sided stickers; removing the offence for defamation of candidates, which has not been supported by the Assembly previously; and increasing the penalty for non-voting.

The government considers that the current requirement for voters to attend to vote on polling day should continue, with the facility for pre-poll voting being available only for those who cannot attend a polling place. Further, the government considers that the current authorisation requirements are sufficient to ensure readers are aware of the authors of political advertising. The government does not support the repeal of the provisions regarding defamation of candidates, as this proposal was considered and rejected by the previous Legislative Assembly. The government does not support raising the penalty for failure to vote. The current penalty of \$20 remains the penalty for failure to vote at commonwealth elections and an increase does not appear to be justified.

One recommendation of the Electoral Commission's 2008 election report relates to improving the processes for filling casual vacancies in the Assembly. This recommendation is being supported by the government and is dealt with in a separate bill, which I have just tabled. This bill also makes minor consequential amendments to the Aboriginal and Torres Strait Islander Elected Body Act 2008, which applies various provisions of the Electoral Act to the conduct of elections for the elected body.

In its report on the conduct of the 2008 election, the Electoral Commission also suggested that consideration be given to tasking an Assembly committee with a brief to consider and report on the conduct of each Assembly general election, and other relevant electoral matters. In the spirit of this suggestion, and as I have foreshadowed in relation to the Electoral (Casual Vacancies) Amendment Bill 2011, the government will seek to refer this bill also to the Standing Committee on Justice and Community

Safety for review and report. Consideration by this committee will give Assembly members the opportunity to consider these two bills and the commission's election report in the context of a comprehensive public inquiry into the conduct of the 2008 election.

Mr Speaker, the amendments proposed to be made by this bill are intended to assist in the continuing improvement of electoral processes for the ACT Legislative Assembly elections and electoral administration in the territory and have been made on the basis of recommendations by the ACT Electoral Commission. I commend the bill to the Assembly.

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

Justice and Community Safety Legislation Amendment Bill 2011

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.05): I move:

That this bill be agreed to in principle.

The Justice and Community Safety Legislation Amendment Bill 2011 is part of a series of legislation that concerns the Justice and Community Safety portfolio. The bill I am introducing today will improve the effectiveness of the ACT statute book. Members would remember that last year the Assembly supported a motion calling on the government to continue to recognise the generally accepted practice of using omnibus bills to deal only with amendments to legislation that are minor, technical and non-contentious in nature and to bring forward amendments of a more substantive nature in separate bills dealing specifically with those amendments.

I would like to reiterate that, although JACS bills have always been used to make more substantive changes to the law than statute law amendment bills, the government is supportive of the general practice that a majority of the issues pursued through a JACS bill not be controversial and that any new major initiatives or policy be pursued through a distinct and separate bill. I am confident that the bill I am introducing today therefore is uncontroversial.

The bill makes amendments to a number of acts related to the Office of Regulatory Services. Those amendments are designed primarily to improve efficiency and governance arrangements in that office. The bill also amends the Associations Incorporation Act 1991 to correct an inconsistency with that act and makes minor, technical amendments to the ACT Civil and Administrative Tribunal Act.

The primary purpose of this bill is to streamline governance arrangements in the Office of Regulatory Services. Over time, the ORS has come to carry out functions under a range of laws that provide for separate statutory administrators and inspectors. An example of this is the Sale of Motor Vehicles Act 1977, which provides for a registrar, deputy registrar and separate inspectorate. Taken together, these laws create a profusion of separate statutory offices and inspectorates. In practice, this complexity at the statutory level is overcome by appropriate appointments of a single senior officer to hold the different management offices. That senior officer is the Commissioner for Fair Trading. Likewise, the commissioner's investigators are appointed to the various inspectorates.

The amendments bring the law and practice into harmony by substituting the various registrars with the Commissioner for Fair Trading and providing that investigators who have been appointed under the Fair Trading (Australian Consumer Law) Act are authorised to carry out a range of statutory functions under a number of acts. This removes the need for multiple, unnecessary appointments of the same person to a number of offices. These acts are also amended to remove the need for investigators to be issued with multiple identification cards.

These changes will simplify the law and streamline processes in the Office of Regulatory Services by removing the need to make multiple appointments and delegations. The changes are also intended to remove the need for ORS to carry out the costly and unnecessary exercise of issuing multiple identification cards to Fair Trading investigators.

JACS bills are invaluable in ensuring that legislation continues to give effect to the policy decisions that have resulted in the enactment of the territory's laws. They allow the government to be responsive to community and stakeholder concerns, thereby delivering on the government's commitment to be alert to changing needs and attitudes within our community.

The bill I present today is no exception. It introduces amendments to the statute book of a relatively minor and generally uncontroversial nature, providing the Assembly with an opportunity to ensure that the territory's laws continue to operate with minimal confusion or uncertainty. I commend the bill to the Assembly.

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

Planning and Building Legislation Amendment Bill 2011

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

Title read by Clerk.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (11.10): I move:

That this bill be agreed to in principle.

I am pleased to present the Planning and Building Legislation Amendment Bill 2011 to the Assembly. This bill makes amendments to planning and building legislation under guidelines approved by the government and in addition to the government's omnibus bill program. This omnibus bill, or PABLAB, deals with: minor, non-controversial amendments; technical amendments to correct minor typographical or clerical errors, improve language, omit redundant provisions, include explanatory notes or otherwise update or improve the form of the legislation; and amendments that are a result of minor changes of policy that require approval from the Chief Minister.

It has been developed in response to the need for greater flexibility in drafting amendments of planning and building law for revision purposes and to minimise costs associated with keeping ACT planning and building legislation up to date. The ways of amending planning and building legislation have historically been seen as cumbersome and confusing for the community, the industry and government users of the legislation.

In recent legislative debate on a Planning and Development Act amendment, Assembly members commented that the bill contained a large number of fairly insignificant clauses to clarify areas of uncertainty or to make small improvements to the act. This omnibus bill, and others like it, enables more minor matters to be dealt with expediently.

It provides greater flexibility in drafting amendments and facilitates keeping laws as up to date as possible. It also consolidates amendments into one place making the amendment process more user-friendly and accessible for the community and industry.

The cumulative effect of the amendments made through this bill will have a significant impact on the overall quality of ACT planning and building laws and complements other steps we have taken since March 2008 to continue to improve the territory's planning system.

In summary, this first PABLAB amends: the Building Act to finetune the requirements for what information must be shown in the plans when making an application for an exemption assessment notice—an exemption notice is a new non-mandatory process for persons to use so that they have a record that their development met development exemption criteria and no building approval was required; the Construction Occupations (Licensing) Act to make a code of practice a notifiable instrument, thereby making them publicly available to industry and the community; the Electricity Safety Act to include generator, such as might be used in a residential dwelling, as a type of thing covered by the act; the Surveyors Act, to clarify the wording of an existing offence provision; and the Gas Safety Act and regulation to allow codes of practice to apply current Australian Standards to industry.

The bill also amends the Planning and Development Act. These amendments: clarify the nature of notification for development applications; make amendments relating to recent EIS reforms and to the public availability of comments on technical

amendments to the territory plan; finetune requirements in relation to exemption assessment notices; and specify the type of information supplied to the Land Titles Office in relation to development applications.

I will only discuss the more significant changes as these are detailed in the explanatory notes available for the more minor amendments. The bill proposes amendments to the Planning and Development Act that clarify the language used for notification in relation to a development application. The act uses the term “consultation” extensively but in different contexts. For example, consultation is required under section 61 for a draft territory plan variation, and section 66 deals with public consultation on a draft territory plan variation and so on. These types of consultation are where ACTPLA puts information out for active interaction, consideration, review and comment.

In relation to development applications, the act presently uses both the words “consultation” and “notification”, and this has caused confusion. This has contributed to the general misunderstanding about the Planning and Land Authority’s role in notifying development applications. Clearly many in the community and elsewhere think that ACTPLA should undertake consultation on development applications.

In relation to a development application under the act, ACTPLA’s responsibility is to notify the community about a development application that the authority has received. This is so that people who could potentially be affected by the proposed development, such as a neighbour, have the necessary information and can make a comment on the proposed development. It is not an interactive discussion with notified persons.

ACTPLA does not have a representative or advocacy role for development applications. ACTPLA must be able to remain impartial in its assessment processes and consider applications and the views of those who have made submissions on the merit of their arguments having regard to the planning rules that exist.

Put simply, ACTPLA receives a development application, it notifies the development application—that is, it tells the community that a development application has been lodged—and invites submissions from the community. ACTPLA then assesses the development application against planning rules that this Assembly has put in place and assesses comments and points made in public submissions against those same rules. It then makes a decision on the development application, to approve it, to refuse it or to approve it with conditions, and tells the applicant and those who made submissions the outcome of this assessment through a formal notice of decision.

The *Macquarie Dictionary* definition for “notification” is reflective of what “consultation” means when it is part of the development application process—that is, “To give notice to, or inform, of something; to make known; to give information”. Therefore, the bill amends those sections which relate to the DA process to remove the word “consultation” where it appears and substitute with “notification”.

Clause 30 of the bill makes amendments as a consequence of recent EIS reforms. One reform means that it will no longer be necessary to prepare an EIS prior to lodgement of a DA to deconcessionalise a lease. Instead, the application must include an

assessment of the social, cultural and economic impacts of the proposed deconcessionalisation. This ensures that the level and content of these assessments are more appropriately focused.

Because of the importance of this assessment in a DA application, it was considered that the proponent must have some guidance about what information should be included in an assessment of the social, cultural and economic impacts. Previously, this would have been dealt with in an EIS scoping document. However, once a deconcessionalisation of a lease is no longer an EIS trigger, there will be no scoping document.

The amendments proposed provide the power for a regulation to prescribe the requirements for an assessment and for the planning minister to make guidelines for their preparation. A guideline will be a notifiable instrument.

Clause 22 makes comments made on proposed technical variations to the territory plan publicly available. The act requires the ACT Planning and Land Authority to undertake consultation on a technical variation to the territory plan. However, under present arrangements, if comments are made, the public cannot access these comments unless they apply under the Freedom of Information Act. The proposed amendment requires that the notice advising of the consultation will also say that comments will be available to the public. This is consistent with what happens for other types of consultation and ensures that the technical variation is more transparent.

The bill also makes some important amendments to the Unit Titles Act 2001. These amendments relate to ensuring the act adequately deals with unit title developments that are complete in stages.

Section 20 of the act presently deals with the approval of applications and provides for one application and one decision. It does not cater for a staged development application, although these types of applications have always been available. New section 20(1)(a) provides that an application that is for a staged development can be approved at each stage of the development, whether or not it is only one stage or many stages. This change will help industry, in that it further streamlines the unit titles process.

This bill also amends section 17 subsections (4) and (5) so that a unit title application for a development proposed to be done in stages includes a unit title assessment report for each stage, rather than the current arrangements which only require such a report if a development is done in one stage. The same content requirements apply for a unit title assessment report whether the report is for unstaged or staged development.

This bill is another example of the government providing a practical and expedient response to issues. This bill is part of the government's ongoing efforts to improve the territory's planning system to meet the needs of our local economy, industry, the environment and, most importantly, the community.

The bill, whilst minor and technical in nature, is another important building block in the continuing development of modern and accessible planning laws that are at the

leading edge in this country. As I have said before, it is important that we continue to implement the highest standard of planning policies and laws and principles to ensure that our city continues to grow successfully into the future. Madam Assistant Speaker, I commend the bill to the Assembly.

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

Planning and Environment—Standing Committee (Sixth Assembly) Report 34—government response

Debate resumed from 6 May 2010, on motion by **Mr Stanhope**:

That the Assembly takes note of the paper.

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

Standing Committee on Public Accounts Reference

MR SMYTH (Brindabella) (11.23): I move:

That:

- (1) this Assembly refers the Road Transport (Third-Party Insurance) Amendment Bill 2011 to the Standing Committee on Public Accounts for inquiry and report; and
- (2) the Standing Committee on Public Accounts shall report on its inquiry as soon as practicable in 2012.

I am proposing this motion today in the interests of sound public policy making in the ACT and to ensure that a clear and unanimous decision of this Assembly is implemented.

I should emphasise that we all should be concerned about having the best possible approach to policy decisions that we make on behalf of the community. I was surprised, therefore, when the Treasurer presented the Road Transport (Third-Party Insurance) Amendment Bill on 17 February this year. I was well aware of the exposure draft, which the Treasurer released in 2010, that set out a range of proposals from the government dealing with the compulsory third party, CTP as we call it, insurance regime in the ACT.

My surprise comes principally because of section 275, a section which this Assembly put in the act in February 2008, indeed on an amendment from me. I remind all members, including the Treasurer, that this section requires a review of the reforms which were implemented as from October 2008 to the CTP insurance regime operating in the ACT.

The purpose of the amendment was that a review was to be undertaken after three years of operation of these reforms, that is, after 30 September 2011, and I have not heard any arguments about why the mandated review of the CTP reforms should not proceed as required by the act. The only comment I have heard to support making further reforms before the review has been undertaken was from this Treasurer. In her arrogance—and it is arrogance, an arrogance which is so typical of this government—the Treasurer is quoted in the *Canberra Times* of 25 March 2011 as saying that the review of the 2008 reforms to the CTP insurance arrangements “is not going to tell us anything that we don’t already know.” What arrogance! What hypocrisy!

I have held extensive consultations with a number of people and organisations with an interest in the CTP insurance matter and to this point there truly is very limited feedback, of which I am aware, relating to the effect of the 2008 reforms to the ACT’s CTP insurance regime. There is an actuarial analysis of the reforms conducted by Cumpston Sarjeant in mid-2010 and it acknowledged the limited claim finalisations under the revised or new legislation and concluded that it does appear that legal expenses are lower for new claims at a similar operational time.

It is not possible for me to say anything more than that about this report, because of the blacking out of what is claimed to be commercially confidential information. I would simply observe that the denial of this critical information to members of the Assembly means that we are not able to perform our role of using the best available information when formulating public policy.

Indeed, there is some confusion as to who actually owns the report. The government are saying they are seeking permission to release it, but there is some conflict in that the government actually own the report itself, and I hope the Treasurer will inform us as to the status of this. She is on the record in this place as saying she would like to give us this information, but we are yet to see it.

The only other information I have received is anecdotal commentary that claims relating to third-party insurance matters are being processed, at least through the early stages of consideration, more quickly. Importantly, this anecdotal evidence only covers quite recent activity, as it takes people some time to adjust to legislative reforms in the first place. On the other hand, some provisions in the current act are making the current claims process more complex and costly. I can only describe that as a perverse outcome from that sought by the government.

I ask the Treasurer, therefore: what is the evidence that she has that shows the existing CTP insurance regime is not working? And what evidence does she have that the further reforms which she has proposed in her bill will lead to lower premiums and increased competition in the ACT CTP market? Experts to whom I have spoken are not able to provide any substantive evidence one way or the other at this moment.

My motion today seeks to ensure that the ACT adopts a sound approach to making and amending public policy. I do not accept that, because it might appear that previous reforms are not achieving the outcomes that were sought, a new set of reforms should be implemented. The existing reforms have only been in place for just

over two years, and clearly patterns of behaviour in response to these reforms are only now becoming evident. It is completely premature to propose further reforms until the existing reforms have been shown to be deficient, and at this point that is not the case.

Moreover, the review of the current reforms, which is required under section 275 of the act, has not been undertaken because the three-year period has not been reached. It must be remembered that is the agreed period that the members of this place put in place back in 2008.

The Treasurer is not doing anyone any favours with the bill she has presented. She is not approaching the formation of public policy in a responsible way. She is rushing off with proposals that may not be necessary, but we do not know. She is building expectations in the community which may not be realised.

This brings me to the reforms which the Assembly implemented in 2008. When the then Treasurer, Mr Stanhope, introduced those reforms, he made a number of comments, including that the reforms would “encourage other insurers to recognise the ACT as a compatible, open market jurisdiction”, that the reforms have a “primary emphasis on health outcomes” and that the intention of these reforms is to improve health outcomes for those injured as a result of motor vehicle accidents, to foster competition and to reduce CTP premiums. He also went on to say that the reform package would lower premiums motorists pay. So we need to question whether or not any of that has been achieved.

I must emphasise a number of points. The expectations of the ACT government at the time of the 2008 reform package with respect to health outcomes, premiums and competition were quite clear. There has been insufficient time for trends in any of these parameters to become properly evident. A formal review of the reforms is to be undertaken after three years.

I do not accept, therefore, that the latest package of reforms from the Treasurer to the ACT’s CTP insurance is soundly based. I propose, as a consequence, that the only proper way forward with the Treasurer’s bill is to refer it to the public accounts committee. This will enable the public accounts committee to consider the latest package of proposals along with suggestions which have been made by other organisations, for instance, the Law Society, and by taking into account the outcome of the review that will be conducted by the government after 30 September this year.

There are going to be some amendments, it appears, in an attempt to set a date. My motion as such did not set a date, simply because it is unclear as to what will be practical. It will depend firstly and foremostly on whether or not the government are organised to start their review on 1 October and how quickly they can finish that review, do the normal government process of taking such a review through the cabinet process and, as the act says, deliver it to the Assembly. The Treasurer can of course do that out of session and then refer the act to the public accounts committee. That committee then have to consider whether or not they will conduct any further inquiries on the matter once they have got the government’s review, whether they will call for submissions and whether or not they will hold further hearings.

So at this stage I left the matter of a date open ended and I have just said it needs to be delivered as soon as practicable in 2012. If you consider some of the time lines—we will get to the debate on the amendment shortly—it really is a matter for PAC in this regard to do their work. Of course, once we get the review we of course go into December and January, which may be hard for potential witnesses or potential submitters of submissions on the government's report and the government's review. So I think there needs to be some flexibility, but we will get to that in a minute, I have no doubt.

I am very conscious of the need for this to be done. I am very conscious of the need for this to be done properly. That is why I inserted the review clause back in 2008, to make sure that we do, if necessary, get the sort of amendments that are required to make sure that first and foremost people who need rehabilitation and medical treatment get that as quickly as possible and that we then have a path forward and, if compensation is required, that appropriate compensation be delivered quickly and equitably. I commend my motion to the Assembly.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.32): The Greens will be supporting Mr Smyth's motion. However, I move the following amendment to it:

Omit paragraph (2), substitute:

“(2) the Standing Committee on Public Accounts report to the Assembly by the first sitting week in March 2012.”.

The proposed CTP changes have certainly proved to be controversial. I have probably received more constituent representations about this issue than any other issue in my time in the Assembly. Whilst it may be that many of these have come about because of an effective public campaign being run by some lawyers, the sheer number of letters and emails from people who have been, or who have family members who have been, injured in road accidents and whose sincere expression of concern is that they might not have received fair compensation if the proposed changes had been in place is one reason why we should take the time to consider the scheme very carefully and fully understand the current situation and the effect of the proposed changes.

While the fundamental premise that the more that is paid into the scheme in premiums the more that can be paid out in compensation and vice versa is very simple, the way that compensation payments are determined and the mechanics of the scheme are complex and there are myriad different ways the scheme could be amended.

It is probably fair to say that the main policy issues presented by the bill are fairly clear and there are perhaps only two or three key issues that need to be resolved in the bill. However, the implications of those changes are difficult to articulate with any certainty and it is undeniable that there are many alternatives to the government's proposals that would also address the stated motivations for the reforms.

As I said, while the general premise is easy, the specific operation is very difficult, and non-government members currently only have a limited amount of information and data available to them. This is a key reason why it is reasonable to have a committee inquiry into the matter, so that we all have the benefit of more extensive research and a better understanding of possible improvements that could be made.

The government do have the benefit of significantly more information than the opposition and the crossbench and I understand that they are legitimately limited in what they can provide. However, it is not reasonable for us to rely on assertions. The Greens are committed to evidence-based policy and our understanding is that there is much more data available and that with the benefit of that data we will be in a much better position to make an informed decision about the proposed reforms.

The government has put forward one model based on a scheme which I guess is looking at how insurance companies can reduce premiums. I understand the government's desire to reduce premiums. No-one would argue that we should be trying to reduce waste and unnecessary costs within the scheme. However, we need to be sure that that will in fact be the consequence and be confident that the reduction is justified.

I understand that there may be, and I guess there is, a level of frustration that the proposed reforms are being delayed and I do note the Treasurer's public comments in relation to the ACT Greens' decision to not support the bill until a review has been undertaken. Of course, that review, as Mr Smyth has mentioned, is in the legislation. A review mechanism was put in so that the act, after three years of operation, can be reviewed. We already had significant changes from the previous arrangements to this act and that is why it was a good idea to put in a review mechanism. At the time the bill was debated it was recognised that a three-year period was a reasonable time frame to be able to understand the impacts of the scheme, and there is no evidence to suggest that this is not still the case.

I should take the opportunity to acknowledge the diligence of the government in providing briefings to answer questions during the exposure draft period and I do offer a commitment to work with both parties on the issue. The Greens are very keen to resolve the issue and very much encourage the government to undertake the statutory review as quickly as possible so that the public accounts committee can review the scheme with the benefit of that information and we can then debate the merits of the bill with the necessary information before us as soon as is reasonably possible.

I have no reason to believe that there is an urgent need for the reforms and I do not believe that it is reasonable for the Assembly to consider the bill, which does have the potential to significantly impact upon injured persons' lives, without all the information that we need in order to make a considered, careful decision.

I would reiterate that the Greens agree with the premise that the scheme can be improved. It is not perfect and it is not unreasonable to expect that there is a solution

that will deliver better outcomes for injured people and at the same time at the very least place downward pressure on premiums.

My small amendment seeks to insert the first sitting week in March 2012 as the reporting date for the public accounts committee. While this appears to be a long way off, the debate is set in the context of the statutory review taking place and the need for the committee to have a reasonable amount of time to consider the review findings. If it is possible for the committee to report earlier, the Greens would certainly welcome that.

Our primary concern must be for the welfare of injured people. The potential premium reductions need to be balanced with what could be very serious consequences for the rest of injured people's lives. While some in the community may well be happy to rush into a decision that would reduce the cost of their compulsory third-party premiums, I think if they found themselves in a car accident and entitled to less compensation they might well want to take that opportunity to go back and pay the extra premium to ensure they were adequately compensated.

Whilst I do hope that the inquiry can be completed before the date of March 2012 set out in my amendment so that we can resolve the issue as soon as possible, I think this is the earliest reasonable time we can require a report from the committee.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (11.39): There is no doubt—and I support other members' comments here this morning—that this is very significant law reform. It is appropriate, I believe, that members have available to them all the information they need to make an appropriate decision around these laws. I cannot help but stand here and say that part of me believes that there is an interest in delaying having to make some tough decisions. We went out with an exposure draft in October. This issue has been fairly prominent in the media for some time and it is at the end of March that people decide it needs to be referred to a committee.

I have no doubt that this issue will not be resolved in 2012, and that is because of the nature of the reform it seeks to implement and the preparedness of stakeholders within this community, particularly within the CTP market, to wage an extremely expensive PR campaign against these changes. And we have seen what they have done prior to 2011. That is just a taste of what they will do in 2012 if these changes come back. I have been around here for long enough to know that the Assembly does not invite controversial law reform in the last year of an electoral cycle. And that is being as blunt as I can be today.

I think it is extremely important for the CTP market as a whole that this issue be dealt with this year. As I said to Mrs Dunne in committee and in answer to questions in this place, I have been seeking to provide members with an appropriate level of information. I accept that for members in this place that has been a deficit that we need to fix. At this point in time we have not reached agreement with the NRMA about the form of that information. There are some concerns from the insurer that, depending on the granularity of the information provided, competitors would be able to pull together enough of that data, if it is released publicly, for them to be

commercially challenging for the insurer. But we are working with that insurer. I understand they are discussing it again today.

I have also sought advice from GSO around whether, if we are not able to release all of the information publicly, based on those commercial reasons, that information could be provided in an in-confidence way to members of this place who are going to debate this legislation. I am awaiting that formal advice. That is responding to Mr Smyth, who has raised that very legitimate concern.

When you look at what has happened over the last two years, I would not want to sit here and set a precedent that says that because we have got a review clause in our legislation it means that we are not able to review that legislation or amend that legislation—and I am not talking about CTP; I am talking about any legislation—before that review is done, because obviously that review can only be the trigger point for further reform. What we have seen in the last two years is a 26 per cent increase in CTP premiums in this jurisdiction, equating to \$102 per private motor vehicle. That is what we have seen.

Going to Mr Smyth's comments that in some sense we know what the review is going to find, we know that it is going to find that premiums have skyrocketed, and we know that it is going to find that competition has not come to the market. And they are two of the main things we were trying to seek by amending this legislation in 2008.

From the data I have seen, in terms of the claims that we have had finalised between October 2006 and September 2007, there has not been any significant change at all in the way that the scheme is carved up—that is, nearly half of the scheme payments are going in general damages and around 16 or 17 per cent, about 16½ half per cent, which is almost the status quo of what we had seen before, a little bit of improvement, is now going in medical costs. So we have seen movement at the edges but we have not seen significant change. And I have to say that I know, based on that, that the review will find that general damages are the main component of the scheme costs and the main component behind the costs escalating.

However, I accept the will of the Assembly to do further work on this bill. It is important reform. It is a way in which this Assembly can seek to ameliorate some of the cost pressures that are hitting families in relation to their motor vehicle registration. We do not have enormous or a whole extensive range of areas where we can intervene to try to reduce some of those cost pressures on families. And this is one of them.

I have no doubt that CTP premiums, if the scheme remains unchanged—and let us face it, if this is delayed until 2012 and does not pass before the next Assembly—will rise again. They will have to rise again. The scheme costs are escalating. The number of claims is not diminishing. There are 800 to 1,000 claims a year. We are not seeing any change in that.

I know that one of the biggest changes that we could make is that we could all slow down and stop tailgating people. That would be a good start. That would have a big impact on the scheme. But we have not seen any major changes in that either.

Our accidents per 1,000 vehicles are still double the figure in New South Wales, and we know that when accidents happen they happen at speed. I know members will have a view on this. Because of our relatively good road system and the speeds at which people can drive around this city, when people do crash those crashes are significant. Running alongside these changes, if we encourage people to slow down and take more care on the roads, I think that would assist.

But it is very clear to me that we are not going to get competition. Other members have spoken to other insurers. I know that they have walked the corridors. We are not going to get competition to this market while the scheme is performing the way it is performing. And that is what we have got to change. But we are not going to see competition come and we are not going to see claim costs fall while the scheme is operating in the way it is. That will mean that at some point in this Assembly's future we are going to have to tackle these issues and I have no doubt that at that point those changes will be controversial again.

I accept the Assembly's desire for further change. I have an amendment, which I have circulated and which I move now. I move:

Omit "March 2012", substitute "December 2011".

So this amendment really goes to trying to pull back the reporting date to December. I understand that I might not have the numbers in support of this amendment but it really is about giving these laws the opportunity to be implemented before the next election. If this slips to March, the chances of that happening are very remote. That means competition is further delayed and premiums rise in the order that they have been rising over the last 18 months. I think that it is an extremely unfortunate outcome.

I have asked that Treasury commence the review on 1 October and that they complete it in November and be able to provide that information to the committee to assist with the speedy reporting from the public accounts committee. Certainly from my point of view, I would prefer that we set a reporting date of December, and that is what my amendment seeks to do.

