



Debates

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EIGHTH ASSEMBLY

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Thursday, 6 June 2013

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Thursday, 6 June 2013

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

Valedictory

MR SESELJA (Brindabella), by leave: I thank members for the opportunity to speak today. Today gives me the opportunity to reflect on my past in this place, and also look to the future.

When I look back at the 8½ years here in the Legislative Assembly, I do so with pride at the many good things we have been able to achieve, and satisfaction that I have given my all to get those achievements done. I do so grateful for the experience, humbled by the honour of being elected on three separate occasions to serve in this place for the best part of a decade and to lead my party for more than five years. I do so hoping that I have left our team in a better position than it was when I arrived, but certain that I am a better person for being part of that team.

On reflection, Madam Speaker, I have fond memories of my first campaign, when, as a rank outsider and virtual unknown, hard work, a good team of volunteers and a memorable slogan helped me to achieve an unlikely victory. I was the one that the computer got wrong, with Andrew Barr briefly taking my spot in the computer predictions on the night of the 2004 election. I was also one the polling got wrong. I was told much later—thankfully, not at the time—that the Liberal Party’s internal polling had me as the sixth most likely out of seven Liberal candidates to get elected. I was reminded again not to trust polling too much when I saw a similar poll in the *Canberra Times* before last year’s election.

During that first campaign, I fought hard to represent the outer suburbs, particularly places like Gungahlin. Even though I am Tuggeranong born and bred, Gungahlin reminded me strongly of the Tuggeranong I grew up in, only with smaller blocks. The people were the same; the struggles were the same; the dreams were the same. I was determined to get a better deal for all its residents. It drove me then, as it drives me to this day.

In my maiden speech I talked about issues affecting boys—lower educational outcomes, high suicide rates and higher levels of crime. As a father now of three boys and one girl, and now with a teenage boy, I have learned a lot over the last 8½ years about raising kids. When we look at the latest NAPLAN results around the country, we can celebrate how well many of our girls are doing. However, the number of boys lagging behind is still far too high. I want to see policies which ensure both boys and girls are achieving at their potential.

I also spoke of my strong support for educational choice. I attended systemic Catholic schools here in Canberra—St Thomas the Apostle, Padua and St Peter’s. My own parents made many sacrifices to send six kids to Catholic schools, as do thousands of Canberra families. I understand that most families in non-government education are

not rich, but they do seek to enrich their children through education. I said then that these parents deserve our support. I still believe that, and I will continue to pursue it.

Throughout my time in the Assembly I have stood up for the outer suburbs of Canberra. I believe the outer suburbs often get left behind by governments, who too often focus on the inner suburbs, where many of them reside. It is this insider's view of the world which often drives government policy, and it is one which I utterly reject.

These attitudes of fighting for the outer suburbs led to our promise to duplicate Gungahlin Drive—a promise then matched by the Labor Party. We advocated for more funding for the west Belconnen health clinic. This was my first promise of the 2008 election campaign. During last year's campaign we promised a pool for Lanyon, the duplication of Horse Park Drive and Athllon Drive, more parking in Belconnen and Tuggeranong, and upgrades to local sporting facilities across Canberra as part of our commitment to local service delivery.

Sometimes fighting for people in the suburbs puts you at odds with the insiders and even your traditional supporters. The fight over the power station was one example of this. The insiders told us that we should not oppose this project—a plan to put a power station in the backyards of Tuggeranong residents—because it was “good for business”. Our position was that you did not need a power station as part of the project, and there were plenty of better places for it. We won that debate. I believe history will judge us correct and the people of Tuggeranong will thank us.

I pursued the issue of housing affordability throughout my term because it is the foundation of prosperity and fundamental to family life. Without the security of home ownership, family life is uncertain, the future is unnerving, and the wheel of rental dependency can seem unending. Policies like halving or abolishing stamp duty for first homebuyers, infrastructure and land development reform and reducing the lease variation charge are all motivated by a desire to make the dream of home ownership a little bit easier than it is at the moment.

