



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**EIGHTH ASSEMBLY**

**7 MAY 2013**

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**Tuesday, 7 May 2013**

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

## **Justice and Community Safety—Standing Committee Scrutiny report 6**

**MR DOSZPOT:** I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 6, dated 2 May 2013, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR DOSZPOT:** Scrutiny report 6 contains the committee's comments on five bills, seven pieces of subordinate legislation and six government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

### **Statement by chair**

**MR DOSZPOT** (Molonglo): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Justice and Community Safety. The committee recently resolved to inquire into and report on sentencing in the ACT.

The committee notes that in the Sixth Assembly the Standing Committee on Legal Affairs, the precursor to the present committee, commenced an inquiry into sentencing in the criminal jurisdiction of the ACT. The inquiry was not completed and lapsed on 17 October 2008, at the end of the Sixth Assembly.

The committee resolves to inquire into sentencing in the present Assembly, the Eighth Assembly, including into:

- (1) Sentencing practice in the ACT, its effects and implications, including:
  - (a) the law, legal doctrine and rationale of contemporary sentencing practice;
  - (b) comparisons with other jurisdictions;
  - (c) rates of successful appeals regarding sentences; and
  - (d) timeliness in handing down decisions and sentences.
- (2) Ways in which contemporary sentencing practice in the ACT affects other parts of the justice system, including:

- (a) the courts;
  - (b) Corrective Services and the Alexander Maconochie Centre;
  - (c) ACT Policing;
  - (d) the legal profession;
  - (e) victims of crime; and
  - (f) offenders; and
  - (g) community support organisations.
- (3) The practice and effectiveness of current arrangements in the ACT for:
- (a) parole;
  - (b) periodic detention;
  - (c) bail;
  - (d) restorative justice; and
  - (e) circle sentencing.
- (4) Alternative approaches to sentencing practice in the ACT.
- (5) Any other relevant matter.

The committee will report in the first sitting week after 1 November 2014.

### **National disability insurance scheme Ministerial statement**

**MS BURCH** (Brindabella—Minister for Education and Training, Minister for Disability, Children and Young People, Minister for the Arts, Minister for Women, Minister for Multicultural Affairs and Minister for Racing and Gaming) (10.02), by leave: I present the following paper:

National Disability Insurance Scheme—Ministerial statement, 7 May 2013.

I move:

That the Assembly takes note of the paper.

I would now take the opportunity to make a statement to the Assembly and provide an update on the national disability insurance scheme.

The NDIS is the most significant social reform since the introduction of Medicare. It will be a major and highly complex reform to the way in which disability care and support are funded. It will have far-reaching effects throughout the disability services sector as the people with disability are placed at the centre of decisions about their care. The NDIS puts the needs of people with a disability at the centre. It smooths out the inequities that people with a disability now experience, inequities based on how they acquired their disability or where they live. The NDIS will provide certainty that people with a disability will receive the care and support that they need over their lifetime.

Madam Speaker, the NDIS will not only support those in our community who most need our support; it will contribute very positively to the whole community by assisting those who can work to enter or get back into the workforce, and it will help the carers of people with disability maintain their own connections with the workplace.

I am pleased to advise that the ACT has been at the forefront of implementation of the national disability insurance scheme in Australia. Members will be aware that the ACT was the first jurisdiction to agree to be a launch site for the NDIS. Again, at COAG on 19 April the ACT was one of the first to commit to full scheme implementation by 2019.

While I have referred to the national disability insurance scheme today, the Assembly should note that the NDIS will now be named DisabilityCare Australia.

2,500 people in the ACT will transition from July 2014, and by July 2016 all eligible residents will have transitioned. Our implementation plan means that the ACT will be the first jurisdiction to accept all eligible residents into the scheme. We will have two years at the end of the transition before we move to the full scheme in 2019.

DisabilityCare Australia will change the way we support people with a disability and their families. No-one ever expects to have to deal with living with a disability. How quickly lives can change: a child born with a disability who will face a lifetime of challenges, or an unexpected accident could cause someone to be in a wheelchair.

A life can change overnight, with severe impacts on health, employment and social interaction. A once fit and healthy person now needs assistance with the basic aspects of daily living—someone to assist in getting in and out of bed, having a shower or eating a meal. The impact on families and carers can often be shattering, with increased demands to support those they love. Sustaining families by providing reasonable and necessary supports for the person with a disability is fundamental to the scheme.

With our agreement to the full scheme, the total joint investment in DisabilityCare Australia in the ACT is expected to be \$342 million by 2019-20. By 2019-20, the ACT government will provide about \$167 million to the cost of care and support for people with disability in the ACT through DisabilityCare Australia. This will be 49 per cent of ACT scheme costs, consistent with the full scheme agreement reached between the commonwealth and New South Wales in December 2012.

By 2019-20, the commonwealth government will contribute around \$175 million to the scheme for ACT residents. This will be around 51 per cent of ACT scheme costs. In addition, the commonwealth will cover the full cost of people who turn 65 and choose to remain in the scheme.

The ACT has also signed the agreement with the commonwealth government which sets out what will be delivered in the ACT from July this year. The agreement covers an enhanced service offer and NDIS readiness. Under the project agreement the total investment from the ACT and commonwealth governments from July this year to July

2015 will be \$16 million. The ACT government will contribute \$5.5 million and the commonwealth will contribute \$10.6 million.

The ACT and commonwealth governments are investing \$9.3 million in enhanced services that will prepare eligible Canberrans for choice and control under DisabilityCare and \$6.8 million in programs to support people with a disability and their families and providers to get ready for DisabilityCare. There will also be \$9.3 million invested through these funds for one-off grants to eligible people in the ACT to access supports which will improve their quality of life and independence, while also providing a break for their families; recruitment of individual planners who will support people with a disability and their families to plan and manage their individual grants under the enhanced service offer; and the development of a mobile evening service in the ACT. The \$6.8 million will be invested in programs and support for people with a disability and their families to take advantage of the opportunities afforded by choice and control under DisabilityCare Australia and helping providers to prepare for the changes that this will bring.

Already the work needed to prepare people with disabilities, their families, providers and the community for this major reform has commenced. Since the ACT was confirmed as a launch site, we have established an ACT government NDIS task force to advise the government on implementation. The task force includes representatives from the Health Directorate and Mental Health, as well as members from Housing, Community Services and Disability ACT.

I convened an NDIS expert panel in August last year to provide expert advice, and the benefit of their lived experiences, to the task force and government. The panel brings a wealth of experience, including lived experience of disability and caring for people with a disability, and strategic links with the community sector, who are a vital partner in bringing about the change required by DisabilityCare Australia.

National Disability Services, ACTCOSS and the ACT Mental Health Community Coalition are working with the task force to establish regular forums for service providers. Importantly, these provider forums will also have consumer and carer peak representation. This will ensure that as providers get ready for DisabilityCare Australia in the ACT they are doing so with the voice and input of consumers.

The first forum was held on 30 April and was attended by 65 representatives from service providers and consumers and carer peak organisations. The forum will provide an ongoing opportunity for the service sector to prepare for DisabilityCare Australia.

System reform will be needed to deliver a new response that is flexible and meets the individual needs of people with a disability. True and lasting change will be driven by the choices people with a disability and their families make when they have the resources to purchase the supports they want.

The ACT NDIS task force will work with people with a disability, existing community and family leaders and people with the right skills and experience to support people to take advantage of the opportunities afforded them with greater choice and control.

Community conversations will be developed across the ACT. The first conversation is planned for 14 May. Initially these conversations will provide information about DisabilityCare Australia and to hear from people with a disability and their families about what they need to get ready. These conversations will be held in cafes and clubs during the day or in the evening and will then turn to discussing what is important to people and how they might think about what they need differently.

The task force will use the information and advice from the expert panel, the community conversations, the provider forums, national research and feedback through the information line to develop a strategy with the commonwealth government for sector readiness in the ACT. This strategy, informed by local and national needs, will guide how the \$12 million committed by the commonwealth government will be invested for people with a disability, their families and providers, to prepare for DisabilityCare in the ACT.

DisabilityCare Australia will commence from 1 July this year in Tasmania, South Australia, the Hunter region of New South Wales and the Barwon region of Victoria. Regional offices of DisabilityCare Australia are preparing to open in these locations.

I am pleased to see that there is an increasing commitment across the country to the rollout of the full scheme. The Northern Territory has agreed to host a launch site focusing on a remote area. At this time the ACT, along with New South Wales and South Australia, has agreed to implement the full scheme. Only last week, Tasmania also agreed to implement the full scheme by 2019. As we have just heard on the weekend, Victoria has also signed up to implement the full scheme. We look forward to all states and territories agreeing to the implementation of DisabilityCare Australia to enable all Australians to be covered by the scheme.

Last week Prime Minister Julia Gillard announced an increase in the Medicare levy of half a per cent, with funds to be quarantined for DisabilityCare Australia. This provides certainty around the funding for the long-term future of this national scheme.

Our government is supportive of increasing the Medicare levy by half a per cent to provide additional funding to support people with a disability. Funding DisabilityCare with this increase to the Medicare levy will secure funding into the future and provide funding certainty that will underpin the scheme. The commonwealth has committed to provide states and territories with 25 per cent of the levy raised through the Medicare increase. This means an additional \$192 million will be available to the ACT over a 10-year period.

As I have already observed, no-one expects to have to deal with living with a disability, and the NDIS will change forever the support provided to people with a disability, their families and carers. As minister for disability in the ACT, I am proud that we will be the first jurisdiction to have all eligible people transition to DisabilityCare by June 2016. Making a difference to the lives of people with a disability is what this is all about.

Here in the ACT I believe that we are leading the way. I think all of us in this chamber recognise the fundamental change that DisabilityCare Australia will bring

for people with a disability in our community and that, in many ways, they rightly deserve stronger support.

Question resolved in the affirmative.

### **ACT Supermarket Competition Policy—Select Committee Report—government response**

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (10.15): For the information of members I present the following paper:

ACT Supermarket Competition Policy—Select Committee (Seventh Assembly)—*Inquiry into ACT Supermarket Competition Policy*—Government response, dated May 2013.

I move:

That the Assembly takes note of the paper.

I present the government's response to the report of the Select Committee on ACT Supermarket Competition Policy—*Inquiry into ACT supermarket competition policy*. The government wishes to thank the members of the committee for their report, along with those members of the community who took time to make submissions.

Supermarkets play a role in almost everyone's daily life. Notwithstanding the popularity of markets and specialist food retailers, most people have some sort of routine connection with supermarkets. The select committee inquiry process demonstrated the Canberra community's continuing interest in these businesses, which range from small independent operators through to some of the largest corporations in Australia.

A lot has changed since the release of the Martin report in 2009 and the government's subsequent release of its supermarket competition policy implementation plan in 2010. Accordingly, the government's response to the select committee's report and recommendations reflect this new environment.

The Australian Competition and Consumer Commission has a new chairperson, and it has been widely reported across Australia that the ACCC is taking a more critical view about competition in the supermarket sector than it had previously. The government commends this apparent shift in direction. Incidentally or otherwise, the two major national chains are now offering more aggressive price competition for at least some goods.

Locally, in May 2010 the government announced a package of new supermarket sites to be released at Dickson, Casey, Amaroo and Kingston, which was intended to address the undersupply of full-line supermarket floor space in central Canberra and Gungahlin, this being identified in the Martin report. The sites are currently at various

stages of delivery. Releases at Dickson and Kingston have been scheduled to allow for the completion of broader master plans for those centres. New supermarkets will be constructed and opened in these locations over the next few years.

At Dickson, I look forward to seeing two full-line supermarkets, plus an ALDI, directly competing head-to-head. Supermarkets at Casey and Amaroo will for the first time provide an alternative for Gungahlin residents wishing to shop at full-line supermarkets in their district outside the town centre.

Meanwhile, in the local wholesaling market, Supabarn has recently established itself as an alternative supplier to other independent operators, while Costco opened its doors in 2011 for consumers wanting to purchase groceries in larger quantities.

For all of these reasons, the government will take a new approach to supermarket competition policy. While the site releases announced in May 2010 will proceed, in the future the regulation of which supermarket operators might acquire new supermarket sites released by the government will essentially be left to the ACCC. Accordingly, this approach supersedes that articulated by the 2010 supermarket competition policy implementation plan. However, the government will retain its longstanding prerogative to make direct sales of sites to particular operators should there be a compelling public interest in doing so.

The government response to the select committee reflects the select committee's view and the broader community concern that the viability of local centres should be supported. It is clear that local centres are widely seen as the focal points of our suburbs, and that the convenience supermarkets and other shopping services provided by local centres are indeed strongly valued by many Canberrans.

While the government has not directly adopted some of the recommendations made by the select committee, largely for practical reasons, in most cases it has nonetheless sought to respond to the intentions of the committee.

An overriding message that emerged from the inquiry process was that more guidance should be provided in regard to the maximum scale of supermarket development desirable at local centres. To this end, the government response to the select committee notes that the recently released draft variation 304 to the territory plan proposes a new absolute maximum gross floor area for local centre supermarkets of 1,500 square metres. Within this absolute maximum, no more than 1,000 square metres of floor space may be "net selling area" accessible to the general public for the display and sale of goods.

Initial public consultation has recently closed on the draft variation. The government will consider the submissions received as it seeks to provide certainty to the community about local centre amenity, and investment certainty to the development industry and, of course, the supermarket operators themselves.

In keeping with the government's broader commitment to reducing the red tape faced by businesses, our approach to regulating local centre supermarkets will not introduce significant or undue regulatory costs. Draft variation 304 further responds to the select

committee's recommendations by proposing that reference to providing ease of access for people with mobility issues be added to the objectives for the CZ4 local centres zone.

Overall, Canberra's distinctive spatial planning since the 1960s has placed supermarkets at the core of our suburbs and larger centres. More than most other cities, supermarkets have been deliberately located centrally within our urban form. It is therefore unsurprising that many will have views on these local landmarks of everyday life. And while in a market economy the private sector will operate such businesses, and does a very good job in doing so, governments do have a role in protecting the public's interests relating to the sector.

To conclude, the government response document I am tabling today is consistent with the government's strategic economic goals of supporting growth, diversification and jobs in the territory. At the same time it also recognises the important social role that supermarkets play, particularly at local centres, within the life of the territory. The government remains committed to maintaining a clearly defined hierarchy of centres across Canberra that includes viable and vibrant local centres.

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

## **Magistrates Court (Industrial Proceedings) Amendment Bill 2013—exposure draft**

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

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development): For the information of members I present the following paper:

Magistrates Court (Industrial Proceedings) Amendment Bill 2013—Exposure draft.

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

Leave granted.

**MR CORBELL:** Today I am tabling an exposure draft of the Magistrates Court (Industrial Proceedings) Amendment Bill 2013. The tabling of this exposure draft is a positive step forward in fulfilling the government's pre-election commitment to establish an industrial court and provide for the appointment of an industrial magistrate.

Creating a separate industrial court will foster greater experience and specialisation of workplace health and safety laws by the courts. And the allocation of specific magistrates to the new industrial court will further increase specialist expertise in work health and safety matters.

All other states and territories in Australia, with the exception of Tasmania, have specialist arrangements within their magistrates courts to hear and decide issues related to workplace health and safety, including workplace accidents and deaths, either as part of an industrial court or division or as industrial magistrates.

The safety of all workers, including those working on ACT construction sites, is a priority for this Labor government. As the Assembly is aware, the government has accepted all of the recommendations contained in the *Getting home safely* report and work has commenced on the implementation of those recommendations.

The government inquiry's report also recommended the appointment of an industrial magistrate and commented on the need for courts to apply appropriate penalties, particularly as work health and safety laws are harmonised across Australia.

The harmonised laws have introduced significantly higher penalties for work health and safety offences. As the report points out, and as the government has accepted, it is now incumbent upon the courts to adopt a consistent approach in dealing with breaches of work health and safety laws.

It is important that courts consider the likely deterrent effect of the fine or penalty imposed. Because the industrial magistrate will have oversight of the broad industrial, work health and safety jurisdiction, this will ensure that the industrial magistrate will be well placed to understand this important jurisdiction.

The new industrial court will be a great initiative for ACT workers. It will give well-deserved attention to the legitimate issue of worker safety, which is a priority for this government. The disturbing work safety record in the ACT construction industry highlights the need for a collaborative approach by industry, workers and the government if we are to build a healthier and safer work safety culture in the territory.

It is important that I reiterate my call to the construction industry and every building site worker in the ACT to show leadership on these matters. The government will provide its support, and we all need to embrace the call for change to have a greater focus on safety.

The new industrial court will deal with industrial and workplace safety issues, including workers compensation and industrial accidents, and develop a single coherent body of procedures and case law, delivering certainty and fairness for all litigants.

The Magistrates Court Act 1930 will be amended to create the industrial court when the industrial magistrate is sitting, similar to the creation of the Children's Court, the Family Violence Court and the Galambany Court model. This model has the advantage of requiring a specific appointment as an industrial magistrate, which would lead to specialisation in the area of industrial workplace accident law.

The Magistrates Court will be known as the industrial court when it is constituted by the industrial magistrate, and will have jurisdiction to hear civil claims, including

arbitration claims, both statutory and at common law, relating to workers compensation and workplace injury.

The new industrial court will be able to hear all industrial civil claims up to \$250,000 currently coming before the Magistrates Court and also workers compensation matters presently within the jurisdiction of that court. To encourage uniformity and build up a repository of specialisation, knowledge and experience in work health and safety matters, the new court will be given jurisdiction to hear and decide industrial civil compensation claims over \$250,000, which can presently only be dealt with by the Supreme Court.

It is desirable that the common law workers compensation litigation be part of the same jurisdiction as the mechanism to manage disputes, penalties and fines. This will facilitate the development of expertise by the court to promote consistency in decision making and the application of penalties by the court, increasing confidence in the process across all in these industries.

While there are obvious benefits from centralising expertise in a single industrial court, it is likely that some matters heard in the industrial court at first instance might be appealed to the Supreme Court. To avoid any relative advantage of hearing extra matters in the industrial court being overshadowed by an increase in party costs and delay arising from appeals to the Supreme Court, the industrial court will have the power to be able to refer matters to the Supreme Court in certain circumstances—that is, where the parties jointly apply to have a matter removed to the Supreme Court, where one party applies to have a matter removed and the court considers it appropriate, and on the court's own initiative.

The criminal jurisdiction of the industrial court will remain the same as that of the Magistrates Court for criminal prosecutions. For example, the new industrial court will have jurisdiction to hear and decide any industrial or work safety offence against a person in relation to a summary or indictable offence, if the person was an adult at the time of the alleged offence. However, serious matters, such as industrial murder or manslaughter, would remain in the Supreme Court as it has sole jurisdiction to hear criminal matters involving harm to a person where the maximum penalty is greater than 10 years imprisonment.

The industrial court will also have jurisdiction to hear and decide a proceeding in relation to bail for an adult charged with an industrial or work safety offence and a proceeding in relation to a breach of a sentence imposed by the Magistrates Court for an industrial or work safety offence. Flexibility is built into the draft legislation to allow for jurisdiction to be expressly conferred on the industrial court by any other act of the Assembly.

The Chief Magistrate will be responsible for the allocation of the business of the industrial court and would be responsible for declaring an existing magistrate to be the industrial magistrate for a specified period, not exceeding two years. The Chief Magistrate will also have flexibility to assign a magistrate to act as industrial court magistrate if there is no industrial court magistrate or the industrial court magistrate is absent from duty or from the ACT or is unable to exercise their functions.

There is also provision for the Chief Magistrate to assign other magistrates to exercise the jurisdiction in circumstances where the industrial court magistrate is unable to deal with the matter without delay that is likely to prejudice the wellbeing of a person, or because of a conflict or perceived conflict of interest. The Chief Magistrate will be responsible for ensuring the orderly and prompt discharge of the business of this new court.

The government intends to consult widely on the proposed court model and jurisdiction for the new industrial court. The government is committed to working with industry, employers and employees to do everything possible to ensure every worker returns home safely.

This is the important fulfilment of a government election commitment. Labor went to the last election proposing the establishment of this court, and I am pleased to introduce this exposure draft for public comment today.

## **Planning, Building and Environment Legislation Amendment Bill 2013**

Debate resumed from 11 April 2013, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR COE** (Ginninderra) (10.32): The Canberra Liberals will be supporting the Planning, Building and Environment Legislation Amendment Bill 2013. This omnibus bill contains mainly technical amendments to the Building Act 2004, the Building (General) Regulation 2008, Construction Occupations (Licensing) Regulation 2004, Districts Act 2002, Electricity Safety Regulation 2004, Planning and Development Act 2007, Planning and Development Regulation 2008, Public Place Names Act 1989, Unit Titles Act 2001 and Water Resources Act 2007. The bill also repeals the Electricity (Greenhouse Gas Emissions) Act 2004 and the Electricity (Greenhouse Gas Emissions) Regulation 2004. Both these pieces of legislation are now redundant.