MR SMYTH (Brindabella) (11.48): I am speaking to the amendments and closing debate. I thank members for their support for the motion. I am, even now, more concerned, having heard the Treasurer's speech, as to her motive and her intentions in this. It is interesting that the minister says that she does not like moving controversial law in an election year. To me, that comes down to a lack of leadership and a lack of commitment to the law. It would appear that it is not about sorting out and getting a better result for injured parties and lower premiums. It is about clearing the decks before an election run.

The minister, by her own words, seems to be condemning the former Treasurer Mr Stanhope's reforms as not having worked. And if they have not worked once, why would they work a second time? What it says is that we can have little faith in the government reforms, which I think makes it even more important to send it to the committee.

The government is suggesting, "Here are some reforms. It is our way. This is how it will work." Yet these reforms, when they started in New South Wales about a decade ago, yes, in the first year did lead to some premium reductions but then the premiums came straight back up. So if you want lasting reform and if you want genuine reform that leads to lower premiums but also better outcomes for the injured party as well as competition in the market, it would appear the government's approach, if we follow it now, may well have already failed in other jurisdictions. Again, it is very important to send this to the committee so that we get it right.

It is pleasing to hear the Treasurer admit there are legitimate concerns. It is pleasing that the Treasurer admits that we have not got the data that we need to make the decision here. I have asked the Treasurer or officials in a number of briefings for certain information that I understand they have, and I am yet to get any data back from the government on this.

The unfortunate thing is that the Treasurer said, "We would like you to have this." I am not just talking about the NRMA report, the Cumpston Sargeant report. There are the questions I have asked that I have not received any answers to. And so the unfortunate thing is that you cannot have any faith in this Treasurer and her process, because they say they will get you information and we never get that information.

As to the actual dates, if we look at December 2011 as a reporting date for the committee, the Treasurer has just said, "We will start on 1 October." Good. "The government will have that report in November." It has then got to go through the government process of taking it to cabinet and then releasing it. "So sometime in November the Assembly and, therefore, the committee can have the report," but then the Treasurer expects that two or three weeks later the committee will report on what she says is a very important issue. That is just ridiculous and shows the lack of regard that the Treasurer has for the committee process and indeed for the public accounts committee.

As to the amendment proposed by Ms Hunter, I would have thought the public accounts committee would report at about that time. Indeed if we get the information early and we can action it quickly, then of course we can report earlier. So "by the first sitting week in March" means that it can become available.

But that will depend on the Treasurer. And that will depend on the information that the Treasurer provides and the timeliness of it. She is the one who has chosen the time frame for her legislation without consulting the act. The act is quite clear, and I am surprised at the advice the Treasurer got did not tell her that this review was required. Why would you amend an act that has only just been in operation so that you have got a different act which will be encountered on 1 October, when a statutory review has been put in place by the Assembly? The logic of the Treasurer and her leadership on this are sadly lacking.

My personal belief is that the motion, as it stands, is probably the best way to go about it, "as soon as practicable in 2012". I accept that March 2012 might be, if we have to fix a date, is certainly a date that I hope PAC can work to. December 2011 is just

arrant nonsense. It is not physically possible for it to be done in that short time frame. Assuming the Treasurer can deliver the review in November, it is just not physically possible for a committee to do it.

If there are serious issues raised in the report, if there is a need for consultation, if there is a need for further public hearings, if there is a need for further submissions from interested bodies, it just cannot be done in the three or four weeks that the Treasurer is proposing. So it is a shame she has got such contempt for such an important process. I commend my motion, as is, to the Assembly.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.53), by leave: As I did say in my earlier speech, I did put that date of March. There was some discussion between my office and the Committee Office on what was a reasonable time frame, and that is how I came to my amendment around March.

I do appreciate Ms Gallagher's comments around the need to move ahead and to get some result here, and that is why I did say earlier that we would appreciate it if the public accounts committee were able to wrap up their inquiry earlier. But we still need to put a reasonable time frame in there in case they are unable to wrap up, say, before Christmas. But I certainly urge them, if they can, to do that as quickly as possible. But it is, as we said, a complex issue. It needs proper consideration and we certainly do not want it rushed. It does need to take its course. At the same time, as I said, we would appreciate it if they can report earlier.

Also I acknowledge Ms Gallagher's statement that she has instructed Treasury to get onto this review, to start on 1 October and to have that done by November. I think that shows that there will be some information available to the public accounts committee. Once again, that may assist them to report earlier and if they can, as I said, we will welcome that.

Ms Gallagher's amendment to Ms Hunter's proposed amendment negatived.

Ms Hunter's amendment agreed to.

Motion, as amended, agreed to.

Education, Training and Youth Affairs—Standing Committee Report 5—government response

Debate resumed from 15 February 2011, on motion by **Mr Barr**:

That the Assembly takes note of the paper.

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

Executive business—precedence

Ordered that executive business be called on.

Public Accounts—Standing Committee Report 2—government response

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (11.57), by leave: I am pleased to provide a government response in the form of a statement to the Assembly in relation to the Standing Committee on Public Accounts report entitled, *Review of Auditor-General's Report No. 2 of 2009: Follow-up Audit—Implementation of Audit Recommendations on Road Safety*.

Auditor-General's report No 2 of 2009—the 2009 audit report—reported on the extent to which TAMS had addressed specific issues identified in an earlier 2006 audit report on road safety. The 2009 audit report noted that six of the seven recommendations from the 2006 audit report had been either fully implemented in the case of four or partially implemented in the case of two. Work against one recommendation had not commenced at that time.

The 2009 audit report had four recommendations. One related to the TAMS audit committee charter, which has been completed. The other three recommended that further work be undertaken in respect of evaluation of road safety measures, crash data processing and motorcycle safety issues.

In line with normal procedure, the 2009 audit report was referred to the Standing Committee on Public Accounts, together with a government submission on the report which advised that the outstanding issues related to continuing projects under the ACT road safety action plan. The committee tabled its review of the 2009 audit report in the Assembly on 23 September 2010. The committee was of the view that the government should report on progress with these outstanding issues within a reasonable time.

More specifically, the committee recommended that the Minister for Transport report to the Legislative Assembly by the last sitting day in March 2011 on the outcome of the evaluation of road safety engineering treatments and policy initiatives, the implementation of a computerised SmartForm to allow electronic reporting of ACT traffic crashes, the integration of SmartForm inputs into TAMS data entry and data processing functions, and the outcome of the review of ACT licensing, training and testing requirements for novice motorcycle riders.

Undertaking a program of evaluation of road safety engineering treatments and policy initiatives was an item under the ACT road safety action plan for 2009 and 2010. In this context, an ongoing program of evaluation of road safety engineering treatments has been established, with treatments at 37 locations evaluated during 2009 and 2010. Following this evaluation process, the majority of these projects were found to have been successful by reducing the number of crashes occurring at these locations. In addition, results from the evaluation process will be used to guide future Roads ACT treatment programs.

A process for the evaluation of awareness measures has commenced, with an initial community attitude survey completed in July 2010 to benchmark community attitudes to road safety and the effectiveness of awareness measures. Future surveys are planned. The 2010 survey found that there were mixed levels of awareness of the five prompted TAMS road safety campaigns, with electronic road signs, general road signs and television considered to be the most effective mediums for road safety messages.

Evaluation of road safety programs will continue to be progressed as a priority issue under the next ACT road safety strategy and the ACT road safety action plan. This will include establishment of stronger performance measures and targets to assess the effectiveness of initiatives, in line with work under the national road safety strategy. A computerised SmartForm system for reporting vehicle crashes in the ACT has been implemented. This project had a particular focus on reducing the resource requirements at police stations and improving customer service compared with the previous paper-based process.

A SmartForm for police attending traffic crashes has been in production since January 2009. A public SmartForm was implemented on a trial basis in January 2010, using kiosks at police stations. Full rollout of the SmartForm, allowing public access via the internet, was implemented late last year. At present, SmartForms are received by TAMS and relevant information entered into the TAMS crash database manually, as occurred with the previous paper-based process.

Integration of SmartForm inputs into TAMS data entry and data processing functions is a separate and internal TAMS project, requiring upgrading of the current crash database platform. Funding for this work has been sourced and a project plan has been finalised. The scope of works has been agreed with the selected contractor and the project is due to be completed by mid-2011.

In terms of motorcycle safety, many road safety countermeasures apply to both drivers and riders. The ACT also has existing programs covering specific motorcycle safety issues, including rider training and testing. Specific suggestions made by the Auditor-General in relation to on-road testing need to be considered in the context of an appropriate training structure. A review of ACT licensing, training and testing requirements for novice motorcycle riders has been completed by TAMS in conjunction with motorcycle stakeholders.

I think it is particularly poignant in relation to that that we note the most distressing road deaths that have occurred so far this year, with four road deaths in the last three weeks, with three of them being motorcyclists. Indeed, 50 per cent of road fatalities in this financial year have been motorcycle riders, and 30 per cent of all road deaths last year were motorcycle riders. This certainly is a major issue for the Canberra community and for the motorcycle riding fraternity within the ACT to have some regard to the inherent obvious risks that motorcyclists face with these alarmingly high rates of accident, serious injury and death being suffered by motorcycle riders within the ACT.

One of the responses the government has made to that reality is to provide for mandatory testing of novice motorcycle riders for the issuing of a conditional permit to ride a bike. Experience and evidence of crashes that have occurred involving motorcyclists in the last few years—they are appallingly over-represented in road accident statistics—shows a need for motorcyclists to be more self-aware and perhaps to accept a greater responsibility for their own vulnerability and for the way in which they ride.

In line with the recommendations of this review, the government has agreed in principle to making, as I said, those pre-provisional licence courses mandatory. The course is currently only compulsory should applicants fail the pre-provisional licence test, and the course contains an on-road riding component. It is proposed, as I said, to make that fully assessable.

Making the pre-provisional licence mandatory will require changes to the TAMS administrative processes and the contract arrangements with the ACT's motorcycle training provider, Stay Upright. A minor change to the ACT driver licensing regulation will also be required. In addition, Stay Upright will need time to source and engage sufficient staff to deliver the increased number of courses required. Accordingly, this change will not be put in place immediately but will hopefully be introduced as soon as possible.

It should be noted that the 2006 audit report was prepared prior to new arrangements being established by TAMS under the ACT road safety strategy 2007-10. To some extent, the recommendations of the 2006 and 2009 audit reports, which deal with specific initiatives, have been overtaken by the broader priorities and key initiatives established under the ACT road safety strategy and accompanying action plan. Nevertheless, the ACT government has been implementing these recommendations as part of continuing work under the ACT road safety action plan, and I am pleased to provide this update on progress to Assembly members.

I present the following paper:

Public Accounts—Standing Committee—Report 12—*Review of Auditor-General's Report No. 2 of 2009: Follow-up Audit—Implementation of Audit Recommendations on Road Safety*—Government response—Statement to the Assembly.

I move:

That the Assembly takes note of the paper.

MS BRESNAN (Brindabella) (12.06): I thank Mr Stanhope for providing the update to the Assembly about the issue of road safety today. I know it is an issue which Mr Stanhope himself is very passionate about and concerned about, and I appreciate his words today.

There have been many deaths on the road in the ACT in recent years, and these are terrible and tragic events. As Mr Stanhope said, when we look at the statistics,

motorcyclists are over-represented, and it is tragic to see that motorcyclists are disproportionately represented. Something is obviously wrong here, but we need to question where the problem lies. The government has focused on providing better training to motorcyclists in order for them to obtain a licence and there is no doubt that this is a very good thing, but it is not the only issue that needs to change.

The Greens have raised in question time this year the issue of training for other road users specifically about vulnerable road users—that is, cyclists, motorcyclists and pedestrians. By this we mean those who are the most sensitive to road injury. The term “vulnerable road users” recognises the inherent vulnerability of humans who use roads without protection from a steel shell, such as a car. This idea should be clear to all of us. We have all been exposed to traffic and we all know how one-sided a collision is between a car, truck or bus and a pedestrian, cyclist or motorcyclist.

The Greens believe the ACT’s licensing, training and testing requirements should require training for all drivers about vulnerable road users. I believe this training will translate into important safety outcomes and is part of a shift in philosophy towards the vision zero approach. I think we would all admit that the car is currently very much at the centre of road planning in Australia and certainly in Canberra. We have argued for this for a while, and hopefully Mr Stanhope remembers that we recommended vulnerable road users training last year in the active transport plan that was released by the Greens.

The vulnerable road users training for drivers will focus on the presence, needs and intentions of vulnerable road users, as well as about responsibility towards vulnerable road users. This training also fits in perfectly with the types of changes that the government is now investigating, such as shared spaces and slower 40-kilometre-per-hour zones. The infrastructure changes will be complemented by changes in road user training. I would recommend also extending this training to road and network planners and engineers.

I would urge the government to look abroad for how this training can be very successful, particularly to northern European countries. Vulnerable road users training has been so successful there that they have been able to change the liability laws governing road users. They now operate a system that places a burden of responsibility with the bigger, more dangerous vehicles, as they are classified.

Under this system, for example, a car would be strictly liable in a crash with a cyclist, and a cyclist would be strictly liable in a crash with a pedestrian. The more dangerous vehicle would need to show that they were not negligent. There are different ways to deal with a situation where the more vulnerable party contributed to the accident. For example, in Denmark, property damage compensation can be reduced, but not injury compensation. In the Netherlands, if the vulnerable road user was a child then the liability remains with the more dangerous vehicle.

What is the result of this scheme? Everyone must travel around in a way that maximises the care and safety of the most vulnerable travellers. Drivers must take extra care in places where there are vulnerable road users. For example, people will look out for children, walkers and riders. Embedding this structure of liability in our

laws acknowledges that motor vehicle drivers have a special onus of responsibility for more vulnerable road users, and they are very aware of this responsibility because of the training they receive when becoming licensed.

One of the keys to this training is the concept of anticipation. Road users learn that they must expect the traffic environment to be unpredictable because of the different types of vulnerable road users that coexist. They must anticipate that there will be users of different sizes moving at different speeds. I am not suggesting that the ACT change its road user liability laws right at this moment, but I am suggesting it adopt vulnerable road users training as a part of driver licensing requirements. This can only be a good and positive thing for safety. Rather than being behind other jurisdictions in Australia, as we were with motorcycle training, introducing vulnerable road users training would make us a leading Australian jurisdiction.

Mr Stanhope said it was incumbent on motorcyclists to take greater responsibility. But it is also incumbent, as I have already said, on other road users, most particularly car drivers, to be knowledgeable of the other people using the road, including motorcyclists, pedestrians and cyclists, and to take them into account in how they travel on the roads.

Question resolved in the affirmative.

Evidence Bill 2011

Debate resumed from 10 March 2011, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

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

Commissioner for Sustainability and the Environment Report and government response

Debate resumed from 16 March 2011, on motion by **Mr Corbell**:

That the Assembly takes note of the paper.

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

Sitting suspended from 12.13 to 2 pm.

Questions without notice

Bimberi Youth Justice Centre—complaints

MR SESELJA: My question is to the Minister for Children and Young People. Minister, during question time on Tuesday this week, you said in relation to problems at Bimberi that were revealed in the media this week that “this is the first time I have heard of these complaints”. Minister, what were the issues brought to your attention

during your now infamous 24 November meeting with staff at Bimberi and do you regard those matters as having been raised with you formally? If not, why?

MS BURCH: I thank the Leader of the Opposition for the question. What I was referring to on Tuesday was the matter of the former art teacher's article which raised concerns about a young fellow, I think it was—a young man—who had some injuries to his face. There was an incident of language such as “dirty, rotten whore” or “junkie whore” and there was an allegation of, again, a young man, I think it was, who felt in fear of being abused in the classroom.

With the first, the assault, I replied and I said that if I understand it to be the assault I was associating with that commentary, it had been referred to the police. As far as “dirty junkie whore” was concerned, the first time I heard those allegations was through the media, but we are certainly investigating and the chief executive has written to the former teacher seeking details on that. On the matter of a child in fear of abuse in the classroom, that was the first time I had heard that.

The other part of your question was about matters raised by staff. I met with teaching staff and I met with some youth detention workers. The teaching staff raised some operational matters of concern, and I think I went to some of this on Tuesday or Wednesday of this week. It was about communication between the management of the centre and the youth, conversations about the connections with the community organisations that are coming through and some concerns they had, and a level of high frustration, with the delays in getting teaching and educational materials through the risk process. The operation of management went through all materials that come into the centre.

I responded very quickly to the teachers' concerns. The lead teacher, the principal teacher there, now is part and parcel of management. There are debriefs every day. There are weekly meetings. They have access to community organisations and there are far stronger connections between the teaching unit and the management unit. The teachers at that meeting did not raise “dirty junkie whore” or notions of some children being at risk of being assaulted within the classroom.

MR SPEAKER: Mr Seselja, a supplementary?

MR SESELJA: Thank you, Mr Speaker. Minister, at that 24 November meeting did staff raise with you issues such as allegations of bruising around the neck and broken capillaries in the eyes of a young person as a result of being strangled by a staff member? If so, what action did you take in response?

MS BURCH: As I said, there were two forms of meetings—one with teachers and one with the youth workers. That incident was not raised at those meetings. That incident was the first time I heard in this place. I have asked the department for an explanation of that. That incident was reviewed. It has been reviewed and it has been referred to the Federal Police. Again, if it is the incident that I am turning on—

Mr Coe: And you weren't told about it, Joy?

MS BURCH: Not at that meeting, no. That was the question: was that raised at that meeting? And no, it was not, Mr Coe.

MRS DUNNE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, at that meeting on 24 November, did staff raise with you issues such as allegations that there was a culture of violence and bullying at Bimberi and, if so, what action did you take in response?

MS BURCH: The staff there raised a broad set of concerns in commentary and thoughts about their operations and their workplace at Bimberi. My action was to go back to my department and to have a frank and fearless discussion with my department and implement some significant changes. We have implemented change management. We have appointed Danny O'Neill who goes out there one day a week. And he has started that. He started that in the early part of this year, after being committed to that work in the latter part of last year. And he will continue to do that up until the middle of this year, at this point.

Other things that we have brought about because of that meeting include a review of the induction program. Staff were issued with uniforms. It was most unfortunate that staff there did not have uniforms issued. That was remedied. There were also concerns about access to training and supervision. And those improvements have been put in place.

Bimberi is a challenging, complex work environment not only for the young people there but for the workers. After the concerns were raised with me, we have put a number of systems in place. They go to operational matters, educational matters, supervision matters and practical matters such as uniforms.

MRS DUNNE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what other issues were raised with you during that meeting before you, to quote from a caller to radio 2CC on Tuesday afternoon: "She turned her body from us. She put her hands over her ears and went, la, la, la, la, la, I don't want to know"?

MS BURCH: As I have said consistently from that meeting an undertaking I had with staff that they could talk to me without fear or intimidation—

Mrs Dunne: Because you weren't listening.

MS BURCH: It was open conversation. They asked me to hold that conversation in confidence so I could effect the change without them fearing any identification of the

issues raised. As for me putting my hands on my ears, it is nonsense, and I will stand by that as nonsense.

Climate change—strategy

MS HUNTER: My question is to the Minister for the Environment, Climate Change and Water and concerns action items from the government's climate change strategy, weathering the change. Minister, it appears that a number of actions have yet to be completed. Action 20, mandate greenhouse friendly options for new dwellings, states that the ACT government will require all new dwellings to incorporate greenhouse-friendly appliances and technologies from a list of options, including solar hot water and gas hot water systems. Minister, has the list been developed? If so, where is the list available? If not, why not, and when will it be completed?

MR CORBELL: I thank Ms Hunter for the question. The government already mandates a certain level of performance when it comes to hot water systems in new homes, and, in that respect, we have already implemented that measure.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Yes, thank you, Mr Speaker. Minister, has action 17, travelling to work options, been completed? If so, what were the outcomes? Where is it available? If not, why not?

MR CORBELL: Again, the government has funded a range of programs to assist Canberrans with developing more sustainable choices wherever possible when it comes to journeys to work. Programs such as the TravelSmart program and a range of other initiatives have been deployed to assist in implementing that measure that Ms Hunter refers to in the strategy.

MS BRESNAN: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, what has been done for action 19, pursue energy efficiency ratings for all buildings, specifically the commitment to extend EER disclosures for commercial and rental properties, and does the government remain committed to this?

MR CORBELL: The government remains committed to addressing issues around the energy efficiency of a range of buildings. Of course, I draw Ms Bresnan's attention to the fact that a range of very significant national developments have now occurred when it comes to the energy efficiency of particular buildings, in particular commercial office buildings, and the mandatory disclosure requirements that the commonwealth has enacted in relation to commercial office buildings. The government obviously has to have regard to changes in policy at a national level that have an impact on these measures, as well as having regard to what is occurring within the ACT's own jurisdiction.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, has action 36, one million new trees, been completed? If so, what trees are included, does this in fact include shrubs, and specifically are the trees in the arboretum included and are there any ecological value requirements for a tree to be counted in the one million?

MR CORBELL: I regret that I am not keeping track of the number of shrubs, I have to confess, nor do I know where the line is between a shrub and a tree, and where we draw that line. Perhaps we need to investigate that issue more closely, about where a shrub—

Mr Seselja: What about hedges? Where do you put them?

MR CORBELL: Indeed, Mr Seselja; where hedges fall in relation to this matter as well. The government has undertaken significant work in tree replacement and the planting of new trees. In particular, in the Cotter catchment following the 2003 bushfires a very significant level of tree planting has occurred. I am happy to provide further and better particulars, including the number of shrubs, to Ms Le Couteur.

Bimberi Youth Justice Centre—inquiry

MRS DUNNE: Minister, are you aware of any documented evidence in any part of your department that might suggest attempts to cover up attitudes within the department that would prevent or discourage staff from contributing to the Bimberi inquiry? If yes, will you table such documented evidence by the close of business today?

MS BURCH: No, I am not aware. I think we have been at great pains to discuss a set of minutes from the ATSI unit. I also tabled yesterday a letter from the manager, a public service officer, Neil Harwood, that clearly and explicitly puts forward his case and explanation of those minutes. If Mrs Dunne feels that Neil Harwood is misrepresenting himself or that unit, then I dare her, I ask her, to say that. If not, then take the honesty of that officer as the truth that he has provided.

MR SPEAKER: Yes, a supplementary, Mrs Dunne.

MRS DUNNE: Minister, has your office been advised at any stage that there may be documented evidence of a departmental cover-up?

MS BURCH: No, Mr Speaker.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, are you aware of a text message sent to a member of your staff which says, “There is mounting, documented evidence of Departmental cover up. If I can get access to such documents, I expect you could too”? If not, Ms Burch, what action will you now take to follow up on that text message?

MS BURCH: We get a number of messages through my office across a range of things. If those opposite want me to know, letter by letter, every text message that comes to any of my officers—

Mr Seselja: About a departmental cover-up.

MS BURCH: There is no departmental cover-up.

Members interjecting—

MR SPEAKER: Thank you. Let us hear the minister.

MS BURCH: There is no departmental cover-up, Mr Speaker.

MR COE: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, what action have you taken to investigate the existence or otherwise of such documented evidence and, given the ease with which these could be found, will you report back to the Assembly by close of business today?

MS BURCH: I am not aware of any documentation that would give any credence to a departmental cover-up because there is none.

Planning—Hawke review

MS LE COUTEUR: My question is to the Chief Minister and it may seem familiar because it concerns the changes to the ACT government administration arising from the Hawke review. In his report, Dr Hawke said:

... the current arrangements in relation to land and planning are, at best, hindering if not actively obfuscating and frustrating achievement of the Government’s priorities.

Could you please elaborate on which priorities are being hindered and how these changes will fix them?

MR STANHOPE: I thank Ms Le Couteur for the question. Ms Le Couteur has gone to the report and taken an excerpt from a part of the report that deals with some issues in relation to the complexity around approval processes. Indeed, I would point you to Dr Hawke’s report and the discussion around the very excerpt you have quoted where Dr Hawke then goes in some detail into the cause of his concern.

The answer to your question, essentially, Ms Le Couteur is within the report. You are reading just a sentence from a portion of a report which deals with issues around Dr Hawke's view of a complexity, a multi-agency involvement in decision-making. I believe that in that very same part of the report, Dr Hawke, for instance, mentions that there were some processes in relation to land release, most particularly development. I believe that he was referring to Molonglo. Like you, Ms Le Couteur, I would return to the report and re-read it to confirm this, but I believe he was speaking about Molonglo.

Dr Hawke makes the point that from start to finish in relation to the approval process to get land in Molonglo to the point, through all the approval processes, where it could be sold involved 26 separate decision-making points across four or five departments or agencies. It was in that context, as I understand it, that Dr Hawke made the remark about the extent to which a siloing of responsibility, a non-integration of decision making in relation to issues around land release and planning most particularly led to a situation where delays were caused.

The government's priority, for instance, in relation to affordable housing was to some extent being frustrated as a result of the time taken through a myriad of non-integrated decision-making to get land to the market. That was the context.

I have to say, Ms Le Couteur, that it is quite clear in the report that that was the context. But the context and the example that Dr Hawke was referring to there was simply about land supply and a significant government priority around housing affordability being frustrated to some extent by the time taken to get land to market. I believe he identified 26 separate decision-making points across four or five agencies in an approval process from the point where a piece of land or a development front was identified to the day when the land could be made ready for sale.

The recommendations that Dr Hawke made were designed to actually create a far more integrated approach to decision-making and land—*(Time expired.)*

MS LE COUTEUR: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, what changes will need to be made to the Planning and Development Act and the Financial Management Act to implement the proposed changes to the ACT government structure, and will these changes be implemented before the commencement of the new structure, which I believe is scheduled for 1 July?

MR STANHOPE: Ms Le Couteur, the government is yet to be briefed fully or finally on the legislative implications. We have been briefed broadly. You are aware that one of Dr Hawke's recommendations is, for instance, that the LDA be abolished and incorporated within the department of economic development or a directorate-general of economic development. I need to be clear that the government is yet to accept the specific recommendations in relation to the future structure of the LDA or of land

supply or, indeed, of the department. In the context of planning and the Financial Management Act—the two issues you raise—similarly, Ms Le Couteur, we have not formally accepted recommendations in relation to changes that would be required. That is the next step.

I would be hopeful, Ms Le Couteur, that we could achieve within this place consensus on change to implement the Hawke recommendations in relation to a new structure. The arrangement in the broad, Ms Le Couteur, as I am sure you are aware, is that, through the establishment of a directorate of sustainable development, responsibility for policy on planning would in the first instance be vested at an administrative level in the director-general of sustainable development and not with the chief planning executive. But the chief planning executive would remain fully responsible for all statutory decision making. We accept absolutely the importance of not involving politicians or this place in the approval of development applications. That is a view this government has and which we will retain through any amendments which we make.

MS HUNTER: Supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Thank you, Mr Speaker. Minister, if you are to make the changes that you have talked about in your answer, will the government focus on the ACT's 40 per cent greenhouse gas reduction target as part of those changes?

MR STANHOPE: We will remain focused at all times on the fact that we have set, established and committed to a target, Ms Hunter, and it is a consideration in any decision we make. In the context of changes to administrative arrangements in relation to land supply or planning, certainly our commitment to sustainability we believe will be enhanced through the administrative arrangements recommended to the government by Dr Hawke and focused very much in the establishment of the directorate-general of sustainable development, a directorate-generalship or department or organisation which will have overarching responsibility of the full suite of sustainability issues. It is at the heart of the recommendations that Dr Hawke makes about how to best focus on the government's priorities, and of course one of our major priorities is sustainability. We have legislated targets, ambitious targets, and we are committed to them.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, do you accept that there are considerable vagaries between the responsibilities of the LDA, ACTPLA, LAPS, CMD and parts of TAMS with regard to land supply, whether it be for greenfield developments or for urban infill?