The Canberra Liberals under my leadership put cost of living front and centre. We did this because family budgets are under increasing strain, for many reasons. One is that anyone who has purchased a home in Canberra since around 2002 has had to take on an increasingly large mortgage. This means that when prices in other areas go up, they are more keenly felt. I believe this is one of the hidden factors behind rising budget stress.

The other factor is that the cost of the things we need has gone up much faster than the things we want—electricity, water, rates, rent, petrol, fresh food and education. It is little consolation to people on tight budgets that the cost of plasma TVs has gone down when the cost of essentials of life has gone up far quicker than inflation.

Governments cannot fix all of these problems, but they should do what they can. They certainly should not ignore or dismiss those who, despite working hard at one, two, or even three jobs, still cannot get ahead in a town that prides itself on affluence and aspiration. For far too many, that dream is becoming harder and harder to achieve. For far too many, the problem is ignored. I have never ignored it, and I will continue to fight to bring that dream back into being.

Other achievements of which I am proud include protecting Calvary hospital, saving taxpayers \$77 million—I acknowledge the work of Jeremy Hanson in that, in protecting a great hospital—legislating a cost of living statement, drug driving laws, campaign advertising reform, campaign finance reform, protecting the Shepherd Centre’s funding, and protecting Chisholm park, amongst other achievements.

There are little moments behind the scenes where we have the opportunity to help a constituent. They are particularly satisfying. I recall pushing ACTEW to reverse an obscene water bill which all of the facts showed would have been impossible to accrue.

And there have been monumental moments, such as standing with the business community in opposing the absurdity that was the proposed \$430 million government office building. The forensic work we did in exposing the flawed assumptions and massive costs forced the government to abandon what would have been a monumental waste of money. It would have made it difficult for other important projects to be funded, and it was therefore a great service to the community to ensure this project did not go ahead.

As well as those achievements, Madam Speaker, I remain proud of my part in rebuilding the Liberal Party’s fortunes here in the ACT. The ACT is not an easy place for the Liberal Party. The rough two-party vote at a federal level is around 63 to 37, so we start behind and have to work much harder than some of our opponents. But the state of the party in the ACT in 2007 was at a particularly low ebb. Infighting in both the parliamentary party and the lay party had played out publicly to such an extent that the party was being abandoned even by its traditional supporters.

It was in this scenario that the party made the crazy brave decision to make a 30-year-old in his first term in the Assembly, and the youngest member of the Assembly at the time, opposition leader. It was a daunting and exciting moment. The first polling I saw had us winning perhaps four seats. We worked our guts out just to re-establish credibility with the community. The unity improved, morale lifted, and so did our performances. The policies were produced and promoted.

Over the next five years I worked alongside people such as Brendan Smyth as deputy leader, party presidents Winnifred Rosser and Tio Faulkner, and senior staff such as Steve Doyle and Ian Hagan, along with two party rooms who worked to build the Liberal Party in the ACT to make it as effective for the community and Liberal values as possible.

And slowly, then surely, then strongly, the people came back to the party. From our low moment in 2007 we came to a point where, in a town which has traditionally voted overwhelmingly for the Labor Party, the Liberal Party won the popular vote. We won the highest number of seats ever, the second highest vote ever, and not just the highest vote for the Liberal Party in Brindabella ever but the highest vote for any party in Brindabella ever.

As I say, we did this together, and I am proud of the part I played in it. However, as history shows, we did not form government, which was a bitter disappointment to us as a party room and to the tens of thousands of Canberrans who had voted for change. I do not regret that in and of itself. I regret not being able to implement the policies and the directions so many Canberrans wanted to see achieved. Important policies like fairer funding for education, halving stamp duty for first homebuyers, green bins for every household, lower rego for those who need it, more parking across the territory, fixing our health system, infrastructure reform, halving sporting fees, upgrading local ovals, road upgrades in Gungahlin and Tuggeranong, a pool for the Lanyon valley and protecting Canberrans from the inequitable plan to triple rates which has been confirmed in this year's budget are just some of the reasons I regret not being in government.