There are two policy changes included in the bill. The first policy change relates to certificates issued under the Gas Safety Act 2000. The bill will allow for a certificate under the Gas Safety Act to be evidence of the completion of that work to required standard. This reflects current practice whereby certificates of compliance under section 9(1)(b) of the Gas Safety Act are cited for building work involving gas fitting work. The amendments will ensure that the certificate is sufficient evidence for the purposes of a certificate of occupancy. This should speed up the process of obtaining a certificate of occupancy.

The second policy change relates to changes to the Planning and Development Act 2007. The amendments in this bill will allow an exemption from an environmental impact analysis for some development applications. Under the current legislation, the minister may exempt a development application from requiring an EIS if the minister is satisfied that the environmental impact of the application has already been considered in another study. The exemption applies for 18 months.

Studies which may lead to an exemption include studies completed under the commonwealth Environment Protection and Biodiversity Conservation Act 1999. The approval given under this act may last for more than 18 months. Under the present legislation, proponents may need to keep applying for an exemption from the minister every 18 months even though the commonwealth study is still applicable. This amendment means that the minister's exemption will last for the same period that the commonwealth study applies.

We hope this will streamline the application process and remove unnecessary administrative procedures. The Canberra Liberals will support this omnibus bill today. We hope that the technical amendments, as well as the two policy changes, will streamline and speed up planning, building and environment processes in the territory.

**MR RATTENBURY** (Molonglo) (10.35): This is the fourth of the PABLAB or omnibus planning and building legislation bills that have come before the Assembly in recent years. This bill before us today essentially does two key things. Firstly, it makes a range of building and COLA—construction occupation and licensing—improvements. Secondly, it extends the EIS exemption period.

The simple building and licensing improvements include creating certificates of occupancy for completed building work, the creation of electronic certificates for electrical wiring work, creating certificates for completion of gas fitting work, exemption of inspection of electrical lift installations, clarification of the qualification or occupations declared by the Construction Occupations Registrar for some exempt building works or works which may be undertaken without licence and a clarification of the naming of divisions and the definitions of public place under the Public Place Names Act. I imagine this one may have come up when Mt Ainslie lookout was recently renamed Marion Mahoney Griffin View but this bill also makes clear that the minister has discretion on naming divisions rather than an obligation.

Further, amongst the improvements is the clarification that ACTPLA only needs to report to the minister on consultation comments on a draft territory plan variation, not on other comments not provided through official consultation processes. Another is the introduction of a clause to allow our TAMS, as the land custodian, to sign off on development applications for driveways on public or unleased land. Finally in this list is the clarification of the definition of period of extension in relation to calculating fees for extending the time to commence or complete building work.

This bill also covers a small number of technical and editorial amendments which are not problematic. It is worth noting that one of these amendments is the removal of instruments which related to the ACT greenhouse gas abatement scheme. It was a good scheme when it was first introduced, especially given that there were no national schemes of any kind in place. However, the emission reduction targets improved for a number of years but then tapered off far too early. In any case, the GGAS scheme has now been superseded. The ACT now has its own emissions reduction targets set in legislation and we at least, for now, have a federal carbon tax.

Most significantly, this bill covers issues around extending an EIS exemption. The planning minister can currently create an EIS exemption if satisfied the expected environmental impact of a proposal has been sufficiently addressed by another study. This bill proposes that this exemption can be extended beyond the current 18 months.

Given that EPBC approvals, or approvals made under the commonwealth Environment Protection and Biodiversity Conservation Act, last longer than 18 months it makes sense to align the EIS exemption with those federal approval time frames. Provided that the ACT community has been fully informed and involved in the consultation and approvals process, it does seem sensible to have this sort of streamlining rather than different time lines which will simply be a point of confusion.

My office has discussed this issue with ACTPLA who agree that it is important, if we rely on the federal EPBC process for public consultation rather than the well-developed consultation processes we have in our Planning and Development Act, to ensure that there are adequate local notification processes in the ACT, including in our local newspapers. I believe that this is being followed up within ACTPLA.

This issue about EPBC bilateral assessments and approvals is a live one and the debate is still occurring at a COAG level. The ACT Greens have ensured that this issue was addressed in the parliamentary agreement and the Greens are not opposed to streamlining assessment processes, provided that the studies assess both commonwealth and ACT threatened species and communities. However, we are keen to ensure that we maintain separate local assessment processes here.

Given that we are allowing this streamlined assessment process to occur—that is, that one EIS for an area would be able to be used for both federal and ACT environmental assessment and approval—it is extremely important to ensure that the ACT public are fully aware of this and are fully able to input into the federal EPBC consultation. ACTPLA are looking at inserting a requirement to this effect into our local processes to ensure that this need is met. The fact that the Gungahlin strategic environmental assessment approval may last for 30 years is testament to this need. Madam Speaker, the Greens will be supporting this bill today.

**MS BERRY** (Ginninderra) (10.40): I am pleased to support the Planning, Building and Environment Legislation Amendment Bill 2013. This bill is an important part of the ongoing improvements to legislation in the Environment and Sustainable Development portfolio. It demonstrates that this government is willing to consider and make worthwhile changes.

As indicated by my colleague, this is the fourth bill to be created under the government's omnibus Planning, Building and Environment Legislation Amendment Bill or the PABLAB process. My colleague has spoken to this Assembly about the minor policy amendments this bill makes to the Building Act 2004 and Planning and Development Act 2007. It is the government's view that these amendments are appropriate for the PABLAB process and make good practical sense.

Madam Speaker, I wish to discuss some of the more technical amendments made by this bill. These technical amendments demonstrate the value of the PABLAB process. PABLAB allows the government to make necessary updates and technical amendments to a number of pieces of legislation. The process makes it a lot easier to monitor and resolve planning, building and environmental issues as efficiently as possible.

The purpose of these amendments is not to impose new requirements or administrative burdens. These technical amendments have been made to promote administrative efficiency, update the statute book and clarify existing obligations. While small, they are an important part of the omnibus bill process. Many of these amendments improve cross-referencing between related acts and update statutory language in line with current drafting practice. This can be seen in the amendments to the Districts Act 2002 and Public Place Names Act 1989. These amendments update the cross-referencing between these two acts and clarify the meaning of existing provisions.

For example, clause 17 of the bill amends section 2 of the Public Place Names Act. This section defines a public place. Currently, this section provides that a public place includes an avenue, road, street or place that the public are entitled to use and any unleased land. The bill amends this definition to provide that a public place can also include a geographical feature. This amendment has been made because the current definition does not expressly include geographical features. In some places, the geographical feature may be the most prominent feature or identifier of the place to the public. It should therefore be included in the definition of a public place.

Madam Speaker, these technical amendments also clarify certain statutory obligations. Clause 18 amends section 3(1) of the Public Place Names Act, which referred to the power of the minister to determine names for public places. Section 3 applies to the power of the minister to determine names. Section 3(1) currently states that the minister may determine the name of a division of the territory land. The term “may” in this context suggests that the minister has a discretion rather than an obligation to name divisions.

The bill makes an amendment to provide that the minister must determine the name of a division of territory land and may determine the name of a public place on territory land. This ensures that the minister’s obligation to name a division is clearly spelled out. Clause 19 of the bill results from the fact that the Districts Act and Public Places Names Act both refer to divisions of land in the territory. This clause amends the dictionary of the Public Place Names Act to incorporate the definition of division for the Districts Act. This technical amendment provides appropriate cross-referencing between these two acts and ensures that divisions are appropriately defined in a consistent way.

Clause 11 of the bill is another amendment that clarifies existing obligations. This clause makes a technical amendment to section 69 of the Planning and Development Act which applies to draft territory plan variations and reporting to the minister. Section 69(2)(b) currently states that the Planning and Land Authority must give the

minister a written report setting out the issues raised in any written comments, including consultation comments, about the variation.

This section has been amended to state that a written report must be given to the minister setting out the issues raised in any consultation comments about a draft plan variation. This makes it clear that the Planning and Land Authority need only report on consultation comments about the variation and not on unrelated comments made outside the consultation process on matters not related to the proposed variation.

This amendment does not make any substantive changes to the territory plan variation process. This amendment does not remove the existing obligation on the Planning and Land Authority to also provide background papers to the minister on matters such as pre-consultation with statutory agencies during the preparation of a draft variation. The amendment simply clarifies the wording of section 69(2)(b). While this amendment removes any ambiguity about what “written comments” may mean, it ensures that these reports are confined to relevant comments about the draft variation.

The technical amendments made by this bill also help promote efficiency and improve administrative practice. Clause 12 inserts a new subsection 139(2)(b)(ii) into the Planning and Development Act. Subsection 139(2)(b) deals with development applications made by someone other than the lessee of the land. The new subsection applies where the land is public land or unleased land and the development is a driveway verge crossing for a single or dual occupancy development. The standing position is for development applications on such land to be signed by the land custodian—in this case, the Territory and Municipal Services Directorate, or TAMS.

This amendment will permit the development application to be signed by either the land custodian or the Planning and Land Authority. This amendment reinstates an administrative arrangement that had operated prior to the Planning and Land Development Act. This amendment improves efficiency for development proponents, including industry. These are small, low-risk developments. The amendment will mean that development proponents will not need to have these proposals signed off by TAMS prior to lodging a development application. Of course, the land custodian will still have the opportunity to make comment on the proposal during the development assessment referral process.

Madam Speaker, the remaining clauses make important updates to the legislation and clarify the meaning of existing provisions. For example, clause 8 updates a definition in subsection 35(3) of the Construction Occupations Licensing Regulation 2004. This subsection defines a relevant asbestos qualification. The definition currently refers to the former Building Regulation 2004. The amendment updates the reference to the current Building General Regulation 2008. Amendments of this kind help to keep territory legislation up to date and user friendly.

Clause 21 makes a technical amendment to section 25 of the Water Resources Act 2007. This section covers water access entitlements. Section 25(1) currently refers to water access entitlements for certain existing licenceholders under section 202 of the Water Resources Act. Section 202 is a transitional provision which expired in 2008. This bill inserts a new note into section 25(1), which states that this transitional

provision continues to have effect after its repeal. This note confirms that these licences remain effective.

PABLAB demonstrates the government's ongoing commitment to using the omnibus bill process in a responsible way and also demonstrates the effectiveness of the omnibus bill process as a tool that collates amendments relative to planning, building and the environment. Without this bill process, the amendments made by this bill could have been spread over a number of amending bills or unnecessarily delayed.

The amendments moved by the government today in the Assembly further demonstrate our commitment to facilitating in the most efficient way relevant, modern and up-to-date planning, building and environment laws for the ACT. The government continues to strive to be the national leader in the creation of planning systems that are effective and transparent. Madam Speaker, I commend the bill to the Assembly.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.50), in reply: I thank members for their support of this bill today.

The Planning, Building and Environment Legislation Amendment Bill is the fourth bill to be created under the government's omnibus planning, building and environment legislation, or PABLAB, process. This process manages all minor policy or technical amendments within the Environment and Sustainable Development portfolio. The process is an efficient way to consider minor matters in a consolidated single bill. As members have indicated, the bill amends a variety of legislation, including the Building Act, Planning and Development Act, Public Place Names Act, Unit Titles Act and Water Resources Act.

During my presentation of this bill in April, I referred to two policy amendments made by the bill. These are in relation to the Building Act and the Planning and Development Act. I would like to address a number of matters around these proposals briefly.

Clause 13 of the bill amends section 211 of the Planning and Development Act. Under this section the minister may exempt a development application from a requirement to include an environmental impact statement, or EIS, if the minister is satisfied that the expected environmental impact of the proposal has already been sufficiently addressed by another study. Currently this exemption expires after 18 months in all cases.

A study that could justify waiving the need for an EIS is one completed under the commonwealth Environment Protection and Biodiversity Conservation Act 1999, the EPBC Act. That would be a study completed for the purposes of obtaining an EPBC Act approval. The amendment deals with environmental impact statements and strategic assessments approved under the EPBC Act. The EPBC Act approvals supported by these studies may last longer than 18 months. This amendment, therefore, ensures that the minister's exemption does not expire before the relevant

EPBC approval expires. The exemption, therefore, will last for 18 months or for the duration of the EPBC approval, whichever is the longer.

In the absence of this proposed measure, the proponent making use of such a commonwealth study could need to make repeated applications to the minister for a section 211 waiver, notwithstanding that the commonwealth study is still current and deemed sufficient for an EPBC Act approval process. In practice, of course, such repeated applications are likely to be granted by the minister, given the continued currency of a commonwealth study. This existing requirement amounts to unnecessary red tape—or perhaps, as it has often more recently been known, green tape—a paper chase for no real purpose. If the study remains sufficient for the EPBC approval, then it should be deemed sufficient for the purposes of the ACT's own environment impact assessment process and for the purposes of section 211 and the Planning and Development Act approval process.

In removing the need for repeated 211 applications in this circumstance, the measure aligns the 211 process and the broader development application process more effectively with the commonwealth EPBC Act process. The section 211 and development application process is also made more streamlined and efficient, and administrative duplication is removed. I am sure that this will be welcomed by government agencies and the private sector who are engaged in both the ACT's and commonwealth's environmental impact assessment processes.

In addition to improving efficiency, this amendment will help the territory to work in partnership with the commonwealth to deliver long-term projects. For example, the Molonglo valley urban development project has been subject to a strategic assessment under the EPBC Act. In this strategic assessment, the commonwealth has approved all actions associated with urban development in east Molonglo as described in the Molonglo valley plan for the protection of matters of national environmental significance. These actions must take place wholly within the strategic assessment area in east Molonglo. This approval applies to listed threatened species and communities and listed migratory species. The commonwealth approval has effect until 31 December 2041. This amendment will remove the need for multiple 211 applications over this period and align territory processes with the commonwealth process.

This is an amendment that makes good practical sense. It is important that I make clear, however, that there will still be public notification and consultation on the EPBC Act studies that are used to justify a section 211 waiver. This consultation is set out under the EPBC Act requirements. Both environmental impact statements and strategic assessments include a public consultation process. Under the EPBC Act, draft environmental impact statements must be subject to public consultation for at least 20 days. The finalised environmental impact statement must take into account any comments received during the consultation period.

Under the EPBC Act, a strategic assessment is an assessment of a policy, plan or program. As part of this process, a report must be prepared on the environmental impacts of the policy, plan or program. The draft report on the environmental impacts must be made available for public comment for at least 28 days, and when this report

is finalised it must take into account any comments received during the consultation period. The report forms part of the briefing documents provided to the relevant commonwealth minister for endorsement of the policy, plan or program, and can be incorporated into those policies, plans or programs.

Now let us turn to the second important amendment made by this bill. As I indicated during presentation, the bill amends section 69(4) of the Building Act 2004. Section 69 covers certificates of occupancy for building work issued by the Construction Occupations Registrar. If building work has been completed, the owner of a parcel of land may apply to the registrar for a certificate to state that the work has been completed in accordance with the prescribed requirements under the Building Act and is fit for occupation and use.

Section 69(4) is an evidentiary provision which covers certificates issued under other acts. It provides that certificates issued under some other acts are sufficient in and of themselves to satisfy prescribed requirements for building work. For example, a certificate under the Water and Sewerage Act 2000 can be relied upon as evidence that plumbing, sewerage and drainage work has been carried out in accordance with the prescribed requirements. A similar provision applies to certificates issued under the Electricity Safety Act 1971.

The minor policy amendment gives a similar status to certificates under the Gas Safety Act 2000. The amendment provides that a certificate under the Gas Safety Act is evidence of the fact that the gas fitting work carried out in building work complies with the prescribed requirements. This means that the Construction Occupations Registrar can rely on a Gas Safety Act certificate when issuing a certificate of occupancy for building work.

This clause does not impose a new administrative burden. The Gas Safety Act certification processes are already in place. The Gas Safety Act provides that on completion of gas fitting work the gas fitter must attach a compliance indicator to the piping system, and give a certificate of compliance to the owner or occupier of the premises. The gas fitter must also give a copy of this certificate to the Planning and Land Authority.

This amendment makes the gas clearance procedures consistent with those for electrical, plumbing, sewerage and drainage work. Again, this is an amendment that makes good, practical sense.

As I said during the presentation, this bill also keeps the statute book up to date by repealing some redundant legislation. The Electricity (Greenhouse Gas Emissions) Act 2004 and Electricity (Greenhouse Gas Emissions) Regulation 2004 supported the ACT greenhouse gas abatement scheme. This scheme ended on 1 July 2012 with the commencement of a national price on carbon in the Australian government's Clean Energy Act 2011. The bill repeals this legislation, which is no longer required.

It is worth observing, of course, that the Electricity (Greenhouse Gas Emissions) Regulation 2004 and the Electricity (Greenhouse Gas Emissions) Regulation 2004 have been a very effective mechanism for reducing the territory's greenhouse gas

emissions. Hundreds of thousands of tonnes of greenhouse gas emissions have been abated over the life of the scheme. They highlight how a trading scheme with certificates can provide an efficient incentive for the private sector, in particular electricity retailers, to achieve a certain level of abatement in relation to their greenhouse gas emissions. Of course, with the passage of the new carbon price legislation, this scheme is no longer required at a state or territory level. For that reason, that act and its subsequent regulation are being repealed.

Of course, there will remain a range of other complementary measures that the government and states and territories will need to continue to pursue. These include mechanisms to provide for and encourage the uptake of renewable energy generation. The ACT is leading the way there with its large-scale reverse auction feed-in tariff legislation, which is driving the deployment of large-scale renewable energy generation here in the ACT.

Yesterday we saw the closure of the public consultation period on development applications for the development of the 20-megawatt Royalla solar farm, a very important proposal, the first and largest photovoltaic array to be established in Australia to date. I look forward to seeing the results of the consideration of the comments received during the public consultation process on that development application, because that is a development that will play potentially a very important role in helping achieve our abatement here in the ACT.

The government continues with its large-scale reverse auction process. We have received 15 proposals for the second stage of that auction process, and the government is still on track to make a further allocation under that legislation for the deployment of a further 20 megawatts of renewable energy generation here in the ACT.

The government, as you can see, Madam Deputy Speaker, remains committed to addressing greenhouse gas emissions. As Mr Rattenbury has already indicated, we already have our own greenhouse gas reduction act and the Climate Change and Greenhouse Gas Reduction Regulation, which sets out targets for the achievement of a significant level of abatement, particularly between now and 2020.

In conclusion, this is a bill dealing in a practical way with a number of relatively minor but nonetheless significant matters. The bill will ensure that the planning, building and environment legislation remains as up to date, clear and effective as possible. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## Road Transport (General) Amendment Bill 2013

Debate resumed from 11 April 2013, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR COE** (Ginninderra) (11.04): The Canberra Liberals will be supporting the Road Transport (General) Amendment Bill 2013. The bill amends the Road Transport (General) Act 1999 and other associated legislation to allow for the use of pedalecs in the ACT. A pedelec is a form of power-assisted bicycle which relies primarily on human power to propel it but also has a motor to provide assistance. Unlike a motor vehicle, including a moped, registration of a power-assisted bicycle is not required as long as it meets the definition of a bicycle contained in the Road Transport (General) Act 1999.

A pedelec is more powerful than a conventional electric bicycle, providing up to 250 watts of continuous rated power. Unlike a conventional electric bike, it is not possible to coast on a pedelec because pedalling is required when the bicycle reaches six kilometres an hour. This means that a pedelec is safer for cyclists and other road users. Since they are more powerful than a conventional electrical bicycle, pedalecs are not allowed in the ACT because they fall outside the current definition of a bicycle in the legislation.

However, under the new definition in this bill, pedalecs will meet the definition of a bicycle and can therefore be ridden on both on-road cycle paths and community paths like conventional bicycles. They will also be subject to the same road rules for bicycles, including the requirement to wear a helmet and dismount to cross a pedestrian crossing.

The Canberra Liberals believe it is important to support a cycling culture which makes it easy for people of all ages and abilities to be involved in cycling. Allowing the use of pedalecs will make cycling accessible to more Canberrans. Pedalecs are easier to ride than a conventional pedal bicycle, particularly up hills. Pedalecs will also make cycling accessible to people with injuries or disabilities who may not be able to pedal a long distance on a conventional bicycle. They will also make it possible for people to cycle further with the same amount of effort.

Cycling, of course, is good exercise and a good way to commute. However, the relative sprawl of Canberra means that cycling is not always a practical means of transport for everyone. However, allowing the use of pedalecs should make it possible for more people to cycle in Canberra. The Canberra Liberals are pleased to support this legislation which brings the ACT into line with other jurisdictions and should make cycling more accessible for people of all ages and abilities.