MR STANHOPE: Thank you, Mr Coe. Dr Hawke in his report has identified a capacity for far greater integration and cooperation across ACT government agencies in decision making on planning and land supply. In his report he identifies those. The

government has expressed its support for the overarching findings and recommendations of the Hawke report. The suggestion you make is quite consistent with Dr Hawke's findings, and the government has accepted them.

Minister for Health—statements

MR HANSON: My question is to the Minister for Health. Minister, yesterday the Assembly passed a motion unopposed that called on you to “provide a more accurate and honest summation of public health services”. Do you accept the Assembly's motion—

Mr Stanhope: On a point of order, Mr Speaker, the question actually contains a mistake in its phrasing. It suggests that we did not oppose a particular motion yesterday. We quite clearly did.

Opposition members interjecting—

Mr Stanhope: We voted against it. We simply did not call the votes. We clearly voted against it.

MR SPEAKER: Order! There is no point of order. Ms Gallagher will have the opportunity to make that point in her answer if she wishes.

Mr Stanhope: Well, it's simply false—

MR SPEAKER: There is no point of order, Chief Minister.

Mr Stanhope: But the statement's false.

MR SPEAKER: Under which standing order? Is there a standing order, Chief Minister?

Mr Stanhope: On the point of order, should not the question be ruled out of order if it is false?

MR SPEAKER: Which standing order?

Mr Stanhope: Well, I will leave that to you and your wisdom, Mr Speaker.

MR SPEAKER: My advice is there is no—

Members interjecting—

MR SPEAKER: Order, members! Order!

Mr Stanhope: If you need advice, Mr Speaker, you are in strife.

MR SPEAKER: Chief Minister, sit down. Order, members! For the benefit of members, my advice is there is no standing order which rules Mr Hanson's question out of order. Ms Gallagher, you have the floor.

MS GALLAGHER: Thank you, Mr Speaker. The government opposed the motion. It was not supported unanimously by this house. I do not accept the motion as passed by this house.

MR SPEAKER: Mr Hanson, a supplementary question.

MR HANSON: Minister, do you feel that your claim that the nurse-led walk-in clinic is "a success" is honest and, if so, by what measure is it a success?

MS GALLAGHER: I believe it is a success based on the 11½ thousand-odd people that have presented to that centre and the vast majority of those that have been treated. I also base it on the significant amount of communication I have had with members of the community who have used the walk-in centre and who are overwhelmingly positive about it.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Minister, how will you change your behaviour to reflect the will of the Assembly that you be more honest and accurate in the future?

MS GALLAGHER: I am always very conscious of my behaviour and my role as a minister in this place and as a member of this place. I do not see any reason to change the extremely high standards I set for myself. It is an enormous shame to me that the standards I set for myself—

Members interjecting—

MR SPEAKER: Order!

MS GALLAGHER: are not followed by those opposite. They can only dream of meeting the standards I set for myself in here.

Members interjecting—

MR SPEAKER: Mr Hanson, Mr Seselja! Order, members!

MS GALLAGHER: And guess what? The community knows it.

MR HARGREAVES: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: My question to the minister is: minister, did you tell the truth in terms of the number of beds in the Canberra Hospital and did you tell the truth in terms of the amount of beds that were reduced by those opposite?

MS GALLAGHER: I thank Mr Hargreaves for the question. The health system reports more than any other government agency against a range of performance indicators. Those reports are provided quarterly. Those reports are provided on the internet. Those reports are widely promoted. And the reason for doing that is to ensure the community understands the performance of our health system.

Part of my job is to make sure that the community has confidence in the public health system and confidence in the service that it provides.

Mr Hanson interjecting—

MR SPEAKER: Thank you Mr Hanson.

MS GALLAGHER: People's lives are saved every day in those hospitals—

Mr Hargreaves: On a point of order, Mr Speaker, I ask you to ask Mr Hanson to withdraw the statement that the minister misled anything. It should be the subject of a substantive motion. I heard him quite clearly say that Ms Gallagher is misleading.

Mr Hanson: On the point of order, my interjection was that the minister had misled the community. I therefore do not believe there is a point of order.

MR SPEAKER: Having not heard the comment, unless there is any further commentary, there is no point of order. Ms Gallagher, you have the call.

MS GALLAGHER: Thank you, Mr Speaker. I note that we try not to respond to interjections in this place and I note that my merely standing to my feet seems to elicit everyone over on that side having to open their mouth and to shout.

The issue here is that lives are saved every single day in that hospital, and I do not resile from my job in making sure that people understand what is going on in that hospital. I do it every day. I do it repeatedly. I do it in meetings. I do it in media. I do it on my visits to the different facilities.

I have never hidden from the fact that the health system requires continuous improvement. I think if anyone goes back and has a look at who has had what to say about areas for improvement in the health system, they would find that I, perhaps, have had the most to say about that and, indeed, I am doing the most about it to fix it.

Environment—proposed tax

MR DOSZPOT: My question is to the Treasurer. Treasurer, the Commissioner for Sustainability and the Environment has proposed that a new tax be imposed on the

ACT community to raise funds for environmental projects. Treasurer, in the *Canberra Times* of 26 March 2011 you are reported as having said, in relation to the forthcoming ACT budget:

We're not looking at new revenue initiatives, that's the big story.

Treasurer, will you guarantee that there will not be an environment tax?

MS GALLAGHER: My comments as reported in the *Canberra Times* are correct: the government is not considering new revenue initiatives in this budget. That is based on the fact that we have the tax review underway. That tax review is to report in August and I think it would not be wise to embark on new revenue initiatives outside of that report. However, I think it would be irresponsible of me to say there will never be any new revenue measures looked at by the government. What we are seeing is continued demand for our services, continued reduction in support—

Opposition members interjecting—

MR SPEAKER: Order!

MS GALLAGHER: from commonwealth payments, and it would be irresponsible for us to rule anything out.

Opposition members interjecting—

MS GALLAGHER: But I can say that for the purposes of this budget the government is not actively—

Opposition members interjecting—

MR SPEAKER: Treasurer, one moment, please. Stop the clocks, thank you. Members, I have asked those on the opposition benches several times during Ms Gallagher's last answer to not interject. The next member who does when Ms Gallagher is speaking will be warned.

MS GALLAGHER: You are very generous, Mr Speaker. Mr Hanson is a continual offender to your rulings and I think perhaps the only way to manage him is to have that public gallery stacked with members of his Lions Club or the Gungahlin branch of the Liberal Party, because all of a sudden when that happens Mr Hanson turns into this "butter wouldn't melt in your mouth" kind of guy who never says anything other than, "Welcome to my Assembly."

MR SPEAKER: Thank you, Treasurer. Treasurer, the question, thank you.

MS GALLAGHER: Every other time when this place is empty, you behave in the most appalling, disgusting way.

Mr Stanhope: Spineless and chinless.

MR SPEAKER: Order, Treasurer!

Mr Seselja: I raise a point of order, Mr Speaker. It is on relevance. The question—

MR SPEAKER: Order! Mr Stanhope, thank you.

Mr Seselja: The question had nothing to do with the Lions Club or anything else.

MR SPEAKER: Yes. I have called the Treasurer to order. Thank you.

Mrs Dunne: I have a different point of order, Mr Speaker. Could I ask that you require Mr Stanhope to withdraw the assertion that Mr Hanson is spineless and chinless, but at least spineless.

Mr Stanhope: I withdraw “spineless” and I am glad that Mrs Dunne recognises the “chinless”.

MS GALLAGHER: I cannot even recall what the question was about now.

Mr Seselja: Environmental tax, I believe, Treasurer.

Mr Smyth: Would you guarantee that there will not be an environmental tax?

MS GALLAGHER: Yes, and I think I have answered that, and I do not want to risk inflaming those opposite yet again.

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: Thank you, Mr Speaker. Treasurer, why has the commissioner proposed the hypothecation of taxation revenue for environmental projects and is this an acceptable approach to suggest?

Mr Hargreaves: On a point of order, Mr Speaker, that seeks an opinion from the minister, and this minister is not responsible for the operations of the commissioner for sustainability; another minister is.

MR SPEAKER: Could we have the question again, Mr Doszpot?

MR DOSZPOT: Certainly. Treasurer, why has the commissioner proposed the hypothecation of tax revenue for environmental projects and is this an acceptable approach to suggest?

MR SPEAKER: There is no point of order. I think that under standing order 114, the question relates to the matters for which the minister is responsible.

Ms Gallagher: It does?

MR SPEAKER: Yes, and I believe that, whilst one might argue it is a question of opinion, it is consistent with the questions that are regularly asked in this place.

MS GALLAGHER: Thank you, Mr Speaker. My answer is that I cannot answer for the commissioner. She made some recommendations. This comes through the work she has done. We are happy to refer her idea to the taxation review. In fact, I think it has already been done. In relation to hypothecation, it has not been the position of this government to hypothecate revenue. However, I think, in terms of community interests in this matter, you cannot rule out hypothecation as a way of generating acceptance for raising revenue and expending it on certain activities. I do not think you can rule it out, but it has not been the practice of this government to hypothecate its revenue.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Treasurer, what action will you take in response to the proposal from the commissioner about the proposal for an environmental tax and what advice have you asked for from your Treasury officials about such a tax?

MS GALLAGHER: I have not asked for any, because I am currently putting the budget together and it does not factor in the budget. My department is working hard on a range of other areas of advice for me and the government and this has just not factored. So let us just put that to bed right now.

In relation to whether it is an idea that has merit, it needs to be referred to the tax review and then the Assembly will be able to look at all of that and its recommendations in its entirety. No doubt, Mr Smyth, you will pick out the bits you like and leave the bits you do not like.

MR SMYTH: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mr Smyth?

MR SMYTH: Treasurer, given that you have said you cannot rule out tax increases in the future, will you now confirm that you are not looking at any new revenue initiatives in the coming budget?

MS GALLAGHER: My comments as they appeared in the *Canberra Times* are correct. However, I would like to add—indeed, I have discussed it with the journalist who wrote the article, and I think it is important that I put it on the table at the moment—that there are normal adjustments to our revenue through our—

Mr Smyth: So what are they?

MS GALLAGHER: Well, there was particularly one line in the article that made it look like there would be no additional CPI increases, for example. Those increases are factored into our forward estimates. In terms of new revenue initiatives that we do not currently do, they are not before budget cabinet.

Homeless people—services

MS BRESNAN: My question is to the minister for housing and concerns the state of homelessness in the ACT. When I asked you on 9 March during question time if homelessness was on the rise in the ACT you replied that you were not sure, no rise had been brought to your attention. Three weeks later you announced in the media that, because of the latest homelessness figures you had received from first point, Housing ACT had released 12 extra properties to assist homeless families. Minister, will you now acknowledge there is a significant issue with homelessness in the ACT and table those latest figures in the Assembly? And what are you doing to address this beyond those 12 extra properties?

MS BURCH: I thank Ms Bresnan for her genuine interest in homelessness. When this was discussed I made reference to the data that was available to us—the report on government services data, on census night’s data—that provided some information. That was the robust, rigorous data that we have online. Before we introduced first point, with a collection of homelessness providers, it would be recognised by government and the sector itself that the data was not particularly strong. That was one of the reasons why we put first point in, so we could have some quite real-time, serious data. It is telling us that the data on homelessness is inconsistent with what would have been assumed under the ROGS data.

First point is indeed receiving about 1,500 calls per month from people seeking support. Not all of those callers are eligible for first point, but that is certainly a level of demand that was unexpected on the existing data that we had across the sector, which is why we have put on those transitional houses—those additional 12 houses—on top of the 27 transitional houses. I have also asked my department to consider an increase in brokerage support through first point to respond the first time we have this data.

It is all very well for a government to plan programs. We have planned those programs on assumptions on the data that we have to hand, but when we put in new systems, such as first point, and the data shows us a stronger demand, it is important that the government responds, and that is what I believe we are doing. But we understand that there are still challenges ahead. So I expect there will be more challenges and more program development as we move through when we have got this valuable set of data to hand.

MR SPEAKER: A supplementary, Ms Bresnan?

MS BRESNAN: Thank you, Mr Speaker. Minister, given that homelessness is increasing, on what basis do you believe the ACT government is on track to meet a

target of a seven per cent decrease in homelessness figures by 2013, as you committed to via COAG and as you assured the Assembly on 9 March?

MS BURCH: Whilst we have data that shows a very high demand, we have put programs in place for rough sleepers and also these transitional houses. As I have also said, it is about providing outreach support as well, which we are doing through sustaining tenancies. I believe there is nothing to indicate, this data and demand aside, that we will not meet our target under our housing agreements. But I agree with you: the demand showing now through first point is challenging, and it is not what we expected to see. That is why we will need to work with the department and the sector in partnership to make sure that we respond as we can to the demand.

MS HUNTER: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, is it true that, during the recent round table on homelessness, you and your department disputed the numbers of people who were rough sleepers and stated that there were technically 10 and not around 150?

MS BURCH: From that round table I do not think there were any disputes as such. There was a discussion about rough sleepers. Indeed, there was some nuance around whether they are new rough sleepers and around the terminology about needing to support those that are new to the streets with a different level of support to those who are perhaps more entrenched in a practice, for whatever reasons as a result of their complex life histories and circumstances, and are more long-term rough sleepers.

I do not think there were disputes. It was a very open conversation; it was a good, useful conversation about how can we as a sector support rough sleepers not only in the response of accommodation—safe, secure shelter and accommodation—but those outreach support structures as well and where do growth reach funds go. If we put more growth reach funds in, does that mean we are not addressing the causal factors of homelessness as well?

So it was very useful. We will come back to those minutes and discussions and we will see what program enhancements we can take from those discussions with those partnerships across the sector.

MS LE COUTEUR: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, do you acknowledge that the increasing problems with housing and rental affordability and the rise in population are increasing the number of people who are homeless?

MS BURCH: I would say there are a whole range of cross-society factors that would impact on homelessness. Housing affordability and housing availability are certainly some of those aspects. We have a transient population. We have, in many ways, a

growth population. We are a vibrant industry. So people are coming here for work, employment, to raise their families. So there are multiple factors.

By the time we finish putting on line all the housing stimulus, we will have nearly 12,000 properties. So we will have the highest number of social housing properties that we have ever had, which is a good outcome. Some of these responses, such as bringing on these transitional houses, are all about that response. That is why I have the roundtables with the sector and that is why I value this data. As confronting and as challenging as this new data is, it is now that we have got this data that we are engaging—we always have, but me personally—more first hand with the sector so that we can bring on some of those programmatic responses.

Taxation—GST review

MR SMYTH: My question is to the Treasurer. Treasurer, the Prime Minister, Ms Gillard, has announced that there will be a review of the way in which the revenue generated by the GST is allocated between the states and territories. Treasurer, since you have been Treasurer, the relativity used by the Commonwealth Grants Commission to allocate funds to the ACT has fallen by 12 per cent. Treasurer, what confidence can the ACT community have in your capacity to argue the case for the ACT to receive additional funding from GST revenue?

MS GALLAGHER: Thank you, Mr Speaker, and I note the opposition position is now that we should not stand on our own two feet but be completely dependent on commonwealth grants being maintained in perpetuity instead of growing our economy.

Opposition members interjecting—

MR SPEAKER: Order, members!

MS GALLAGHER: One of the major adjustments to our GST revenue in the last two years has been based on the strength of our economy—how our economy has been performing. The fact is that the commission has recognised that. Indeed, they have recognised the revenue generated from the strength of the economy and they have taken that money off us.

They have had views that we would not share around our own infrastructure needs and the fact that we need less infrastructure than other jurisdictions based on socioeconomic status. So there are issues I think that this review should examine and certainly the ACT government will be putting our case very strongly as, indeed, we have to the Commonwealth Grants Commission in the past.

There is a GST pie. It has to be carved up eight ways. There are going to be winners and there are going to be losers in that. It is all right—everyone is happy when they are on the winning side; nobody is happy when they are on the losing side. Certainly, the ACT government believes that our needs have not been recognised adequately in the last major review. There has been an annual update this year which again has

reduced our relativity. The reasons for that are explained in the report. Some of those I can understand and others I cannot.

The situation for us is that we will be putting in a submission. We will be meeting with the review team. I have been arguing in my comments in the media that small jurisdictions need to have their issues recognised in this review.

Mr Coe interjecting—

MS GALLAGHER: I think that in my discussions with the federal Treasurer yesterday he agreed that that is something that needs to be fundamentally—

Mr Smyth interjecting—

MS GALLAGHER: a part of this review. So, Mr Smyth, it would be—

Mr Coe interjecting—

MR SPEAKER: One moment, Treasurer. I have given my expectations that the Treasurer should not be shouted down. Mr Coe and Mr Smyth, you are both warned. Treasurer.

MS GALLAGHER: Mr Smyth, it would be nice if you would perhaps work with me across the Assembly to actually provide a united voice in our submission to the review. It would be good, I think, if we could put political differences aside and point scoring aside and actually do something good for the community, and that is to work together and to put a united front about what we believe the issues are that should be recognised in a review that has both Liberal and Labor ex-politicians sitting on it.

MR SPEAKER: A supplementary, Mr Smyth?

MR SMYTH: Thank you, Mr Speaker. Treasurer, since the recent loss of GST revenue and now in the light of this review, what work has Treasury undertaken in preparing material that will be used to argue the case for the ACT to increase its share of funding from GST revenues?

MS GALLAGHER: Treasury provide ongoing review and advice to the government around this issue. As Mr Smyth knows, the latest adjustment is a technical update. Certainly, Treasury continue to examine the reasons provided by the commission. I have since met with the federal Treasurer regarding our views around that update and some of the concerns we have in seeing further reductions in GST. But I think it is something that all jurisdictions are dealing with. As the GST pie has not grown at the pace that it has in recent years, all jurisdictions are suffering with the reduction in GST payments that are coming from the commonwealth. This is a challenge. As I see Barry O'Farrell and Ted Baillieu dealing with it in their budgets, we are dealing with it in ours.

MS HUNTER: A supplementary question, Mr Speaker?

Mr Hanson: A supplementary?

MR SPEAKER: Ms Hunter, and Mr Hanson next.

MS HUNTER: Treasurer, what key arguments will you be prosecuting to ensure that, as a small jurisdiction, we are not disadvantaged in this review?

MS GALLAGHER: I think the issues for the ACT are the fairness test that is implicit or inherent in horizontal or fiscal equalisation being maintained—that is, there are large resource-rich states that can generate income at a pace that jurisdictions like us cannot. We will not ever be able to do that. Because of that, we need to have those needs recognised and compensated for.

Indeed, I again heard Barry O'Farrell this morning saying that he understands that issue. Indeed, in WA, I think Colin Barnett's main argument is that he wants a floor at 75 cents in the dollar. They are currently, I think, at 71 cents. I think those issues can be examined without necessarily the smaller states losing that fundamental agreement that has existed between jurisdictions that smaller states deserve extra assistance because of the constraints of their size. So that is one issue.

The other issue we need to be putting forward is around—this is difficult to achieve—more predictability and certainty around those payments. I think since the global financial crisis that has been a major issue for all jurisdictions when I attend treasurers' meetings—that is, the fact that what was factored in to our forward estimates did not come true and that in every update since 2008 the expected GST growth has not continued in the way that was expected. That presents real challenges to the budget. We lost \$30 million a month ago, and that is something that we just have to deal with in terms of this budget. So we need some certainty around that.

The other thing I would say is that it needs to be simplified. I think it has got so technical that we need to look at the simplification of the formula.

MR HANSON: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, will you personally be meeting with the review team to argue the case for the ACT?

MS GALLAGHER: Yes, I will. I would happily lead a delegation with Mr Smyth and Ms Hunter if that was what the Assembly thought would be a good way to approach this, because I certainly think that if we could take the politics out of who went and what everyone said and actually provide a unified front to show that this is what is important for the ACT, that would be something positive. I think it is something that the ACT community would expect us to do, and I offer that invitation now.

Bimberi Youth Justice Centre—inquiry

MR COE: My question is to the Minister for Children and Young People. Minister, earlier in question time I asked about a text message discussing a departmental cover-up. During question time have you sought and/or received information about this issue? If so, will you update the Assembly on what you have learnt?

MS BURCH: Thank you, Mr Coe. I did and I have been advised by a staff member that a text message was sent to him in regard to—

Opposition members interjecting—

MS BURCH: I do not know the context of the text. The reply from my staff member to that person was: “If you have concerns, put them in writing. Put them to the office. We want to hear all concerns.”

Mr Seselja: He did put them in writing.

MS BURCH: Put it in writing—not a simple text message.

Mrs Dunne: He ignored it.

MS BURCH: No. He responded.

MR SPEAKER: Order! These are not supplementary questions. Mr Coe has the call.

MR COE: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, when was this text message received and do you expect that you should have been told about that sort of message before now?

MS BURCH: I will be exploring that in my office when I return to it after question time.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, are you satisfied that you find out such information in question time and that the opposition seems to know more about what is going on in your office than you do?

Members interjecting—

MR SPEAKER: Order! Ms Burch has the floor.

MS BURCH: I would expect that a number of correspondence and phone calls are coming through each and every one of our offices. What we need to do with many of those is to explore them further, to seek further information, and that is what the staff member has sought to do. It is not an unreasonable notion for a staff member to explore and to get further information. I do not see anything remarkable in that.

MRS DUNNE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, have you been let down by your staff in your office?

MS BURCH: I do not believe so, Mr Speaker.

Alcohol—regulation

MR HARGREAVES: My question is to the Attorney-General. Minister, a significant suite of changes to the ACT's liquor laws came into effect on 1 December 2010. Can you please inform the Assembly on what differences the new laws are having in the community and what changes they are making to the drinking culture in the ACT?

MR CORBELL: I thank Mr Hargreaves for the question. As members would doubtless be aware, the new Liquor Act commenced on 1 December last year—the first and most significant reform to our liquor laws since self-government. As a result of those laws, we have now seen just over three months of operation of them. During that period we have seen a marked decrease in the number of arrests occurring in the city, and indeed across Canberra, as a result, at least in part, of these new laws.

I was very pleased to confirm with ACT Policing that over the 2010-11 summer period, the first three months of the operation of the new laws, we saw a 27 per cent reduction in the number of alcohol-related arrests occurring in our city. That is a very pleasing outcome. A total of 259 intoxicated persons were lodged in custody from 1 December to the end of February, compared with 400 in the same period in the previous year. That is a very pleasing outcome.

Additionally, of course, the statistics are showing us that there has been a 35 per cent reduction in the number of intoxicated persons lodged in custody during the recent three-month period compared to the same three months last year. That is, of course, people who are taken into protective custody because they are intoxicated in a public place and are unable to look after themselves.

The fact that we are seeing fewer arrests relating to alcohol-related crime and the fact that we are seeing fewer people having to be taken into protective custody because they have consumed too much alcohol is a very pleasing event. Of course, this has happened because we have new laws that put in place greater responsibility on all the participants in the alcohol market—those that sell alcohol as well as those who consume it. It also means new laws for the police, new powers for the police, to deal with alcohol-related matters and, of course, a new dedicated alcohol crime targeting

team, which is giving us the capacity we need upon the ground to enforce these new laws in a proactive and effective manner.

Of course, those police are only there because we have directly linked the revenue that is raised from the new Liquor Act to the provision of those additional police on the ground. I think this is a very strong endorsement of the government's policy to focus on the harm that is caused by the excessive consumption of alcohol in our community, the fact that with a new suite of liquor laws, combined with effective policing, funded through the liquor licensing regime, we are able to enforce those laws and make our city, make our town centres, make Canberra, a safer place for everyone to enjoy, particularly on Friday and Saturday nights when everyone goes out and enjoys themselves on the town.

It is a very pleasing outcome to see this reduction during this relatively short period of time. Of course, it is early days. We will need to continue to focus as to whether or not this reduction can be sustained, but certainly the indications to date are very encouraging. I commend in particular the work of liquor licensees, the Office of Regulatory Services and ACT Policing in getting this very important and pleasing result when it comes to community safety in our city.

MR SPEAKER: Mr Hargreaves, a supplementary.

MR HARGREAVES: Minister, what has been the reaction of ACT liquor licensees to the changes and how are police and ORS inspectors interacting with established businesses to ensure that the new laws are not only enforced but properly understood?

MR CORBELL: I thank Mr Hargreaves again for the question. Of course there has been some concern and some trepidation about a new regulatory regime and, indeed, a new fee structure. And that is not to be unexpected.

What we have seen is a very strong level of engagement from licensees on understanding their responsibilities under the new Liquor Act. ACT Policing and the Office of Regulatory Services have worked in a very proactive and educative manner with licensees to make sure licensees understand their obligations under the new act, and the emphasis has been as much on education as it has been on enforcement when it comes to the work of our police and regulatory authorities.

What has been particularly pleasing for me to see is, contrary to the doom and gloom that we heard from those opposite, in particular Mrs Dunne, that the new liquor licensing regime would mean the end of so many licensed premises in the ACT, is the fact that we have seen more applications for a liquor licence in the most recent renewal period than we saw in the previous year. The total number of applications for liquor licences has actually gone up, not down. We have seen no reduction in the total number of licences applied for. Once again, the doom and gloom we hear from the arch doom and gloom merchant opposite, Mrs Dunne, has been proven to be false.

Of course it is important that we continue to take a proactive and focused approach when it comes to the enforcement of new laws in an effort to keep Canberrans safe. During the period of 1 December to 23 March, we have seen very dedicated activity,

with over 240 inspections of licensed premises by the new ACT Policing alcohol crime targeting team.

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

Health, Community and Social Services—Standing Committee Report

MR DOSZPOT (Brindabella): Mr Speaker, understanding order 254A I would like to ask a question of the minister regarding a government response to a committee report.

MR SPEAKER: Yes.

MR DOSZPOT: I seek an explanation from the Minister for Disability, Housing and Community Services as to why the committee has not received the government response to a report of the standing committee entitled *Love has its Limits—Respite Care Services in the ACT* by the due date of 5 March 2011 and, furthermore, why a report has not been tabled in the March sittings as the minister indicated in a letter to me in early March.

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women): I do apologise. It is my understanding that it is listed as business for next week. We will be providing a response then. I do apologise for that, Mr Doszpot.

MR DOSZPOT (Brindabella) (3.00): Mr Speaker, I am not satisfied with the response. Therefore, I move:

That this Assembly notes the failure of the Minister for Disability, Housing and Community Services to provide a Government response to Report 4 of the Standing Committee on Health, Community and Social Services by the due date.

I have said all that needs to be said on this. The minister has not provided a response to the committee report as should have been the case. The minister wrote to me indicating her apology that it had not arrived by 5 March but stating that it would be tabled in the last sitting of March. This is the last sitting day of March and, as such, it is unsatisfactory that this has not arrived.

MS BRESNAN (Brindabella) (3.02): I am a member of that committee and I think it is incumbent on Mr Doszpot to have spoken to the committee before moving such a motion. If a motion was going to be moved, that matter that should have been brought to the committee. My understanding was—I am happy to have a discussion with Mr Doszpot later about this—that the response would be tabled in this sitting period. That was my understanding from the letter, and it should have been discussed with the committee. It is inappropriate to move this motion on behalf of the committee.

I appreciate that Mr Doszpot is the committee chair, but to put forward a motion calling on the minister—

Mr Doszpot interjecting—

MS BRESNAN: Mr Doszpot, you can hold up the standing order, but this is a committee report, and the matter should have been brought to all committee members to discuss. Again, I state that I was under the impression from the letter that came to the committee that it was going to be tabled in this sitting period. I am not going to support this motion, because it should have been brought to the committee to make sure all members had the same understanding from that letter.

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (3.03): To reiterate, I do apologise. I have not got the letter in front of me, but we have scheduled the work plan around delivering that report in this sitting period. Again, without having the letter in front of me I cannot say for certain what was in the letter, but in our programming it was always to be done in the second sitting week of this block. I will not be supporting the motion.

MRS DUNNE (Ginninderra) (3.03): I congratulate Mr Doszpot for using the standing orders as they should be used. Standing order 254A is a relatively new standing order. I do not think it has been used before. It is quite simple. For those who are not aware of it, it provides that if a government response to a committee report has not been tabled within the three months of the presentation of the report, the chair of the committee may without notice take action. It does not require the chair of the committee to do anything. He is not acting on behalf of the committee; he is actually acting on behalf of the Assembly, because the report is supposed to come back to the Assembly.

Once the committee has reported, the committee has no more interest in the inquiry as a body. Therefore, it is incumbent upon the chairman of the committee to keep the government accountable, no matter the colour of the government, and that is what Mr Doszpot is doing. He has asked the minister why she has not reported in time. He has acknowledged that he has already received a letter apologising for the lateness. I understand this was due on 5 March, and I understand that he has received a letter from the minister giving an undertaking to table the response in the last sitting week of March. This is the last sitting day of March, and we do not seem to be seeing it.

The minister has come back and said, “Well, actually, I think I might do it next week,” without explanation. Therefore, Mr Doszpot is quite entitled, without notice and without leave, to move a motion. Mr Doszpot has used the standing orders appropriately. It is his responsibility to do so and no-one else’s. He is the chairman of the committee, and I congratulate him for his diligence and for his use of the standing orders as they are provided for us.

MR DOSZPOT (Brindabella) (3.05): I continue to be disappointed with the answers we are getting from Ms Burch. This is not just an issue where an apology is owed to us, to the committee or to the Assembly; this is an apology that is required to the community, who have been waiting since December on an answer to very, very

serious issues that were discussed during that committee inquiry. We are still waiting; the community are still waiting. I am afraid the minister is running out of excuses.

Question put:

That **Mr Doszpot's** motion be agreed to.

The Assembly voted—

Ayes 4

Noes 9

Mr Doszpot
Mr Hanson
Mr Seselja

Mr Smyth

Mr Barr
Ms Bresnan
Ms Burch
Ms Gallagher
Mr Hargreaves

Ms Hunter
Ms Le Couteur
Mr Rattenbury
Mr Stanhope

Question so resolved in the negative.

MR SPEAKER: Mr Doszpot, just as a matter of form, if you have your motion in writing, could you provide it to the Clerk so we ensure an accurate record? Thank you.

Paper

Mr Speaker presented the following paper:

Committee reports—Schedule of Government responses as at 30 March 2011, including outstanding Government responses in Fifth and Sixth Assemblies.

Canberra Airport Pty Ltd—memorandum of understanding Paper and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (3.08): For the information of members, I present the following paper:

Memorandum of Understanding between the Australian Capital Territory and Canberra Airport Pty Limited, dated December 2010.

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

Leave granted.

MR STANHOPE: In recognition of Canberra Airport's current and future role in the economic development of the ACT and surrounding region and to ensure that community concerns regarding its future development are given adequate consideration, the ACT government has signed a memorandum of understanding with the Canberra Airport, which I table today. This memorandum replaces the previous

partnering agreement executed in 2001 to recognise the evolving role which Canberra Airport has in our region. The memorandum of understanding also reflects the shared understandings of both the airport and the ACT government that have developed over the past decade.

Like the partnering agreement, the memorandum of understanding does not represent a legal relationship or obligation for either party, but does provide a framework for cooperation and consideration of how these shared understandings may be progressed into the future. While responsibility for Canberra Airport's options, operations, growth and planning matters rest with the federal government, the memorandum of understanding provides a mechanism for the ACT government to engage with the airport in these matters. Such engagement is supported by reforms outlined in the commonwealth's aviation white paper, which highlights the need for greater consultation and jurisdictional involvement in a number of areas, including airport planning and development, safeguarding the effective operations of airports, and minimising the impact of aircraft noise.

As members would be aware, Canberra Airport is a major economic driver for the ACT and surrounding region. The Canberra Airport advises that in the 10 years since it was privatised, more than \$600 million has been spent in redeveloping the airport precinct. There are currently 8,000 jobs located at the airport and Canberra Airport precinct, and by 2029-30 it is possible that some 25,000 people will be directly employed at the airport.

Approximately three million passengers pass through the Canberra Airport each year. Canberra Airport recently announced a major new terminal construction project, an investment of \$350 million, which the airport believes will create 1,350 jobs. The current airport master plan approved by the federal government in 2009 outlines Canberra Airport's commitment to developing a commercially sustainable, multi-modal regional and international transport hub to serve the community of the ACT and the region. This includes development of Canberra Airport as an integrated passenger hub, a 24-hour freight hub and business environment integrated into the broader ACT and capital region.

For the government, the location of the airport and the consequential impact of aircraft noise are also a key factor in relation to the planning of new residential development areas, both within the ACT as well as the developments that are currently proposed outside the ACT's borders. Large scale developments on airport land also have an impact on land release and commercial developments in other major centres across the ACT. The ACT government's key planning and policy documents, including the spatial plan, identify Canberra Airport as a major part of the economic infrastructure of the ACT and capital region and as a major driver for future development.

While supporting the growth of Canberra Airport, the ACT government continues to be of the opinion that growth must be well planned and managed in close consultation with the ACT community and must take into account the economic, social and environmental impacts of growth in the territory. Whilst there have already been

many steps taken in terms of consultation and in establishing a cooperative working relationship, the memorandum of understanding represents an important part of this process.

The memorandum of understanding formally establishes the Canberra Airport Integration Committee. This committee was brought together in response to a number of planning issues arising from the 2009 Canberra airport master plan process and comprises senior ACT government officials, notably the chief executives of the Chief Minister's Department, ACTPLA and TAMS and the managing director, director of planning, and manager of regulatory affairs of Canberra Airport. This committee meets quarterly to work through issues related to the development of the airport and aviation policy as set out by the memorandum's goals.

The ACT government is confident that, through this memorandum, the interests and concerns of the Canberra community will be a key consideration in the future development of Canberra Airport.

Auditor-General's report No 4 of 2009 Audit recommendations—progress report

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

Auditor-General Act—Auditor-General's Report No 4/2009—Delivery of Ambulance Services to the ACT Community—Progress report on audit recommendations.

I move:

That the Assembly takes note of the paper.

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

Waste—management Discussion of matter of public importance

MR SPEAKER: I have received letters from Ms Bresnan, Mrs Dunne, Mr Hanson, Ms Hunter, Ms Le Couteur 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 Ms Hunter be submitted to the Assembly, namely:

The importance of supporting a source separation approach to waste management.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (3.14): Thank you, Mr Speaker, for the opportunity to speak on this matter of public importance. This is a topic that goes to the heart of the ACT's waste management strategy, and

therefore it is critical to our overall environment and climate change strategy. Source separation is an approach to waste management that focuses on recovering and recycling materials to their highest economic and environmental value. It prevents different types of waste streams from mixing together, becoming contaminated and therefore being difficult to reuse.

As the name suggests, resources are separated at the source—that is, by whoever is creating the waste, such as a resident or business—and this is usually done by separating the resources into different containers. Providing a third bin for the collection of green and organic waste is an example of a source separation approach. The contrast to this approach is co-mingled recycling, or what is sometimes called dirty recycling. Under this approach, waste streams are collected together so that recyclables are mixed with non-recyclables. Typically, an attempt is then made to separate this waste after collection. An example is to attempt to sort mixed waste using a mixed residual material recovery facility, usually called a “dirty MRF”.

This is not just some meaningless debate about the technicalities of waste collection. The impacts for the community and the environment will be very real. Whether the government decides to favour clean source separation or dirty co-mingled collection is pivotal in the future of waste management in the territory. A source separation approach means that the Canberra community will get the benefit of a third bin to collect organic waste. Source separation means that if someone is in the city and they have a recyclable bottle or can, they will actually have a recycling bin to put it in. Source separation is about providing options to get toxic wastes, like mercury filled light globes or batteries, out of the waste stream.

The question of source separation versus co-mingled collection is even critical to the future of ACT soils and whether we will have organic material available to make our soil healthy and fertile. The decision that the government makes on this question will lock in long-term impacts for the community. If the government takes the dirty co-mingled approach, it is likely that there will be no going back. Dirty MRF technology is an enormous, complicated operation. It costs tens of millions of dollars and is likely to involve contracts with waste operators that are decades long. I will give an example of that a little later.

The Greens favour source separation, or clean recycling. We think that the government is overlooking the benefits of source separation. Through its new draft waste strategy it appears to be focusing on dirty, co-mingled waste processing, perhaps enticed by the lure of some magic solution. However, before I talk about some of the problems with co-mingled waste processing, I would like to outline the enormous benefits of source separation. These are the benefits that the government will deny to the ACT if it fails to adopt this approach.

Firstly, let us talk about greenhouse gas emissions. There is strong evidence that using source separation, followed by the processing of organic material through windrow composting, is the best approach if we want to minimise greenhouse gases. This is made clear in the European Union’s study of waste management and climate change. It says very clearly, “Source segregation of waste followed by recycling and

composting or anaerobic digestion gives the lowest net flux of greenhouse gases compared with other options.”

Source separation also triumphs in terms of overall environmental benefits. This becomes clear when there is a full life cycle analysis of different waste management options. As I have pointed out to the government, this analysis is not done in its draft waste strategy. A study by the Tellus Institute for the state of Massachusetts did conduct a life cycle analysis, though. It concluded that using composting, which needs source separated organics, is the most advantageous management option from an environmental and energy perspective.

If you look at organics, much of this benefit is because source separated organic material presents the best material for use in composting and anaerobic digestion, which results in the highest quality material to reuse in soil. The benefits of using high quality organic material in soil are often overlooked. But they are substantial. Land degradation and declining soil fertility are causing big problems in Australia. Using organic material in our soils allows them to sequester carbon, a very important feature in combating climate change. They also replace chemical and oil-based fertilisers, herbicides and pesticides and improve soil fertility for more food production. As we know, with peak oil approaching, there will be less and less oil-based fertilisers; they will dry up. All these benefits are really only available when we use source separated organic material. We can achieve this by giving a third bin to Canberra residents for the collection of organic waste. It is a win for Canberrans and a win for the environment.

It is clear that the government cannot dismiss the option of a third bin without at least addressing all of these issues. Its draft strategy certainly does not prove that co-mingled processing is going to bring better results to Canberra and the environment. As we have recommended consistently, the government should be favouring the third bin approach in conducting a trial of organic waste recycling at multi-dwelling residences. We believe this is a smart step. This will provide valuable information about the efficacy of such a system and about the attitudes of Canberrans towards the system. We also think the government should trial the processing of the collected organic matter in windrow composting, especially before committing to large expenditure on any particular technologies.

We only have to look around Australia, and indeed around the world, to see how source separation models are delivering for both the community and the environment. We actually just need to look across the border where our friends in Goulburn are operating a very successful third bin collection system. In this program called “city to soil”, participation has remained universal and contamination rates have been minuscule. When people know their organic waste is going back into agriculture they take source separation very seriously.

Many Canberrans ask, and rightly so, why they do not have the same service. They may have seen the organics recycling services that are offered in Condobolin or many places in South Australia or in Lake Macquarie or Port Macquarie. Looking further afield to Europe shows conclusively how source separation of organics will work. Separate collection of organic waste has occurred for decades now almost country-

wide in Austria, Belgium, Germany, Switzerland, Luxembourg, the Netherlands, Sweden, Norway and Italy.

Behind these countries are a series of second level countries where source separation of organics is growing very rapidly. These countries divert large amounts of their waste from landfill and largely processing organics using windrow composting and anaerobic digestion. In fact, they are achieving some of the highest resource recovery rates in the world. It is a completely mainstream service in these countries, and it can be here in Canberra as well.

Another service that Canberrans are missing out on is the provision of public place recycling. Canberrans have probably visited other towns around Australia and come across public place recycling bins. This of course makes perfect sense. Why should all the waste we generate when out in town here in Civic, our lunch or drink containers for example, go into the general bin and be wasted in landfill? The Greens have been arguing for this service. Public place recycling should be able to become as reliable and consistent as kerbside recycling. Public place recycling is a good example of source separation, and it has many benefits. Recyclable materials like plastic, glass, paper and organics are all much more valuable when they are source separated, compared to when they are collected through a mixed stream and an attempt is made to separate them later.

Source separated materials have a higher dollar value. The modelling of the government's consultant showed that many materials are worth double or more when source separated. Perhaps more importantly, though, this source separated material also has a higher environmental value because it can be used to make higher quality products. This stops resources being down-cycled to low grade products, which hastens their journey towards landfill.

Down-cycling materials, or sending them to landfill, breaks the recycling loop and increases the need to create new products from raw materials. The Greens support the concept of reusing materials to their highest use. Reusing recyclable material for its highest use ultimately saves resources and greenhouse gases by saving on virgin materials, which are used to make new products. Source separation and clean recycling is the best way to do this.

If we look at co-mingled recycling, if it is not clear already why source separation is the ideal way to recycle, I want to touch on some of the detriments of a co-mingled or dirty recycling approach. As I have already pointed out, source separation is well-tested and well-proven. The review of waste technologies that the government itself commissioned in 2008 confirms that there is a low risk of adverse events occurring when using a source separation or composting strategy.

However, this contrasts to the report's findings that using co-mingled or dirty MRF recycling has high and moderate to high risks. Some of the high risks include commissioning delays, achieving effective separation of organics, managing contamination, product quality, application and odour. Of course, we do know that odour has been a major problem down in the suburb of Macarthur recently.

Members may have heard of the Wollongong solid waste and energy recycling facility. Between the company involved, the federal government and the local government, approximately \$45 million was invested into this project. Despite much fanfare and huge expectation around the ability of the facility to separate co-mingled waste, its practice was plagued with problems. These were both in the technology and in the management. The project failed, millions of dollars were lost, and this approach to waste management turned out to be an unmitigated disaster. I am not saying that this will happen in the ACT if the government decides to pursue similar technology. But I am saying that the ACT government must be very certain about its decision to pursue the co-mingled option and to dismiss source separation. It is a big decision and the consequences can be enormous.

I talked earlier about the importance of reusing our organic waste in the natural system and improving soils. A dirty MRF or co-mingled approach is not suited to do this. Dirty MRF facilities in Sydney have had serious difficulties producing a usable compost product from the processed organic waste. They have struggled to obtain compost certification for the product and they have had problems with contamination and poisoning.

The organic product they have produced through their dirty MRF process is generally not usable for food growing due to its contamination problems. Again, this is made clear in the independent 2008 Wright report on waste technologies, which concluded that alternative waste technologies using resources from mixed residual waste “is still to be reliably and independently verified to deliver sustainable and significant reductions in waste to landfill and products that are readily saleable on diverse and robust markets”. The opposite is true for source separation and composting, which the report says are “well-proven and viable technologies”. Given this independent report, the Greens are naturally concerned that if the government decides to pursue alternative waste technologies, and it uses a feedstock derived from the dirty MRF, this will cause the technology to perform poorly and to produce a low quality end product.

In conclusion, the Greens are arguing that a source separation approach to waste management is the most favourable approach. It brings benefits to the community and to the environment that are not achievable with a co-mingled, dirty recycling approach. It will result in the kind of waste initiatives that we know can work—a third bin for organic material, public place recycling and separation of toxics. It brings the best benefits for the environment, the biggest reduction in greenhouse gases, savings on virgin materials and very important and necessary improvements to soil and food production.

These are the things that the government must be considering as part of its waste strategy. Currently, it appears to be giving them little attention, and this needs to change. I encourage the government to look at the evidence more thoroughly, including at the submission provided to you recently by the Greens, and to develop a strategy that will best serve the community and the environment, and a strategy that will also have the best economic outcome. As I have stated quite clearly, if you apply source separation, you have a high quality product. Not only is that better if you are

looking at, as I said, composting and putting back into improved soils, but also those recyclables can be then reused at the higher end of the market. This obviously has economic benefits for the ACT.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (3.28): The ACT government is committed to the waste hierarchy. The waste hierarchy is a fundamental and well-recognised principle of waste management and is embedded in the Waste Minimisation Act 2001. It directs us to avoid products becoming waste in the first place, to reduce and reuse, to find alternative uses for waste, to recycle and recover and, as a last resort, to safely dispose of waste.

Source separation has a significant role in each of these tasks and is already employed to a large extent, it has to be said, in the ACT in kerbside recycling, resource recovery centres and private sector waste and recyclable collections. Unfortunately, the many opportunities for source separation that already exist are not fully utilised. The government is playing a very active role in educating business, government, event managers and our broader community to take advantage of these opportunities.

In the ACT we have sound facilities and strategies in place for reusing, recycling and recovering waste, and we have an engineered, lined landfill built to industry best practice standards in which waste can be safely interred. However, year on year, as an increasingly affluent society, Canberrans are generating more waste. Total waste generation per capita in the ACT and Queanbeyan in 2009-10 was 2.06 tonnes. According to the EPHC national waste report of 2010, the ACT was one of the highest generators of waste per capita in Australia, second only to Western Australia. Over the last 10 years, total waste generation in the ACT has grown at over five per cent per annum on average, outstripping population growth. We are each producing more waste, and there are more of us.

There have been some successful strategies in the past to avoid the creation of waste, such as national efforts to reduce packaging waste, and I am pleased that the draft ACT sustainable waste strategy contains new strategies to deal with this. I would expect, however, that this will be and remain our greatest challenge.

Increasing waste generation is not a problem merely for governments. It is a problem caused by increasing consumption and it can and should be addressed by consumers themselves. People create unnecessary waste when they purchase products that are not used, such as food that is bought but discarded and unwanted gifts. The tendency to purchase products with short lives, such as cheap clothes that are rarely worn and devices that are quickly replaced, also contributes. Individual consumers must take responsibility for their purchasing decisions in the first place. They must also take responsibility for the item once bought and ensure that, when they no longer want it, it is reused, recycled or disposed of responsibly.

The government also reduces waste creation by fostering the reuse market through its support to charities that run second-hand shops, its reuse facilities at Mitchell and

Mugga Lane and its promotion of the second-hand sector. Purchasing a second-hand item instead of a new item means that one less item is created, so one less item must be recycled or disposed of. The government also provides support through its participation in national product stewardship arrangements such as the national e-waste scheme that is expected to commence later this year. These will not lead to the avoidance of waste but will at least ensure that items are recycled at the end of their lives.

Basic kerbside waste and recycling services are provided to all residents. In 2009-10, this system recovered 36,000 tonnes of material. The department provides education about how to use the kerbside bins, through brochures, tours and presentations. That education has been effective in maximising recycling. Contamination rates are less than five per cent, which is an improvement on the contamination rate of 9.3 per cent in 2007. Basic kerbside services are sufficient for most residents but residents and bodies corporate that require a higher level of service are encouraged to order additional services.

The fees for additional services are very reasonable. For instance, an additional yellow-topped recycling bin emptied fortnightly costs \$51.60 a year; less than \$1 a week. Kerbside recycling relies on a combination of source separation and end separation. Residents are required to sort their basic recyclables from their waste by using the yellow-topped and green-topped bins. The recycling in the yellow-topped bin is sent to the materials recovery facility in Hume, where it is further sorted into separate materials such as plastics, glass and paper. The facility uses a combination of mechanical devices and people to achieve this. The materials are then sent for recycling and become new products.

People can deliver aluminium and steel cans, car batteries, cartons, glass bottles and jars, motor oil, paper and cardboard and rigid plastic containers to the Mugga Lane and Mitchell resource management centres and to the west Belconnen resource management centre. They may take fire extinguishers, fluorescent lights, gas cylinders, metals, including whitegoods, mobile phones, paint and second-hand goods, to the Mugga Lane or Mitchell resource management centres. All of these items can be delivered free of charge and the vast majority are recycled.

People may also take paper, cardboard, mobile phones and phone batteries, glass bottles and jars, rigid plastic containers, cartons, steel and aluminium cans to any of the four recycling centres in Tuggeranong, Belconnen, Phillip or Mitchell. Those items can be left free of charge, 24 hours a day, and they are recycled. The separate recycling bins, bays and cages at the recycling centres and resource management centres largely rely on source separation. People can access these services free of charge but must ensure they place the correct items in the correct containers to ensure that they are recycled.

Green waste can be delivered to composting facilities at the Mugga Lane and west Belconnen resource management centres for free or to the privately operated Canberra Sand and Gravel facility at Mitchell for a small fee. The material is then recycled into useful products such as compost. This system results in the recovery of over 90 per

cent of green waste, the highest rate in Australia. In 2009-10, the facilities recovered 186,700 tonnes of material, which was 31 per cent of all material recovered that year.

Recent independent benchmarking also shows that the system delivers excellent value for money when compared to other jurisdictions, minimising rates and levies in the ACT. This system is a source-separation system. Corkhill Brothers and Canberra Sand and Gravel must receive clean green waste, being garden waste that does not contain dirt, building waste, bricks or other contaminants. The facilities process the material and do remove some contaminants on site, but their models rely on receiving clean green waste with very low levels of contamination.

Many of these recycling services are co-located with waste facilities and are offered free of charge to maximise source-separated recycling. For instance, if you take a load of mixed waste to the Mugga Lane resource management centre, you can drop off your second-hand goods, paper, cardboard and glass, mobile phones and many other items for free, before you pay to send the rest of your load to landfill. This system is based on the waste pricing strategy, which seeks to encourage recycling and minimise waste to landfill.

The department is also running a source-separation recycling trial at the Mitchell resource management centre. The recycling trial commenced in February and will run into April. The trial relies on customers sorting their recycling into separate bays and includes common building waste such as soil, timber, bricks and concrete. So far it has recovered 926 tonnes of material, which is 43 per cent of material received at that facility.

ACT NOWaste is considering more improvements to the system to achieve better results. I am pleased to say that participation rates have been excellent, with enthusiastic cooperation from the vast majority of customers. Results of the trial will be used when designing future contracts and facilities in the long term and in the short term. It is hoped that the increased recovery rate can continue, with on-site arrangements.

Historically, the ACT has had excellent results from the recycling of construction and demolition waste. Since 2004-05, that sector has typically sent between 20,000 to 30,000 tonnes of material to landfill, despite being one of the major waste generators in Canberra. The recycling industry is largely privately operated, with several facilities accepting builders' waste for a fee that is lower than the fee for landfill. Those facilities usually offer better rates for clean source-separate material such as concrete separated from dirt. This provides customers who can separate their material with the opportunity to save money by doing so. The facilities also use sort lines to process mixed waste.

Unfortunately, over the last two years, construction and demolition waste to landfill has increased. In 2009-10, around 39,000 tonnes were sent to landfill, and this year that figure may rise even higher. Canberra's naturally high levels of construction and increased activity as a result most particularly of the federal stimulus package and the continuing strength of the ACT economy have contributed to the overall increase in material. Simultaneous changes to the recycling industry, including the liquidation in

2010 of one major recycler and changes to acceptance practices and fee structures, have affected the sector's ability to keep pace with demand. ACT NOWaste's industry research and development officer has been working with the sector to improve recovery rates.

In 2009-10, around 103,000 tonnes of commercial waste were sent to landfill, making commercial waste the largest component of waste to landfill. There is also a long-term trend of increasing commercial waste to landfill. Businesses are responsible for arranging their own waste and recycling services, and it would be very difficult for this to be done in any other way. There is simply too much diversity. While households may differ a little—a single person will generate less than a family of five—they can generally be accommodated by a standard service. And they are still creating the same stuff—food, paper, cardboard, glass et cetera.

Businesses, however, range from the sole operator to the government agency that employs a thousand people. Restaurants generate primarily food waste, whereas offices generate primarily paper and cardboard. And it therefore makes, I think, the private sector the best place to service these diverse needs. There is a thriving local recycling industry available, from small organic recyclers who will collect food waste from a business to major waste collectors who will pick up bins and hoppers of paper, mixed recyclables and waste.

The government is supporting this industry to tackle the problem of increasing commercial waste. The Department of the Environment, Climate Change, Energy and Water has launched the ACTSmart programs which help businesses and their staff to source-separate their waste and ensure that it is then recycled once collected.

The government is also helping to establish a new recycling facility at Hume, targeting dry, commercial and industrial waste. That facility will be an end-of-life separation facility, sorting out mixed recyclables. It will not replace the need for businesses to continue source separation of major components of waste such as organic material or paper, and it is likely that clean, separated waste streams will be cheaper to recycle than any form of mixed waste. Proposals to build and operate a facility, coincidentally, closed today. The government hopes that from 2012 this new facility will be diverting as much as 40,000 tonnes of mainly commercial waste from landfill.

Waste generation and resource recovery are major challenges in a consumerist society. We are doing what we can to address increasing waste generation. But this must be done as a partnership with the community. We cannot, of course, do it alone and we cannot tell people what to buy and what not to buy.

We have measures in place to recover waste once it has been created. Many of these rely on source separation, which often achieves a clean, reliable result at reduced costs. However, source separation can only take you so far. It must be supported by facilities that provide end-of-life processing for mixed waste. We have one materials recovery facility in Canberra that targets dry, mixed kerbside waste and we hope to have another in the near future that will target dry, mixed commercial waste.

We are always investigating ways to support and encourage the resource recovery sector and we are considering at the moment, as members know, the draft ACT sustainable waste strategy. And I do look forward to the new measures that will be put in place as a result of our implementation of that strategy.

MR COE (Ginninderra) (3.41): I very much welcome this matter of public importance as I think this is very much core business for this Assembly. I think many people in Canberra still very much see the ACT government as a local government authority. Many people associate the ACT government with council services, and a quintessential council service is managing waste, including waste to landfill but also, and increasingly more so, waste that can be recycled.

Like Mr Stanhope, the Canberra Liberals are also committed to the waste hierarchy and it is something that has been reflected in our policies of the last few elections. It was the 2008 election, I believe, where the opposition took quite a progressive policy with regard to organic waste collection and the third bin. That is something which has been spoken about a great deal in this place, yet people in Canberra are yet to receive the benefit which many other councils in Australia are providing and often for lower rates than we pay here in the territory.

I realise that there are issues with the collection of organic waste, especially putrescible waste, and the compromising of the organic waste stream which can occur, but they certainly can be overcome if we are willing to be creative and to genuinely invest in the future of recycling here in the territory.

However, we do have to be reasonable and we do have to make sure that we are spending taxpayers' money wisely. If we have a finite budget for recycling, we need to make sure that the money that we are allocating to various recycling programs is indeed returning the best bang for our buck. There are some recycling programs which are extremely expensive and every dollar we put into those programs—the recycling of batteries I believe is one—is money that cannot be invested into other, more efficient, recycling programs. I am not saying therefore that we should just write it off. But we do need to make sure that we have an appropriate balance with regard to our recycling strategy that actually does concentrate on the outputs, not on the inputs, in terms of getting a good return after recycling takes place. We could spend a fortune, for instance, on recycling batteries and get very little return, or we could spend a fortune on recycling classic co-mingles and we would get a much better return for the people of Canberra and a much better return for the environment as a whole.