**MR RATTENBURY** (Molonglo) (11.05): The Greens are pleased to support the Road Transport (General) Amendment Bill 2013. The bill makes a simple change to ACT legislation to ensure that it is now legal in the ACT to use pedal assisted electric bikes with a power of up to 250 watts. This is something the Greens have actively

lobbied on for several years. Members may recall former ACT Greens MLA Caroline Le Couteur presenting an active transport plan to the Assembly in 2010. One of its recommendations was to start planning and building infrastructure that would accommodate a large increase in electric bicycles. It also called for an extension to the permitted wattage of electric bikes beyond 200 watts, provided safety could be maintained, and that is what the passing of the bill today will achieve.

Prior to this change, the permitted wattage for electric bikes was only 200 watts. Any bike with a higher wattage was not treated as a bicycle under the road rules, meaning it was not permitted in bike lanes or on paths and it was expected to be registered. The new 250 watts standard will be subject to some additional limitations, in that the bicycles will need to meet the European committee standard on electrically power assisted bicycles. Under these requirements, for example, the motor only provides pedal assistance up to 25 kilometres an hour. In this way they are significantly different than moped-style bikes and are therefore safer. It is important to have consideration of the different speeds and power of different users sharing the same space. Bikes that meet this European standard are called pedelec bikes.

Small as it might sound, permitting an additional 50 watts on an electric bike's motor will make a big difference. 250 watts is a common international standard for electric bikes. The ACT will now be open to a much wider range of reliable 250-watt bikes, giving consumers a greater range of machines which they might access. I am interested to see if other opportunities open up as well in terms of perhaps further suppliers in the ACT and the like. In other countries, employers sometimes encourage employees to use electric bikes for commuting by including them in company travel plans or by leasing them. There are various companies specialising in leasing electric bikes across Europe. Perhaps this is the sort of development that we might see in the ACT once the passage of this legislation takes place and there is a greater availability of electrically assisted bicycles in the ACT.

As the bikes are more powerful, they are likely to be more attractive to people who are thinking of using them as transport. These are often people who may not otherwise use a standard bicycle, particularly those who are less fit, have mobility issues or are ageing. The extra speed and the ease of using an electric bike also make it a useful vehicle for commuters. People who previously found it too far to ride to work or another common destination may consider commuting using an electric bicycle. Members may also be interested in the research done by an organisation called PRESTO as part of a project on travel done for the European Union. It said:

Pedelecs—

that is, the European-style electric bicycle—

are also very well suited for civil servants and politicians who regularly have to travel short distances for work. Pedelecs allow them to ride without getting out of breath and without sweating, regardless whether the ground is flat or hilly. Moreover, the fact that they opt for sustainable mobility will have a positive influence on public opinion.

Members, perhaps that is an endorsement all of us might consider now that these bikes will be legal in the ACT.

A recent Dutch survey showed that two-thirds of people using electric bicycles decided to do so because they found standard cycling too difficult. This demonstrates that electric bicycles can have the very important effect of increasing the pool of Canberrans who can use active transport. Instead of using a car, or even a bus, more and more people will be able to use a bicycle, given the extra help they will be given. As most of us are aware, there are significant personal and community benefits to bike riding.

I can say from personal experience that it is great to see new riders, or people who do not usually ride, out in Canberra, sometimes making use of electric bikes. Perhaps they are trying out a commute on Ride2Work Day or perhaps they are trying out the new Civic cycle loop. The single downside of these new bikes is the unique feeling of confusion and embarrassment one feels as a regular cyclist as you are overtaken by a tiny old lady on a bike seemingly defying physics and age as she zips by on a hill at 25 kilometres an hour. Many a cyclist has questioned themselves before gratefully noticing the small engine attached to the faster bicycle.

Replacing driving with cycling is, of course, very good for the environment. Interestingly, though, surveys overseas show that only about 20 per cent of people were interested in electric bikes for environmental reasons. Electric bikes help to mainstream cycling, attracting a wide range of people because of their convenience. Cycling and electric bikes are also likely to become more essential in the future. Fuel is likely to become more expensive, especially as we come to grips with the realities of peak oil.

The population is also growing more environmentally conscious and looking for ways to contribute. Our population is also ageing, creating a wave of people who will be able to take advantage of electric bicycles. I certainly note there is one very active member of the Greens party here in the ACT who has lived at the top of Warragamba Avenue. For those people who know it, it is a rather large hill. Until about the age of 82, he cycled up it regularly. He has now conceded and gone to an electric bicycle, but it has meant that he can keep on the road and still keep himself very active.

The Netherlands, which is widely thought of as the leader in all things bicycle, perhaps provides an interesting glimpse into the future. According to the *Bike Europe* magazine, in the last year in the Netherlands sales turnover of electric bikes was larger than that of city bike sales, which for decades had been the most important segment of the Dutch market. Electric bicycles accounted for 42 per cent of the revenue made from all bike sales in 2012.

One interesting issue that the government will need to consider with the growth of electric bicycles on Canberra roads and paths is the provision of appropriate infrastructure. The width of paths, for example, is one issue to consider. Currently TAMS designs trunk shared paths at 2.5 metres wide and high-use trunk paths at three metres wide. This is something I will ask TAMS to consider as it reviews its design

standards. Obviously, as more and more people take up cycling, we see congestion in some areas. I have already received my first representation asking for a widening of the bike paths in inner north Canberra because there is “so much congestion on them in the morning commute”. This is an interesting thing that perhaps some of us would not have anticipated happening in the ACT.

In closing, simply let me thank the government for bringing this amendment forward. For all the reasons I have just outlined, I think that this will be very beneficial for a whole range of people across Canberra and will hopefully contribute to more people taking up bicycle riding, even if assisted by electric bikes, and therefore delivering a range of benefits for the whole community.

**MR GENTLEMAN** (Brindabella) (11.13): This bill changes the road transport legislation to permit pedalecs—which, as we have heard, is the common term for European-style power-assisted cycles—to be used in the Australian Capital Territory. The changes in this bill will benefit cyclists and the bicycle industry, as well as the wider Canberra community, and reflect the government’s commitment to increasing cycling rates in the ACT.

This bill permits the use of pedalecs by amending the definition of “bicycle” in the road transport legislation. This amendment is necessary as the current definition of “bicycle” excludes bicycles that have an auxiliary motor with an output of over 200 watts. As previous speakers have indicated, a pedelec is a newer category of electric bicycle with a maximum continuous power rating of 250 watts, which exceeds the current threshold of 200 watts.

While a pedelec is more powerful than other electric bicycles currently available to be ridden in the ACT, it incorporates additional safety features. A pedelec-type bicycle is unique in that the power assistance provided by the electric motor cuts out when the bicycle reaches 25 kilometres an hour. In addition, power assistance is only provided at speeds above six kilometres per hour when the pedals are being used. If the rider does not pedal then the motor does not turn on. The motor on a pedelec will operate to assist the rider at speeds below seven kilometres an hour to help riders taking off, which is particularly useful when cycling uphill. Once the bicycle reaches a fast walking speed then the rider will have to pedal to continue to receive power assistance from the electric engine.

This bill does not change the power limit for non-pedelec electric bicycles, which will continue to be subject to the 200-watt limit. It is not appropriate to allow more powerful motorised bicycles that lack the safety features that pedelec-type bicycles have onto Canberra streets, bike paths and footpaths. This restriction is the same as that applied across Australia and it is important that there continues to be consistency in regulation of bicycles across jurisdictions.

This government has long recognised the benefits of cycling as a form of active transport. We have been active in encouraging cycling, recognising the health, environmental and social benefits that cycling can deliver. A recent example of this commitment is the Civic cycle loop, the first two stages of which were recently opened by this government. These Copenhagen-style bike lanes will particularly

benefit cyclists who are hesitant about riding on on-road cycle lanes. When complete, the cycle loop will be a 3.2 kilometre loop allowing cyclists easy access to all of Civic. In addition to the loop, this government has designed, built and maintained over 800 kilometres of on-road cycle lanes and off-road shared paths.

Another popular government initiative to support cycling worthy of special mention is bike and ride. Bike and ride is an easy, environmentally friendly and healthy way to combine a bike ride with a bus ride to travel around the city. We have committed \$700,000 over three years as part of the transport for Canberra budget package to construct bike and ride facilities along the rapid transport corridor network. These transformational initiatives will help increase cycling participation rates in the ACT, which are already the highest in the country. Increased cycling rates benefit us all through managing congestion, reducing energy consumption and pollution and helping to make Canberra a cleaner, greener, better place to live today and into the future.

I am particularly pleased that this bill will allow the use of pedalecs in the ACT, as overseas experience has shown that pedalecs are highly used by two segments of the population that have been traditionally underrepresented in cycling statistics within the ACT—women and older people. While the ACT has the highest cycling participation rates in the country, with high rates of cycling by children and males aged 18 to 39, statistics show that there are significant differences between the other sectors of the community. While more than half of males aged 18 to 39 ride at least once a week, only 13 per cent of women in the same age bracket do so. There is also a significant reduction in participation rates for people aged over 40, with only 18 per cent of men and eight per cent of women in that age group riding a bicycle in a typical week.

With its unique safety characteristics and the helping hand it delivers riders, a pedelec-style bicycle can be ideal for many women and older members of our community who are reluctant or unable to use a conventional bicycle. These bicycles give riders confidence through delivering power assistance when first starting their journey. This assistance gives people who find it difficult to produce the effort needed to start pedalling on a conventional bike, particularly when going uphill, more opportunity to enjoy the benefits that cycling can deliver. This is particularly of use to older people who may no longer have the capacity for strenuous exercise that hill climbing demands.

Pedalecs offer considerable potential both in ensuring that the people already cycling maintain their interest into later years and also attracting new people in this age group to cycling. Pedalecs reduce the effort of pedalling, which also makes them ideal for commuting. The extra assistance the bicycles provide extends the distance many people can cycle, opening up commuting to people who previously wanted to ride to work but who lived too far away for them comfortably to do so. We have heard that pedalecs can eliminate sweaty cycling and the need for changing and showering at work.

These initiatives mirror similar efforts to increase cycling rates in cities and countries worldwide. For instance, London is investing significantly in cycling infrastructure.

Lord Mayor Boris Johnson's stated aim is a city where cycling will be treated not as a niche, marginal or an afterthought, but as what it is—an integral part of the transport network, with the capital spending, road space and traffic planners' attention befitting that role. This government also believes that cycling must be an integral part of the transport network and our efforts over recent years are helping to achieve that reality. I commend the bill to the Assembly.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.20), in reply: I thank members for their support of this bill. As members have indicated, the bill amends the Road Transport (General) Act 1999 to change the definition of bicycle to allow the use of European style power-assisted cycles, known as pedalecs, in the Australian Capital Territory.

A pedelec is a newer, higher performance category of electric bicycle with a maximum continuous power rating of 250 watts. Currently, bicycles with auxiliary motors are exempt from the requirement to be registered as a vehicle under the road transport legislation if their maximum engine output power does not exceed 200 watts at the engine's peak. This bill will retain the current 200 watts limit for non-pedelec type electric bikes while also allowing pedalecs to be legally used on roads and road-related areas in the ACT.

The difference between a pedelec and a conventional electric bicycle is that pedalecs have a number of innovative safety features. Power assistance on a pedelec cuts out at 25 kilometres per hour preventing users from coasting at high speeds. Pedelec riders can go faster than 25 kilometres per hour but they need to pedal. The battery will not provide any extra power above this speed. Pedalecs also operate with a mandatory pedal assist mode, which means that the pedals must be pushed to activate the motor above speeds of six kilometres per hour. The allowance for power application below seven kilometres per hour without pedalling assists riders starting from rest or riders riding uphill.

Conventional electric bicycles are throttle controlled, meaning that the engine can be operated without pedalling allowing the engine to do the work for the rider. A 200 watt electric bicycle will allow the rider to travel up to approximately 27 kilometres per hour on flat ground. The safety features of pedalecs mean that they are safe to be used in a cycling environment, whereas simply increasing the power threshold past 200 watts would permit the use of higher powered electric bicycles that do not possess these safety features.

This change mirrors similar changes that have already been made in most Australian states or which are being progressed in others such as Tasmania, South Australia, Western Australia and the Northern Territory. The amendments follow the commonwealth's May 2012 amendment to the Australian design rules to adopt a new vehicle category of pedelec, which allowed the importation of pedalecs for supply and marketing within Australia.

The government is strongly supportive of this bill. It reflects our commitment to increasing cycling participation rates within the territory. The government's commitment is reflected in our ongoing investment in improved cycling infrastructure and associated facilities implemented through the transport for Canberra policy. Transport for Canberra has a target of seven per cent of journey-to-work trips being made by bicycle by 2026. This will be achieved through developing a comprehensive commuter cycle network that incorporates shared paths and segregated lanes. This high-quality infrastructure will be supported by improved road safety awareness programs for cyclists, pedestrians and motor vehicle drivers to promote cyclist safety.

The government has already been active in encouraging cycling as part of a broader active transport strategy. Initiatives such as the ride or walk-to-school program, the installation of bike cages at public transport hubs and the rollout of the new ACT and Queanbeyan walking and cycling map have all been well received by Canberrans.

Equally, the recent successful completion of the first two stages of the Civic cycle loop connecting Northbourne Avenue, Bunda Street, Barry Drive and the Lake Burley Griffin cycle path network via Rudd Street and Marcus Clarke Street has given riders better access into and across the city centre. The next stages of the loop will connect western and eastern Civic along Bunda Street and Allara Street.

The government's efforts to increase cycling and provide high quality cycling infrastructure have been well received by Canberrans. Cycling was the third biggest participation activity for adults in 2011-12 in the ACT according to ABS data, with the ABS estimating that 15.3 per cent of the adult ACT population, or over 44,000 adults, are regular cyclists.

This cycling participation rate for adults has increased from 11.5 per cent in 2009-10 with an extra 12,000 adults now cycling at least once each year. In addition, almost half of all children under the age of 18 in the ACT cycle every week. Not only is the cycling participation rate for the ACT significantly higher than any other state or territory; the adult cycling participation rate in the ACT is double the national participation rate. It is particularly encouraging that the ABS data shows that over a quarter of these cyclists commute to and from work via bicycle. But there is still more to be done to encourage more people onto their bikes more often to maximise the range of benefits and increased cycling rates.

As we know, cycling provides benefits in terms of improved public health, reduced levels of traffic congestion and reduced greenhouse gas emissions as well as reductions in expenditure on transport fuel for households. These benefits accrue most readily when the bicycle is used as a substitute for car journeys. Studies have shown that over half of all car trips in Australian cities are less than five kilometres in length and almost 40 per cent of car journeys are less than three kilometres.

Journeys of these distances are ideally suited to cycling. More than half of Australian adults are not sufficiently physically active to gain health benefits. Physical inactivity has contributed to the deaths of over 16,000 Australians a year and it is estimated to

cost our nation and its health budget over \$1.5 billion annually. Therefore, measures such as providing for pedalec-style bicycles are important.

Pedalec-style bicycles provide an opportunity for Canberrans who have traditionally been reluctant or unable to travel by bike and enjoy the many benefits cycling provides to ride a bike. Experience from overseas has shown that pedalecs are particularly valued by three segments of the community who are currently under-represented in cycling statistics. Those are older adults, women and people with physical limitations.

Allowing the use of pedalecs in the ACT will help expand the overall proportion of the cycling public. Pedalec-style bikes are ideal for people in these groups who may not have the physical ability to ride to all the places they would like to go. For this reason, they are highly valued in Europe and Asia.

It is worth highlighting, of course, that in a dispersed city like the ACT the use of a pedalec provides significant potential advantages. For journeys to commute to work that might be 10 or more kilometres each way, a pedalec will cut in half the period of time taken to undertake that. If you think about, perhaps, where I live, Madam Deputy Speaker, in Weston Creek, a journey to the city is quite a long way on a bicycle, particularly if you do not have a good level of fitness. But with a pedalec you are potentially able to undertake that journey in about half an hour.

That is a very attractive option for people. With increasing costs for parking, increased fuel costs and, of course, increased congestion, especially on our roads, to have an attractive alternative where you can do the journey in about half an hour and enjoy the view by the side of the lake on your way to and from work is a real difference from sitting in your car and getting frustrated because of accidents, especially like we saw this morning during the morning peak. These are the types of opportunities that pedalecs provide for us.

We have also seen examples in other countries where people have achieved significant benefit from being able to use a pedalec. Riders in other countries have been widely reported as saying that riding a pedalec can be less painful than walking for people with arthritis in their hips, knees or ankles because the rider's body weight is carried by the bike saddle and not the legs, as occurs when walking. Those riders say that this makes the use of pedalec-style bicycles an excellent form of low weight bearing, supported exercise.

In addition, of course, to the social, health and environmental benefits that pedalecs can provide this change is also beneficial for the bicycle industry in the ACT. The Australian bicycle industry estimates that it generates around \$2.7 billion a year in revenue and economic activity, and employs approximately 10,000 people. These changes have been welcomed by the industry.

I was pleased when I introduced this bill to visit the Bike Shed on Lonsdale Street Braddon. I spoke with the proprietor of the business. He was very supportive of this measure. He has obviously seen a very strong uptake of interest from people wanting to buy bicycles. His message was that the upgrade in the power allowed for

pedal-assist bicycles is going to see a new market emerge for him and make it easier for him to provide a broader range of products similar to that provided in Europe. It is a very important reform in that respect as well.

Of course, we know that we will see a larger number and variety of models of electric bikes now being sold in the ACT. Everyone can use a bit of extra oomph, Madam Deputy Speaker, in their pedalling. That is exactly what a pedalec provides. While the government has been a strong supporter of cycling, we cannot flatten the hills or remove headwinds. But we can give riders the next best thing by expanding the range of power-assisted bicycles able to be used in the territory. I commend the bill to the Assembly.

Question resolved in the affirmative.

Leave granted to dispense with the detail stage.

Bill agreed to.

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

**Sitting suspended from 11.31 to 2.30 pm.**

## **Questions without notice**

### **Work safety—regulations**

**MR HANSON:** My question is to the Minister for Health, which probably is not a great surprise. Minister, I refer to reports that more than 100 construction workers walked off two Canberra Hospital construction sites yesterday because the contractor allegedly failed to comply with the law relating to the election of a worker to the work health and safety committee. This comes on the heels of the government's *Getting home safely* report. In releasing the report, your colleague Mr Corbell said:

This is a sobering report. This report highlights an unacceptable work safety record in the ACT's construction industry ...

It also comes on the heels of the introduction today of Mr Corbell's exposure draft legislation to establish an industrial relations court. Minister, why is it that the government's own construction projects have failed to set the benchmark for compliance with legislated work safety requirements and standards?

**MS GALLAGHER:** I thank the Leader of the Opposition for his question and his interest in matters relating to occupational health and safety. I am not sure it was as clearly shown when we were debating the occupational health and safety national law bills in the last term of the parliament, when we actually did strengthen the occupational health and safety laws, or indeed when the opposition opposed the industrial manslaughter laws that this government brought in.

However, I would say that on the health infrastructure program my understanding is there have been about 22 reports to WorkSafe around occupational health and safety in the 2011-12 financial year. The lost time injury rates in the health infrastructure program are well below industry standards. So this is something that the government watches very closely. I would say that the system is working, Mr Hanson. We have Leighton Contractors managing the women's and children's hospital and we have—

**Mr Hanson:** Is this your project?

**MS GALLAGHER:** If you will let me answer, what we have is contractors who are building those projects for us. We have Shared Services Procurement and Health as the client of those contracts. There is an expectation that occupational health and safety matters are dealt with cooperatively through the contractors, overseen by the clients, and in conjunction with the CFMEU.

My understand is that the CFMEU entered the sites yesterday with different concerns, different workplace safety concerns, than the ones they pursued once they were on the site. But, as is their right, they held a members' meeting, not about the issues that they had gone to the site for but on issues that they identified at the site visit. The members had a vote in relation to the women's and children's site, and a decision was taken to leave the site that day and meetings were held, appropriately, with the contractor and the CFMEU to resolve those issues and get workers back to work safely in accordance with agreements reached.

I am very satisfied that the process is working. But if you are going to stand here and say that there are not going to be issues that the unions are going to identify in those projects, I think you are sadly mistaken. These are big construction projects. The CFMEU have a legitimate role to play in relation to workplace safety and we expect them to play that role. We expect them to play it cooperatively and we expect them to play it in the interests of workplace safety, not to jeopardise the construction of particular projects.

**MADAM SPEAKER:** Supplementary question, Mr Hanson.

**MR HANSON:** What is the government going to do to rectify its failure to comply with its own law and ensure that this does not occur in the future?

**MS GALLAGHER:** The health infrastructure program has regular meetings with the contractors working on a number of different projects. We take health and safety concerns very seriously. This is one that you are aware of, Mr Hanson. I am aware of other concerns that have been raised against projects—as they are against every single project in the territory from time to time, whether they are government jobs or not. A worker was taken to hospital, as far as I understand, this morning on a private job in O'Malley. These things happen. What you have to do is create the framework, the laws and the processes—and, importantly, in this town, the relationships—to make sure that, when concerns are identified, they are responded to quickly. That is exactly what happened on this site and that is exactly what happened with the emergency department as well.