A couple of weeks ago, I had the pleasure of having a tour of some of our recycling and waste operations here in the territory. I went down to the Mugga resource management centre and also to the resource recovery estate. I am very grateful to Mr Chris Ware and also to Shane Breynard for facilitating that tour; it really was most informative. It certainly opened my eyes to all the dirty secrets of the territory and exactly what does happen to all that rubbish. But it was an eye-opener and I think it is very important for as many people as possible to get out there and see what actually happens, see the consequences of waste to landfill but also into the recycling stream. I understand that is something which the department take seriously and they have what

really is a great educational facility at the resource recovery estate, with some great technology to help visualise the recycling process and the actual machinery they have in place. It really does make the basic urban services such as recycling much more approachable and much more real for Canberrans.

I was also very impressed when I went out to the management centre to see the great work being done by contractors, by independent operators. In particular, I thought the operation at Tiny's was pretty impressive. He is certainly turning over a huge amount of material there. He took over from Aussie Junk, who took over from Revolve. But, regardless of the operator, that sort of re-use is a very important part of managing our waste or potential waste here in the territory.

What I was perhaps more impressed by was the operation being run by Corkhill. It really is just an extraordinary operation, on a scale which is almost unimaginable, to be honest. The amount of throughput that Corkhill actually manage is absolutely amazing. I was staggered to hear that so much of the potting mix that we go and buy at Woolworths, Coles or Bunnings across the eastern seaboard actually comes from Corkhill out at the resource management centre. It really is quite amazing. I think it is a well-kept secret here in the territory just what a booming industry that is, what a real success story it is and how the private sector has been a real leader, an innovator, an investor, in an industry which sometimes is seen simply as the purview of government, of the public sector. It really is a tremendous role it is playing in Canberra and one that I hope will be able to continue in one form or another.

As I said at the beginning of this speech, this is very much core business. This is very much something that people of Canberra expect this Assembly and this government to deliver. I get many complaints or representations to me about issues with kerbside collection, issues with recycling bins, issues with hoppers and issues with waste management practices at Housing ACT properties and Housing ACT complexes, and they simply do highlight that these sorts of issues do make a real impact on the quality of life of Canberrans. It is to that end that we in this place must take a particular interest in this. It is, of course, an extremely expensive area of management for the government—it is something like \$70 per household for the collection of kerbside waste and recyclables—but an extremely important one.

However, on waste management I do think it is important to remind the Assembly that it was this government a couple of years ago which took away rubbish bins from places like Pine Island and Kambah Pool on the ridiculous notion that if you take away the rubbish bins there will be less rubbish. Yes, there might be less rubbish collected, but I am not convinced that the actual environment where those rubbish bins once were is necessarily better off. I would have thought that, if the government were really committed to the environment, a more practical solution would have been to add recycling bins where those rubbish bins were; rather than simply taking away the rubbish bins, perhaps putting a second bin in there. We are still advocating for a more appropriate use of disposable organic and putrescible waste, but at least having one bin would be a start in some locations, and preferably a second one as well.

It is important we do not encourage the compromising of the waste stream. I know some people do take objection to the very small green bins which are now being

distributed around town instead of the larger ones. It is disappointing. I think we should maintain a reasonable-sized bin because, quite frankly, having a smaller bin does not mean we produce less waste; it just means that less waste is taken away and more waste is put into the yellow bins, thus compromising the waste stream, which is of course a big no-no, as I was told on the tour.

I thank Ms Hunter for raising this matter of public importance. I hope it does continue discussion leading up to the territory election.

MS LE COUTEUR (Molonglo) (3.51): I must thank Ms Hunter in particular for her contribution, but also Mr Stanhope and Mr Coe for their contributions, in discussing this important matter. As Mr Coe says, waste is a core issue for local governments and the ACT Assembly is a local government as well as a state-level government.

In looking at this issue, I might just try to go back to the basics. The basic is that we live on one world. It is a finite size. The Commissioner for Sustainability and the Environment has worked out Canberra's ecological footprint. She has unfortunately come to the conclusion that our ecological footprint is four times the size that is sustainable for the world, given the world's population and assuming that we all have equal rights to consumption. It is four times the size. We cannot continue to do that.

One of the ways we must look at reducing that is by regarding the things that we consume not just as being waste, but as being resources for future re-use. That is really what this MPI is about. It is about waste and it is about how we can best use it, how it cannot be a negative, but how it can be feeding into our future.

We also talked on Tuesday about peak oil, which is a concept I am afraid that the Liberal Party found amusing, I guess is the word. But there are in fact even more alarming potential peaks in supply in the world. The one I would particularly like to mention is peak phosphorus. All Australians should be aware of phosphorus, because it is one of the nutrients which we are very low on. Anyone who is fertilising land in Australia, unless they are growing native plants, is probably using phosphorus. The world at present rates of consumption has about 30 or 40 years of phosphorus left before we peak.

Phosphorus is essential for food production. What we do at present is excrete the phosphorus in our waste and it is also in the organic waste. The phosphorus from both sources is not put back into gardens or food production. My colleague Ms Hunter talks about organic waste being turned into compost. That is what we need to do if we are to keep a viable agricultural sector in Australia.

If we are to keep on growing the food which we all need to survive, we need to look after our soil. We need to look after the nutrients in our soil and phosphorus is one of the peak nutrients. As Ms Hunter said, we can do it. She mentioned Goulburn and the city to soil program. Goulburn is only 100 kilometres from here. If they can do it, we can do it.

There are lots of other examples. There is Port Macquarie and Germany. Germany I mention in particular. Having a daughter who lives there, I spent some time not in

hotels but in a normal domestic environment in Germany. They have three bins under their sinks. They have got three bins, including a cardboard bin, and it is amazing how well they can do it when you consider that they are retrofitting their waste systems onto buildings which were built for something quite different. Their cardboard collection goes out on the front footpath. The front footpath is only about two metres wide. The Germans, as we all know, are very neat, but they do manage to do it.

I am sure that everyone has noted that if you fly anywhere overseas the first thing you notice at the airport is that they have got recycling bins there. As Mr Coe said, we should have, and we could have, more recycling bins. Recycling bins in town centres and at events are one of the things that the Greens have been pushing for for years. I am very pleased to hear that Mr Coe also supported this.

One of the things we have to do is have a more nuanced approach to waste. We cannot just say that it is all waste and it should all be treated the same. In this context I note what is happening at a commonwealth level with electronics. The plan is, and I hope this will be implemented soon, that when we buy a piece of electronic goods we will pay for its re-use and recycling in the future. When we buy a new TV, a new computer or a new whatever, a small portion of our initial cost will go towards its eventual disposal.

That is what needs to happen with more and more things. We need to look at them from a cradle-to-grave point of view. The grave cannot be a getting-rid-of-it grave. It needs to be a re-using-it grave. I suppose that that is not really a grave.

Some things that we are doing in the ACT are not going in that direction. One thing I would particularly like to highlight is the fact that the government a few months ago was saying that they were considering charging charities—for example, St Vinnie's and The Smith Family—if they in fact ended up having to take any waste to landfill.

I know there is a considerable problem with members of the public dumping things inappropriately with these charities. These charities do a really good job in removing things from the waste stream. They make soft toys, clothing, books, kitchen items and other things all available for re-use. Only a small proportion of what they collect is diverted to the tip. They need to be able to divert that to the tip under the current arrangements at no cost. So I was very concerned to find the government was talking about that.

One of the other items I want to talk about concerns the recycling of batteries and light globes. I was surprised to find that Mr Coe thought this might be a very expensive item. I would point out to Mr Coe—unfortunately, he is not here to point it out to—that the ACT Greens, for quite a number of months last year, had a trial of battery and light globe recycling in our office. We had a very good response, despite very limited publicity. The Greens were able to fund this. I would hazard a guess that the Greens' financial resources are an awful lot less than the resources of the ACT government. I would also like to point out why it is so important to actually treat batteries and light globes specially. I quote from a 2010 analysis of battery consumption and recycling disposal in Australia:

Handheld batteries of all chemistry types are most likely to end up in landfill, unless systems for collection and reprocessing can be established.

It pointed out that the prevention of batteries going into the mixed urban waste stream means that organics in particular that are captured from that can actually be re-used. One of the problems we have had with dirty MRFs, as Ms Hunter has talked about, has been that the organics which have been separated out of them have been contaminated, particularly with glass or with heavy metals from batteries and compact fluorescents. Compact fluorescents are a particularly good material to be properly recycled in the ACT because in New South Wales, in Sydney, a plant has been established specifically for recycling them. The ends are taken off and the mercury, which is a toxic material, is extracted and re-used, and the glass is re-used.

It is easy to set up the systems to separate and recycle those. This is something which the Greens have been calling on the government for a few years to do. It is cheap. If the Greens can afford to do it then I am confident the ACT government can afford to do it. To remove these toxic wastes from our landfill has got to be worth while. It is also something which is very necessary. If we are going to use our organic waste, we have got to make sure it is not contaminated with toxic waste.

In the short time left to me, I would also like to comment favourably that Mr Stanhope talked about the importance of consumption in the whole waste scenario. I agree with his remarks that one of the most important things is for us to look at our consumption and not to over-consume. When we buy something, we should think about its eventual fate—as he said—not buy too much food, not buy clothes and things that we do not want.

I look forward to people being more conscious in their consumption. As I think Mr Stanhope said—I will say it anyway—the ACT, being an affluent community, does consume a lot. This is one of our significant ecological issues. It is an area where we all need to take more individual responsibility towards our consumption and its eventual separation and re-use. Things that are separated become assets rather than waste. (*Time expired.*)

MR HARGREAVES (Brindabella) (4.01): Waste is a growing environmental, social and economic issue for all modern, expanding economies, and we know that. The way that waste is generated and handled has an impact on everyone, from individual citizens and small businesses to public authorities.

The ACT is one of the leading jurisdictions in waste management in Australia, with over 70 per cent of our waste re-used or recycled. In spite of this, the government remains committed to doing more and progressing towards its goal of zero waste to landfill. The current ACT's no waste by 2010 strategy resulted in a resource recovery rate of over 70 per cent in 2008-09, a major increase from 42 per cent in 1995-96. While the ACT achieves one of the highest rates of recovery in Australia, more can be done. The ACT 2009-2010 budget provided \$483,000 over the 2009-2011 budget periods for the development of a future waste strategy, including improving recycling

in the commercial sector, promoting innovation in resource recovery and reducing greenhouse gas emissions.

On 8 December 2010 the draft ACT sustainable waste strategy was released. This strategy takes an integrated approach to managing waste across the ACT, considering the connections between the collection, transport, sorting, processing and markets as well as between sectors. The strategy emphasises the waste management hierarchy that encourages people to reduce the amount of waste they generate, to re-use goods such as clothing and furniture, to recycle waste material such as paper and glass into new products, to recover resources such as energy from wood and bio-solids and, lastly, to dispose of any remaining waste safely in the landfill.

The draft strategy includes 25 strategies involving the adoption of best practice resource recovery approaches and innovative technologies. It places significant emphasis on increasing recycling and resource recovery. The waste strategy aims to increase resource recovery from over 70 per cent to over 90 per cent via three major steps: boosting commercial waste recycling, taking resource recovery to over 80 per cent; recovering organic wastes and sorting residual waste streams, taking resource recovery to over 85 per cent; and adopting energy from waste technologies, taking resource recovery to over 90 per cent, matching world's best practice.

Many options for increasing recycling and resource recovery are explored in the draft strategy. For example, resource recovery can also be improved through free drop-off facilities for electronic waste, education and awareness, procurement policies, developing markets for recyclable materials and using appropriate pricing and regulation as a disincentive to landfill. The draft strategy supports source separation of resources and recycling of materials for their highest use.

Rather than focusing on technology-driven solutions, the actions in the draft strategy range from education, reducing litter and dumping, boosting recycling, recovering organic waste, introducing free drop-off facilities for electronic waste, improving the management of hazardous waste and strengthening our regulatory regime. The draft strategy does commit the government to exploring waste-to-energy technologies but it does not in any way limit its consideration to those technologies.

A third bin for garden waste was among the potential actions considered in the preparation of the draft strategy. While the analysis to date has shown that a residual waste material recovery facility would recover considerably more waste at lower cost, the government is undertaking more detailed analysis and has not ruled out a third bin or other options for recovering organic and garden waste. The draft strategy seeks to reduce the amount of waste generated in the ACT through individual strategies such as awareness-raising campaigns, promoting re-use through ACT businesses and charities and encouraging on-site re-use of construction waste.

Submissions closed in late February. Twenty-nine submissions were received and these are currently being assessed for possible inclusion in the final strategy.

Canberrans are fantastic recyclers in the home environment, with more than 95 per cent of Canberrans involved in the practice and 40,000 tonnes of recyclable

material being saved from landfill each year. While the recycling trends are good, the amount of waste to landfill increased slightly between 2006-07 and 2007-08.

With the significant progress in reducing domestic waste to landfill and resource recovery from the construction and demolition waste sectors, the greatest gains in the future are likely to be made in the commercial sector. The ACT government is supporting further initiatives for the commercial sector to ensure a higher recovery rate of source-separated materials.

For example, the ACT government's ACTSmart business and office programs support ACT organisations to effectively manage their waste. Participants audit their waste streams and put in place measures to facilitate waste recovery. By the end of last year 138 offices and 87 businesses had signed up to the programs. Of these 225 organisations, 32 have achieved accreditation; that is, they have achieved a reduction of waste to landfill by implementing full recycling, including mixed recyclables, paper and cardboard and organic recycling, as well as undertaking staff training and awareness raising with staff and customers.

The accredited sites have all achieved a reduction of waste to landfill, some by more than 70 to 80 per cent, and reduced waste to landfill by more than 125,000 litres a week since the program commenced in August 2009. In real terms, this equates to more than 900 domestic wheelie bins being diverted from landfill per week.

Even one-off events provide enormous opportunities for reducing waste to landfill. At the final Canberra Raiders game at Canberra Stadium last year, 88 per cent of the waste generated at the game was recycled, the equivalent of seven 15-cubic-metre skips or 4,375 yellow-top wheelie bins.

The ACTSmart public event trial is soon to commence. The trial will provide the opportunity for event organisers to implement effective waste management practices throughout their event. Temporary two-bin systems comprising waste to landfill and recycling are stationed throughout each event, with appropriate signage. Back-of-shop locations will include a three-bin system comprising waste to landfill, recycling and organics.

Commercial waste represents almost half the material sent to landfill in the ACT and amounted to more than 103,000 tonnes in 2009-10. A large proportion of this could have been recycled. The recently released report, produced for the ACT government by Inovact Consulting, surveyed 400 commercial businesses about their recycling practices and ways to improve commercial sector recycling.

The report recommended a focus on development of improved downstream waste management and treatment systems as the most effective means of further reducing waste to landfill from ACT business. I am pleased to report that the report also notes that ACT government initiatives such as the ACTSmart business and office programs are helping ACT businesses make significant inroads into the waste sent to landfill, but we know there is still work to be done to make it easier for commercial waste generators to recycle. The information gathered from this comprehensive industry

consultation will allow us to improve recycling by the commercial sector and build still further on the ACT's nation-leading recycling rates.

I thank Ms Hunter for bringing this MPI forward. As a former minister responsible for waste management in the territory, it used to give me a lot of grief to know that the domestic sector was leading the way in the ACT and the commercial sector was dragging the chain. We had significant innovation and inroads by the construction industry—the recycling and the re-use of bricks and metal products. So we had a commitment in terms of recycling demolition waste. We had the most incredible commitment by the people in the community around recycling.

But I could not get the commercial sector, for the life of me, to actually embrace recycling of what it was not re-using. Even though we have people like Ricoh, out in Fyshwick, who do 100 per cent recycling, I could not get the business sector to understand that their practices were costing them money. At worst, it would be cost neutral to them to recycle and, at best, they could actually make money on it. But I could not get it through to them. We had awards and we had programs. Now the government is in fact putting a lot more energy into it and a lot more attention into it by trying to convert these people into a recycling mindset.

Again I thank Ms Hunter very much for bringing this matter of public importance forward. On its face, you look it and you think, "Oh, yes." It is not an "oh, yes". It is a really important subject, and I thank her again.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): The discussion is concluded.

Adjournment

Motion by **Mr Stanhope** proposed:

That the Assembly do now adjourn.

Roads—parking

MR COE (Ginninderra) (4.11): Last Monday, 28 March, I hosted a public meeting at the Canberra Southern Cross Club, Jamison, about parking and traffic issues in and around the Jamison group centre. I called for the meeting because of the overwhelming feedback my office received about issues with the current traffic and parking arrangements and some concern about changes to the centre if a proposed development at blocks 9, 43 and 44, section 50, Macquarie was to be approved.

The meeting was attended by approximately 225 people, with many being concerned about the lack of action taken with the existing problems and the poor consultation regarding the future use of blocks 9, 43 and 44. Whilst attendees were broadly of the view that the existing Jamison Inn site is an eyesore and that redevelopment would be welcome, it has to be of an appropriate scale and not add to the traffic and parking problems which are currently present. Attendees expressed concern about the poor communication the ACT government has had with nearby residents, traders and other users of the centre.

In advertising my public meeting, notice of the meeting was given by the following means: unaddressed letters were hand delivered to the vast majority of homes in Aranda, Cook, Macquarie and parts of Weetangera; posters and an A-frame were displayed at multiple places within Jamison Plaza; flyers were available for collection at some shops within the plaza; and details of the meeting were published in the *Northside Chronicle* on 22 March. I do not believe the ACT government consulted that widely.

It is worth noting the comments made by the ACT government architect, Mr Alastair Swain, this week. Mr Swain has suggested that developers might consult neighbours before going through the pre-application process with the planning authority. He believes people are put off from the beginning because of a sense of the unknown. I agree with the notion that uncertainty and a lack of information create distrust, scepticism and fear and that it is in everyone's interest if such doubt can be allayed.

However, this government has allowed a culture of lack of consultation to develop. And, as Mr Barr said today in this place, ACTPLA's role is to notify, not to consult. If ACTPLA does not consult and the developer does not, who is actually doing the consultation? We have had involvement by LAPS in various projects, but often only after the opposition has facilitated early rounds of consultation and LAPS have come in as troubleshooters.

Given that only little information was known to a few residents about changes in Jamison and the direct sale of blocks 43 and 44, I request, on behalf of many stakeholders, that the planning minister and the Chief Minister accept comments and feedback about what is proposed even if it is in the coming weeks. Furthermore, I request that the government put deep consideration into the consultation mechanisms, or lack thereof, that it implements. After the debacle which was the Hawker shops saga, one would think the government would have learnt its lesson. However, this issue seems to be yet another example of an arrogant government which is unwilling to engage the community.

It was said on the evening of the public meeting that the wounds of the closure of Cook primary school were still present and this lack of consultation was yet another blow for that community. I urge the government to rethink how it consults, to put deep consideration into what proposals there are for the Jamison group centre, to explain the status of the 2002 Jamison master plan, to accept late comments and feedback and to engage with the community.

This episode has also raised questions about the planning system on the whole which we have in the territory and how there is a need to review some of the processes which are in place.

In the coming days I will submit to the government a copy of a report of the meeting. Given the extremely large attendance and the prevailing sentiments, I hope the government takes the view of the community seriously.

Question resolved in the affirmative.

The Assembly adjourned at 4.15 pm until Tuesday, 5 April 2011, at 10 am.

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Answers to questions

Public service—performance indicators (Question No 1396)

Mrs Dunne asked the Minister for the Arts and Heritage, upon notice, on 15 February 2011:

- (1) In relation to the Chief Minister's Department Half Yearly Performance Report 2010-11, Output 1.5, Arts Policy, Advice and Programs, what was the nature of the advice that the Department gave to the Minister in relation to Accountability Indicator (d), Provide support for administrative arrangements associated with the Cultural Facilities Corporation.
- (2) If any recommendations were made, what were they.
- (3) What was the Minister's response to those recommendations referred to in part (2).
- (4) What follow-up action was taken, or will be taken, by the Department.

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

- (1) The Chief Minister's Department provided advice to me on a vacant board position on the Cultural Facilities Corporation.
- (2) The Department recommended that Ms Sandra Lambert be appointed to the vacancy.
- (3) I approved the appointment.
- (4) The Department processed and completed the appointment on 9 February 2011, for a two year appointment which commenced on 10 February 2011.

Public service—performance indicators (Question No 1397)

Mrs Dunne asked the Minister for the Arts and Heritage, upon notice, on 15 February 2011:

- (1) In relation to the Chief Minister's Department Half Yearly Performance Report 2010-11, Output 1.5, Arts Policy, Advice and Programs, why are the performance indicators for this Output so nebulous as to provide no information about activities undertaken or achievements realised during the period covered by the report, other than for Accountability Indicator (d), Provide support for administrative arrangements associated with the Cultural Facilities Corporation.
- (2) Will the Government, in time for Budget 2011-2012, develop performance indicators that can be measured, reported and analysed in a meaningful manner at the half year point; if not, why not.

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

The ACT Government prepares its budget on an output basis. Data at that level is published in the Budget Papers, along with budgeted financial statements for agencies. More detailed information on activities within outputs is available in annual reports. This includes audited financial statements.

Labor Party—election commitments (Question No 1400)

Mrs Dunne asked the Minister for Industrial Relations, upon notice, on 15 February 2011 (*redirected to the Minister for Disability, Housing and Community Services*):

- (1) In relation to ACT Treasury's Summary of Labor Election Commitments dated 17 October 2008, has the Government implemented its 2008 election commitment in relation to the establishment of an industrial relations non-governmental organisation (NGO) body; if not, why not; if so, what is the name of the NGO body.
- (2) When was the body established and what were the establishment costs.
- (3) What (a) are the body's terms of reference and (b) is the body's legislative framework.
- (4) Who provides secretariat support.
- (5) How much funding, both cash and in-kind, was provided to the body in (a) 2008-09, (b) 2009-10 and (c) the period 1 July to 31 December 2010.
- (6) What funding budget, both cash and in-kind, has been committed for the period 1 January to 30 June 2011 and outyears.

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

- (1) The election commitment of 4 October 2008 was to provide \$500,000 to support improved industrial relations advice to non-government organisations in the ACT. In the 2008 09 Supplementary Budget, the ACT Government committed \$500,000 to review community contracts and to provide an improved industrial relations (IR) environment for non-government organisations in the ACT.

The project was divided into two parts – phase one to review the existing IR environment (\$400,000) and phase two to deliver sustainable support and improvements in this area (\$100,000). The Department of Disability, Housing and Community Services completed phase one with the publication of the *Review of Industrial Relations Arrangements for the ACT Community Sector* report in July 2010. The report and government response is available at http://www.dhcs.act.gov.au/wac/review_of_industrial_arrangements.

A procurement process is underway to select an organisation with IR expertise to deliver an IR information and advice service.

- (2) An organisation will be engaged to deliver the project from a tender process which will commence in March 2011. A contract for delivery of the project is expected by 30 June 2011.

- (3) In accordance with the recommendations made in the *Review of Industrial Relations Arrangements for the ACT Community Sector report*, the ACT Government will fund a project with two key components: IR information dissemination service; and an IR support service.

The body will operate within the ACT and Commonwealth legislative framework comprising the national workplace relations system, and with regard to the *Social, Community, Home Care and Disability Services Industry Award 2010*.

- (4) Secretariat support is not provided as part of the project. The Department of Disability Housing and Community Services is developing the procurement process.
- (5) Funds are subject to procurement, funds are yet to be allocated to a community organisation for the project.
- (6) A one-off amount of \$100,000 has been allocated to this project in 2010-11.

Public service—performance indicators (Question No 1401)

Mrs Dunne asked the Minister for Industrial Relations, upon notice, on 15 February 2011:

- (1) In relation to the Chief Minister's Department Half Yearly Performance Report 2010-11, Output 1.3, Industrial Relations Policy, what was the nature of the advice that the Department gave to the Minister in relation to Accountability Indicator (a), Provide advice to Government on developments in the national workplace safety agenda.
- (2) If any recommendations were made, what were they.
- (3) What was the Minister's response to those recommendations referred to in part (2).
- (4) What follow-up action was taken, or will be taken, by the Department.

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

The Chief Minister's Department advises Government on the recommendations, activities and decisions of the Workplace Relations Ministerial Council (WRMC) and of Safe Work Australia (SWA). SWA is a statutory agency that is jointly funded by the Commonwealth, State and Territory governments. It has primary responsibility for improving work health and safety and workers' compensation and is developing national model work health and safety laws.

Since its establishment, Safe Work Australia has worked with all Australian jurisdictions to prepare a model Act and model Regulations on work safety. It has also prepared a package of priority model codes of practice and subsidiary guidance material to facilitate a nationally consistent approach to compliance and enforcement and has conducted and published research to inform the development of future policy in this area.

In the above context, the Department has contributed to the development of best practice regulatory approaches in a variety of fora and has advised Government on the content and

effective implementation of measures proposed throughout this process. Relevant information on the model work health and safety laws is available on the Safe Work Australia website:
<http://www.safeworkaustralia.gov.au/Legislation/Pages/ModelWHSLegislation.aspx>

**Public service—performance indicators
(Question No 1402)**

Mrs Dunne asked the Minister for Industrial Relations, upon notice, on 15 February 2011:

- (1) In relation to the Chief Minister's Department Half Yearly Performance Report 2010-11, Output 1.3, Industrial Relations Policy, what was the nature of the advice that the Department gave to the Minister in relation to Accountability Indicator (f), Provide advice to Government regarding issues arising from the National Workplace Relations System.
- (2) If any recommendations were made, what were they.
- (3) What was the Minister's response to those recommendations referred to in part (2).
- (4) What follow-up action was taken, or will be taken, by the Department.

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

The Office of Industrial Relations, Chief Minister's Department advises Government on the recommendations, activities and decisions of the Workplace Relations Ministerial Council (WRMC) and matters arising from business of the High Level Officials Group (HLOG), Senior Officials' Group – Referring States and the Territories Subcommittee (the SOG subcommittee) and the Workplace Relations Ministers' Council – Referring States and the Territories Subcommittee, all subcommittees of the WRMC.

The Multilateral Inter-Governmental Agreement for a National Workplace Relations System for the Private Sector (the IGA) requires that consultation in relation to proposals and amendments to the Fair Work legislation progress through the SOG subcommittee and the Workplace Relations Ministers' Council – Referring States and the Territories Subcommittee.

More generally, OIR provides advice to Government on all matters of business through HLOG dealing with workplace relations that require the ratification of all participating jurisdictions.

Since the commencement of the IGA there have been two minor matters referred through the SOG Subcommittee that dealt with the correction of technical amendments to the Fair Work Regulations. Under the terms of the IGA all such matters must be referred to the participating States and Territories for ratification. In both cases the OIR provided advice to Government in accordance with the IGA. In both cases the ACT Government supported the changes.

**Water—national reform
(Question Nos 1422 and 1423)**

Mrs Dunne asked the Minister for the Environment, Climate Change and Water and the Minister for Energy, upon notice, on 15 February 2011:

What were the two matters of national reform in energy and water that, according to the half-yearly performance report for 2010-11, were implemented under Accountability Indicator (a) for Output 1.2 during the period 1 July to 31 December 2010.

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

- (1) The ACT participated in the December 2010 Murray-Darling Basin Ministerial Council meeting (the Basin Plan was a major item of discussion). The ACT reports to COAG on its national water reform progress as required.

During the year DECCEW implemented the National Processing Times for Water Trading and implemented the National Metering Standards for Non Urban Water.