**MADAM SPEAKER:** A supplementary question, Ms Porter.

**MS PORTER:** Minister, could you update the Assembly on the progress of the building projects at the Canberra Hospital?

*Mr Hanson interjecting—*

**MS GALLAGHER:** I do note that the Leader of the Opposition does get a question and then a supplementary. He does not get to continually question me and interject throughout the next supplementary. There are a range—

**Mr Smyth:** Goodness me, you really must be hurting.

**MS GALLAGHER:** If this is how we are going to start, it is obviously going to continue. The health infrastructure programs—and there are a number of them on the Canberra Hospital site and there will continue to be. At the moment, we are completing the women's and children's hospital. There is expansion work underway for the emergency department and the intensive care unit. There will be further projects at the Canberra Hospital site rolled out and announced. But we are making sure that the decisions we take now deliver the healthcare system for the future.

*Mr Hanson and Mr Coe interjecting—*

**MADAM SPEAKER:** Order, Mr Hanson and Mr Coe! You are too noisy.

**MS GALLAGHER:** It is not all about Canberra Hospital. It is about Calvary hospital and the expansion plans there. It is about the north side subacute hospital and it is also about the refurbishment and the new community healthcare centres that we are building. The hospital is one part of those projects.

In relation to occupational health and safety—and this is not a matter that we take lightly at all—there have been issues and every single time those individual matters have either been drawn to my attention or drawn to the attention of the executives in charge of the health infrastructure program, those issues have been responded to, every single one of them, because we take workplace safety seriously. That is why we are the ones that have introduced the laws and that is why we will continue to see improvements made in occupational health and safety in the territory. And that includes on territory projects as well.

**MADAM SPEAKER:** A supplementary question, Mr Seselja.

**MR SESELJA:** Minister, what role will the Office of Regulatory Services have in investigating the government's performance in this matter?

**MS GALLAGHER:** The WorkSafe commissioner has a very active role in investigating matters on government jobs. I think you have seen Commissioner McCabe play that role very actively during the term of his appointment and particularly in the past two years with a particular focus on the Health Directorate.

## Gaming—regulation

**MR DOSZPOT:** My question is to the Minister for Racing and Gaming. In relation to interstate and overseas betting agencies offering odds on amateur local soccer and AFL games, the government has been on record in the *Canberra Times* of 16 April 2013 as stating:

... the ACT Government admitted it was powerless to prevent the practice by online bookmakers based interstate and overseas.

Chief Minister, you have also been reported in the *Canberra Times* of 16 April 2013 as stating that you:

... would not raise the issue with her federal colleagues and declined to comment further.

Minister, is this not an urgent matter for you and your government?

**Ms Burch:** Madam Speaker, can I just be clear? He started the question to the Minister for Racing and Gaming and then ended it with the Chief Minister. So I—

**MADAM SPEAKER:** I would have thought that was a slip of the tongue. I thought it was clear that because—

**Mr Doszpot:** You are absolutely correct. It is to the Minister for Racing and Gaming. I apologise, Chief Minister.

**MADAM SPEAKER:** Ms Burch, the Minister for Racing and Gaming.

**MR CORBELL:** Madam Speaker, I will take the question. As I understand it, the question relates to online gambling. Is that correct?

**Mr Doszpot:** Yes.

**MR CORBELL:** Online gambling and issues around gambling on sporting matches are matters that the government has agreed, along with all states and territories, to create new offences and criminal law for to protect and in particular to guard against corruption and match fixing in sporting fixtures.

To that end, my directorate is currently developing legislation that will provide for new offences around match fixing associated with gambling on sporting fixtures. That legislation is currently being considered by the government and I anticipate that it will be introduced in the coming months.

**MADAM SPEAKER:** Before we proceed, could I just clarify why, Mr Corbell, you are answering that question when the question was about gaming and racing?

**Mr Corbell:** My understanding was that the question was about matters arising from online gambling and also issues around match fixing associated with online gambling. Those are matters that fall within my responsibility as Attorney-General when it comes to the criminal law.

**MADAM SPEAKER:** Sorry, I am really genuinely trying to understand the demarcation between your responsibilities and Minister Burch's. I understood the question to be about, yes, online gambling, but the minister for gaming is not responsible for online gambling?

**Mr Corbell:** Madam Speaker, if there has been some confusion, the question was quite a long question but my understanding was that it related to issues around match fixing and online gambling. I apologise—

**MADAM SPEAKER:** And you are the minister responsible for online gambling?

**Mr Corbell:** I am the minister responsible for offences that are established that deal with match fixing. In relation to the issue of online gambling, I suggest to you, Madam Speaker, that the issue of online gambling is not regulated by the states and territories. It is regulated by the commonwealth.

**MADAM SPEAKER:** Thank you for that clarification. Supplementary question, Mr Doszpot.

**MR DOSZPOT:** Minister—I seek your clarification on this, Madam Speaker.

**MADAM SPEAKER:** I think you should address your questions to Mr Corbell.

**MR DOSZPOT:** Minister, since issuing the statement on 16 April, what actions have you taken to further raise the urgency of this matter with your interstate and federal counterparts?

**Mr Corbell:** It is now a different question, Madam Speaker, so I will defer to my colleague.

**MS BURCH:** I do apologise. The matter of online gambling sits with the Attorney-General. As he has explained, it is a federal responsibility. Stephen Conroy, as the minister for communication, manages that. The comment was made in reference to a racing ministers minco that was held in Sydney a week or so ago. It was actually discussed in a broad range of matters around gaming and racing. The racing ministers determined to write to Senator Conroy and raise their concerns.

**MADAM SPEAKER:** A supplementary question, Mr Smyth, if you can work out who to direct the question to.

**MR SMYTH:** I am not sure which one will answer but—

*Mr Barr interjecting—*

**MADAM SPEAKER:** Order, Mr Barr!

**MR SMYTH:** we will take pot luck. It is what we normally do. Minister, what advice have you sought from the Government Solicitor and what advice did you receive over these issues?

**MADAM SPEAKER:** Mr Corbell, do you want to answer this?

**MR CORBELL:** Yes. The issue of responsibility for the regulation of online gambling is not a state and territory responsibility. It is covered under the communications power in the constitution and it is a matter for the federal government. As Minister Burch has indicated, it is a matter of interest to state and territory gaming and racing ministers and they have raised the matter with the commonwealth, who have the constitutional power—

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Order, Mr Hanson! It is complicated enough without that.

**MR CORBELL:** to regulate communications, including online communications, and therefore online gambling. States and territories do not hold the communications power and cannot control that realm.

**Mr Smyth:** I do not believe my question has been answered. There was an explanation about—

**MADAM SPEAKER:** I cannot make him answer the question, Mr Smyth.

**Mr Smyth:** Answers have to be relevant and direct. My question asked about legal advice, not an expose on who has got control.

**Mr Corbell:** The question has been answered.

**Mr Smyth:** He has not answered the question. He was not relevant under standing order 118(a).

**MADAM SPEAKER:** I think Mr Corbell has answered it as much as he is going to. Short of a half-nelson, I cannot make him answer anymore. A supplementary question?

**MR SMYTH:** Minister, who protects then the interests of ACT residents and ensures that the federal government is doing its job from your government?

*Opposition members interjecting—*

**MADAM SPEAKER:** Minister Burch, do you want to answer this?

**MS BURCH:** I will make a response. For the benefit of those over there, it is complicated—

*Opposition members interjecting—*

**MS BURCH:** As Minister for Racing and Gaming, I have an interest—

*Opposition members interjecting—*

**MADAM SPEAKER:** Orders, members! I need to hear Ms Burch.

**MS BURCH:** For the Attorney-General, there is an interest and, indeed, the sports minister would also have an interest in this. At the most recent minco, which was racing ministers—and I do want to thank the minister for racing of New South Wales for hosting the event—we recognised this. With online betting, as you could imagine, those in the racing industry want to maintain a system of high integrity. Concerns were raised, they were discussed and we wrote to the federal senator who is responsible for communications.

### **Education—funding**

**MS BERRY:** My question is to the Chief Minister. Chief Minister, at the recent COAG meeting, you expressed your support for the national schools reform but indicated that the ACT had not finalised negotiations with the commonwealth. Could you please advise the Assembly on details of the commonwealth offer to the ACT and what impact it will have on ACT public schools.

**MS GALLAGHER:** I thank Ms Berry for the question and her interest in funding for all ACT schools. As Ms Berry said, at the recent COAG meeting the ACT government did express support for national schools reform, but we were not ready to sign on the day. Since that meeting, the New South Wales government has been in a position to reach agreement with the commonwealth in relation to school funding.

Overwhelmingly, the ACT government supports the direction that the national school reform work heads into, which is around quality teaching, quality learning, empowering school leadership, meeting student needs regardless of what school they attend, and bringing transparency and accountability back into information on school performance, both for parents and for other education stakeholders. We very much, in the last election, went to all of the education meetings through the election campaign expressing our support for needs-based funding and made our election commitment decisions based on that—that we would target our extra funding going into education based on student need. That would be addressing educational disadvantage through different criteria such as disability, Indigenous status, language proficiency and also matters relating to school size and school location, although remote and regional schools are not an issue for the ACT.

The issues for the ACT are different from those of other jurisdictions. The financial aspects of the arrangements are the same for all states and territories—that is, that we

need to adopt a needs-based model, including a schooling resource standard with a six-year transition period, with an annual growth rate of 3.6 per cent, with any additional funding being shared on a ratio of 65 to 35 commonwealth-state.

The ACT's situation is different in the sense that the majority, the vast majority, of our schools already reach the school resourcing standard that other jurisdictions are being asked to fund their system to. So in terms of financial benefit for the territory, were we to sign the Gonski-related reforms it would not involve large increases of education funding coming from the commonwealth—quite different from what we have seen being signed and delivered in New South Wales.

There are some issues for the ACT in the sense that we will be required to implement a range of the national school improvement plan initiatives or all of the national school improvement plan initiatives. We are happy to do so, but at the moment the resourcing for that will not be as it is for other jurisdictions where the level of funding of schools has not been what it has been in the ACT.

One of the other strange outcomes of this is that those jurisdictions, WA and the ACT in this instance, that have prioritised education funding in their budget and have brought their schools up to a resourcing standard that is very good—and it is very good in the ACT on any comparison—in a sense will not be benefiting from the flow of commonwealth dollars because there is no requirement for the commonwealth to bring our students up to that level of resourcing.

So there is still a bit of work to go with the commonwealth. We overwhelmingly endorse the direction that these reforms are going in. We think they are good for education across the country. But we are wanting to make sure that there is a good deal for students in the ACT regardless of what school they attend.

**MADAM SPEAKER:** A supplementary question, Ms Berry.

**MS BERRY:** Chief Minister, can you advise the Assembly of details of the principles underpinning the school resource standard and what impact they will have across our ACT education system?

**MS GALLAGHER:** I thank Ms Berry for the supplementary. The school resourcing standard focuses on providing a set amount, or a base amount, for each student—so for primary students \$9,271 and for secondary students \$12,193. There are loadings on top of that based on socioeconomic status, disability, Indigenous, English language, school size and/or remote and regional schools. All loadings would be publicly funded in all schools, government and non-government, and the base amount in non-government schools would be discounted by parents' capacity to pay non-government school fees.

Under the proposed offer from the commonwealth, it is different about how that applies to our schools. For schools that are funded below the resource standard, their entitlement would be to transition to the resourcing standard over six years and that would be growing at a rate of 3.6 per cent. For those schools funded at the school resourcing standard now, their funding would grow by 3.6 per cent indexation, but for

schools currently funded above their resourcing standard, they would be capped at a lower rate, at three per cent, until they reached the resourcing standard over time, at which point the 3.6 indexation would kick in.

As I said, the vast majority of our schools are funded above the resourcing standard; some are at and only a handful are below. So this will impact differently for individual schools across the ACT.

**MADAM SPEAKER:** A supplementary question, Mr Gentleman.

**MR GENTLEMAN:** Minister, when do you expect to finalise this agreement?

**MS GALLAGHER:** I thank Mr Gentleman for the question. The Prime Minister has signalled her intention to have this matter resolved by 30 June this year. So that gives us around another six weeks or so to work with the commonwealth. Certainly the ACT government would be keen to resolve this by that date, because there is not an option of doing nothing. We need to provide schools with certainty for the first school day of next year, and six months out from that is a relatively short window.

So I am conscious that we do need to reach agreement with the commonwealth, as other jurisdictions will be seeking to do as well. I am also conscious that the SPP relating to funding will finish, as will the national partnership payments as well. So there are some financial risks involved. We need to continue to work with the commonwealth on delivering a good outcome, but that outcome will be based on the fact that our schools in the ACT, whether they are government or non-government, are funded at a level that is generally a lot higher than other schools across the country and that those schools, the ones that do not get the resourcing our schools get now, will be the ones that financially benefit the most from this agreement.

**MADAM SPEAKER:** A supplementary question, Mr Hanson.

**MR HANSON:** Chief Minister, will you assure Canberra parents that you will not accept per capita funding for students lower than the national average?

**MS GALLAGHER:** I am not sure that I understand the question. The answer is that this sets a resourcing standard for every single student across Australia, whether you are in primary or secondary schooling. That is the resourcing standard. What I have just been saying through question time is that some of our schools are below, some of them are at and many of them are above. So this is all about everyone getting the same amount of resourcing per student across the country. That is what a national system of funding is all about in education. So what the ACT gets, or what is on the table, is that we agree to a resourcing standard that is exactly the same as the one that Barry O'Farrell has agreed to in New South Wales, on exactly—

**Mr Hanson:** We are going to get less than—

**Mr Coe:** He is doing pretty well out of it.

**MS GALLAGHER:** Yes, because they have not funded their schools properly, Mr Hanson. If you will listen to me, he is doing very well because their schools are under-resourced. That is what you do not get. So where we have made the resourcing allocations, our schools are already at it.

**Mr Hanson:** So you are going to accept less?

**MS GALLAGHER:** I would refer Mr Hanson back to the Gonski report. I think he needs to refresh his memory on what we are actually dealing with here.

**Mr Hanson:** You're selling out the ACT.

**MS GALLAGHER:** As usual, it is the simplistic approach from Mr Hanson. You have failed to listen to anything that I have just said. This is about a national resourcing of students across the country, where everybody gets the same. Because the ACT government has provided the amount of funding—

*Opposition members interjecting—*

**MADAM SPEAKER:** Order, members!

**MS GALLAGHER:** You should actually be proud of our education system, Jeremy, not making fun of it.

### **ACTEW Corporation Ltd—executive remuneration**

**MR COE:** My question is to the Chief Minister. I refer to a recent freedom of information request made by the *Canberra Times* to your department for correspondence between yourself and ACTEW regarding executive remuneration. The *Canberra Times* claims that it was denied access to several key documents, including a report by independent remuneration consultants Egan Associates commissioned by ACTEW on the managing director's salary package and minutes of meetings held between 2009 and 2012. Chief Minister, why have you or your office not released the Egan Associates report on executive remuneration?

**MS GALLAGHER:** The application is being dealt with under the Freedom of Information Act which, again, Mr Coe might like to go and familiarise himself with, which does allow—

**Mr Hanson:** Open and accountable government.

**MADAM SPEAKER:** Order, Mr Hanson!

**MS GALLAGHER:** Indeed, if you go and read the FOI, which I am sure you have, online, and which is open and accountable government, Mr Hanson—

*Mr Seselja interjecting—*

**MADAM SPEAKER:** Order, Mr Seselja!

**MS GALLAGHER:** If you go and read that, it provides for third-party refusal of release of information. That is the stage we are at at the moment. There is more to be done. At this point, based on the FOI Act and the application of it—and, yes, advice has been sought about this—I am very confident that this has been dealt with in accordance with the FOI Act, as is appropriate.

**MADAM SPEAKER:** A supplementary question, Mr Coe.

**MR COE:** Chief Minister, are you saying that the third-party refusal is the only reason why all documents have not been released as part of that FOI request?

**MS GALLAGHER:** No. You can see the reasons are extensive; they are contained in the letter which is provided online, as I understand, the covering letter around the application. But in relation to a certain amount of documents, third-party consultation was sought. Exemptions were sought under that section of the act, and a decision was taken by the decision maker, as is appropriate. There are further stages where this can go if the applicant proposes to pursue it, as is right under law, and this will be dealt with appropriately and transparently under law.

**MADAM SPEAKER:** A supplementary question, Mr Doszpot.

**MR DOSZPOT:** Chief Minister, why should the Canberra community have confidence in the concern you expressed about this matter given your secrecy over the release of documents?

**MS GALLAGHER:** It is not my secrecy, Mr Doszpot, and I have been clear about the concerns I have had in relation to this matter at every step of the way. An FOI application has been submitted. It has been dealt with under the law as it applies, as is appropriate, as I expect for every single FOI application that is put in. There are reasons that are outlined in the letter from the decision maker. I believe at this stage of the process that the decisions taken were appropriate.

**MADAM SPEAKER:** Supplementary question, Mr Smyth.

**MR SMYTH:** Chief Minister, as a director you have the power under the act to direct the ACTEW board to undertake certain actions. Will you now direct them to release the report in this new era of openness and accountability?

**MS GALLAGHER:** I am not a director and Mr Smyth knows that. Shareholders do have particular powers under the Territory-owned Corporations Act. I would say that open government, as you like to choose to use it from time to time, does not—

*Mr Hanson interjecting—*

**MS GALLAGHER:** At every stage of the way as we are going through an open government reform I have said that it is not a free-for-all on every document, that

there still have to be some protections in place. The FOI law is the freedom of information law as it stands. It is being applied. That is appropriate.

**Cotter Dam—cost**

**MR SESELJA:** My question is to the Chief Minister. Chief Minister, on 24 October 2007 Jon Stanhope said on 666 radio that the new Cotter Dam would come “at a cost of \$145 million”. The ABC published this figure online. This figure was publicly repeated by the then Chief Minister many times in 2007 and 2008. ACTEW’s current figure for the cost of the enlarged Cotter Dam is \$405 million. The outgoing chair of ACTEW has recently claimed that this is a blowout of 11 per cent. Using Jon Stanhope’s publicly stated figure, the blowout is 280 per cent. Chief Minister, is the cost blowout for the enlarged Cotter Dam 11 per cent or 280 per cent?

**MS GALLAGHER:** The ICRC looked at this matter. It determined that a fair and reasonable cost for the Cotter Dam was in the order of \$363 million—certainly not a blowout of the order that Mr Seselja outlines.

**Mr Hanson:** So Jon Stanhope was not telling the truth; is that right?

**MS GALLAGHER:** I have had my own view about the figure that Mr Stanhope used. It was not used in the context of the total project cost for the dam. The total project cost for the dam was \$363 million. It has come in over that. So, yes, I would agree with the chair of ACTEW in relation to that matter.

**MADAM SPEAKER:** Supplementary question, Mr Seselja.

**MR SESELJA:** You said you had your own view on the \$145 million figure that was touted by your predecessor. What was that view, and did you have a different view when you went to the election promising a \$145 million dam?

**MS GALLAGHER:** My view is that the \$145 million figure was not the total project cost.

**MADAM SPEAKER:** A supplementary question, Mr Hanson.

**MR HANSON:** Why did the ACT Labor government go to an election in 2008 repeatedly saying that the dam would be built for \$145 million?

**MS GALLAGHER:** The total project cost for the dam was seen by the ICRC as \$363 million. That is the total project cost for the dam. I would have to refresh my memory of election commitments given in, what would it be, 2004?

**Mr Hanson:** In 2007 and 2008 he repeatedly said \$145 million.

**MS GALLAGHER:** It is not a figure that I believe encompassed the total project cost of the enlarged Cotter Dam, that is, from beginning to conclusion.

**MADAM SPEAKER:** A supplementary question, Mr Hanson.

**MR HANSON:** If Mr Stanhope's figure was not full and accountable, will you now support the opposition's call for a full performance audit of ACTEW, including the blowout in the dam, by the Auditor-General?

**MS GALLAGHER:** No, I will not. This matter has been extensively canvassed in the ICRC's assessment and report to the Assembly prior to the last election.

### **Economy—exports**

**DR BOURKE:** My question is to the Minister for Economic Development. Can the minister advise the Assembly what steps the government is taking to assist ACT exporters grow further market opportunities?

**MR BARR:** I thank Dr Bourke for the question. The government has in place a range of programs and provides a variety of support to assist ACT businesses to grow as exporters. This includes help to establish exporting businesses to then grow their export activities and to work in new markets. The ACT government's trade development support is delivered via a single program interface, Global Connect, which has been established for the various trade development related activities.

Some examples of activities undertaken in this area include Trade Connect, which is a competitive grants program providing funding to emerging Canberra exporters to support certain trade development activities. We support the ACT Exporters Network, which provides private sector leadership to promote exporting in a unique form for new and experienced exporting companies to network, to share knowledge and to expand their export activities.