The ACT participated in the December 2010 Ministerial Council on Energy. The meeting dealt with energy reform matters. Key reforms undertaken include the development of the National Energy Customer Framework (NECF) under the Ministerial Council on Energy. This work is ongoing, with the NECF scheduled to be implemented in the ACT from 2012.

**Children—kinship carers
(Question No 1425)**

Mrs Dunne asked the Minister for Children and Young People, upon notice, on 15 February 2011:

- (1) How much money did the Government pay to non-government organisations for the specific purpose “to create a dedicated service run by a non-government organisation to provide information, advice and support to grandparents and kinship carers who are caring for children”, during (a) the period 18 October 2008 to 30 June 2009, (b) 2009-2010 and (c) the period 1 July 2010 to 31 December 2010.
- (2) What are the names of the non-government organisations that received the money for the specific purpose referred to in part (1).
- (3) How much money did each non-government agency identified in part (2) receive for the specific purpose in part (1) during each of the periods referred to in part (1).
- (4) If no money was paid during the period 18 October 2008 to 31 December 2010 to non-government agencies for the specific purpose in part (1), why not.

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

- (1) (a) and (b) Ms Dunne I would like to refer you to Question Number 1195 asked by yourself on 23 September 2010 and my response.

Additional information for the period 1 July 2010 - 31 December 2010 is as follows:

- (c) Funding provided for this period totalled \$114,650 (GST exclusive).
- (2) Marymead Child and Family Centre.
Relationships Australia.
Grandparent and Kinship Carers (ACT) Inc.
- (3) Marymead Child and Family Centre - \$50,560 (GST exclusive).
Relationships Australia - \$60,000 (GST exclusive).
Grandparent and Kinship Carers (ACT) Inc. \$4,090 (reimbursement for carers attendance at conference).
- (4) Not applicable.

Children—kinship carers (Question No 1426)

Mrs Dunne asked the Minister for Children and Young People, upon notice, on 15 February 2011:

- (1) Has the Government created “a dedicated service run by a non-government organisation to provide information, advice and support to grandparents and kinship carers who are caring for children”, as promised in the ACT Labor 2008 Election Policy; if not, why not; if so, what is the service called.
- (2) When did the service commence operations.
- (3) What is the name of the non-government organisation running the service.

Ms Burch: The answer to the member’s question is as follows:

- (1) Yes – Kinship Carer Advocacy, Representation Support Service (KARSS).
- (2) Service provision commenced in December 2010.
- (3) Marymead Child and Family Centre.

Bimberi Youth Justice Centre—assaults (Question No 1429)

Mrs Dunne asked the Minister for Children and Young People, upon notice, on 15 February 2011:

- (1) How many assaults on Bimberi staff by residents of Bimberi occurred during the calendar year 2010.
- (2) How many of the assaults, referred to in part (1), did victims refer to police.

- (3) How many of the assaults, referred to in part (1), did Bimberi management or the department refer to police.
- (4) What is the threshold beyond which Bimberi management or the department would refer assaults to police.
- (5) How many of the assaults referred to in part (1), (a) fell below the threshold but were referred to police by Bimberi management or the department or (b) fell above the threshold but were not referred to police by Bimberi management or the department.
- (6) Why were the decisions made to refer or not refer, as relevant, those assaults referred to in parts (5)(a) and (5)(b).
- (7) Of all assaults that were referred to police, either by Bimberi staff or management or the department, how many assaults did Bimberi management or the department decide not to press any charges for.
- (8) For the cases referred to in part (7), why did Bimberi management or the department decide not to press any charges.
- (9) In deciding not to press any charges, did Bimberi management or the department first consult with the relevant assault victims; if not, why not.

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

- (1) There were 14 incidences of assault on Bimberi staff by residents of Bimberi during the calendar year 2010.
- (2) Ten assaults on Bimberi staff referred to in part (1) were referred to the police by victims.
- (3) Ten assaults on Bimberi staff referred to in part (1) were referred to the police by the Department.
- (4) The Department refers all alleged assaults to the police when the alleged offence is evident from the incident report completed by the victim, witness reports, a review of evidence captured on CCTV footage and the victim wishes to have the matter referred. The Department actively encourages staff to refer all allegations of assault to the police.
- (5) (a) None of the assaults referred to in part (1) that fell below the threshold were referred to police by the Department.

(b) One of the assaults referred to in part (1) fell above the reporting threshold, but was not reported to police by the Department.
- (6) The decision not to report the one assault in 5(b) was made on the basis that the staff member involved was not willing to proceed with legal action.

The Department is aware that the police are unwilling to proceed to prosecution when there is no complainant prepared to make a statement.

- (7) None. The decision in relation to charging is made in the first instance by the police. Once the matter is referred by the Department the matter is in the hands of police.
 - (8) See (7) above.
 - (9) In accordance with the principles in the *Children and Young People Act 2008* s94(1)(b), the Department actively encourages staff to pursue all matters of assault with the police, so that young people are “encouraged to accept responsibility for their behaviour and be held accountable”. If a victim of an alleged assault requests police involvement, they are supported by the Department in doing so.
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Youth Advisory Council (Question No 1430)

Mrs Dunne asked the Minister for Children and Young People, upon notice, on 15 February 2011:

- (1) When was the Youth Advisory Council established.
- (2) What were the establishment costs.
- (3) What are the Council’s terms of reference.
- (4) What is the Council’s legislative framework.
- (5) What indemnity assurance is provided for Council members.
- (6) What training and orientation has been provided to Council members.
- (7) How often and where does the Council meet.
- (8) What remuneration, if any, do members of the Council receive.
- (9) Who provides secretariat support for the Council.
- (10) What is the cash and in-kind annual cost of running the Council, including remuneration, secretariat costs and other costs.

Ms Burch: The answer to the member’s question is as follows:

- 1) The Youth Advisory Council was established in October 2002.
- 2) Nil.
- 3) A young person is appointed for two years unless they are 24 years or over in which case they will be appointed until their 26th birthday. The Youth Advisory Council comprises of 15 young people aged between 12 and 25 years.

The Youth Advisory Council Role and Responsibilities of Members under the Terms of Reference are:

- To provide the Minister with direct and well informed advice on matters relating to young people.
 - To ensure that the diversity of young people's experiences and circumstances is reflected in advice to government.
 - To consult widely with young people in the ACT.
 - To attend Council meetings, training and development sessions and other relevant activities.
- 4) The Minister seeks cabinet's endorsement of the Youth Advisory Council's appointed members. These appointments are non-statutory appointments. The Council members are required to adhere to the Public Sector Management Act 2004 as part of their voluntary participation on the Youth Advisory Council.
- 5) The Youth Advisory Council is covered under the Office for Children, Youth and Family Support Public and Products Liability, ACT Insurance Authority (ACTIA).
- 6) In 2008, 2009 and 2010, the Youth Advisory Council members have participated a variety of training including:
- 2 September 2008 - Submission Writing Training;
 - 14 November 2009 - Teambuilding Training;
 - 28 November 2009 - Media Training;
 - 15 December 2009 - Conflict Resolution Training;
 - 13 November 2010 – Teambuilding training;
 - 16 February 2011 - Media Training; and
 - Boards and Committees training to be conducted in the near future.
- 7) The Youth Advisory Council meets on the first Tuesday of each month, for a two-hour meeting at 11 Moore Street.
- The Youth Advisory Council also conducted Community Open meetings on the following dates:
- Youth in the City Youth Centre on 11 November 2008;
 - Gungahlin Youth Centre on 7 July 2009;
 - Mura Lanyon Youth Centre on 10 November 2009; and
 - Canberra College on 3 August 2010.
- 8) Co-chairs are remunerated as per Remuneration Tribunal Determination 12, the amount of \$430, per meeting, per person. All other members receive a Community Engagement payment of \$50 per meeting.
- 9) The Department of Disability, Housing and Community Services provides Secretariat support for the Council.
- (10) The Youth Advisory Council have an annual budget of \$30,000, for remuneration payments, meeting expenses, training costs, community forums and consultation activities. Secretariat support is provided by an ASO 5, at .5 salary and a SOG C at .2 salary.
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**Childcare—workers
(Question No 1435)**

Mrs Dunne asked the Minister for Children and Young People, upon notice, on 15 February 2011:

- (1) In relation to qualification requirements for workers in the childcare sector, excluding preschool, under the National Quality Framework, agreed by the Council of Australian Governments, under the National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care, how many people enrolled in relevant training courses in the ACT for the childcare sector, excluding preschool, during 2010.
- (2) How many of those referred to in part (1) were employed in Australian Government approved childcare services in the ACT, excluding preschool, as at 31 December 2010.
- (3) How many people completed relevant training courses in the ACT for the childcare sector, excluding preschool, during 2010.
- (4) How many of those referred to in part (3) were employed in Australian Government approved childcare services in the ACT, excluding preschool, as at 31 December 2010.
- (5) What strategies has the ACT Government (a) developed and (b) implemented to attract people into relevant childcare sector training courses in the ACT, excluding preschool.
- (6) What strategies has the ACT Government (a) developed and (b) implemented to attract graduates from relevant training courses in the ACT to enter the childcare sector, excluding preschool, in the ACT.
- (7) How much did the ACT Government budget for those strategies referred to in parts (5) and (6) in 2010-2011 and in each of the outyears.
- (8) How much did the ACT Government spend on those strategies referred to in parts (5) and (6) during the period 1 July to 31 December 2010.

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

- (1) Current data shows 809 students enrolled in a relevant childcare training course in the ACT in either 2009-2010 (financial year) or during 2010 (for university entrants).
- (2) There is no current data available.
- (3) Current data shows 526 students completed a relevant child care training course in the ACT in either 2009-2010 (financial year) or during 2010 (for university entrants).
- (4) There is no current data available.
- (5) (a) and (b) The ACT Government is committed to addressing any workforce issues including attracting people to the childcare sector and attracting people into childcare

sector training courses. There are a number of measures that were in place in 2010 to discuss and develop any programs that might address these workforce issues:

- The Children's Services Forum meets quarterly and is chaired by the Minister for Children and Young People. Some of the Forum members include representatives directly linked with approved training providers from the University of Canberra, the Canberra Institute of Technology, the childcare sector and the Department of Education and Training.
- The ACT Government provided part funding to produce a postcard – *Would you like to support the learning and development of young children?* This postcard was targeted to potential recruits to the childcare sector.
- Attendance at the Canberra's Careers Market in 2010. This event is specifically targeted towards high school students who are determining a career path.
- The Children's Policy and Regulation Unit facilitate Directors Meetings every three months to continue to support and discuss workforce issues with the sector. At various times the Directors Meetings provided the sector with information about relevant training courses.
- Attendance at ACT Playgroups Association Parenting Expo.

(6) As above.

(7) Strategies were supported through the Department of Disability, Housing and Community Services existing budget.

(8) As above.

Legislative Assembly—questions on notice (Question No 1438)

Mrs Dunne asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2011:

Why did it take from 22 December 2010, the date on which the Minister signed the answer to question on notice No 1235, until 31 January 2011, a period of 40 days, for the answer to be received by the Assembly secretariat.

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

Mrs Dunne asked this question on 18 November 2010. I signed the response to Mrs Dunne on 22 December 2010. The response was provided to the Assembly Support Office electronically on 24 December 2010. It appears that hard copy was not provided to the Support Office until after Christmas shutdown. The item was received back in the Department to file on 4 January 2011.

**Families ACT—funding
(Question No 1439)**

Ms Hunter asked the Minister for Children and Young People, upon notice, on 15 February 2011:

- (1) In relation to Families ACT receiving funding to develop Practice Guidelines for engaging Children, Young People and Families, what is the purpose of this project and how does it relate to the broader service system.
- (2) How much funding was allocated to this project.
- (3) What procurement processes were used to allocate this funding.

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

- (1) The purpose of the project is to develop a practice framework and guidelines to inform collaborative practice on the referral, engagement and service provision by the community and government to vulnerable children, young people and families in the ACT. The project supports the work undertaken to align the Youth Services Program and the Family Support Program, the Vulnerable Families project and the Differential Response project within Care and Protection Services.
- (2) Funding of \$120,000 (GST exclusive) has been allocated to the project.
- (3) A single select procurement process was used to allocate funding for this project.

**Budget—program management and funding
(Question No 1441)**

Mr Seselja asked the Speaker, upon notice, on 16 February 2011:

- (1) In relation to the Legislative Assembly Secretariat, what programs are managed and/or funded within each output under each output class for the Secretariat, as listed in Budget Paper 4 for the 2010-2011 Budget.
- (2) If no output or output classes, can the Speaker list the programs applicable for the Secretariat.
- (3) What is the budgeted cost for each program for 2010-2011.
- (4) How much was spent on each program during the period 1 July 2010 to 31 December 2010.
- (5) What was the budgeted full time equivalent (FTE) staffing for each program for 2010-2011.
- (6) What was the actual FTE staffing for each program as at 31 December 2010.

Mr Speaker (Mr Rattenbury): The answer to the member's question is as follows:

- (1) and (2) The use of the terms Outputs and Output Classes are used by the government to categorise the various services provided by government agencies. It has been recognised for many years that, as it is not a government agency, it is not appropriate for the services provided by the Legislative Assembly Secretariat to be aligned to Outputs and Output Classes. In this regard, section 12(2) of the *Financial Management Act 1996* specifically removes this obligation from the Legislative Assembly Secretariat.

Similarly, the services provided by the Legislative Assembly Secretariat are not organised into programs – all of the activity of the Secretariat contributes to a single purpose which is to assist and support the operations of the Assembly.

However, expenses incurred in operating the Secretariat Departmental budget are broadly classified into one of 12 cost centres, which are as follows:

1. Assembly Building
2. Attendants and Security
3. Chamber Support
4. Committees
5. Corporate Services
6. General Operating Expenses
7. Hansard
8. IT
9. Library
10. Members and Staff
11. Office of the Clerk
12. Strategy and Parliamentary Education

(3)

As discussed in (1) and (2) above, the Legislative Assembly Secretariat's activities are not organised into programs. The budgeted cost for the Legislative Assembly Secretariat for 2010-2011 is:

Territorial:	\$6.386m
Departmental:	\$7.425m

The Departmental breakdown by cost centre is:

Assembly Building	746,322
Attendants and Security	420,636
Chamber Support	518,720
Committees	859,469
Corporate Services	755,853
General Operating Expenses	1,252,396
Hansard	809,701
IT	745,000
Library	366,716
Members and Staff	129,913
Office of the Clerk	503,849
Strategy and Parliamentary Education	316,425

(4)

As discussed in (1) and (2) above, the Legislative Assembly Secretariat's activities are not organised into programs. The total expense for the Legislative Assembly Secretariat for the period 1 July 2010 to 31 December 2010 was:

Territorial:	\$2,946,099
Departmental:	\$3,551,607

The Departmental breakdown by cost centre is:

Assembly Building	307,731
Attendants and Security	237,111
Chamber Support	249,948
Committees	369,462
Corporate Services	358,305
General Operating Expenses	647,127
Hansard	454,988
IT	312,283
Library	194,605
Members and Staff	39,746
Office of the Clerk	215,335
Strategy and Parliamentary Education	164,966

(5)

As discussed in (1) and (2) above, the Legislative Assembly Secretariat's activities are not organised into programs. The budgeted full time equivalent staffing for the Legislative Assembly Secretariat for 2010-2011 was 42. FTE staff numbers are not split across cost centres.

(6)

As discussed in (1) and (2) above, the Legislative Assembly Secretariat's activities are not organised into programs. The actual full time equivalent staffing for the Legislative Assembly Secretariat as at 31 December 2010 was 43.75.

Public service—annual leave (Question No 1442)

Mr Seselja asked the Speaker, upon notice, on 16 February 2011:

- (1) In relation to staff employed by the Legislative Assembly Secretariat under the Public Sector Management Act 1994, what is the policy of the Secretariat as to the quantum of annual leave that staff can accumulate before being encouraged to take leave.
- (2) Do staff lose annual leave entitlements if they do not take leave; if so, what are the policy rules that apply in that circumstance.
- (3) What was the quantum of annual leave liability as at 31 December 2010 in both (a) hours and (b) dollars.

Mr Speaker (Mr Rattenbury): The answer to the member's question is as follows:

- (1) The annual leave entitlements of Secretariat staff are the same as the entitlements of most other staff employed under the *Public Sector Management Act 1994* and are set out in the *ACT Legislative Assembly Secretariat Enterprise Agreement 2010 - 2011*. Clause F7.12 of that agreement specifies that:

Employees are encouraged to use their annual leave in the year that it accrues, and to this end should discuss their leave intentions with their manager/supervisor as soon as practicable.

Other provisions in section F7 of that agreement place certain obligations on staff and on Secretariat managers including where several years of annual leave entitlements are accrued but have not been taken. Secretariat policy and practice recognises that, in practical terms, there are always some staff who can not, or do not, use their leave in the same year as it accrues. Secretariat managers receive periodic reports of the leave balances of their staff and are asked to make specific plans where staff have balances in excess of 40 days (2 years worth).

- (2) Staff do not lose their annual leave entitlements if they do not take leave.
- (3) The quantum of annual leave liability for Secretariat staff at 31 December 2010 was:
 - (a) 7,208 hours; and
 - (b) \$368,773.

Budget—program management and funding (Question No 1444)

Mr Seselja asked the Chief Minister, upon notice, on 16 February 2011:

- (1) What programs are managed and/or funded within each output under each output class for the ACT Executive, as listed in Budget Paper 4 for the 2010-2011 Budget.
- (2) If no output or output classes, can the Minister list the programs applicable for the ACT Executive.
- (3) What is the budgeted cost for each program for 2010-2011.
- (4) How much was spent on each program during the period 1 July 2010 to 31 December 2010.
- (5) What was the budgeted full-time equivalent (FTE) staffing for each program for 2010-2011.
- (6) What was the actual FTE staffing for each program as at 31 December 2010.

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

The ACT Executive does not have any outputs and does not manage any programs.

**Public service—annual leave
(Question No 1445)**

Mr Seselja asked the Chief Minister, upon notice, on 16 February 2011:

- (1) What is the policy of the ACT Executive as to the quantum of annual leave that staff can accumulate before being encouraged to take leave.
- (2) Do staff lose annual leave entitlements if they do not take leave; if so, what are the policy rules that apply in that circumstance.
- (3) What was the quantum of annual leave liability as at 31 December 2010 in both (a) hours and (b) dollars.

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

1. In line with the LAMS 2007-10 Collective Agreement, staff are expected to reduce any accrued leave in excess of two and a half years annual leave credits within a reasonable period.
2. Staff do not lose annual leave entitlements if they do not take leave.
3. As at 31 December 2010 the quantum of leave liability for staff of the Executive was 3691.3 hours that equates to \$421,084.15

**Budget—program management and funding
(Question No 1448)**

Mr Seselja asked the Minister for Land and Property Services, upon notice, on 16 February 2011:

- (1) What programs are managed and/or funded within each output under each output class for the department/agency, as listed in Budget Paper 4 for the 2010-2011 Budget.
- (2) If no output or output classes, can the Minister list the programs applicable for the department/agency.
- (3) What is the budgeted cost for each program for 2010-2011.
- (4) How much was spent on each program during the period 1 July 2010 to 31 December 2010.
- (5) What was the budgeted full-time equivalent (FTE) staffing for each program for 2010-2011.
- (6) What was the actual FTE staffing for each program as at 31 December 2010.

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

The ACT Government prepares its budget on an outputs basis. Data at that level is published in the Budget Papers, along with budgeted financial statements for agencies.

More detailed information on activities within outputs is available in annual reports. This includes audited financial statements. Data is not available in the form and at the level requested without diversion of significant resources from Department of Land and Property Services' ongoing business that I am not prepared to authorise.

**Public service—annual leave
(Question No 1456)**

Mr Seselja asked the Minister for Planning, upon notice, on 16 February 2011:

- (1) What is the policy of the ACT Planning and Land Authority as to the quantum of annual leave that staff can accumulate before being encouraged to take leave.
- (2) Do staff lose annual leave entitlements if they do not take leave; if so, what are the policy rules that apply in that circumstance.
- (3) What was the quantum of annual leave liability as at 31 December 2010 in both (a) hours and (b) dollars.

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

- (1) The ACT Planning and Land Authority's (ACTPLA) policies and rules in relation to annual leave are outlined in the ACTPLA Enterprise Agreement 2010-2011, available on the APS shared ACTPS website at:
<http://www.sharedservices.act.gov.au/docs/agreements/>

In brief, staff may generally accrue up to two years (that is, 40 days) annual leave before the employee and manager must agree and implement 'an annual leave usage plan' to ensure that the employee's accrued credit does not exceed two and a half years (that is, 50 days leave).

- (2) Staff do not lose their annual leave entitlement if they do not take leave. However employees may be directed to take annual leave if they have in excess of two and a half years worth of annual leave credit
 - (3) (a) 51,507.51 hours
(b) \$2,901,277.97
-

**Public service—annual leave
(Question No 1461)**

Mr Smyth asked the Chief Minister, upon notice, on 16 February 2011:

- (1) What is the policy of the Auditor-General as to the quantum of annual leave that staff can accumulate before being encouraged to take leave.
- (2) Do staff lose annual leave entitlements if they do not take leave; if so, what are the policy rules that apply in that circumstance.
- (3) What was the quantum of annual leave liability as at 31 December 2010 in both (a) hours and (b) dollars.

Mr Stanhope: Based on advice provided by the ACT Auditor General, the answer to the member's question is as follows:

- (1) Staff of the Auditor-General's Office accrue the equivalent of 20 days annual leave each year. Part-time staff accrue leave on a pro-rata basis. Under the Auditor-General's Office's Staff Enterprise Agreement (Clause F7.12) and 'Leave Administration – Policy and Procedures' (Clause 7.1) staff are encouraged to take their annual entitlement each year.

Under Auditor-General's Office's Staff Enterprise Agreement (Clause F7.20), where an employee has accrued two years worth of annual leave (i.e. 40 days annual leave for a full time employee), the employee and relevant manager must agree and implement an annual leave usage plan to ensure an employee's accrued leave credit does not exceed two and a half years worth of annual leave credit (this equates to 50 days annual leave for a full-time employee).

- (2) Under the Auditor-General's Office's Staff Enterprise Agreement, staff do not lose their annual leave entitlements because there are provisions in this Agreement which generally ensure staff take leave. Under the Agreement:

- staff who reach two years worth of annual leave must agree and implement an annual leave usage plan to ensure an employee's accrued leave does not exceed two and a half years worth of annual leave credit (Clause F7.20)
- the Auditor-General must, unless there are exceptional circumstances, approve an application for annual leave where it would enable an employee to reduce their annual leave credit below two and half years worth of annual leave credit. Further, if exceptional circumstances exist, the Auditor-General must consult with the employee and agree on a mutually agreeable time for annual leave to be taken (Clause F7.17); and
- where the employee does not agree to a reasonable annual leave usage plan, the Auditor-General may, with one month's notice, direct an employee who has accrued two and a half years worth of credit to take annual leave. (Clause F7.21) The Auditor-General cannot give this direction where an employee has previously applied for leave to reduce their excess leave and this application has not been approved.

Staff may also elect to 'cash out' up to two weeks of leave where their annual leave has exceeded two years worth of credit (Clause F7.32).

In practice, the staff rarely accumulate leave in excess of 40 days because staff have taken their annual entitlement of leave each year. There have been no cases where staff have lost their annual leave entitlements.

- (3) The amount of annual leave at 31 December 2010 in hours and dollars was 6 697 hours and \$434 236 respectively.

Budget—program management and funding (Question No 1462)

Mr Smyth asked the Chief Minister, upon notice, on 16 February 2011:

- (1) In relation to the Auditor-General, what programs are managed and/or funded within each output under each output class for the department/agency, as listed in Budget Paper 4 for the 2010-2011 Budget.
- (2) If no output or output classes, can the Minister list the programs applicable for the department/agency.
- (3) What is the budgeted cost for each program for 2010-2011.
- (4) How much was spent on each program during the period 1 July 2010 to 31 December 2010.
- (5) What was the budgeted full-time equivalent (FTE) staffing for each program for 2010-2011.
- (6) What was the actual FTE staffing for each program as at 31 December 2010.

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

- (1) The Office receives funding, largely from financial audit fees and appropriation, for performing its legislative functions under the *Auditor-General Act 1996*, which are primarily financial and performance audits. The appropriation for 2010-11 is \$2.165 million. (2010-11 Budget Paper No. 4, page 23). The Auditor-General's Office delivers its financial audit and performance audit programs under the independent authority of the Auditor-General.
- (2) See (1)
- (3) See (1)
- (4) See (1)
- (5) The budgeted full-time staffing level for the Office was 35 full-time equivalent staff (2010-11 Budget Paper No. 4, page 22).
- (6) At 31 December 2010, the actual full-time staffing level for the Office was 33.7 full-time equivalent staff.

Labor Party—election commitments (Question No 1466)

Mr Smyth asked the Minister for Business and Economic Development, upon notice, on 16 February 2011 (*redirected to the Minister for Tourism, Sport and Recreation*):

- (1) In relation to ACT Treasury's Summary of Labor Election Commitments dated 17 October 2008, has the Government implemented its 2008 election commitment in relation to attracting a major autumn event to Canberra and increasing the promotion of Canberra in the domestic market; if not, why not; if so, for (a) 2009-10 and (b) the period 1 July to 31 December 2010, what work was undertaken towards delivery of this commitment and how much was spent on that work.

- (2) For (a) the period 1 January to 30 June 2011 and (b) 2011-12, what work projects and programs are planned to be undertaken towards delivery of this commitment and how much money is committed for each project or program.
- (3) If actual and committed expenditure for (a) 2009-10, (b) 2010-11 and (c) 2011-12 did not equate to the Treasury costings for each year, why not.

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

Details of the implementation of Government programs are routinely provided in relevant Budget papers, Annual Reports and the mid-year Budget Review.

Further advice is made available to members through the Budget Estimates and Annual Report hearings processes.

Relevant information is also available in the Mid-Term Report on Achievement of Election Commitments released in October 2010. The Report is available at www.chiefminister.act.gov.au/uploads/ot/election_commitments_report.pdf

Public service—annual leave (Question No 1476)

Mr Smyth asked the Treasurer, upon notice, on 16 February 2011:

- (1) What is the policy of the Department of Treasury as to the quantum of annual leave that staff can accumulate before being encouraged to take leave.
- (2) Do staff lose annual leave entitlements if they do not take leave; if so, what are the policy rules that apply in that circumstance.
- (3) What was the quantum of annual leave liability as at 31 December 2010 in both (a) hours and (b) dollars.

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

- (1) Treasury's policy and rules in relation to annual leave is outlined in the 2010-2011 Treasury Enterprise Agreement (Section F7, Annual Leave), available on the ACTPS Shared Services Website at:
<http://www.sharedservices.act.gov.au/docs/agreements/>
- (2) Staff do not lose their annual leave entitlements if they do not take leave.
- (3) (a) 35,997 hours (b) \$2,379,744 Note: Given that substantial holiday leave is taken in January each year, these amounts would likely be considerably lower by the end of February 2011.

Public service—annual leave (Question No 1477)

Mr Smyth asked the Treasurer, upon notice, on 16 February 2011:

- (1) What is the policy of the Home Loan Portfolio as to the quantum of annual leave that staff can accumulate before being encouraged to take leave.
- (2) Do staff lose annual leave entitlements if they do not take leave; if so, what are the policy rules that apply in that circumstance.
- (3) What was the quantum of annual leave liability as at 31 December 2010 in both (a) hours and (b) dollars.

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

- (1) Treasury's policy and rules in relation to annual leave is outlined in the 2010-2011 Treasury Enterprise Agreement (Section F7, Annual Leave), available on the ACTPS Shared Services Website at:
<http://www.sharedservices.act.gov.au/docs/agreements/>
 - (2) Staff do not lose their annual leave entitlements if they do not take leave.
 - (3) (a) 722 hours (b) \$38,393 Note: Given that substantial holiday leave is taken in January each year, these amounts would likely be considerably lower by the end of February 2011.
-

**Public service—annual leave
(Question No 1478)**

Mr Smyth asked the Treasurer, upon notice, on 16 February 2011:

- (1) What is the policy of the ACT Insurance Authority as to the quantum of annual leave that staff can accumulate before being encouraged to take leave.
- (2) Do staff lose annual leave entitlements if they do not take leave; if so, what are the policy rules that apply in that circumstance.
- (3) What was the quantum of annual leave liability as at 31 December 2010 in both (a) hours and (b) dollars.

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

- (1) Treasury's policy and rules in relation to annual leave (including the ACT Insurance Authority) is outlined in the 2010-2011 Treasury Enterprise Agreement (Section F7, Annual Leave), available on the ACTPS Shared Services Website at:
<http://www.sharedservices.act.gov.au/docs/agreements/>
 - (2) Staff do not lose their annual leave entitlements if they do not take leave.
 - (3) (a) 3,147 hours (b) \$216,920 Note: Given that substantial holiday leave is taken in January each year, these amounts would likely be considerably lower by the end of February 2011.
-

**Public service—annual leave
(Question No 1479)**

Mr Smyth asked the Treasurer, upon notice, on 16 February 2011:

- (1) What is the policy of the Superannuation Provision Account as to the quantum of annual leave that staff can accumulate before being encouraged to take leave.
- (2) Do staff lose annual leave entitlements if they do not take leave; if so, what are the policy rules that apply in that circumstance.
- (3) What was the quantum of annual leave liability as at 31 December 2010 in both (a) hours and (b) dollars.

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

- (1) Treasury's policy and rules (including the Superannuation Provision Account) in relation to annual leave is outlined in the 2010-2011 Treasury Enterprise Agreement (Section F7, Annual Leave), available on the ACTPS Shared Services Website at: <http://www.sharedservices.act.gov.au/docs/agreements/>
- (2) Staff do not lose their annual leave entitlements if they do not take leave.
- (3) (a) 1198 hours (b) \$55,634.36. Note: given that substantial holiday leave is taken in January each year, these amounts would likely be considerably lower by the end of February 2011.

**Public service—annual leave
(Question No 1481)**

Mr Smyth asked the Treasurer, upon notice, on 16 February 2011:

- (1) What is the policy of ACTTAB Limited as to the quantum of annual leave that staff can accumulate before being encouraged to take leave.
- (2) Do staff lose annual leave entitlements if they do not take leave; if so, what are the policy rules that apply in that circumstance.
- (3) What was the quantum of annual leave liability as at 31 December 2010 in both (a) hours and (b) dollars.

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

- (1) I am advised by ACTTAB that leave balances for all staff are centrally monitored within its personnel area. Leave balances are flagged with Executive (line) Managers for discussion with staff members should the leave balance exceed 8 weeks.
- (2) I am advised by ACTTAB that its staff do not lose their accumulated leave entitlements if they do not take leave.

- (3) As at 31 December 2010, ACTTAB's annual leave liability was 9,105 hours which equated to \$375,373.06.

Canberra Convention Bureau—funding (Question No 1485)

Mr Smyth asked the Minister for Tourism, Sport and Recreation, upon notice, on 16 February 2011:

- (1) Has the Government delivered funding to the Canberra Convention Bureau in order to further support ACT business tourism, as promised in the ACT Labor 2008 Election Policy; if not, why not; if so, for (a) 2009-2010 and (b) the period 1 July to 31 December 2010, how much was delivered to the Canberra Convention Bureau.
- (2) For (a) the period 1 January to 30 June 2011 and (b) 2011-12, how much money is committed to the Canberra Convention Bureau.

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

- (1) Yes. The ACT Government increased funding to the Canberra Convention Bureau (CCB) from \$0.692 million in 2006-07 to:

	2007-08 \$(million)	2008-09 \$(million)	2009-10 \$(million)
Total CCB Funding	0.8	0.9	1.0

- (1)a For 2009-2010: \$1 million
- (1)b For the period 1 July to 31 December 2010: \$0.5 million
- (2)a For the period 1 January to 30 June 2011: \$0.5 million
- (2)b For 2011-12: \$1 million

(Note: All figures are excluding GST)

Public service—annual leave (Question No 1487)

Mr Smyth asked the Minister for Gaming and Racing, upon notice, on 16 February 2011:

- (1) What is the policy of the ACT Gambling and Racing Commission as to the quantum of annual leave that staff can accumulate before being encouraged to take leave.
- (2) Do staff lose annual leave entitlements if they do not take leave; if so, what are the policy rules that apply in that circumstance.
- (3) What was the quantum of annual leave liability as at 31 December 2010 in both (a) hours and (b) dollars.

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

- (1) The Gambling and Racing Commission's policy and rules in relation to annual leave is outlined in the 2010-2011 Treasury Enterprise Agreement (Section F7, Annual Leave), available on the ACTPS Shared Services Website at:
<http://www.sharedservices.act.gov.au/docs/agreements/>
- (2) Staff do not lose their annual leave entitlements if they do not take leave.
- (3) The quantum of annual leave liability as at 31 December 2010 is:
 - (a) 4,184.48 hours.
 - (b) \$248,719.

Labor Party—election commitments (Question No 1488)

Mr Hanson asked the Minister for Aboriginal and Torres Strait Islander Affairs, upon notice, on 16 February 2011:

- (1) In relation to ACT Treasury's Summary of Labor Election Commitments dated 17 October 2008, has the Government implemented its 2008 election commitment in relation to improving the Indigenous public service traineeship program and this program's outcomes; if not, why not; if so, for (a) 2008-09, (b) 2009-10 and (c) the period 1 July to 31 December 2010, what projects and programs were undertaken towards the delivery of this commitment and how much was spent on each project or program.
- (2) For (a) the period 1 January to 30 June 2011 and (b) 2011-12, what projects and programs are planned to be undertaken towards delivery of this commitment and how much money is committed for each project or program.
- (3) If actual and committed expenditure for (a) 2008-09, (b) 2009-10, (c) 2010-11 and (d) 2011-12 did not equate to the Treasury costings for this commitment, why not.
- (4) What evaluation has been undertaken of this program and can the Minister provide a copy of this evaluation.

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

Details of the implementation of Government programs is routinely provided in relevant Budget papers, Annual Reports and the mid-year Budget Review.

Further advice is made available to members through the Budget Estimates and Annual Report hearings processes.

Relevant information is also available in the Mid-Term Report on Achievement of Election Commitments released in October 2010. The Report is available at www.chiefminister.act.gov.au/uploads/ot/election_commitments_report.pdf.

**Public service—annual leave
(Question No 1491)**

Mr Hanson asked the Minister for Health, upon notice, on 16 February 2011:

- (1) What is the policy of the Department of Health as to the quantum of annual leave that staff can accumulate before being encouraged to take leave.
- (2) Do staff lose annual leave entitlements if they do not take leave; if so, what are the policy rules that apply in that circumstance.
- (3) What was the quantum of annual leave liability as at 31 December 2010 in both (a) hours and (b) dollars.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

- (1) ACT Health's policy and rules in relation to annual leave are outlined in the ACT Health General Enterprise Agreement 2010-2011, the ACT Public Sector Nursing and Midwifery Enterprise Agreement 2010-2011, and the ACT Public Sector Medical Practitioners Union Collective Agreement 2008-2011 available on the ACTPS Shared Services web site.
- (2) Staff do not lose annual leave entitlements if they do not take leave.
- (3) The quantum of annual leave liability as at 31 December 2010 is 1,039,293 hours which equates to \$63,879,541 Note: given that substantial holiday leave is taken in January of each year, these amounts would be likely be considerably lower by the end of February 2011.

**Public service—annual leave
(Question No 1500)**

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 16 February 2011:

- (1) What is the policy of the Department of Territory and Municipal Services as to the quantum of annual leave that staff can accumulate before being encouraged to take leave.
- (2) Do staff lose annual leave entitlements if they do not take leave; if so, what are the policy rules that apply in that circumstance.
- (3) What was the quantum of annual leave liability as at 31 December 2010 in both (a) hours and (b) dollars.

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

- (1) The Department of Territory and Municipal Services' Enterprise Agreement states that employees and their managers must agree and implement leave management plans once their accumulated annual leave exceeds eight weeks.

(2) No, but employees are encouraged to take excess leave as detailed in (1) above.

(3) (a) 226,011 hours
(b) \$7,895,632

Note: given that substantial holiday leave is taken in January each year, these amounts would likely be considerably lower by the end of February 2011.

**Public service—annual leave
(Question No 1501)**

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 16 February 2011:

- (1) What is the policy of the Shared Services Centre as to the quantum of annual leave that staff can accumulate before being encouraged to take leave.
- (2) Do staff lose annual leave entitlements if they do not take leave; if so, what are the policy rules that apply in that circumstance.
- (3) What was the quantum of annual leave liability as at 31 December 2010 in both (a) hours and (b) dollars.

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

- (1) Shared Services is a Division within the Department of Territory and Municipal Services (TAMS) and, as such, adheres to TAMS' Enterprise Agreement which states that employees and their managers must agree and implement leave management plans once their accumulated annual leave exceeds eight weeks.
- (2) No, but employees are encouraged to take excess leave as detailed in (1) above.
- (3) (a) 162,350 hours
(b) \$6,891,837

Note: given that substantial holiday leave is taken in January each year, these amounts would likely be considerably lower by the end of February 2011.

**Public service—annual leave
(Question No 1505)**

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 16 February 2011:

- (1) What is the policy of the ACT Public Cemeteries Authority as to the quantum of annual leave that staff can accumulate before being encouraged to take leave.
- (2) Do staff lose annual leave entitlements if they do not take leave; if so, what are the policy rules that apply in that circumstance.

- (3) What was the quantum of annual leave liability as at 31 December 2010 in both (a) hours and (b) dollars.

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

- (1) Staff of ACT Public Cemeteries Authority (the Authority) are public servants employed under the Department of Territory and Municipal Services (TAMS). The Authority adheres to the TAMS' Enterprise Agreement which states that employees and their managers must agree and implement leave management plans once their accumulated annual leave exceeds eight weeks.
- (2) No, but employees are encouraged to take excess leave as detailed in (1) above.
- (3) (a) 2,758 hours
(b) \$90,793.

Note: given that substantial holiday leave is taken in January each year, these amounts would likely be considerably lower by the end of February 2011.

Department of Territory and Municipal Services—mowing program (Question No 1508)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 16 February 2011:

- (1) In relation to the mowing program, has there been any variation to existing contracts relating to the mowing of any Canberra suburb; if so, can the Minister list in order of suburb.
- (2) What is the total extra cost to the ACT Government for any variations to contracts.

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

- (1) It is not possible to answer this question accurately as no period is specified.
- (2) It is not possible to answer this question accurately as no period is specified.

Housing—refugees (Question No 1513)

Mr Coe asked the Minister for Disability, Housing and Community Services, upon notice, on 16 February 2011:

- (1) Has the Government delivered an expansion of the Refugee Transitional Housing Program, as promised in the ACT Labor 2008 Election Policy; if not, why not; if so, for (a) 2009-2010 and (b) the period 1 July to 31 December 2010, what work was undertaken towards delivery of this commitment, and how much was spent on that work.

- (2) For (a) the period 1 January to 30 June 2011 and (b) 2011-12, what projects and programs are planned to be undertaken towards delivery of this commitment and how much money is committed for each project or program.

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

- (1) Yes, the Government has delivered on the expansion of the Refugee Transitional Housing Program. The program is an asset program and utilises properties for short to medium term accommodation whilst they are awaiting redevelopment.
- (a) In 2009-10 the program delivered a total of 23 properties for use. The maximum number of properties available at any one time was 14 and the minimum number of properties available at any one time was 6 during this period. The funds expended were \$59,189.00. This period includes one private rental subsidy property.
- (b) 1 July to 31 December 2010 the program delivered a total of 16 properties for use. The maximum number of properties available at any one time was 16 properties and the minimum number of properties available at any one time was 13. The funds expended were \$27,734.00. This period includes one private rental subsidy property.
- (2) (a) 1 January to 30 June 2011 the program is continuing with 14 properties currently available for use. The funds expended were \$1,586.00 as many of these properties carried over from the 2010 period. Existing program and supports will remain in place. Funding will be from within existing resources.
- (b) In 2011-12, The Refugee Transitional Housing Program will continue to provide up to 16 properties for use. Up to \$5,000 to bring each property up to standard has been committed for use as necessary.

Public service—annual leave (Question No 1514)

Mr Coe asked the Minister for Disability, Housing and Community Services, upon notice, on 16 February 2011:

- (1) What is the policy of Housing ACT as to the quantum of annual leave that staff can accumulate before being encouraged to take leave.
- (2) Do staff lose annual leave entitlements if they do not take leave; if so, what are the policy rules that apply in that circumstance.
- (3) What was the quantum of annual leave liability as at 31 December 2010 in both (a) hours and (b) dollars.

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

- (1) and (2)

The provision and use of annual leave is prescribed in the Department Of Disability, Housing and Community Services Enterprise Agreement 2010 – 2011 which states at Section F, Leave:

F7.12 Employees are encouraged to use their annual leave in the year that it accrues, and to this end should discuss their leave intentions with their manager/supervisor as soon as practicable.

F7.20 If an employee has accrued two years worth of annual leave credits and unless exceptional operational circumstances exist, the employee and relevant manager/supervisor must agree, and implement an annual leave usage plan to ensure the employee's accrued leave credit will not exceed a two and a half years worth of annual leave credit.

F7.21 If an employee does not agree to a reasonable annual leave usage plan the Chief Executive may direct an employee who has accrued two and a half years worth of annual leave credit to take annual leave to the extent that the employee's annual leave credit exceeds two and a half years worth of credit, subject to giving the employee one calendar month notice. This clause does not apply to an employee who is on graduated return to work following compensation leave.

F7.22 An employee who has an annual leave credit in excess of 2.5 years of entitlement:

- (a) at the commencement of the Agreement; or
- (b) on joining, or returning to, the Agency; or
- (c) on returning to duty from compensation leave; will have twelve months to reduce the employee's annual leave balance to 2.5 years of entitlement or below.

(3)

- (a) Housing ACT's annual leave liability was 37,300 hours as at 31 December 2010
- (b) \$2.402m in dollar value

Housing ACT—complaints (Question No 1521)

Mr Coe asked the Minister for Disability, Housing and Community Services, upon notice, on 16 February 2011:

- (1) How many complaints have been received by the Minister's department from social housing tenants that relate to (a) maintenance issues, (b) noise issues, (c) pest issues, and (d) the quality of public housing since 31 March 2010.
- (2) How long, on average, did each complainant wait for a response from the department and how many complaints took longer than 30 days to resolve.
- (3) How many complaints remain outstanding to date.
- (4) What was the cost of action taken to resolve these complaints.
- (5) How many complaints have been made against social housing tenants and received by the Minister's department that relate to (a) anti social behaviour, (b) criminal behaviour, and (c) maintenance and cleanliness of Housing ACT properties since 31 March 2010.

- (6) How long, on average, did each complainant in part (5) wait for a response from the department and how many complaints took longer than 30 days to resolve.
- (7) How many complaints detailed in part (5) remain outstanding to date.
- (8) What was the cost of action taken to resolve the complaints in part (5).

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

- (1) (a) 364
(b) 51
(c) N/A (Not currently recorded)
(d) N/A (Not currently recorded)
- (2) All complaints receive a letter of acknowledgement on receipt. This is posted within 24 hours of the complaint being lodged. The Housing ACT service standard for complaint resolution is 28 days. Complaints took an average of 25.66 days to be investigated and resolved. 58 complaints took longer than 30 days to resolve, (13 noise related and 45 maintenance related).
- (3) As at 3 March 2011, 44 (11 noise related and 33 maintenance related). Twenty-nine (29) of these are within the service standard of 28 days for resolution and 15 have exceeded this target.
- (4) No data is collected on the costs associated with complaint investigation and resolution.
- (5) (a) 708;
(b) N/A (Alleged criminal behaviour is referred to the Australian Federal Police for investigation and recording); and
(c) 392.
- (6) 32.75 Days. 279 complaints took longer than 30 days to resolve, comprising 46 maintenance and 233 anti social behaviour complaints. Complaints regarding antisocial behaviour and neighbourhood disputes are extremely complex situations and often cannot be resolved within the desired service standard of 28 days. In this instance complainants are advised in writing that resolution of the complaint requires additional time.
- (7) 158 (37 maintenance and 121 anti social behaviour) remain outstanding. 79 are still active and within the service standard of 28 days for resolution, the remaining 79 have exceeded this target.
- (8) See answer to (4).

Housing ACT—rents (Question No 1522)

Mr Coe asked the Minister for Disability, Housing and Community Services, upon notice, on 16 February 2011:

- (1) What is the (a) maximum and (b) minimum amount of market rent charged to eligible social housing tenants and how many tenants pay these amounts.
- (2) What percentage of social housing tenants paying full market rent are in arrears.
- (3) What percentage of tenants have an income that makes them eligible to pay more than market rent.
- (4) How many social housing tenancies have had rental arrears written off as bad debt twice or more.

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

- (1) (a) Maximum market rent for a social housing property is \$720 per week – no tenant pays this amount. The highest market rent being paid by a tenant is currently \$570.00 per week.

(b) Minimum market rent charged is \$80 week - four tenants are currently paying this amount.
- (2) 19%.
- (3) Under the *Housing Assistance Act 2007* tenants can not be charged more than market rent.
- (4) No tenants in the last 2 financial years.

Labor Party—election commitments (Question No 1526)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 16 February 2011:

- (1) In relation to ACT Treasury's Summary of Labor Election Commitments dated 17 October 2008, has the Government implemented its 2008 election commitment in relation to providing fee assistance for Canberra Institute of Technology students in areas of skills shortages; if not, why not; if so, for (a) 2009-10 and (b) the period 1 July to 31 December 2010, what projects and programs were undertaken towards the delivery of this commitment and how much was spent on each project or program.
- (2) For (a) the period 1 January to 30 June 2011 and (b) 2011-12, what work projects and programs are planned to be undertaken towards delivery of this commitment and how much money is committed for each project or program.
- (3) If actual and committed expenditure for (a) 2009-10, (b) 2010-11 and (c) 2011-12 did not equate to the Treasury costings for this commitment, why not.

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

Details of the implementation of Government programs is routinely provided in relevant Budget papers, Annual Reports and mid-year Budget Review.

Further advice is made available to members through the Budget Estimates and Annual Report hearings processes.

Relevant information is also available in the Mid-Term Report on Achievement of Election Commitments released in December 2010. The report is available at www.chiefminister.act.gov.au/uploads/ot/election_commitments_report.pdf.

Labor Party—election commitments (Question No 1527)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 16 February 2011:

- (1) In relation to ACT Treasury's Summary of Labor Election Commitments dated 17 October 2008, has the Government implemented its 2008 election commitment in relation to increasing funding to the Canberra Institute of Technology for technology upgrades; if not, why not; if so, for (a) 2009-10 and (b) the period 1 July to 31 December 2010, what projects and programs were undertaken towards the delivery of this commitment and how much was spent on each project or program.
- (2) For (a) the period 1 January to 30 June 2011 and (b) 2011-12, what work projects and programs are planned to be undertaken towards delivery of this commitment and how much money is committed for each project or program.
- (3) If actual and committed expenditure for (a) 2009-10, (b) 2010-11 and (c) 2011-12 did not equate to the Treasury costings for this commitment, why not.

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

Details of the implementation of Government programs is routinely provided in relevant Budget papers, Annual Reports and mid-year Budget Review.

Further advice is made available to members through the Budget Estimates and Annual Report hearings processes.

Relevant information is also available in the Mid-Term Report on Achievement of Election Commitments released in December 2010. The report is available at www.chiefminister.act.gov.au/uploads/ot/election_commitments_report.pdf.

Labor Party—election commitments (Question No 1530)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 16 February 2011:

- (1) In relation to ACT Treasury's Summary of Labor Election Commitments dated 17 October 2008, has the Government implemented its 2008 election commitment in relation to paying Higher Education Contribution Scheme debts for graduates in areas of skills shortage; if not, why not; if so, for (a) 2009-10 and (b) the period 1 July to 31

December 2010, what work was undertaken towards the delivery of this commitment and how much was spent on that work.

- (2) For (a) the period 1 January to 30 June 2011 and (b) 2011-12, what work projects and programs are planned to be undertaken towards delivery of this commitment and how much money is committed for each project or program.
- (3) If actual and committed expenditure for (a) 2009-10, (b) 2010-11 and (c) 2011-12 did not equate to the Treasury costings for this commitment, why not.

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

Details of the implementation of Government programs is routinely provided in relevant Budget papers, Annual Reports and mid-year Budget Review.

Further advice is made available to members through the Budget Estimates and Annual Report hearings processes.

Relevant information is also available in the Mid-Term Report on Achievement of Election Commitments released in December 2010. The report is available at www.chiefminister.act.gov.au/uploads/ot/election_commitments_report.pdf.

Public service—annual leave (Question No 1535)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 16 February 2011:

- (1) What is the policy of the Canberra Institute of Technology as to the quantum of annual leave that staff can accumulate before being encouraged to take leave.
- (2) Do staff lose annual leave entitlements if they do not take leave; if so, what are the policy rules that apply in that circumstance.
- (3) What was the quantum of annual leave liability as at 31 December 2010 in both (a) hours and (b) dollars.

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

- (1) Under both the General Staff and Teachers' Enterprise Agreements, where a staff member has accrued two years' worth of annual leave credits and unless exceptional operational circumstances exist, the employee and relevant manager/supervisor must agree, and implement an annual leave usage plan to ensure the employee's accrued leave credit will not exceed a two and a half years worth of annual leave credit.
 - (2) No.
 - (2) (a) 115,596
(b) \$5,538,011.
-

**Budget—program management and funding
(Question No 1537)**

Mr Doszpot asked the Minister for Education and Training, upon notice, on 16 February 2011:

- (1) In relation to the Canberra Institute of Technology, what programs are managed and/or funded within each output under each output class for the department/agency, as listed in Budget Paper 4 for the 2010-2011 Budget.
- (2) If no output or output classes, can the Minister list the programs applicable for the department/agency.
- (3) What is the budgeted cost for each program for 2010-2011.
- (4) How much was spent on each program during the period 1 July 2010 to 31 December 2010.
- (5) What was the budgeted full-time equivalent (FTE) staffing for each program for 2010-2011.
- (6) What was the actual FTE staffing for each program as at 31 December 2010.

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

The ACT Government prepares its budget on an outputs basis. Data at that level is published in the Budget Papers, along with budgeted financial statements for agencies. More detailed information on activities within outputs is available in annual reports. This includes audited financial statements. Data is not available in the form and at the level requested without diversion of significant resources from the Canberra Institute of Technology's ongoing business that I am not prepared to authorise.

**Budget—program management and funding
(Question No 1538)**

Mr Doszpot asked the Minister for Education and Training, upon notice, on 16 February 2011:

- (1) In relation to CIT Solutions Pty Ltd, what programs are managed and/or funded within each output under each output class for the department/agency, as listed in Budget Paper 4 for the 2010-2011 Budget.
- (2) If no output or output classes, can the Minister list the programs applicable for the department/agency.
- (3) What is the budgeted cost for each program for 2010-2011.
- (4) How much was spent on each program during the period 1 July 2010 to 31 December 2010.

- (5) What was the budgeted full-time equivalent (FTE) staffing for each program for 2010-2011.
- (6) What was the actual FTE staffing for each program as at 31 December 2010.

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

CIT Solutions receives no direct government funding to deliver any programs.

**Public service—annual leave
(Question No 1539)**

Mr Doszpot asked the Minister for Education and Training, upon notice, on 16 February 2011:

- (1) What is the policy of the CIT Solutions Pty Ltd as to the quantum of annual leave that staff can accumulate before being encouraged to take leave.
- (2) Do staff lose annual leave entitlements if they do not take leave; if so, what are the policy rules that apply in that circumstance.
- (3) What was the quantum of annual leave liability as at 31 December 2010 in both (a) hours and (b) dollars.

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

- (1) CIT Solutions does not have a specific formal policy regarding this issue. Current practice is if staff accumulate 50 days of annual leave they are required to discuss with their supervisor a plan to reduce the amount of leave they have. The General Manager gets a monthly report showing the accrued leave of each staff member.
 - (2) No staff member has ever had leave taken from them as the guidelines mentioned above ensure no staff accumulates too much leave.
 - (3) (a) 8,907
(b) \$340,993.
-

**Labor Party—election commitments
(Question No 1542)**

Mr Doszpot asked the Minister for Disability, Housing and Community Services, upon notice, on 16 February 2011:

- (1) In relation to ACT Treasury's Summary of Labor Election Commitments dated 17 October 2008, has the Government implemented its 2008 election commitment by providing funding for additional therapists and playgroup sessions for preschool aged children at Therapy ACT; if not, why not; if so, for (a) 2009-10 and (b) the period 1 July to 31 December 2010, what work was undertaken towards the delivery of this commitment and how much was spent on that work.

- (2) For (a) the period 1 January to 30 June 2011 and (b) 2011-12, what work projects and programs are planned to be undertaken towards delivery of this commitment and how much money is committed for each project or program.
- (3) If actual and committed expenditure for (a) 2009-10, (b) 2010-11 and (c) 2011-12 did not equate to the Treasury costings for this commitment, why not.

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

Details of the implementation of Government programs is routinely provided in relevant Budget papers, Annual Reports and the mid-year Budget Review.

Further advice is made available to members through the Budget Estimates and Annual Report hearings processes.

Relevant information is also available in the Mid-Term Report on Achievement of Election Commitments released in October 2010. The Report is available at www.chiefminister.act.gov.au/uploads/ot/election_commitments_report.pdf.

Labor Party—election commitments (Question No 1543)

Mr Doszpot asked the Minister for Disability, Housing and Community Services, upon notice, on 16 February 2011:

- (1) In relation to ACT Treasury's Summary of Labor Election Commitments dated 17 October 2008, has the Government implemented its 2008 election commitment to employ additional speech therapists and services in order to address the current waiting lists for speech therapy for children and young people; if not, why not; if so, for (a) 2009-10 and (b) the period 1 July to 31 December 2010, what work was undertaken towards the delivery of this commitment and how much was spent on that work.
- (2) For (a) the period 1 January to 30 June 2011 and (b) 2011-12, what work projects and programs are planned to be undertaken towards delivery of this commitment and how much money is committed for each project or program.
- (3) If actual and committed expenditure for (a) 2009-10, (b) 2010-11 and (c) 2011-12 did not equate to the Treasury costings for this commitment, why not.

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

Details of the implementation of Government programs is routinely provided in relevant Budget papers, Annual Reports and the mid-year Budget Review.

Further advice is made available to members through the Budget Estimates and Annual Report hearings processes.