Through the trade mission program, there are outbound ministerial-led missions providing companies with support in new markets. Through the ACT Chief Minister's export awards, we recognise excellence in export performance and feed into the national export awards, providing ACT finalists with a prestigious reference for expanding international markets.

We have established the Exporting Government Solutions Centre of Excellence, which provides resources and expert mentoring to small and medium enterprises with a demonstrated capability for delivering innovative solutions to the Australian public sector to take those solutions to the international marketplace. Through the ACT international student ambassador program, we aim to leverage the international student experience in Canberra as both an international education marketing tool and importantly as a skills and alumni network that can link to the territory economy.

In addition, the Global Connect programs aim to: deliver a range of initiatives and support that are specifically targeted at raising awareness about the direct and indirect benefits of exporting; increase the number of ACT exporting firms by addressing market failure issues that are faced by emerging exporters; accelerate the growth of globally competitive and resilient businesses; develop specialist capability in enterprises that sell into different and complex export markets; connect experienced exporters and export intenders to work together to develop market opportunities;

connect the ACT's large international student community to the business community to develop an international trade and investment network; and recognise, promote and develop case studies on the achievements of successful exporters.

The government understands the importance of exporting to this economy. We are roughly two per cent of the Australian economy. Australia is roughly two per cent of the world economy. We need to export in order to grow our business sector. We are backing this up with concrete programs and funding. We also acknowledge the dedicated and far-sighted work undertaken each and every day by an ever-growing number of ACT firms who are exporting and in the process helping our economy to grow and to create local jobs.

**MADAM SPEAKER:** A supplementary question, Dr Bourke.

**DR BOURKE:** Can the minister advise the Assembly on the focus of the trade mission to Jakarta?

**MR BARR:** The trade mission to Indonesia was themed around the ACT's significant competitive strengths in the areas of international education, knowledge-intensive business services, information and communications technology and expertise in public sector administration. Our efforts were focused in industries where the territory excels.

On the trip I was joined by 15 ACT companies and the ACT's significant international education providers, including the ANU, the University of Canberra, the Australian Catholic University and the Canberra Institute of Technology.

A priority of the trade mission was to build the connections between Canberra and Jakarta and to help lay the groundwork for future growth and cooperation. The chance for territory businesses and education providers to have face-to-face meetings and to attend events with their counterparts in Indonesia was very valuable for those businesses. Not only are there more potential opportunities now being pursued as a result of this particular visit but also the trade mission was an important part of building longer term connections that will enable business opportunities into the future.

Indonesia is our fourth largest trading partner in ASEAN and the 12th largest trading partner overall. Indonesian investment in Australia is on the rise—an 11 per cent increase in recent times, to nearly half a billion dollars a year. I look forward to the ACT continuing its engagement with Indonesia and specifically with Jakarta.

**MADAM SPEAKER:** Supplementary question, Ms Berry.

**MS BERRY:** Can the minister expand on the government's focus on these export markets in the territory for the next 12 months.

**MR BARR:** The government's trade development strategy aims to showcase capability in relevant international markets where we have a comparative strength. This means that we will focus our efforts on markets where there is a strong demand

for goods and services produced by ACT firms. A key focus will be on Asia, notably South-East Asia, in keeping with the national Asian century white paper. A focus will also be on the United States, where the market for government services is worth over \$1 trillion. To put some perspective on this, the market for government services in the United States is roughly the same size as the entire Australian economy. So accessing just a fraction of this market is a fantastic result for local businesses.

This trade development focus over the next 12 months will include return visits to the United States as a follow-up to the successful trade mission that I led in 2011. Preparation is underway within the Centre for Exporting Government Solutions to work with a cohort of new companies to prepare market development plans for North American public sector markets. Further trade development activities will be focused on China and India, and a potential return to Indonesia has also been flagged. And in the short term I can advise that the ACT government is supporting nine Canberra filmmakers, through Trade Connect, to travel to France this week to pitch locally made feature films at the prestigious Cannes film festival.

**MADAM SPEAKER:** A supplementary, Mr Smyth.

**MR SMYTH:** Minister, from Jakarta you went to Singapore to talk to airlines. Did you manage to secure international flights from Singapore to the ACT?

**MR BARR:** Whilst in Singapore I launched invest in Canberra, met with Changi Airport, the Indonesian tourism and economic development minister, Scoot airlines and the Singapore Tourism Board. As this was an initial visit and the first opportunity to meet with each of those organisations and to launch invest in Canberra, it was never intended that we would secure international flights on that first visit. However, I met today with Canberra Airport, who will be undertaking a follow-up visit in the near future, and it is my intention to be back in Singapore again later this year in order to follow up on a number of the investment opportunities that we began to develop in this first 48-hour visit.

### **ACTEW Corporation Ltd—dividend payments**

**MR SMYTH:** My question is to the Treasurer. Treasurer, Mr Mark Sullivan stated on 23 April at the ICRC public forum:

The draft report, if implemented, would likely result in an accounting impairment of several hundreds of millions of dollars to ACTEW Corporation. This will lead to the end of dividend payments for several years and will create significant budgetary questions for the ACT government that can only be solved by higher taxes or reduced services.

Treasurer, is it true that the implementation of the draft report would see the end of dividend payments to the ACT from ACTEW for several years, as Mr Sullivan has said.

**MR BARR:** That is a possible outcome, yes.

**MADAM SPEAKER:** A supplementary question, Mr Smyth.

**MR SMYTH:** Treasurer, what taxes would be raised and what services would be cut as a result of this report being implemented?

**MR BARR:** It is a hypothetical question, Madam Speaker.

**MADAM SPEAKER:** Yes, it is. A supplementary question, Mr Coe.

**MR COE:** Treasurer, why have you not told the Assembly and the people of the ACT about the significant budgetary questions this raises, specifically a budget black hole of perhaps hundreds of millions of dollars?

**MR BARR:** I would refer the Deputy Leader of the Opposition to the government's submission to the ICRC on the draft determinations.

**MADAM SPEAKER:** Mr Coe.

**MR COE:** Treasurer, given the impact that any changes to ACTEW's water and sewerage prices would have on the government's budget, why did you set the final report to be completed on 12 June, eight days after the budget is handed down?

**MR BARR:** There are processes that the ICRC must go through in order to complete its determination. We will, of course, take into account in future budgets the implications of the final determination of the ICRC.

### **Environment—grants**

**MR GENTLEMAN:** My question is to the Minister for the Environment and Sustainable Development. Minister, last week you called for applications for the 2013-14 environmental grant program. Could you please tell the Assembly about this program and its operation.

**MR CORBELL:** I thank Mr Gentleman for the question. Yes, the government is seeking expressions of interest—or, if you like, submissions—on applications for grants under the ACT's environment grants program. This is an important program that supports on-the-ground activity to improve environmental outcomes here in the ACT. The grants have existed in one form or another since 1997 and are a very important way of supporting community-based activities to improve or protect the ACT's natural environment.

Applications are now open to individuals, to community groups and to not-for-profit or private organisations to seek grant funding so that they can undertake important projects that assist in the protection, the restoration or the enhancement of the ACT's natural environment. We have seen a broad range of groups in the past supported through this program, many of them grassroots, community-based organisations who do excellent work in protecting, restoring and enhancing our natural environment. I encourage everyone with an interest in the grants program to make an application. They close on Friday, 17 May.

**MADAM SPEAKER:** A supplementary question, Mr Gentleman.

**MR GENTLEMAN:** Minister, this program has been running for some time. What sort of environmental outcomes have been achieved?

**MR CORBELL:** Thank you for the supplementary, Mr Gentleman. There have been a range of on-the-ground projects that have been implemented as a result of previous grants rounds. My focus as minister has been on making sure that these grants moneys go to practical, on-the-ground work that helps improve and enhance our natural environment.

The types of activities include nature conservation, weed and pest management, native vegetation management, health of our waterways, soil health, climate change adaptation and sequestration, rehabilitation and restoration of urban parks, and support for Indigenous people's involvement in protecting and caring for our natural environment.

To give you some examples, Madam Speaker, the Friends of Aranda Bushlands have received in the past about \$4,000 to assist them with erosion control in the Aranda snow gums reserve, a very beautiful part of the Aranda bushland just to the south of the suburb of Aranda. We have also seen grants to groups such as the National Parks Association of the ACT for their Gudgenby bush regeneration group. This is for the trial rehabilitation of selected areas of Namadgi national park, having regard to traditional land management practices. So it is a very valuable program there.

Greening Australia, of course—\$38,000 to establish and maintain intensive seed production systems for grassy understorey plants. This is a great project. Greening Australia are going out and collecting seed to develop a seed bank of the existing endangered woodland and grassland communities around the ACT, propagating those grasses and plants, and then being able to replant them to revegetate particular areas. On the work of Greening Australia, I was very pleased to be out at the Cotter on the weekend to see them complete their very important restoration project out there. *(Time expired.)*

**MADAM SPEAKER:** Ms Porter, a supplementary question.

**MS PORTER:** Minister, what further benefits to the environment are derived from partnerships with the community?

**MR CORBELL:** I think there are really valuable benefits to come from our engagement with these on-the-ground environment groups and nature conservation groups. I was mentioning in the conclusion to my previous answer the excellent work that Greening Australia have done in restoring the Cotter catchment. Over 500 hectares of land across the Cotter catchment has been rehabilitated since the 2003 fires, with, I think, over 70,000 hours of volunteer work in planting over 300,000 trees and grasses into the Cotter catchment to restore the Cotter catchment.

I was very pleased to be out there on the weekend at Bullock Paddock Road, and Ms Porter was there as well, to mark the completion of the Cotter catchment regeneration project. There was a great turnout by volunteers on the day. Around 300 volunteers were present for what was a stunning day out in the Cotter catchment just behind the Uriarra settlement. There we marked the completion of this very valuable community partnership.

It is those types of partnerships that we are going to continue to foster into the future and in which programs like the environmental grants program have an important role to play.

**MADAM SPEAKER:** A supplementary question, Ms Berry.

**MS BERRY:** Minister, does the government intend to pursue the continued care and protection of our natural environment?

**MADAM SPEAKER:** Mr Corbell. It is a tenuous connection with the original question.

**MR CORBELL:** It is entirely relevant, and I thank Ms Berry for it. Yes, the government will be continuing to engage with the community organisations obviously. We will continue with the current round in relation to grants under the environment grants program but we will also be focusing on some very important work into the future, for example, catchment management. On-the-ground, community-based organisations will have a vital role to play.

The government has been successful in securing in-principle support from the commonwealth for up to \$85 million worth of funding for improved catchment management to improve the health of our waterways, our lakes and our ponds. As we reach finalisation of those agreements with the commonwealth, the engagement of land care groups, park care groups, water watch groups will be critical, because they will be doing a lot of the restoration work, environment management and conservation work on the ground, along our riverine estuaries, along our streams and around our lakes and ponds. That will be a very important task.

They will be getting that support directly because of this government's ability to secure the support of the commonwealth for dollars to improve catchment health, and that has great benefits for the natural environment, both in terms of our waterways as well as land areas and the protection and enhancement of those areas of our environment.

### **ACTEW Corporation Ltd—management**

**MR WALL:** My question is to the Chief Minister as a shareholder in ACTEW. I refer to the 2011-12 ACTEW Corporation Ltd annual report to the ACT government. The annual report states that ACTEW has two subsidiary companies, ACTEW Retail Ltd and ACTEW Distribution Ltd, both of which are wholly owned by the people of

Canberra. Chief Minister, who appoints the directors of ACTEW Retail Ltd and ACTEW Distribution Ltd?

**MS GALLAGHER:** The shareholders do.

**MADAM SPEAKER:** Mr Wall, a supplementary question.

**MR WALL:** Chief Minister, who are the directors of ACTEW Retail Ltd and ACTEW Distribution Ltd and when were they appointed?

**MS GALLAGHER:** I will take that on notice. We have just made another appointment. There have been some executive changes at ACTEW and we have reflected those through decisions recently in relation to appointments, but I am very happy to provide that to the Assembly. I think it is Mark Sullivan and Ian Carmody. I will just check. I think there might be another person. I will come back to the Assembly.

**MADAM SPEAKER:** A supplementary question, Mr Doszpot.

**MR DOSZPOT:** Chief Minister, who determines the remuneration of the directors of ACTEW Retail Ltd and ACTEW Distribution Ltd and how much are they paid?

**MS GALLAGHER:** They are not paid for sitting on those—they are, essentially, holding companies in the joint venture and they are staff of ACTEW. Those executive arrangements are outlined in the annual report.

**MR DOSZPOT:** Chief Minister, is there any determination for the remuneration of a particular director? How are allowances made for any remuneration already received for performing other roles within the corporation?

**MS GALLAGHER:** I think the question was: do they get any other remuneration for sitting on those boards as opposed to their roles within the corporation? No.

### **Families—services**

**MRS JONES:** My question is to the Minister for Disability, Children and Young People. I refer to an article in the *Canberra Times* of 23 April 2013 titled “ACT in \$1m cycle of services for needy”. The article said:

... a bureaucratic and fragmented social services system is leading to troubled families having years in contact with various government agencies without solving their underlying problems.

It was also claimed that it is not unusual for a million dollars to be spent on an individual in a year. Minister, how many individuals would the ACT government spend a million dollars on in a year and how would that million dollars be acquitted?

**MS BURCH:** I thank Mrs Jones for her question. I do not have the details about costs for individuals and families, but let me go to the thrust of the project that we are

embarking on, which I think the article was about. Many of us here understand that very vulnerable, complex families have interactions with education, with community services, with justice and health and probably with every agency of government. What we have found is that in many ways with the silos of government—and it is just an artefact of what governments are: they have silos of function—for those very complex families it is—

**Mr Hanson:** Madam Speaker—

**MADAM SPEAKER:** Point of order, Mr Hanson?

**Mr Hanson:** Yes, please. The question was quite specific in that it was not about the broad project; it was asking how many individuals the government would spend more than a million dollars on. If the minister is unable to answer that in response to the question, maybe she could answer that on notice—but certainly be directed to be relevant in terms of the financial aspect in terms of how many families or individuals have a million dollars spent on them.

**MADAM SPEAKER:** That is correct, Ms Burch. That was the thrust of the question, and the standing orders require you to be directly relevant.

**MS BURCH:** I said that I did not have that detail in front of me. I looked across the chamber and more or less implied that I am happy to go to the detail of the project. I am quite happy to leave it there and bring that detail back if there is no interest in the project.

**MADAM SPEAKER:** A supplementary question, Mrs Jones.

**MRS JONES:** Minister, how much of this million-dollar price tag is a result of running a somewhat fragmented social services system, and what is being done?

**MS BURCH:** Again, I do not have that detail in front of me. I will bring back what I can. But suffice it to say, often what we read in publications is somewhat of a narrative to a story and not the detail of the case-by-case individuals or families.

But if I can go back to explaining the project that we are embarking on, these complicated vulnerable families have interacted across a number of agencies, and we have determined that it probably is far better for them and for us as a sector, not only as a government but the community sector as well, to see how we can do better with them. We embarked on a project about 12 or 18 months ago called working with families, and we got quite down into the detail of a journey of a family or an individual through the different service systems, both with government and non-government agencies.

From that, we determined this next phase of the project, which was, in simple terms, to apply a single caseworker and for them to have some delegation to work across government agencies and community services so that the family are really having that interaction with one key leader, rather than going into the draw and getting a caseworker, going into the next service and getting the next caseworker. What we have done is gone out to a number of families and asked for them to volunteer to be

part of this, and we have about 20 families that are very keen and interested to work with us as we progress with this program.

There are about a dozen families in the scheme of things. There are probably about 200 families that would have a direct benefit from this, but it is a very complex project and working with a small number of families that are very keen to be part of this journey of change themselves, I think, is the right way to go.

**MADAM SPEAKER:** A supplementary question, Mr Wall.

**MR WALL:** Minister, how much of the million-dollar price tag stems from troubled families spending years in contact with government agencies?

**MS BURCH:** I think it is most unfortunate that you have tagged onto the million-dollar family, not understanding the structural changes that we need to work through here. It is government but it is also non-government services. The families interacting across the agencies, with the ministers here, are also probably accessing non-government services, multiple agencies at different times. This project is about working across government and non-government agencies. Whether we are spending \$10, \$100, \$1,000 or \$100,000, in many ways it is the complexity of these families; we have got to partner with these families with very complex needs and make the difference, without necessarily worrying about a price tag.

**MADAM SPEAKER:** A supplementary question, Mr Gentleman.

**MR GENTLEMAN:** Minister, how important is it to provide assistance for these complicated and vulnerable families?

**MS BURCH:** I thank Mr Gentleman for his question. It is absolutely critical that we work in partnership with these families. Those that are struggling through housing concerns often have other underlying health issues. It could be somebody who has a lifelong disability or disadvantage. There are others, though, that may enter into homelessness because of a change in employment conditions. It means that we have to respond to these at different times. If someone is presenting to a homelessness service, we also need to think about how we help them with other aspects of their life. Is it employment? Is it access to training to enhance their employment opportunities?

This new way of approaching these very complex clients actually walks in their shoes and has one caseworker answering and addressing those conditions. It is important that we have a holistic approach to this.

### **Multicultural affairs—driving lessons**

**MS PORTER:** My question is to the Minister for Multicultural Affairs. Minister, what support has the ACT government provided to help Canberra migrants on low incomes obtain a drivers licence? How did that support come about?

**MS BURCH:** I thank Ms Porter for her question. The learn-to-drive program was an initiative that came out of a 2011 multicultural jobs round table that I hosted in November of 2011. This was a round table that I convened after meeting with leaders of the multicultural community, particularly the South Sudanese community, which is one of the growing communities here in Canberra, with many of them arriving to Australia as refugees.

I heard from many South Sudanese that finding employment in Canberra was proving difficult. So I convened a round table to look at how our community and the government can better work together to support and help them contribute to our city. The key barriers to employment identified at the jobs round table included lack of networks in the Australian workplace, experience, a lack of support for social enterprises and a lack of English language skills.

It was identified at the round table that learning to drive can often be an expensive process and especially costly for people in our community on low incomes and from culturally and linguistically diverse backgrounds. Through the Office of Multicultural Affairs, the ACT government allocated \$15,000 to support a learner driver training program. Last year three multicultural community members trained as driving instructors with scholarships funded through the enhance the multicultural sector program.

The ACT government has worked in partnership with MARSS, the Migrant and Refugee Settlement Service, to bring the program to fruition. MARSS has purchased a new car with dual controls, which will be used for lessons. The Hellenic Club has come on board by providing \$4,000 to help cover petrol costs.

This is a great example of the whole community working together to help others and another example of the success of our community clubs model here in the ACT. I was pleased to launch the program last week with MARSS. I know that Mr Coe was there. He attended the launch and he heard for himself just how welcome this program has been and the difference that it will make not only for those who have now directly skilled up as driving instructors but also the ripple effect for many of the new arrivals in our community.

**MADAM SPEAKER:** A supplementary question, Ms Porter.

**MS PORTER:** Minister, has there been much interest from the migrant communities in taking up this program?

**MS BURCH:** In short, there has been significant interest in this program. As of last week, 90 people had signed up for lessons which will be offered Monday through to Friday throughout the city and through the three accredited driving instructors. This is significant, given that the program is a targeted one which aims to support those who would otherwise not be able to afford professional driving lessons.

MARSS has set up rigorous eligibility criteria, and that includes: participants must be a migrant or a refugee; they must be on Centrelink benefits and earning less than

\$18,000 annually; and they must possess a current learners licence, which can be obtained through the Multicultural Youth Services' road ready course. Participants will pay a \$30 fee for a lesson rather than the commercial rate, which is well above that and certainly well above what they could afford.

At the launch I spoke with some of the young men and women who will be involved in the program and they told me just how hard it was to even get an interview for jobs without having an ACT drivers licence. They saw this program as a tremendous opportunity to improve their skills and to learn something that most of us take for granted.

I will monitor the operation of the program and look at how we can continue to support such a program into the future.

**MADAM SPEAKER:** A supplementary question, Dr Bourke?

**DR BOURKE:** How else is the ACT government supporting refugees and asylum seekers in the community to obtain employment and overcome cultural barriers?

**MS BURCH:** I thank Dr Bourke for his question. The ACT government has a number of programs to improve access to employment and overcome cultural barriers. One is the interpreter training for emerging language groups. Recently four members of the Sudanese community completed interpreter training through the National Accreditation Authority for Translators and Interpreters. This has a double benefit by providing much-needed interpreting services as well as employment opportunities for community members.

White Nile catering is another example. This fledgling local company is owned by five Sudanese women who have put their culinary skills to work in developing a catering business. The women of White Nile arrived in Australia as refugees from Sudan and they are working together to share their skills and to build their business as part of their journey in creating a new life in Australia. White Nile catering has been assisted in their social enterprise by the Office of Multicultural Affairs, who are making available a commercial kitchen at the Theo Notaras Multicultural Centre.