Relevant information is also available in the Mid-Term Report on Achievement of Election Commitments released in October 2010. The Report is available at www.chiefminister.act.gov.au/uploads/ot/election_commitments_report.pdf.

**Labor Party—election commitments
(Question No 1544)**

Mr Doszpot asked the Minister for Disability, Housing and Community Services, upon notice, on 16 February 2011:

- (1) In relation to ACT Treasury's Summary of Labor Election Commitments dated 17 October 2008, has the Government implemented its 2008 election commitment in relation to establishing a Companion Card for people with a disability and their carers; if not, why not; if so, for (a) 2009-10 and (b) the period 1 July to 31 December 2010, what work was undertaken towards the delivery of this commitment and how much was spent on that work.
- (2) For (a) the period 1 January to 30 June 2011 and (b) 2011-12, what work projects and programs are planned to be undertaken towards delivery of this commitment and how much money is committed for each project or program.
- (3) If actual and committed expenditure for (a) 2009-10, (b) 2010-11 and (c) 2011-12 did not equate to the Treasury costings for this commitment, why not.

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

Details of the implementation of Government programs is routinely provided in relevant Budget papers, Annual Reports and the mid-year Budget Review.

Further advice is made available to members through the Budget Estimates and Annual Report hearings processes.

Relevant information is also available in the Mid-Term Report on Achievement of Election Commitments released in October 2010. The Report is available at www.chiefminister.act.gov.au/uploads/ot/election_commitments_report.pdf.

**Labor Party—election commitments
(Question No 1546)**

Mr Doszpot asked the Minister for Multicultural Affairs, upon notice, on 16 February 2011:

- (1) In relation to ACT Treasury's Summary of Labor Election Commitments dated 17 October 2008, has the Government implemented its 2008 election commitment in relation to establishing a multicultural youth services program to assist young people in the Canberra multicultural community who are at risk of social isolation or delinquency; if not, why not; if so, for (a) 2008-09, (b) 2009-10 and (c) the period 1 July to 31 December 2010, what projects and programs were undertaken towards the delivery of this commitment and how much was spent on that work.
- (2) For (a) the period 1 January to 30 June 2011 and (b) 2011-12, what work projects and programs are planned to be undertaken towards delivery of this commitment and how much money is committed for each project or program.

- (3) If actual and committed expenditure for (a) 2008-09, (b) 2009-10, (c) 2010-11 and (d) 2011-12 did not equate to the Treasury costings for this commitment, why not.
- (4) What evaluation has been undertaken of the implementation of this program and can the Minister provide a copy of this evaluation.

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

- (1) The Government has honoured its election commitment in relation to establishing a multicultural youth services program to assist young people in the Canberra multicultural community who are at risk of social isolation or delinquency. Funding of \$105,000 over four years was allocated in the 2010 ACT Budget for outreach services directed at multicultural youth in the ACT to assist young refugees, asylum seekers and humanitarian entrants gain access to appropriate services and programs.

Funding for the program has been allocated as follows:

2010-11 \$'000	2011-12 \$'000	2012-13 \$'000	2013-14 \$'000
25	26	27	27

- (2) On 30 November 2010, Multicultural Youth Services ACT was engaged to:
- organise seven information sessions in the areas of young women, health, mental health, relationships, employment, business opportunities, legal obligations and lifestyle;
 - refer the identified group to appropriate mainstream service providers;
 - initiate contact with young multicultural people from a range of countries of origin and backgrounds;
 - provide ongoing activities which will increase awareness of consumer protection among multicultural young people and increase financial literacy;
 - coordinate multicultural young people's participation in tailored school holiday programs, Youth Week events and the National Multicultural Festival; and
 - coordinate volunteer activities and playgroups for multicultural young parents.

Multicultural Youth Services ACT will submit a report every six months against services undertaken. The first report is due by 30 June 2011.

- (3) The actual and committed expenditure for this commitment will equate to the Treasury costings.
- (4) An evaluation of the program will occur following receipt of the first report by the service provider, Multicultural Youth Services ACT, after 30 June 2011.
-

**Labor Party—election commitments
(Question No 1547)**

Mr Doszpot asked the Minister for Multicultural Affairs, upon notice, on 16 February 2011:

- (1) In relation to ACT Treasury's Summary of Labor Election Commitments dated 17 October 2008, has the Government implemented its 2008 election commitment in relation to expanding the Migrant Transition Housing Program from eight dwellings to 16 dwellings, and to include additional outreach support and material assistance for refugees once they move into longer term housing; if not, why not; if so, for (a) 2008-09, (b) 2009-10 and (c) the period 1 July to 31 December 2010, what projects and programs were undertaken towards the delivery of this commitment and how much was spent on that work.
- (2) For (a) the period 1 January to 30 June 2011 and (b) 2011-12, what work projects and programs are planned to be undertaken towards delivery of this commitment and how much money is committed for each project or program.
- (3) If actual and committed expenditure for (a) 2008-09, (b) 2009-10, (c) 2010-11 and (d) 2011-12 did not equate to the Treasury costings for this commitment, why not.

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

- (1) The Government has delivered on the expansion of the Refugee Transitional Housing Program. The program is an asset program and utilises properties for short to medium term accommodation whilst they are awaiting redevelopment.
 - a) In 2008-09 the program delivered a total of 12 properties for use. The maximum number of properties available at any one time was 9 and the minimum number of properties available at any one time was 6 during this period. The funds expended were \$38,702.00.
 - b) In 2009-10 the program delivered a total of 23 properties for use. The maximum number of properties available at any one time was 14 and the minimum number of properties available at any one time was 6 during this period. The funds expended were \$59,189.00. This period includes one private rental subsidy property.
 - c) From 1 July 2010 to 31 December 2010 the program delivered a total of 16 properties for use. The maximum number of properties available at any one time was 16 properties and the minimum number of properties available at any one time was 13 properties during this period. The funds expended were \$27,734.00. This period includes one private rental subsidy property.

The Commonwealth Government is Responsible for funding humanitarian settlement services for Refugees. Refugees who reside in the ACT are able to access the full range of community based support services.

- (2) For (a) the period 1 January to 30 June 2011 the program is continuing with 14 properties currently available for use. The funds expended were \$1,586.00 as many of these properties carried over from the 2010 period. Existing program and supports will remain in place. Funding will be from within existing budget resources.

For (b) 2011-12, The Refugee Transitional Housing Program will continue to provide up to 16 properties for use. Up to \$5,000 to bring each property up to standard is available as necessary.

- (3) The program is an asset program. Additional funds for support were not required as the support services are provided by CatholicCare and Companion House under the Federal Humanitarian Settlement Services program.

Labor Party—election commitments (Question No 1548)

Mr Doszpot asked the Minister for Multicultural Affairs, upon notice, on 16 February 2011:

- (1) In relation to ACT Treasury's Summary of Labor Election Commitments dated 17 October 2008, has the Government implemented its 2008 election commitment in relation to providing additional funding for the ACT Community Languages Grant in order to assist multicultural community groups in maintaining their cultural identity, language and heritage; if not, why not; if so, for (a) 2008-09, (b) 2009-10 and (c) the period 1 July to 31 December 2010, what projects and programs were undertaken towards the delivery of this commitment and how much was spent on that work.
- (2) For (a) the period 1 January to 30 June 2011 and (b) 2011-12, what work projects and programs are planned to be undertaken towards delivery of this commitment and how much money is committed for each project or program.
- (3) If actual and committed expenditure for (a) 2008-09, (b) 2009-10, (c) 2010-11 and (d) 2011-12 did not equate to the Treasury costings for this commitment, why not.

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

- (1) The Government provided the following funding for the Multicultural Community Language Schools Grants Program for the operation of community language schools in the ACT, with a focus on schools in greatest need, as follows:
 - (a) 2008 09 - a total of \$60,000 was allocated to 33 schools and to the peak organisation, ACT Ethnic Schools Association Inc
 - (b) 2009-10 – a total of \$60,000 was allocated to 40 schools and to the peak organisation, ACT Ethnic Schools Association Inc
 - (c) 2010-11 – a total of \$65,000 has been allocated for the Community Language Program. Applications for funding were opened in early December 2010 and will closed on 10 March 2011.
- (2) Details on funding for work projects and programs for (a) the period 1 January 2011 to 30 June 2011 are not currently available as applications under the Community Language Program do not close until 10 March 2011 and (b) details on funding for work projects and programs for 2011 12 will not be known until applications for funding have closed.

- (3) The actual and committed expenditure for (a) 2008-09 and (b) 2009-10 did equate to the Treasury costings for this commitment and it is expected that similar outcomes will occur for (c) 2010 11 and (d) 2011-12.
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**Public service—annual leave
(Question No 1549)**

Mrs Dunne asked the Minister for the Arts and Heritage, upon notice, on 16 February 2011:

- (1) What is the policy of the Cultural Facilities Corporation as to the quantum of annual leave that staff can accumulate before being encouraged to take leave.
- (2) Do staff lose annual leave entitlements if they do not take leave; if so, what are the policy rules that apply in that circumstance.
- (3) What was the quantum of annual leave liability as at 31 December 2010 in both (a) hours and (b) dollars.

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

- (1) The Cultural Facilities Corporation's policy and rules in relation to annual leave are outlined in the Cultural Facilities Corporation Enterprise Agreement 2010 2011 (Section F7, Annual Leave) available on the ACTPS Shared Services Website at: <http://www.shareservices.act.gov.au/docs/agreements/>
 - (2) Staff do not lose their annual leave entitlements if they do not take leave.
 - (3) (a) 8,867 hours (b) \$408,476. Note: given that substantial holiday leave is taken in January each year, these amounts would be likely to be considerably lower by the end of February 2011.
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**Budget—program management and funding
(Question No 1550)**

Mrs Dunne asked the Minister for the Arts and Heritage, upon notice, on 16 February 2011:

- (1) In relation to the Cultural Facilities Corporation, what programs are managed and/or funded within each output under each output class for the department/agency, as listed in Budget Paper 4 for the 2010-2011 Budget.
- (2) If no output or output classes, can the Minister list the programs applicable for the department/agency.
- (3) What is the budgeted cost for each program for 2010-2011.
- (4) How much was spent on each program during the period 1 July 2010 to 31 December 2010.

- (5) What was the budgeted full-time equivalent (FTE) staffing for each program for 2010-2011.
- (6) What was the actual FTE staffing for each program as at 31 December 2010.

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

The Cultural Facilities Corporation prepares its budget under a single output. Data at this level is published in the Budget Papers, together with budgeted financial statements for the Corporation. More detailed information on activities under the Corporation's output is available in the Corporation's annual report. This includes audited financial statements and a Management Discussion and Analysis section that provides commentary on the financial statements. Data is not available in the form and at the level requested without diversion of significant resources from the Corporation's ongoing business that I am not prepared to authorise.

**Public service—annual leave
(Question No 1551)**

Mrs Dunne asked the Treasurer, upon notice, on 16 February 2011:

- (1) What is the policy of ACTEW Corporation as to the quantum of annual leave that staff can accumulate before being encouraged to take leave.
- (2) Do staff lose annual leave entitlements if they do not take leave; if so, what are the policy rules that apply in that circumstance.
- (3) What was the quantum of annual leave liability as at 31 December 2010 in both (a) hours and (b) dollars.

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

- (1) I am advised by ACTEW that if an employee has more than two years credits (being eight weeks for day workers or ten weeks for shift workers) then they are deemed to have excess credits and they are required to use these excess credits before 1 July of that year.

Employees with excess credits may be directed to take their excess credits at any time that ACTEW so directs. This will not apply where ACTEW has rejected, for operational reasons, an employee's application for recreation leave within the past twelve months.

- (2) I am advised by ACTEW that its staff do not lose their annual leave entitlements if they do not take their leave.
 - (3) I am advised by ACTEW that its annual leave liability as at 31 December 2010 was 5,034.99 hours which equates to \$369,307.83.
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**Public service—annual leave
(Question No 1553)**

Mrs Dunne asked the Attorney-General, upon notice, on 16 February 2011:

- (1) What is the policy of the Independent Competition and Regulatory Commission as to the quantum of annual leave that staff can accumulate before being encouraged to take leave.
- (2) Do staff lose annual leave entitlements if they do not take leave; if so, what are the policy rules that apply in that circumstance.
- (3) What was the quantum of annual leave liability as at 31 December 2010 in both (a) hours and (b) dollars.

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

- (1) The Independent Competition and Regulatory Commission's policy and rules in relation to annual leave is outlined in the *Department of Justice and Community Safety Enterprise Agreement 2010-2011* (Section F7, Annual Leave), available on the ACTPS Shared Services website at:
<http://www.sharedservices.act.gov.au/docs/agreements/>
- (2) Staff do not lose their annual leave entitlements if they do not take leave.
- (3) The quantum of annual leave liability as at 31 December 2010 was:
 - (a) 1,073.72 hours, and
 - (b) \$47,260.00 excluding oncosts; and \$58,429.89 including oncosts.

Note: given that substantial holiday leave is taken in January each year, these amounts would likely be considerably lower by the end of February 2011.

**Public service—annual leave
(Question No 1556)**

Mrs Dunne asked the Attorney-General, upon notice, on 16 February 2011:

- (1) What is the policy of the Public Trustee for the ACT as to the quantum of annual leave that staff can accumulate before being encouraged to take leave.
- (2) Do staff lose annual leave entitlements if they do not take leave; if so, what are the policy rules that apply in that circumstance.
- (3) What was the quantum of annual leave liability as at 31 December 2010 in both (a) hours and (b) dollars.

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

- (1) The Public Trustee for the ACT's policy and rules in relation to annual leave is outlined in the *Department of Justice and Community Safety Enterprise Agreement 2010-2011* (Section F7, Annual Leave), available on the ACTPS Shared Services website at:
<http://www.sharedservices.act.gov.au/docs/agreements/>.
- (2) Staff do not lose their annual leave entitlements if they do not take leave.
- (3) The quantum of annual leave liability at 31 December 2010 is:
 - (a) Hours – 6,340
 - (b) Dollars – \$283,626.00

Note: given that substantial holiday leave is taken in January each year, these amounts would likely be considerably lower by the end of February 2011.

**Public service—annual leave
(Question No 1559)**

Mrs Dunne asked the Attorney-General, upon notice, on 16 February 2011:

- (1) What is the policy of the Department of Justice and Community Safety as to the quantum of annual leave that staff can accumulate before being encouraged to take leave.
- (2) Do staff lose annual leave entitlements if they do not take leave; if so, what are the policy rules that apply in that circumstance.
- (3) What was the quantum of annual leave liability as at 31 December 2010 in both (a) hours and (b) dollars.

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

- (1) The Department of Justice and Community Safety's policy and rules in relation to annual leave is outlined in the *Department of Justice and Community Safety Enterprise Agreement 2010-2011* (Section F7, Annual Leave), available on the ACTPS Shared Services website at:
<http://www.sharedservices.act.gov.au/docs/agreements/>
- (2) Staff do not lose their annual leave entitlements if they do not take leave.
- (3) The quantum of annual leave liability for the Department of Justice and Community Safety (excluding the Emergency Services Agency) as at 31 December 2010 was:
 - (a) 173,000 hours; and
 - (b) \$9.5 million.

Note: given that substantial holiday leave is taken in January each year, these amounts would likely be considerably lower by the end of February 2011.

**Public service—annual leave
(Question No 1560)**

Mrs Dunne asked the Attorney-General, upon notice, on 16 February 2011:

- (1) What is the policy of the Legal Aid Commission (ACT) as to the quantum of annual leave that staff can accumulate before being encouraged to take leave.
- (2) Do staff lose annual leave entitlements if they do not take leave; if so, what are the policy rules that apply in that circumstance.
- (3) What was the quantum of annual leave liability as at 31 December 2010 in both (a) hours and (b) dollars.

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

- (1) The Legal Aid Commission (ACT)'s policy and rules in relation to annual leave is outlined in *the Legal Aid Commission (ACT) Union Collective Agreement 2007-2010* (Section N67, Annual Leave), available on the ACTPS Shared Services website at: <http://www.sharedservices.act.gov.au/docs/agreements/>
- (2) Staff do not lose their annual leave entitlements if they do not take leave.
- (3) a) 8,424.57 hours
b) \$358,441.84

Note: given that substantial holiday leave is taken in January each year, these amounts would likely be considerably lower by the end of February 2011.

**Canberra Hospital—amputee and prosthetic services
(Question No 1563)**

Ms Bresnan asked the Minister for Health, upon notice, on 16 February 2011:

- (1) In relation to amputee and prosthetic services at The Canberra Hospital, what counselling services are available to patients who require an amputation, pre and post operation.
- (2) Do diabetes patients who require an amputation have associated counselling services.
- (3) What is the waiting time for people requiring prosthetics.
- (4) How many prosthetists are on staff, including trainees and/or interns.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

- (1) Patients requiring amputation may be counselled preamputation by their surgeon, a Consultant in Rehabilitation medicine, their registrar, the Rehabilitation Care Coordinators and/or any of the prosthetists from Aged Care and Rehabilitation Service Prosthetics and Orthotics services. Social Workers are also available to provide support pre and post operation.

- (2) Yes, all patients including diabetic patients are offered a range of support including support from social workers and a rehabilitation counsellor.
- (3) The waiting time for prosthetics depends on the clinical needs of the client and how the stump and wound has healed after the amputation. Healing may take six to eight weeks after the amputation. Inpatients are seen within two days of referral. Community clients are triaged as described below:

Category 2A (urgent) community clients are offered an appointment within two days of referral.

Category 2 (high priority) community clients are offered an appointment within two weeks of referral. Clients in this category are able to function at their normal level but may lose that function without professional intervention.

Category 3 (routine priority) for clients who may require modification and or new prosthesis are placed on the waiting list and may wait up to 10 weeks after referral. Clients in this category are able to function normally and are in no imminent danger of loss of that function.

- (4) There are four fully qualified prosthetists on staff. Each year a fourth year university student is offered an eight week clinical placement however this does not contribute to the service capacity. Aged Care and Rehabilitation Service also have a team of skilled support staff and technicians who support the prosthetists.

Crisis Assessment and Treatment Team (Question No 1567)

Mr Rattenbury asked the Minister for Health, upon notice, on 17 February 2011:

- (1) How many full-time equivalent staff are employed in the Crisis Assessment and Treatment Team (CATT) in ACT Health to respond to crisis incidents.
- (2) When responding to a crisis incident in person, as opposed to over the phone, do CATT staff have defined time limits within which they are required to resolve the incident; if so, what are those time limits.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

1. There are 24.07 full time equivalent (FTE) staff members in CATT.
2. CATT utilises a triage rating scale that allocates a time frame in which a consumer will be seen or referred on following contact. The allocation of the response category is based on the urgency of the response required from the presenting problem.

The categories of response are:

A Current actions endangering self or others CRISIS	Emergency services response IMMEDIATE REFERRAL
B Very high risk of imminent harm to self or others CRISIS	Crisis mental health response WITHIN 2 HOURS

C High risk of harm to self or others and/or high distress, especially in absence of capable supports PRIORITY	Urgent mental health response 2 – 12 HOURS
D Moderate risk of harm and/or significant distress PRIORITY	Semi-urgent mental health response 12 – 48 HOURS
E Low risk of harm in short term or moderate risk with high support/ stabilising factors DEFERRED	Non-urgent mental health response WITHIN 14 DAYS
F Referral: not requiring face-to-face response from MHS in this instance REFERRED	Referral or advice to contact alternative service provider
G Advice or information only/ Service provider consultation/ MHS requires more information INQUIRY OR CHAT	Advice or information only OR More information needed

Copyright—government information (Question No 1569)

Ms Le Couteur asked the Chief Minister, upon notice, on 17 February 2011
(*redirected to the Minister for Territory and Municipal Services*):

- (1) Is there a standard copyright arrangement for publishing government information.
- (2) What types of publications are subjected to copyright.
- (3) What type of copyright licence is applied to publications and how is this decided.

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

- (1) All published material, including that of the ACT Government, has copyright protection under provisions of the Commonwealth *Copyright Act 1968*.
- (2) All forms of publication, irrespective of format, are subjected to copyright.
- (3) Most use of ACT Government publications is made within the "fair dealing" provisions of the *Copyright Act 1968* where the material is for study or research. The ACT Department of Education and Training participates in a national scheme to share the educational materials it produces through the 'NEALES' scheme. Other requests for more extensive use of ACT Government material is decided on application, but in the majority of cases, where there is a perceived public benefit and other copyright rights are not infringed, use is freely given.

Environment—illegal dumping (Question No 1572)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 17 February 2011:

- (1) How many prosecutions for illegal dumping have occurred in the ACT in each year from 2005 to 2010.
- (2) Can the Minister provide an estimate of the amount of money that has been spent by the Government dealing with illegal dumping in the ACT, including clean-up and prosecutions.

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

- (1) During the period 2005 to 2010, there have been 383 infringement notices issued for littering offences. There have been no court prosecutions pursued for illegal dumping during this period.
- (2) \$1.2 million.

Education—information technology software (Question No 1576)

Ms Le Couteur asked the Minister for Education and Training, upon notice, on 17 February 2011:

- (1) What software is provided to ACT students.
- (2) Is this provided under a whole of government licence.
- (3) What (a) is the cost of the licence(s), (b) is the number of licences and (c) products does it cover.

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

- 1) Software centrally provided to school computers for use by all ACT public students includes:
 - Sun Open Office suite
 - Microsoft Office Professional Plus productivity suite and upgrade rights
 - Adobe Design Premium suite and upgrade rights
 - Adobe Premiere Elements and upgrade rights
 - Adobe Photoshop Elements and upgrade rights
 - Adobe Acrobat Pro Extended and upgrade rights
 - Adobe Captivate and upgrade rights
 - Kahootz (one-off perpetual purchase in early 2000s, now dated)

Software centrally provided to nominated school computers used by ACT public school students because of limited licences includes:

- Adobe Master Collection
- Adobe Connect

Software purchased by schools for use on nominated school computers used by ACT public school students under a central contract at negotiated prices includes:

- Microsoft Visio
- Microsoft Project

Students have access to Dreamspark, a Microsoft Home Use program for specialised IT management and software developer tools, managed by a registration process through each school.

ACT public school students have access to several online services available through the internet or networks that require authentication to manage access to relevant materials. These include:

- Virtual Learning Environment, cLc (centrally provided)
- Yr 11 and 12 Profiles Online (centrally provided)
- Mathletics (school based purchase)
- Clickview (school based purchase)
- School Library Catalogue (school based purchase)

Schools also purchase and install software according to their local needs.

2) None of the software is under a whole of government license. The Microsoft and Adobe Agreements are limited to staff of the ACT Department of Education and Training, public schools and selected InTACT computers and staff who are managing the software. The Microsoft and Adobe Agreements are educational licenses and pricing is not available to other government and commercial entities.

3) a) The cost of the licenses is information protected by Commercial-in-confidence clauses in the Microsoft and Adobe Agreements.

The cost of the Virtual Learning Environment over three years is \$2,567,976.00 ex GST as outlined in publicly available contract 2010.12639.280 with ASI Solutions.

Yr 11 and 12 Profiles is not separately priced, and under management of InTACT under the broader Department of Education and Training Service Level Agreement.

b) Other than the fully licensed software, there are:

- Adobe Master Collection – 4600 licenses
- Adobe Connect – 8130 licenses

c) Sun Open Office suite; Microsoft Office Professional Plus productivity suite and upgrade rights; Adobe Design Premium suite and upgrade rights; Adobe Master Collection.

Planning—Kingston transport depot (Question No 1599)

Ms Le Couteur asked the Minister for Planning, upon notice, on 10 March 2011 (*redirected to the Minister for Land and Property Services*):

- (1) When will the Conservation Management Plan for the former transport depot in Kingston be completed by the Land Development Agency.
- (2) Will there be a public community consultation, other than the heritage listing of the former transport depot and the Kingston Arts Precinct Strategy, on the future use of the former transport depot site.

- (3) If community consultation is planned, when will this community consultation commence and end.

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

- (1) The draft Conservation Management Plan (CMP) for the Former Transport Depot, Kingston has been completed and was presented to the Heritage Council on 10 March 2011 for comment. Feedback from the Heritage Council will be incorporated into the final plan before it is resubmitted for Heritage Council endorsement.
- (2) Yes.
- (3) Community consultation will take place mid 2011. The consultation period will be advertised widely.

**Design and Review Panel—replacement
(Question No 1600)**

Ms Le Couteur asked the Minister for Planning, upon notice, on 10 March 2011:

- (1) Why was a decision made to fold the Design and Review Panel and what has been put in its place.
- (2) Is the replacement system playing the same role as the Design and Review Panel.
- (3) Have there been complaints about the lack of such a panel.

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

- (1) The decision to cease the Design Review Panel was made in 2005-06 as part of the short-term reforms for the ACT's planning system. A Major Project Review Group (MPRG) has been established in its place to provide advice on significant and sensitive proposals.
 - (2) Not entirely. The Design Review Panel provided advice on significant and sensitive proposals prior to the preparation of the proponent's High Quality Sustainable Design Response Report and prior to the lodgement of the Development Application (DA). The MPRG may consider significant and sensitive proposals prior to the submission of the DA, however, this is more likely to be after the DA is lodged.
 - (3) I have received no complaints.
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Questions without notice taken on notice

ACTION bus service—data

Mr STANHOPE (*in reply to a supplementary question by Ms Le Couteur on Thursday, 17 February 2011*): Territory and Municipal Services is currently confirming the accuracy of existing bus route data for use in a journey planner web application. This information will be made available for public use later in the year.

In terms of the detail around real-time bus locations, the project specifications for the Real-Time Information project are still in the process of being scoped. I have requested, however, that any data that can be made public will be made public.

Mr STANHOPE (*in reply to a question by Ms Bresnan on Thursday, 17 February 2011*): I apologise for the delay in responding to you.

I understand you were briefed on this matter by departmental officials on 21 March 2011. As explained to you at the briefing the Department of Territory and Municipal Services is progressing projects to provide better information to bus passengers, including the development of a web based journey planner, they are not currently developing a smart phone application.

The Government provided \$12.5m in this year's budget for the development of real-time information for ACTION services. Part of this project will consider how information systems, including smart phone applications can be used to improve information for Canberra bus passengers. The first phase of this project is to research and consider the applicability of all modern methods of providing information to bus passengers and then implement recommended systems over the next three years.

In the interim, TAMS will continue to work with Google Transit on development of a web based journey planner which is expected to be available within the next few months. Once the bus route planning data the Google transit system is based on has been verified, this data can be made available for public use, subject to usual conditions of use arrangements.

Roads—users

Mr STANHOPE (*in reply to a question by Ms Le Couteur on Wednesday, 9 March 2011*): The development of a new ACT Road Safety Strategy for 2011-2020 has included analysis of national and international best practice.

TAMS participates in forums such as the National Road Safety Executive Group and the Austroads Safety Task Force, which provide a mechanism whereby the ACT can learn from national and international best practice. In addition, officers of TAMS have had the opportunity through a Churchill Fellowship and Austroads Study Tour to visit best practice countries, including the Netherlands, and meet with road safety experts.

I am advised that through these processes officers from TAMS are aware of the compulsory vulnerable road user training, which is part of the “Sustainable Safety” approach used in the Netherlands.

It is proposed that a ‘lifelong learning’ approach to road safety will be developed and implemented under the next ACT Road Safety Strategy and Action Plan. These efforts will include the management of interactions between motorists and vulnerable road users, through education, training and awareness measures. National and international best practice, including information from the Netherlands, will continue to inform this process.