One of our most popular programs that supports refugees and asylum seekers is the work experience support program. WESP is designed to help Canberrans from culturally and linguistically diverse backgrounds to enter the workforce by providing an opportunity to improve skills and competence. The latest group of 18 participants graduated last month.

Another new program is the collaborative fashion design work experience program. This program is seeing fashion-loving and skilled seamstresses from the local refugee and migrant communities working alongside members of the broader Canberra community in dedicated no-sweat fashion studios at the University of Canberra High School Kaleen. The program involves 36 weeks of mini-projects, led by a skilled facilitator, and will operate for two days a week. As the project progresses, participants will develop and produce samples for a unique and commercial-quality fashion collection. *(Time expired.)*

**MADAM SPEAKER:** A supplementary question, Mr Gentleman.

**MR GENTLEMAN:** Minister, why is it so important to provide our support for these low-income migrants?

**MS BURCH:** It is quite critical. Those refugees, asylum seekers and migrants that come to our community often come here with very little and they look to us as a community and a society to provide those opportunities and support. Programs such as these, by providing skills through driving instructing and also supporting social enterprises such as White Nile, give these individuals their individual capacity, their independence, to earn not only for themselves but for the ripple effect through those communities and those families. Having a place in society, society recognising and valuing them and giving them an opportunity for independence cannot be understated.

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

### **Supplementary answer to question without notice ACTEW Corporation Ltd—management**

**MS GALLAGHER:** Mr Wall asked me about the directors of ACTEW Retail and ACTEW Distribution Ltd. I indicated that Mark Sullivan and Mr Ian Carmody were two of the directors. The third director is Simon Wallace, who is also the chief financial officer of ACTEW. That information is all contained on the ACTEW website.

## **Papers**

**Madam Speaker** presented the following papers:

Auditor-General Act—Auditor-General’s Report No. 2/2013—Executive Remuneration Disclosed in ACTEW Corporation Limited’s (ACTEW) 2010-11 Financial Statements and Annual Report 2011, dated 26 April 2013.

Standing order 191—Amendments to the Crimes Legislation Amendment Bill 2012 (No 2), dated 15 April 2013.

### **Executive contracts Papers and statement by minister**

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education): For the information of members, I present the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contracts:

Michael Chisnall, dated 4 April 2013.

Nic Manikis, dated 17 April 2013.

Patricia Drury, dated 5 April 2013.

Ranjini Nayager, dated 19 February 2013.

Shane Kay, dated 2 May 2013.

Short-term contracts:

Adrienne McRae, dated 10 April 2013.

Andrew Parkinson.

Christopher Reynolds, dated 9 and 11 April 2013.

Conrad Barr, dated 19 April 2013.

Daniel Stewart, dated 3 and 5 April 2013.

Derek Kettle, dated 22 April 2013.

Gabriel Joseph, dated 11 April 2013.

Jeremy Logan, dated 19 April 2013.

John Stenhouse, dated 22 April 2013.

Kuan Sim, dated 19 April 2013.

Lisa Salerno, dated 16 April 2013.

Mark Huxley, dated 22 April 2013.

Meg Brighton, dated 1 May 2013.

Michael Young, dated 1 May 2013.

Moira Crowhurst, dated 17 and 18 April 2013.

Somasunderam Jeyendren, dated 11 April 2013.

Thomas Gordon, dated 9 April 2013.

Contract variations:

Alison Playford, dated 17 and 18 April 2013.

Bronwen Overton-Clarke, dated 17 April 2013.

Carolyn Grayson, dated 2 May 2013.

Conrad Barr, dated 19 March 2013.

David Matthews, dated 17 and 18 April 2013.

Glenn Bain (2), dated 6 March 2013.

Helen Pappas, dated 25 and 28 March 2013.

Joanne Greenfield, dated 25 March and 8 April 2013.

Louise Gilding, dated 20 December 2012.

Moira Crowhurst, dated 17 and 18 April 2013.

Patrick Jones.

Sandra Kennedy, dated 17 and 18 April 2013.

Susan Morrell, dated 2 May 2013.

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

Leave granted.

**MS GALLAGHER:** I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all director-general and executive contracts and contract variations. Contracts were previously tabled on 9 April 2013. Today I present five long-term contracts, 17 short-term contracts and 14 contract variations. The details of the contracts will be circulated to members.

### **University of Canberra—annual report Paper and statement by minister**

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education): For the information of members, I present the following paper:

University of Canberra Act, pursuant to section 36—University of Canberra—  
Annual report 2012 (2 volumes), dated April 2013.

This report was circulated to members when the Assembly was not sitting. I ask leave to make a short statement in relation to the paper.

Leave granted.

**MS GALLAGHER:** I am pleased to table the University of Canberra annual report for 2012. The report is tabled under section 36 of the University of Canberra Act.

The 2012 annual report highlights a number of campus and community projects that have been initiated and progressed in that year with the support of the ACT government.

In September 2012 I signed a heads of agreement with the university's vice-chancellor, Professor Stephen Parker, confirming the establishment of the University of Canberra public hospital. This subacute hospital will continue the expansion of health and hospital services in the ACT and deliver an innovative approach to health, education, training and research. The project has moved into the design phase now, with a call for expressions of interest being advertised last month for a principal consultant to design the facility.

Other significant activity in the University of Canberra include the official opening of Weeden Lodge on 28 February 2012 and the commencement of construction of the university's new \$50 million student accommodation project, providing new purpose-built on-campus student accommodation. These projects play a significant role in delivering an affordable accommodation option for students, ensuring that studying in Canberra remains an attractive option for current and future students.

2012 also saw the opening of an innovative ICT facility at the University of Canberra, called the Inspire centre. The centre received \$2 million in funding from the ACT

government and is designed to facilitate research and promote innovative best-practice use of ICT among pre-service and practising teachers.

Many of the activities highlighted in the 2012 annual report are consistent with the ACT government's vision for Canberra as the nation's education capital. These activities will continue to contribute to our work in tertiary and research institutions in the ACT to improve student satisfaction, educational outcomes and strategic planning for new and emerging initiatives.

The university continued to grow in 2012, with the total student load up 32.7 per cent since 2009. Student satisfaction data in the annual report showed an improvement in the university's overall performance and ranking against other Australian universities.

As I have said in this place previously, the government's focus on higher education is important in the context of addressing the many challenges that we will face in the coming years. The ACT has a quality, thriving higher education sector with its internationally recognised institutions, including the ANU and the University of Canberra. The sector is an important economic driver for the territory, attracting smart students and quality research, and contributing to business and industry.

As Minister for Higher Education, I am pleased to present the 2012 annual report for the University of Canberra to the Assembly. We look forward to working with UC to strengthen the university's role in Canberra and the surrounding region.

## **Financial Management Act Papers and statement by minister**

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services): For the information of members, I present the following papers:

Financial Management Act—Instruments, including statements of reasons—

Pursuant to section 14—Directing a transfer of funds within—

Chief Minister and Treasury Directorate, dated 1 May 2013.

Environment and Sustainable Development Directorate, dated 1 and 2 May 2013.

Pursuant to section 16—Directing a transfer of appropriations from—

Community Services Directorate to the Education and Training Directorate, dated 2 May 2013.

Health Directorate to the ACT Local Hospital Network Directorate, dated 11 April 2013.

Office of the Legislative Assembly to the ACT Executive, dated 3 May 2013.

Shared Services Directorate to the Chief Minister and Treasury Directorate, dated 1 May 2013.

Territory and Municipal Services Directorate to the Environment and Sustainable Development Directorate, dated 1 May 2013.

Pursuant to section 16B—Authorising the rollover of undisbursed appropriation of the Economic Development Directorate, dated 1 May 2013.

Pursuant to section 18A—Authorisation of expenditure from the Treasurer's Advance to the Legal Aid Commission (ACT), dated 3 May 2013.

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

Leave granted.

**MR BARR:** As required by the Financial Management Act 1996, I table a number of instruments issued under sections 14, 16, 16B and 18 of the FMA. Advice on each instrument's direction and a statement of reasons must be tabled in the Assembly within three sitting days after it is given. I table a total of nine instruments today.

Section 14 of the FMA allows for the transfer of funds between appropriations, when endorsed by the executive. This package includes two such instruments. The first instrument facilitates the transfer of \$1.513 million in net cost of outputs controlled appropriation to the capital injection controlled appropriation for the Environment and Sustainable Development Directorate associated with the carbon-neutral government fund. The second instrument transfers \$30,000 in net cost of outputs controlled appropriation to capital injection controlled appropriation within the Chief Minister and Treasury Directorate for work associated with the development of local government service applications to provide local information using mobile technology.

Subsections 16(1) and (2) of the FMA allow the Treasurer to authorise the transfer of appropriation for a service or function to another entity following a change in responsibility for that service or function. This package includes five such instruments that are budget neutral.

The first instrument facilitates the transfer of \$2.618 million in net cost of outputs appropriation controlled for the national health care SPP health grant funding from the Health Directorate to the ACT Local Hospital Network.

The second instrument facilitates the transfer of \$2.447 million in net cost of outputs controlled appropriation and \$10.230 million of capital injection controlled appropriation from the Community Services Directorate to the Education and Training Directorate for childhood services and regulation.

The third instrument facilitates the transfer of \$1.513 million in net cost of outputs controlled appropriation from the Territory and Municipal Services Directorate to the Environment and Sustainable Development Directorate for the carbon-neutral government fund.

The fourth instrument facilitates the transfer of \$634,000 in net cost of outputs controlled appropriation from the shared services centre to the Chief Minister and Treasury Directorate for the injury management and safety unit.

The final instrument facilitates the transfer of \$160,000 in expenses on behalf of the territory, territorial appropriation, from the Office of the Legislative Assembly to the ACT executive associated with a transfer of staffing costs.

Section 16B of the FMA allows for appropriations to be preserved from one financial year to the next. This package includes one such instrument signed under section 16B. This instrument authorises a total of \$8.458 million in capital injection controlled rollovers for the Economic Development Directorate. The appropriation being rolled over was not disbursed during the 2011-12 fiscal year and is required in 2012-13 for the completion of projects identified in the instrument.

Section 18 of the act provides for the Treasurer to authorise expenditure from the Treasurer's advance. This package includes one instrument signed under section 18. This instrument provides an increase of \$354,743 in net cost of outputs controlled appropriation for the Legal Aid Commission of the Australian Capital Territory to meet expenses related to the board of inquiry into the conviction of Mr David Eastman.

Additional details regarding all instruments are provided in the statement of reasons accompanying each of the instruments I have tabled this afternoon. I commend these instruments to the Assembly.

## **Public Accounts—Standing Committee Paper and statement by minister**

**MR RATTENBURY** (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing): For the information of members, I present the following paper:

Public Accounts—Standing Committee—Inquiry—Auditor-General's Report 5/2012—Management of Recycling Estates and E-waste—Government submission.

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

Leave granted.

**MR RATTENBURY:** Thank you, members. For the information of members, I have tabled the government's submission to the Standing Committee on Public Accounts on Auditor-General's report No 5 of 2012 entitled *Management of recycling estates and e-waste*. That report's objective was to provide an independent opinion on whether the ACT recycling estates at Parkwood Road and Hume are effectively planned, regulated and managed to optimise recycling activities to meet the ACT's sustainability agenda and that the management of computer and television e-waste is consistent with government legislative and policy requirements.

The government agrees with all nine recommendations in the report and supports the report's overall direction to make improvements in the management of recycling estates and e-waste. The recommendations in the report largely relate to the management of the estate and its commercial operations, including moving rents charged to market rates. Details of the government's position on each of these recommendations are contained in the submission I have tabled. I commend the paper to the Assembly.

## Papers

Mr Corbell presented the following papers:

### **Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Building Act—Building (General) Amendment Regulation 2013 (No 1)—Subordinate Law SL2013-6 (LR, 25 March 2013).

Education Act—Education (Government Schools Education Council) Appointment 2013 (No 2)—Disallowable Instrument DI2013-45 (LR, 18 April 2013).

Financial Management Act—Financial Management (Directorates) Guidelines 2013—Disallowable Instrument DI2013-41 (LR, 12 April 2013).

Food Act—Food Amendment Regulation 2013 (No 1)—Subordinate Law SL2013-8 (LR, 4 April 2013).

Health (National Health Funding Pool and Administration) Act—Health (National Health Funding Pool and Administration) Appointment 2013 (No 1)—Disallowable Instrument DI2013-43 (LR, 18 April 2013).

Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission (Regulated Water and Sewerage Services) Terms of Reference Amendment Determination 2013—Disallowable Instrument DI2013-35 (LR, 28 March 2013).

Public Place Names Act—

Public Place Names (Belconnen District) Determination 2013 (No 1)—Disallowable Instrument DI2013-39 (LR, 11 April 2013).

Public Place Names (Griffith) Determination 2013 (No. 1)—Disallowable Instrument DI2013-36 (LR, 28 March 2013).

Public Place Names (Macgregor) Determination 2013 (No 1)—Disallowable Instrument DI2013-38 (LR, 2 April 2013).

Public Place Names (Majura District) Determination 2013 (No 1)—Disallowable Instrument DI2013-42 (LR, 15 April 2013).

Public Place Names (Ngunnawal) Determination 2013 (No 1)—Disallowable Instrument DI2013-37 (LR, 2 April 2013).

Road Transport (Alcohol and Drugs) Act—Road Transport (Alcohol and Drugs) Amendment Regulation 2013 (No 1)—Subordinate Law SL2013-7 (LR, 28 March 2013).

Water Resources Act—Water Resources Environmental Flow Guidelines 2013—  
Disallowable Instrument DI2013-44 (LR, 18 April 2013).

## **Planning, Building and Environment Legislation Amendment Bill 2013**

### **Revised explanatory statement**

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development): For the information of members I present the following paper:

Planning, Building and Environment Legislation Amendment Bill 2013—  
Revised explanatory statement.

## **Government—openness and accountability**

### **Discussion of matter of public importance**

**MR ASSISTANT SPEAKER** (Mr Doszpot): Madam Speaker has received letters from Ms Berry, Dr Bourke, Mr Coe, Mr Doszpot, Mr Gentleman, Mr Hanson, Mrs Jones, Ms Porter, Mr Seselja, Mr Smyth and Mr Wall proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Madam Speaker has determined that the matter proposed by Mr Seselja be submitted to the Assembly, namely:

The importance of open and accountable government.

**MR SESELJA** (Brindabella) (3.51): I am pleased to be speaking on this very important issue today, the issue of open and accountable government—

**Mr Barr**: It could be your last MPI ever, couldn't it?

**MR SESELJA**: which Andrew Barr is apparently so interested in. I barely got a word out before he was interjecting.

*Members interjecting—*

**MR ASSISTANT SPEAKER**: Members, let us listen to Mr Seselja.

**MR SESELJA**: If I were the Chief Minister, I would probably spend the next two minutes of my speech talking about the interjection, but I will not. I will move on.

**Ms Gallagher**: Open and accountable equals them!

**MR SESELJA**: I will not let it distract me, will I, Katy? Never be distracted; that is my advice. It is about open and accountable government, Mr Assistant Speaker.

**Ms Gallagher**: Is that parting advice?

**MR SESELJA:** I did not quite hear that one.

**Ms Gallagher:** Is that parting advice?

**MR SESELJA:** Parting advice?

**MR ASSISTANT SPEAKER:** Mr Seselja!

**MR SESELJA:** You will just have to wait and see whether it is parting advice.

**MR ASSISTANT SPEAKER:** Please address your comments through the chair, Mr Seselja.

**MR SESELJA:** Thank you, Mr Assistant Speaker. I do sometimes feel the love from the Chief Minister. I do feel the love, and it is appreciated here. She is very keen to see me go, but I cannot quite figure out why.

Moving on to open and accountable government, I thought that, given this government's and this Chief Minister's stated commitment to open and accountable government, we would test it by looking at a few issues that the government have had to deal with and give them, I guess, a bit of a mark as to how they have dealt with it in terms of open and accountable government. They do have an open and accountable government. They have got Twitter cabinets, and they do have a website for FOI, so people can judge that how they like.

They can compare that, I suppose, with the running away from accountability on the management of ACTEW, the fact that they hid the fact of emergency data doctoring and the fact that they are now running away from debates on the upcoming budget, with the Treasurer not even up to taking on the opposition when it comes to debating and defending his budget. So they are three areas we will look at in terms of this government's record on open and accountable government in the time that I have.

It is timely, given the events of last month, to illustrate how important open and accountable government is. The debate and the public discourse about the ACTEW salary scandal highlights how much the Canberra community want openness and transparency about where their taxes are being spent and the people that are allegedly acting as their representatives.

The lack of accountability in regard to ACTEW dates back many years. Since 2005 ACTEW had refused to publish their executives' salaries, despite an Assembly committee demanding access to information in 2008. In 2010 it was revealed that the chief executive of ACTEW received \$637,000 in annual salary. There was much public discussion about the appropriateness of this salary level, and this clearly illustrated that ACT taxpayers wanted to know how much people paid from their taxes and service charges were receiving. Interestingly, it was at this time, in 2010, that the then Acting Chief Minister, Katy Gallagher, in an ABC story, stated:

I'm confident that the board is acting in the best interests for Canberrans.

Apparently that confidence has not been maintained since then. In February this year, the Independent Competition and Regulatory Commission delivered a draft determination stating that Canberrans had been paying too much for water—and don't we know it. Not only had they been paying too much but it was due to the fact that many aspects of decisions by ACTEW over recent years had been mismanaged.

We know in the ACT that people are widely concerned about how much they are paying in water bills because they experience the cost of living pressures that the Canberra Liberals are committed to addressing. Canberrans once again, through widespread public discourse, expressed their desire for accountability and transparency from the government.

However, less than a month later, it was revealed that the Chief Minister's Directorate and Treasury had both been sitting on information that revealed the chief executive of ACTEW was being paid an annual salary of \$855,000. This was over \$230,000 more than what had been reported in the ACTEW annual report and therefore well above what Canberrans thought they were paying for the management of their water resources.

Once again I highlight that the amount of public discourse was reflective of the community's desire for accountability. I take this opportunity to quote from one of the many letters to the editor, phone calls and emails to MLAs, opinion pieces and social media commentary on this issue. Ms Joan Gordon, who wrote to the *Canberra Times*, summed it up reasonably well on 25 March, when she referred to the ACT government. She said:

They apparently now think the managing director's salary is a critical issue for the people. If so, why did they not familiarise themselves with it when the information was given to them? Don't they read the annual reports, or at least get their advisers to stay on top of the bits considered to be critical?

Ms Gordon's letter sums up much of the community comment on this issue. Why didn't the ACT government hold the water authority to account, why was there no transparency on this issue of the salary and why, only after the media found out, was there any attention given to the issue?

With respect to the special general meeting that was eventually called after all the public interest, I quote from the *Canberra Times* on 15 April:

Chief Minister Katy Gallagher told 2CC radio on Monday morning that the purpose of the meeting was to allow the company's two shareholders—the Chief Minister and the ACT Treasurer—to seek answers from the board.

The Chief Minister obviously believes that she is entitled to answers about ACTEW, but the people that she seeks to represent, the people of Canberra, appear not to be so entitled, according to this government.

That is the key here. The government say that they want to be open and accountable but they fail to actually do so. The ACTEW controversy was the perfect opportunity

for the government to change their behaviour and actually respond to the community's call for accountability.

If we needed further evidence of a lack of accountability, we only need to look at what happened a few days ago. A *Canberra Times* article titled "ACTEW executive pay report kept secret" states:

Canberra water company ACTEW is seeking to block the release of an independent review into managing director Mark Sullivan's pay, just weeks after fellow utility company ActewAGL refused to disclose the wages of its top executives.

The *Canberra Times* requested a copy of correspondence between ACTEW and one of its ... shareholders, Chief Minister Katy Gallagher, from the Chief Minister's office, but a number of documents were withheld after objections raised by individuals including Mr Sullivan and former ACTEW chairman John Mackay.

What the ACTEW scandal has illustrated is a pattern of behaviour by the ACT Labor government in failing to be open and accountable. Only last year this government was embroiled in the emergency department data doctoring scandal. The Auditor-General found, in regard to the Health Directorate:

There is a lack of governance and administrative accountability for this system ...

And furthermore:

There was also a lack of ... monitoring, review and assurance processes over the publicly reported Emergency Department performance information are not consistent with the apparent importance of the performance information ...

Once again this illustrates that there is wide public interest in this information but the government fails to be accountable and transparent.

Let us look at what, of course, that data scandal was about. The data scandal was about hiding the facts. It was about hiding the truth from the community. Instead of being open, accountable and transparent about the fact that emergency departments were not doing very well—in fact they were doing about as bad as you could possibly expect them to do, the worst in the country—there was a culture within this government of covering it up. That is what we saw with the data doctoring scandal—a culture of cover-up that comes right from the top of government. Of course at estimates we heard the Chief Minister say:

... back in April anomalies in emergency department data were brought to my attention. Since that time, I have provided all the information that I can on this to the community.

Of course, that was not true. The Chief Minister had not revealed all of the facts of the matter. She had not revealed the close relationship she had with the data manipulator herself, only seeing that exposed in media commentary down the track. We have seen

time after time this government talking the talk on openness and accountability, but certainly not walking the walk.

We have seen another issue arising in this last week in relation to being accountable to the people of Canberra. For 17 years the Canberra Business Council has held a budget breakfast at which the government and the opposition have debated the budget. This year the Treasurer pressured the Business Council and said that they will not attend if the opposition is given the opportunity to speak—putting it out there in black and white that they did not want to be accountable to the business community on their own budget.

Mr Assistant Speaker, you have to ask the question: why would they not want to have a debate about their budget?

**Mr Hanson:** Because we have made fools of them for the last three or four years.

**MR SESELJA:** Let us look at the options. Option A is that they have been made fools of for the last few years at the budget breakfast.

**Mr Hanson:** Hear, hear!

**MR SESELJA:** Mr Hanson goes for option A, and I think anyone who has attended the budget breakfasts in recent years would have seen that the government normally do not come off that well. They do not defend their budget. Are they really saying to us that with a budget of over \$4 billion of spending, of taxpayers' money, the opposition should not have a right to reply in a public forum the day after the budget, as has always been the case? What is it about this year's budget?

So option A is that they have always been made fools of at previous budget breakfasts. Of course, option B is that there is something particularly nasty in this budget.

**Mr Hanson:** Can I go for that one as well?

**MR SESELJA:** Mr Hanson is going for options A and B. And who knows? But we know that it is gutless of the Treasurer to not want to take on Mr Hanson on his budget. Why wouldn't he defend his budget? What is it that is so difficult about going there, before the business community, when it is broadcast on radio through 666, and have the opportunity to say, "This is what we are doing for you"?

It should be good news. You should be able to say, "Look at all this money we're spending on your behalf. This is how we've been fiscally responsible. This is how we are making sure." Maybe it is the cost of living statement. Of course, we are looking forward to the cost of living statement that will be coming in this year's budget. We look forward to a comprehensive cost of living statement this time.

Maybe it will include things like parking for the fictional family that has a couple of cars. Maybe you would expect that with two people working in Canberra they will pay for parking. Maybe they will account for some of those things. But why are they running away from this debate? That is the fundamental question. This has been a

long-held tradition. It is an important issue and an important event for the business community, and it is an important event for Canberrans, because through their local radio station they get the opportunity to have an insight into some of the debates that go on the day after the budget. I think it is pretty gutless that this government have now decided that they are not up to scrutiny, and that what they would in fact like instead is just to invite the business community and they can simply, without being challenged, talk about their budget.

I do not think that is acceptable, and I do not think that passes the pub test. I do not think that the ordinary Canberran would believe that it is reasonable that they pressure a business group to exclude the opposition. Of course, it places the Business Council in an invidious position. They are now in an impossible position. Of course, if they go ahead with it, they will then be seen to simply be doing the government's bidding—that is the position they have been put in—or they have to cancel the event. I think that the Business Council are in an interesting position, it must be said. Given their decisions during the election year last year, they have been put in quite an interesting position by this government.

*Mr Rattenbury interjecting—*

**MR SESELJA:** I hear the interjections from Mr Rattenbury. He is saying that we should not be complaining. We want a debate, and we had a debate last year. We just did not have a debate that included the Greens. You can argue whether or not the Greens, the Motorist Party, the Marion Le Social Justice Party and every party that put their hand up should have been part of that debate. But we would argue that a debate between the government and the alternative government is a reasonable way to go. The government believes that no debate should take place when it comes to the budget. I understand that Mr Barr did counter; he got in front of it, of course, after having tried to exclude the opposition and he said, “Well, we can have a debate on the Friday. We don't like the Wednesday when the budget has just been delivered and there's a lot of interest in the budget. Maybe a few days later when the media is not so interested in it, we can have a debate with the opposition.”

It is a ridiculous proposition and it should not be allowed to stand. Mr Barr should come down and say why it is that he is afraid to debate Jeremy Hanson on the budget on the Wednesday morning as has been the case for 17 years. Is it because Ross Solly's questioning is too difficult for him? Is it because he thinks Jeremy Hanson is a better performer? Is it because this budget is going to be nasty? Whatever the reason is, it is unacceptable. And any government that is doing a reasonable job should open themselves up to accountability.

In the brief time I have, can I say that this government has not passed the test on those three issues that I have highlighted. There are many more. It is time that this government stopped talking about openness and accountability and started acting on it. *(Time expired.)*

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (4.06): I thank Mr Seselja for bringing one of my favourite subjects to the Assembly for discussion this afternoon.

They are almost like fireside chats these days—the final missives, the final stump speeches—

**MR ASSISTANT SPEAKER** (Mr Doszpot): Chief Minister, can you confine your fireside chat to me at the moment? Thank you.

**MS GALLAGHER**: I will. The final stump speeches of—

**Mr Hanson**: She is entertaining, actually.

**MS GALLAGHER**: I actually think I may miss some of those stump speeches in the future, but time will tell. I do hear—

**Mr Hanson**: You will probably hear them from the Senate. You will hear them from the Senate.

**MS GALLAGHER**: No. In fact, Mr Hanson, I hear that you made a very public statement that Mr Seselja will be remaining in the Assembly for the next four months. You said at the AHA dinner that you were expecting to see him here until August, which would be about the—

**Mr Hanson**: August?

**MS GALLAGHER**: That is my measure of it. You said it in April; four months equals August. You said to a roomful of people that Mr Seselja is staying here until the writs are issued. So at least we have had any doubt about that taken out of our minds, that we are aware—

**Mr Hanson**: If you actually turned up you might be able to hear—

**Mr Seselja**: You should attend these dinners before you—

**MS GALLAGHER**: We can all have the battle of the diary and I can tell you that at the majority of events I go to, you are not anywhere in sight.

*Members interjecting—*

**MR ASSISTANT SPEAKER**: Members! Chief Minister, take your seat for a moment. Can we stop the clock? I have given a fair bit of leeway to the banter that is going on but let us pay attention to the speaker at the moment. Chief Minister, please resume.

**MS GALLAGHER**: Thank you, Mr Assistant Speaker. The issue of open and accountable government is important to me, as I have made clear from the first speeches I gave since becoming Chief Minister in this place. Indeed, I welcome Mr Seselja's interest in open government agendas. Perhaps if he is successful in his Senate bid he might have the opportunity to raise some of these reforms that he is so keen on through the federal parliament or, indeed, in the final four months that he is going to sit in this place in the lead-up to the federal campaign.

Open government refers to a way of working and rests on three important principles: transparency in process and information, participation by the community in the governing process and public collaboration in finding solutions to problems. It is not just about putting information out there, although that is certainly the aspect that Mr Seselja focused on in his speech. Following some of the early commitments I gave on open government, we have reviewed our consultation policies and we have put in place measures to make sure that the community has its say on major projects. City to the lake is an example of that.

We have set up stalls, held community cabinets and encouraged feedback through the online talkback website time to talk. We have also hosted four Twitter cabinets, which I see that Mr Seselja pokes fun at. But they have provided an avenue for the community to get involved and to use social media as a way of communicating with their elected representatives. I have no doubt that in time other members in this place will start using that platform in a coordinated way to deliver their message and, indeed, to engage with their local constituents.

The revolution in digital technology has transformed the information landscape. The demands on government to be open and accountable as well as dynamic and responsive have never been greater. I think the ACT is leading the way in this new area of participatory democracy, but there is certainly more to do. We have created major new information portals to give the community the greatest possible access to information.

We have launched the open government website as a single gateway for access to government information. We have made FOI materials available online for the first time. The site is continuously added to and currently contains 184 datasets along with cabinet summaries, appointments, policies and reports. In 2012 we also launched the Data ACT portal which Mr Seselja did not refer to, but which provides raw government data direct to the developer and researcher communities. Data ACT currently holds 79 datasets and work is underway to increase this number, particularly in the lead-up to GovHack 2013, which will bring 400 developers to Canberra next month to create innovative apps with government data.

We have also been the first government to publicly release the outcomes of cabinet deliberations. Cabinet decisions and supporting documents approved for public release are now provided online, giving people new insight into the cabinet room and the way decisions are made. This happened in addition to the government's decision in 2010 to halve the release period for executive governments from 20 to 10 years. Each year on Canberra Day a new set of material is made publicly available.

In public interest disclosure, the government has delivered what experts describe as the best whistleblowing laws in Australia and some of the best in the world. The Public Interest Disclosure Act 2012 repealed its 1994 predecessor and replaced it with a scheme based on best practice across other jurisdictions and the whistling while they work project. The new laws broaden the range of issues that can be subject to disclosure, create information requirements for disclosures to the public, and create an oversight role for the Commissioner for Public Administration to ensure that disclosures are dealt with consistently and appropriately.

As a government we are taking a broad approach to enhance the openness of the way we govern, encompassing transparency, participation and collaboration. As Chief Minister I believe that as a first principle information available to the government should be made available for use by the community. While there will always be restrictions here, this is our default position.

Despite the steps we have taken, it will not stop here. We will continue to look for opportunities available to build upon this commitment. We are embracing engagement from the community, the media, researchers, political parties and others, because it connects government to its constituents in a way that has not been possible in the past.

In relation to some of the criticisms from the leader of the—sorry, Mr Seselja in relation to the open government agenda—

**Mr Hanson:** Ha, ha!

**MS GALLAGHER:** Sorry, Mr Hanson. That was a genuine slip. Because certain documents may not be released under different criteria, that does not mean that you are not running an open and transparent government. I have said from the beginning that open, accountable and transparent government is not just a free-for-all that means that every piece of paper, every piece of personal information, every piece of commercial information is just released through the parliament to the community. That is not open government. There will be restrictions.

But those restrictions should not just be used in isolated examples to say you should throw the whole thing out because it is not working or to criticise that you are not taking an open government agenda towards the way you do your business, because it is simply not the case.

I accept that it is politically easy to identify individual experiences or circumstances and say, “Because you did not release that, because that mistake happened or because that error appeared, therefore you are hiding something from the community.” That does not accept, I think, the different components of open government, some of the complexities and the fact that people have, in certain circumstances, the right to withhold information on particular grounds. That will always be the case.

But I am very pleased with the way the ACT government is approaching this agenda. I think we have changed a lot in two years, in a relatively short time. I think the community does have more information than they have ever had before and we will continue to make steps to progress that. I think it is the way that all governments should lead. I do not think it is the way all governments operate at the moment. But we learn from other jurisdictions. Some are ahead of us in particular areas and we look to follow. I genuinely do hope to be leading the way, if not in Australia then compared to some of the smaller governments that we see across the world.

This is a priority for us, but I accept that it is a cheap shot to say that if anything is ever withheld or does not meet the political campaigns of the opposition they are going to criticise the open government agenda as failing. I do not think that is the case.

I think we have done a lot. We have done it through legislative change; we have done it through the way we work. We will continue to do it. I look forward to Mr Seselja progressing his open government agenda through the federal parliament should he be lucky enough to get there in September.

**MR RATTENBURY** (Molonglo) (4.15): It is, of course, very easy to stand and say yes, the government should be open and accountable to the governed; it is a truism and, I think, the central plank of any basic democracy. In the case of *Egan v Willis*, Justices Gaudron, Gummow and Hayne, citing the Queensland Electoral and Administrative Review Commission's report on the review of parliamentary committees, said that to secure accountability of government activity is the very essence of responsible government.

The Greens unequivocally agree that openness and accountability are paramount to good government. We strongly believe that it is the job of both the parliament and the judiciary to ensure that the government is making good decisions and that they are made according to law. The ACT Greens' governance policy published on our website says that a healthy democracy requires frank, transparent and accountable practices in all aspects of government. Ever since there have been Greens in this place we have been actively putting up ideas to improve government accountability.

Making governments accountable for their actions is much more than jumping up and down about something you do not like in the chamber or the media. That is of course important, but there is much more that we can do to make governments truly open and accountable. In *Hot Holdings Pty Ltd v Creasy*, Justice Kirby said:

According to Professor Paul Finn (as Finn J then was), the accountability of public officers may take three forms. One form is accountability to official superiors and peers. This is the preferred, but most diluted, method of accountability favoured in Westminster systems. Another is accountability to agencies such as the Auditor-General, the Ombudsman and to Parliament. These agencies act, or should act, for and on behalf of the public. The final form of accountability is to members of the public directly, either as individuals (as through administrative law mechanisms) or as a community (as through elections).

The Greens have advocated a range of mechanisms that improve each of these different mechanisms and, where necessary, interlink them to ensure that we have a comprehensive accountability framework in place. In the last Assembly, the Greens achieved a great amount to improve accountability through the parliamentary agreement. That work is continued in the parliamentary agreement for this Assembly.

Addressing the first element of accountability referred to by Professor Finn, the previous parliamentary agreement delivered significant reforms to the Public Interest Disclosure Act. We now have what is widely accepted as one of the best public interest disclosure schemes in the world. It is a system that fairly balances the mechanisms for the internal resolution of issues as well as the options for escalating the issue where the circumstances warrant that.

The second limb of accountability—accountability to agencies and the parliament itself—is something that the Greens have continually tried to improve. This has been through particular initiatives such as the commitment to presenting a bill to make the Auditor-General, the Electoral Commissioner and the Ombudsman officers of the parliament, which I will be delivering on in the June sitting.

It is also done in smaller ways. When we debate bills in this place, it is the Greens that are the ones who have moved amendments to clarify the scope of powers that we delegate to the executive and the Greens who have tried to ensure that there are better controls in place for delegated legislation-making powers to ensure greater oversight by the Assembly.

Members will remember just one example last year when, during debate about the energy efficiency scheme for energy retailers in the ACT, I proposed an amendment to make a delegated power a disallowable instrument rather than just a notifiable instrument. Both Labor and the Liberals voted against that amendment. For those who profess to care so much about government accountability, one has to wonder why they rejected such a simple mechanism to ensure the prospect of greater accountability in this place.

In terms of the third limb of accountability—to the public directly—the Greens have also brought a range of initiatives to this place. Members will remember that earlier this year I tabled an exposure draft of a bill to introduce major reforms to the standing rules for applications for judicial review under the Administrative Decisions (Judicial Review) Act. I can inform members that I will shortly be presenting a revised bill to the Assembly after receiving public and academic feedback. This reform will ensure that there can never be a situation where a decision that is unlawful is allowed to stand simply because there is no-one able to challenge it. This is just one example of a real initiative delivered by the Greens that will actually improve government accountability.

Additionally, at the next sitting of the Assembly I will be presenting a bill for a new freedom of information act for the ACT. The bill will seek to repeal the existing act and introduce a whole new scheme for the provision of government-held information to the community. There can be no greater improvement in openness than a robust and contemporary freedom of information scheme that properly balances the competing public interests in public access to information and ensures that there is a real public right to information.

As well as those coming bills, members will also remember that during the last Assembly my colleague Ms Le Couteur presented a bill to this place to allow for expanded standing for the merits review of planning decisions in ACAT. Planning will always be a contentious area and allowing members of the community to participate in the process and, additionally, to take action to ensure that the decisions that are made are, in fact, the correct and preferable decisions is an important part of government accountability. It was very disappointing that both the Liberals and the Labor Party opposed that bill.

I note from Mr Seselja's recent comments around the Planning and Development Act that he may wish to revisit that position, having indicated that he believes that community members should have greater rights to participate in the system. If that is the case, I would certainly be happy to bring back another bill in the same terms that Ms Le Couteur moved last term. Perhaps I should do it before August, when Mr Seselja's views might be excised from his party room.

These are just a couple of examples of things the Greens have done and will be doing this year to improve government accountability. I have tried to illustrate the very large range of things that we can do on this issue. In light of what members have had to say, I think Canberrans can be encouraged that further significant reforms will be occurring in the near future.

Having made those remarks about the substantive matters, I cannot help making some observations about Mr Seselja's discussion of the upcoming issue that the Canberra Business Council is facing around whether or not a budget debate will take place. I did interject a little. I always do my best not to interject, but when something becomes so preposterous as the position that Mr Seselja was putting, I find it difficult to restrain myself. Members will recall last year during the election campaign that the Canberra Business Council proposed to conduct an election debate and invited Mr Seselja as the then Leader of the Opposition, Ms Gallagher as the Chief Minister and Ms Hunter as the leader of the Greens at the time. There were three parties represented in the Assembly. The Greens held more than 20 per cent of the seats in the chamber. Mr Seselja refused to participate in the debate if Ms Hunter was represented on the panel.

What hypocrisy it was for Mr Seselja to stand up in the chamber today and make the observations that he did—the audacity of it. You have got to have some admiration for his shameless behaviour and his double standards in being prepared to stand in this chamber and put that. Now, the approach Mr Barr has taken to the debate is, I think, a debatable point, but Mr Seselja's shameless hypocrisy in refusing to allow Ms Hunter to participate in the debate last year is extraordinary. I think it is worth simply making an observation about the incredible double standards that he is now displaying in his comments in the chamber today.

**MR HANSON** (Molonglo—Leader of the Opposition) (4.23): Firstly, may I thank Mr Seselja for bringing this matter of public importance before this place. It is core business for an opposition to hold a government to account, to make sure that the public get as much information as they can about what this government are doing. It would appear that this government have the view that they have the opposite rule—to make sure that the public get as little information as possible.

What we see in this government—and I include the Greens in this—is a big difference between the rhetoric and the reality. They just do not deliver on their promises. Mr Seselja made some very good points about the data doctoring scandal, what has been going on at ACTEW and the farcical budget breakfast issue. Do not forget that there are a couple of others as well that were highlights from the last Assembly. Remember the Calvary issue? The Chief Minister had gone to the 2008 election and, 10 days

before the election, in a debate said, “All of our plans are on the table,” which was a lie, because they were not. The reality was that she had been asking for a heads of agreement to be signed by the Little Company of Mary about Calvary hospital, and she had quite mature plans about Calvary hospital and the sale of Calvary hospital—the government were going to buy it and get rid of Clare Holland House.

**Ms Gallagher:** Oh, stumpy!

**MR HANSON:** Yes, it is a stump speech but it is no less true, is it, no matter how many times I say it? It does not go away, does it? The problem is that when you hide things, when you do something like that, when lies are told and promises are broken, you cannot wash that away, as much as you would like to. I know that you would like to think, “We had an election, so that’s all behind us,” but the sad reality is that these things do tend to build up and, after a time, when you have a government that has been around for a long time, these lies, these deceits, these broken promises tend to build up and it is the baggage that starts to weigh down these governments that have been around for a long time.

We also had the issue of obstetrics bullying. Remember that one? A number of doctors resigned because of bullying. The Chief Minister said, “Nothing to see here; this is all just mud-slinging by a bunch of doctors.” But that was not quite the case, was it, because when the review came back it said that there were problems; there had been a series of complaints that had been made. But it was all trying to be pushed under the mattress, so to speak. The Chief Minister at the time, supported by the current Chief Minister, went out and said, “We’re going to threaten these doctors. We’re going to do a review of all of the medical board investigations over the last decade.” It was rightly called a witch-hunt by the AMA and others. That is the way this mob operate. When you start to scratch the surface, when you start to expose the problems that are here, they will attack and they will go you. And that is what we have seen. The AMA said it. It was a witch hunt. There were thinly-veiled threats. They were not too thinly veiled either, I would have to say.

**Ms Gallagher:** You know nothing about witch-hunts, do you, Jeremy? The head of the witch-hunt.

**MR HANSON:** Then what we do is we see the Greens—

**MR ASSISTANT SPEAKER:** Mr Hanson, would you resume your seat for one second?

**MR HANSON:** Sure.

**MR ASSISTANT SPEAKER:** Mr Hanson and Ms Gallagher, I know how much you enjoy your fireside chats, but please, we are still working under the standing orders, so address your remarks through me, thank you.

**MR HANSON:** Thank you, Mr Assistant Speaker. I will turn to the Greens now, so that we get away from that one. What we see from Mr Rattenbury again is this difference between the rhetoric and the reality. Remember on radio a couple of weeks

ago when Mr Rattenbury, in the morning, was calling elements of this ACTEW fiasco “obscene”? Was that the right word? It was obscene; and it was Shane Rattenbury to the rescue! “I’m going to do something about this; it’s obscene.” He eventually came in here. We can all imagine the conversations that happened behind closed doors: “Mate, remember your railway set that we’re going to build you, the train set, the light rail system? Remember all the staff that you’ve got in your office? Mate, you’ve done pretty well. You don’t need to go us. Don’t support the opposition here. The public don’t really care about this whole ACTEW business.” We saw Shane Rattenbury come meekly into the chamber. After it being outrageous and obscene in the morning, he then said, “No, nothing to see here. There’re a number of reviews. We’ll just let those go on.” Having regard to this whole talk about third-party insurance and this illusion that the Greens were going to hold this government to account in any way, we have, I think, seen the reality of what is happening there.

Let me turn now to the budget breakfast and make the point quite clearly that what the government have done is hold a gun to the Business Council’s head. They have said to them, “If the opposition attend that breakfast,” as they have done for the last 17 years, whether it be Liberal or Labor, “we will not attend.” With respect to the premier event for the Canberra Business Council, and a very important event for the business community and for the Business Council—a fundraiser for them and a way that they get information out to their members—Andrew Barr has basically gone to them and said, “If you invite the opposition to do the opposition’s job, we’re going to walk away from that breakfast and the whole thing’s going to fall over.”

I think that is an absolutely outrageous thing for this government to have done, on a number of levels. It shows enormous disrespect to the business community and to the Business Council. It also shows enormous disrespect to the community because the budget is a community document. The government delivers it but it is the community’s money, it is the ratepayers’ money, it is our money. The government are delivering on our behalf, on the community’s behalf. For the government to decide that what they are going to do is basically threaten the Business Council to collapse that event after 17 years so that they can avoid scrutiny is disgraceful.

Mr Seselja pointed to a couple of possible reasons. Firstly, what is in this budget? What is it that they want to hide? Maybe it is pretty bad, and I guess we will have to find out. The second point is that the reality is that the government have been made to look ridiculous at that business event over the last three or four years.

Probably the highlight for me was the office building. Remember the government office building? Remember that one? This was the death star; we were going to have the death star. Remember the floating walkway—the views of the arboretum from the walkway? It was going to be just fantastic! And they had to have it. It was going to save the community millions of dollars. If it was not for Zed Seselja and Brendan Smyth pointing out what a ridiculous notion it was and exposing the fact that the cost-benefit analysis was on an A4 piece of paper in 16 font, if the Canberra Liberals had not exposed that, we would probably have it starting to be built out in the car park right now, wasting \$400 million of taxpayers’ money. We wasted \$5 million on the scoping work. We have already wasted \$5 million.

I think it is no wonder that the government does not want the opposition there. I commend Zed Seselja and Brendan Smyth for their efforts. The only thing I would say is that they probably did such a good job over the last two years that they have now got the government to a point where they do not want the opposition to turn up, so I am not going to have my go, which is a bit disappointing. But I think that we know what the reality is.

**Mr Seselja:** You would have destroyed them too, Jeremy.

**MR HANSON:** Thank you very much for the vote of confidence. It is probably quite true. We are probably waiting for the next good idea from this government. Let us see what they come up with.

**Ms Gallagher:** It's hard from the opposition benches, isn't it? You're so great! You're so great that you're in opposition and leading the party!

**MR HANSON:** Let us talk about the Chief Minister. The Chief Minister wants to have another go now, so let us get back to the Chief Minister. It is her turn again.

Let us go back to the ED scandal, because I know she loves me talking about that. I know she loves me talking about her personal relationship with Kate Jackson. I know she loves me talking about the fact that this is probably the greatest scandal that has occurred in self-government history. You have a close personal friend of the Chief Minister who doctors information at the hospital, at the emergency department, for what she describes as the political imperative, and because she felt fearful for herself and her staff. She doctors information on such a massive scale that the Chief Minister now has to admit that the performance of the emergency department is now substandard and is the worst in the nation in terms of timeliness, in large part because of that scandal, because of the doctoring, because this government has not been putting the resources in, because essentially everybody thought that the performance of the ED was good when it was not.

This, again, was one of those issues where we had to drag this government kicking and screaming to any sort of review. We wanted essentially a royal commission on this—a proper inquiry, an independent, full inquiry where someone could subpoena witnesses and so on. That did not happen and I think that is disappointing. The Auditor-General did do her review and certainly she exposed a terrible culture. This government and this minister established a culture whereby senior executives think that, rather than allowing the truth about the health system to come out, it is appropriate—in fact necessary—for them to fabricate data on a massive scale.

The Auditor-General said that in her view this was not just one individual but actually a number of individuals doing this. The government has made no effort to find out who those other people are. And this is a government that says it is open and accountable. Well, it is not. This is a government that is anything but; and the people of the ACT, whether it be in their water bills, whether it be with being misled on numerous things, or whether it be the fact that they are waiting longer in ED than anywhere else in this nation, are paying the price.

**MR GENTLEMAN** (Brindabella) (4:34): Mr Assistant Speaker, thank you for the opportunity to speak on this matter of public importance today. I am proud to stand here as part of an open government that is committed to representing the people of Canberra. No matter where you live in the ACT, you have access to great health care, schools and the opportunity to work.

This government is committed to good governance. My fellow colleagues and I are always ensuring that we consult with the people in the territory, specifically in their electorates, and to make sure, where possible, that the community has the best opportunities.

I do find it a bit rich that Mr Seselja raises the topic this afternoon—the ex-Leader of the Opposition, Mr Seselja. He has abandoned holding the government to account for the people of Tuggeranong after promising them the world. By going to the election and changing electorates, he promised the people of Tuggeranong that he would be there for all. He promised the people of Brindabella that he was there to fight for them in the Assembly, and he cared about the issues that the people in his electorate raised with him. He promised to hold the government to account, but only for the next four months.

*Discussion concluded.*

## **Adjournment**

Motion (by **Mr Corbell**) proposed:

That the Assembly do now adjourn.

## **Fashfest**

**MR COE** (Ginninderra) (4.35): I rise today to commend Clint and Andrea Hutchinson for founding Fashfest. Over four nights last week, Canberrans were treated to an experience which is unprecedented in Canberra, but one befitting our great city. Each night of Fashfest featured an amazing array of talented Canberra designers and models and many people behind the scenes who made the event a spectacular success.

I would like to put on the record my congratulations to the team: producer Steve Wright; associate producer Nicholas Ellis; music director Michael Liu; hair director Wayne Friend; makeup director Karen Mathias; choreographer Jamie Winbank; public relations person Wendy Johnson; photographer Leighton Hutchinson; artistic director Sara Poguet; digital director Spero Cassidy; director of projects Zarko Danilvo; technical director Darren Russell; video director Michael Fardell; project manager Dom Nappo; director of construction control and CTI Ian Bowyer; Gerard Wilton and Dana Samson from It is isn't it; interior designers Sarah Bowman and Rohan Thomas; and hospitality directors Sean Royle and Stephan Rockmann.

Anyone who went out and saw the event would understand how much work must have gone into the production. The site at Brindabella Park was a perfect setting and was creatively fitted out, with superb lighting complemented with superb sound.

I would like to acknowledge the many magnificent designers who showcased their work: 4 Minutes 33; Andie Meredith; Anthony Capon; Aperiodic; Baku; Corr Blimey; dissonance; Edition; Gabrielle Everitt; Hunter; Jenifer Aniela; Karen Lee; Lisa T; M&TM; Materialbyproduct; Mont; Perpetually Five; Pure Pod; Rockstars and Royalty; Sarah Joseph Couture; Scarlette; Shekudo; Sofia Polak; Sovata; SZN; They Lied! We Can Fly; U.L.E.; and WND.LND.

Finally, I would like to acknowledge the models who presented the designs so brilliantly. They were Aiko Mineishi; Alice Anderson; Alice Downing; Alistair Morrell; Alyce Bell; Amara Purnell; Angela Timani; Ari Schlumpp; Ariel Ayers; Asher Crawford; Barbara-Jane Kors; Billy Ileris; Carryn Jack; Clint Domine; Craig Barrie; Daniella Morr; Doris Gong; Ellen Hodgson; Emily Kwong; Emily Vrbenski; Emma Dobbie; Erica Foster; Gina Poulakis; Glenn Pain; Hayley O'Neill; Helene Jobard; Ilana Davies; Ingrid Elise Vennonen; Jay Coulton; Jessica Schembri; Jessica Tipping; Josh Nedelukovic; Julius Yate; Kate Cooper; Ken Scruton; Lara Schroed; Lauren Bland; Lauren Boric; Linsey Dewick; Lou Charron; Lym Garratt; Mat McRae; Melissa Obst; Melissa Swann; Mimi Fairall; Minthaka Wijeyaratna; Molly Folkard; Navchaa Tumurbaatar; Ole Hinder; Olivia McIntyre; Rachelle Dawson; Samara Purnell; Sarah Vaughan; Thomas Arbant-Zadier; Thomas Armstrong; and Ugh An.

Of course, I would also like to acknowledge Anneliese Seubert, who was the face of Fashfest and gave the event additional prominence and prestige. There were many people who contributed to make the event possible, including many generous sponsors and the front and back of house support.

The sponsors were the Centenary of Canberra, ACT Government, ActewAGL, Audi Centre Canberra, Canberra airport, Canprint Communications, Capital Training Institute, Chalk Design, Clarity Communications Australia, CMA Training Group, Dendy Cinemas, East Hotel, Eden Road Wines Australia, Eightysix, Elite Sound and Lighting, Evolve, Form Haircutters, GHD, It is isn't it, Leighton Hutchinson Photography, M: Artistry, Meyer Vandenberg Lawyers, National Film and Sound Archive, Pictacase, Rojo Vinyl Customs, Screencraft, Shorty's, SNP Security, Stricklands 1842, the Canberra Times, Tongue & Groove, Westfield Belconnen and Woden, WIN Television, and Zoo Advertising.

To put on events like this one requires vision, risk taking and the ability to convert an idea into reality. Canberra needs events such as Fashfest and we need people such as the Hutchinsons who are able to make it happen. I thank them for their ongoing contribution to Canberra and I join with thousands of others in looking forward to the next Fashfest. For more information, people should visit [www.fashfest.com.au](http://www.fashfest.com.au).

## **Youth—wages**

**MS BERRY** (Ginninderra) (4.39): Tonight I rise to recognise the contribution young people make to their workplaces by offering my support to the shop distributors

association's "100% pay at 18+" campaign, which seeks to end the practice of paying young workers at a percentage of the minimum wage until they reach the age of 21. I would like to note my colleague Mrs Jones's former employment as an organiser and national office staffer for the shop distributors association. I am sure she will be as excited as I am to see this important issue receiving national attention.

I personally have been passionate about ending aged-based discrimination since I began my working life as a school leaver in the hospitality sector. The hospitality industry and retail sector employ a high proportion of Australia's young workers earning minimum wages. In these industries, an 18 year old, across a range of awards, can be entitled to up to 30 per cent less in their pay cheque than their 21-year-old counterparts. As a hospitality worker, I saw 18 year olds being paid less than the older staff they were training. This situation creates a disincentive for young people to pursue what I know can be very rewarding careers in these industries.

It was when I began work as an organiser for what was then known as the liquor, hospitality and miscellaneous workers union, now United Voice, that I saw the full impact of youth wages on the lives of young people trying to support adult lives on less than minimum wages. Often when people consider this issue they imagine students working a few hours a week to pay for trips to the movies or perhaps a trendy pair of sneakers.

What they do not consider is the impact that being remunerated at 80 per cent of the minimum wage has on young people trying to establish independent lives, pay rent, cover the transport costs which come with employment or provide for a family. These young people are not a minority. By the age of 21 nearly 70 per cent of people are living or have lived outside the family home. Of those remaining at home, a significant number contribute to the finances of their family's household.

For these young people the cost of youth wages is longer hours. For some, this means less time to study. For others it means less time at home with their kids. For all of them, it means less time to spend socialising, pursuing interests, playing sport and just enjoying being young.

But I am speaking on this issue today because I want all of my young constituents, and the generations of workers who will come after them, to receive a pay cheque that reflects the 100 per cent commitment they bring to their work and the contribution it makes to our city. Adult workers deserve adult wages and I encourage other members of the Assembly to support this important campaign.

### **Anzac Day**

**MRS JONES** (Molonglo) (4.42): On Thursday, 25 April we commemorated the 98th Anzac Day, the anniversary of the landing of the Australian and New Zealand Army Corps troops at Gallipoli. The significance of this day is growing with each passing year and each passing decade. As the ambassador for Anzac Day and VC awardee Corporal Ben Roberts-Smith said, "Freedom is not free." There are many men and women who willingly give of themselves to serve the nation in the Royal Australian

Navy, Army and Air Force. They work for the benefit of all Australians, and there are many families who support them and do so willingly.

Canberra is the home of thousands of defence families and Defence Force personnel quietly going about their lives, raising children and running homes, going to work and building a community around them wherever they go. One thing you can say about the serving members who are part of our community, and their immediate families—the wives, husband, partners and children—is that they are people who make things happen.

One thing that defence life and the deployment of a parent from a household teaches you is that things around the home and around the community do not do themselves. We have a responsibility in this world to leave it better than we found it. At the heart of many community organisations is a defence wife or a serving member of the military.

When I reflect on Anzac Day, I reflect on the heavy lifting done by these families, not just in service to the nation but here in the ACT as well. I want to extend thanks from the benches of this Assembly to serving members and recent veterans who marched this Anzac Day. I know many members who do not want to be applauded for what they do. Many do not want to show off medals that have been awarded for confronting and difficult work. But I was very grateful to see an increased number of young veterans marching this year. I was proud of them, and they gave others the opportunity to be proud of them too.

Younger people are very keen to thank veterans for their service. It is a welcome development. Reasons for conflict aside, younger people are able to acknowledge that the sacrifice and time away from family in the service of the nation is a tough job and that our nation would not be what it is today without it. So I add my voice to the presence of the thousands on Anzac Day and say thank you.

We honour the fallen. We honour those living. We honour the contribution of the families who stand by our serving members, who stand behind them. We hope and aspire for the children who have lost parents that they will be carried by those who come to honour their parents on Anzac Day. It is a brutal reality of a lifestyle we live and the principles which we defend that there are no armies without people and there are wives, husbands, partners and children who make great sacrifices too.

As a defence wife, I can say that many families support defence members proudly in the work that they do, and willingly. But the simple truth, in the words of Corporal Ben Roberts-Smith, is that freedom is not free. To all the defence families of the ACT today, with members of the family household away on active service or in support roles, I say thank you for all that you do every day. Thank you for the small things and the large. I know it can be tough to keep it all together, but you are some of the best people we have, and we appreciate your service too.

There were many ACT-based organisations who assisted in making the Anzac Day parade come together. I also extend thanks to them. On Anzac Day, we pause to remember that freedom is not free. We pause to say thank you and we pause to ensure that we never forget.

## **YWCA**

**DR BOURKE:** (Ginninderra) (4.46): Mr Assistant Speaker, the YWCA of Canberra is a not-for-profit organisation that has been providing its services across the Canberra community since 1929. The YWCA believes that it is strengthened by the diverse range of individual members who are committed to achieve the same goals and who share common interests. The organisation encourages the participation of both men and women from any background. The YWCA of Canberra is part of the national and international YWCA network. Nationally there are 30 YWCA associations. The Australian YWCA network provides community services and programs to more than a quarter of a million Australians.

The YWCA of Canberra is a feminist organisation that creates a positive change throughout Canberra by delivering programs, advocacy and services for women, children and families. Here in the ACT the YWCA is making a difference by providing a range of programs and services to help the less fortunate individuals and families in the community.

Two years ago the YWCA of Canberra began pursuing the aspiration of becoming an affordable housing provider. Their strategic goal is for women and their families to have access to conditions and resources to lead healthy lives. This strategy responds to forecasts that a growing number of single women face housing insecurity, if not homelessness, in their later years. The women and housing affordability survey commissioned by the Salvation Army in 2011 found that a third of single women over 40 are currently at risk of homelessness and most will be at risk later in their lives.

In February this year I attended the official launch of Lady Heydon House, located in Spence. Lady Heydon House is the initial phase of the YWCA of Canberra's affordable housing program. The Spence property was redeveloped into a shared house to provide secure and affordable housing for five single women. It was officially opened as Lady Heydon House by the patron of the YWCA of Canberra, Governor-General Ms Quentin Bryce. Ms Bryce has a long history of contributing to the women's movement, including a strong involvement with the YWCA. The opening of Lady Heydon House was a memorable and remarkable occasion for the YWCA of Canberra and it also raised awareness about the issue of secure and affordable housing for single women in the ACT.

Elsewhere in my electorate of Ginninderra the YWCA operates Hawker school-age and preschool-age care, Macquarie before and after-school care and Kingsford Smith school-age care, as well as school holiday programs at Kingsford Smith School. The YWCA of Canberra manages family day care in the suburbs of Kaleen, Giralang, McKellar, Spence, Evatt, Nicholls and Palmerston. This family day care is a community-based quality childcare service with qualified and experienced carers providing professional and supervised care for children from birth to 12 years of age in the private home.

The YWCA also runs the supportive tenancy service as a partnership with the Belconnen Community Service, working with Canberrans experiencing housing stress

or with an at-risk tenancy. The YWCA of Canberra is committed to supporting women's leadership in the ACT. The YWCA of Canberra has designed programs to encourage Canberra women to become more involved with leadership. These include the she leads, she speaks and the women out front leadership programs. With over 80 years of service, the YWCA of Canberra has greatly supported the Canberra community. It is important to recognise and commend this outstanding service that the YWCA of Canberra provides.

### **Planning—draft variation 315**

**MRS DUNNE** (Ginninderra) (4.50): On 21 March this year the Minister for the Environment and Sustainable Development tabled the approval of variation 315 to the territory plan relating to the new emergency services facility in Aranda.

In his tabling statement the minister noted that 14 submissions were made during the public consultation process. A range of concerns were raised, including site selection and public consultation. Despite the many criticisms and concerns raised, the government was unmoved and has gone ahead with its proposal to build an emergency services facility in Aranda.

One constituent of mine, Mr Temple of Macquarie, has written to me enclosing information about his concerns—concerns that he raised with the team that was reviewing the draft variation to the territory plan. He feels as though he has not been heard. At his request, I am rectifying that tonight. In his email Mr Temple says:

Thank you for the surprise news! When was the last time your team rejected/refused an ACT Government DV application?

I note that DV315 has not changed after your team's extensive examination of public submissions. Consideration has not even been given to minimising the potential risk to the public (especially our younger more vulnerable members) by either the construction of an underpass or a foot/bicycle bridge linking both sides of Bindubi Street—a suggestion supported by Mary Porter MLA who promised and agreed to advocate for its construction (Aranda meeting, 9 August 2012).

Surely having ESDD as the INDEPENDENT jury, judge and arbitrator for Minister Corbell's multiple ministries is akin to having one's own relatives on a judgement panel. There must be suggestions of conflicts of interest and there certainly must be suggestions of “tap, tap, nod, nod, wink, wink” collaboration happening!

Anyway, so be it. Congratulations to the Gallagher/Corbell/Bourke/Porter/Rattenbury ACT Government on selecting a ‘low choice’ and cheap ESA relocation site. ACT will soon be a proud pioneer, an Australian leader and a prime example to other States and Territories. This will not only be the first Emergency Services Facility—in the whole of Australia—to be built within a “school zone” but will also be the only one within approx. 100m of the main front entrance of a large school (in this case, a 900+ pupil, very busy Public High School).

Now the ESA Station Upgrade and Relocation Team, ESDD, the Territory Plan Variation Team and the Gallagher/Corbell/Bourke/Porter/Rattenbury ACT Government have approved the relocation of ESA to Bardi Place, Aranda they must be answerable and be held totally responsible for any future consequences/mishaps on this extremely busy stretch of road. They alone have conceived, planned and approved the relocation of ESA to Bardi Place.

A potential “accident waiting to happen” (AWTH) Blackspot will be created on this already extremely busy part of Bindubi Street. Surely we and our elected ACT leaders and their senior advisers should be trying to eliminate AWTH Blackspots on our busy ACT roads and not creating them! The poorly planned WESTERLY facing entrance/exit to the station, onto the very busy Bindubi Street, will I believe unfortunately prove to be a huge misjudgement and mistake.

I hope that I am wrong. However I do feel it is necessary to reiterate my comments in my submission to ESDD about recommending you not to proceed with such a potentially dangerous and irresponsible relocation—especially as our younger, more vulnerable members of society could be at considerable risk.

With the proposed Geocon ... Tower to be built on the corner of Eastern Valley Way and Aikman Drive, it is now evident why this ESA preferred and ideally, centrally positioned site for rapid response times—for ... Belconnen—was “not available” as the Number 1 relocation choice ...

It appears that money speaks louder than other considerations.

DV315 has been flawed from the onset and should not have been approved because ‘due process’ was never carried out.

That is the content of Mr Temple’s objections. His objections highlight how this government pays little more than lip service to the process of community consultation. The concerns of my constituents about the appropriateness of the site selection for the Belconnen emergency services facility are important. I think that Mr Temple’s comments raise central issues about public safety. Along with Mr Temple, I hope that he is wrong when he says that we are creating a traffic nightmare for ourselves in the future.

Question resolved in the affirmative.

**The Assembly adjourned at 4.55 pm.**