All of these policies are good policies, Madam Speaker, and I commend them to the current government and to the next Liberal government. One policy which I would implore the current government to adopt is the policy to build an autism school. These schools do not cost very much. These schools do work. To say they have the potential to make a life-changing difference to families doing it tough is a profound understatement. When I was at a similar school in Brisbane run by the AEIOU Foundation, I saw firsthand the amazing burden which is taken from parents and the opportunities which are given to children as this truly transformational program takes place. I will be the first to cheer a government of any colour who implements this critical policy.

I would like to take a few moments to thank those who have helped me in my time here in the Assembly.

Madam Speaker, I would like to thank you for your support and friendship over many years. You are one of the true believers of ACT politics. It was great having policy nerds like you to balance the political animals in and around the Liberal Party, some of whom we see here in the gallery. And while you are a great loss to the shadow ministry, it was one of my proudest moments when you became Speaker. Your appointment was a reflection of your experience, your ability and your loyal service to the parliament. It was also a reflection of the strong performance of the Liberal Party at the 2012 election and, may I say, a gracious and decent decision by Shane Rattenbury to support you as Speaker. To your credit, that decision was made easier by the fact that you were the obvious choice for the job.

To Brendan Smyth—Brendan is the best deputy I could have asked for. For five years he served the party and myself and the community as deputy leader. It was not just his experience, his contacts, his energy and his ideas. It was his absolute loyalty to the party, to me as leader, and to his community which gives him a special place in the Liberal Party. He was a big part of the rebuilding job that took place in the Liberal Party over the last few years. I consider Brendan and his wife Robyn good friends.

I have not told many people about this, and Brendan probably will not like me sharing, but on election night there was a picture of Kate Carnell giving me a cuddle. Kate Carnell had actually given me a big kiss on the lips before that, and I was surprised it

did not actually appear. But I made the point that she was the second former leader of the Liberal Party to give me a kiss on election night. It was not Gary Humphries; it was not Bill Stefaniak. I will let you make your own judgements.

I pay tribute to our party leader, Jeremy Hanson. Jeremy received the overwhelming endorsement of his colleagues because he is the right person for the job. Jeremy was often the one who did the hard yards in opposition in the last term, taking on some of the big fights. He often had to be the bad guy, but as leader we all are witnessing his skills and his ability to grow. I pay tribute also to the gracious way, Jeremy, that you have treated me since I stepped down as leader. It is not easy having a former leader on the backbench but you have handled it with class. I look forward to attending the Assembly around November 2016 when you are sworn in as Chief Minister.

Alistair Coe was unanimously endorsed as deputy leader because of his outstanding work in his first four years in the Assembly. In his first campaign he did in six weeks what most people cannot do in six months and was the first Liberal elected. He was the most popular member in Ginninderra at the last election. This is because of his work ethic, his intelligence and his judgement. I think what defines Alistair most, though, is his strong values. He knows what is right and wrong and he is a credit to Bruce and Barbara, who I think are here with us today. He will go a long way in politics and in any other endeavour he chooses.

To my Hungarian friend Steve Doszpot, I thank you for your humour, for your friendship and for your loyalty. "Dozzy" taught me a new saying this week; I had never heard it before. Apparently it means you are busy when you say you are "up to your arse in alligators". I had not heard that, but I am told it is an old saying.

To Giulia with a G, I knew you would go places from the day you cold-called my house in Gowrie and left a message which left me in no uncertain terms what you are about. You are a conviction politician and I wish you every success.

To Andrew, the surprise packet of the 2012 campaign, I think people will underestimate you at their peril. You will go as far as you want in politics. I am pleased also that despite my leaving, you will ensure that Macarthur continues to be overrepresented in the Assembly.

I have had some amazing staff during my time in the Assembly and some of them are here in the gallery with us today. I have been blessed with senior advisers such as Daniel Clode, Fiona Glaskin, Nick Chapman, Merlin Kong and Juliet Toohey. Can I save some time now and say that for any prospective employers, I can highly recommend each of these for whatever job they apply for.

Daniel and Juliet had the significant tasks of handling costings of the 2008 and 2012 elections respectively. Both oversaw costings which stood up to rigorous scrutiny and they should be congratulated. Other wonderful staff have included Adam Duke, Hannah Passfield, Maria Violi, Emily Davis, Chris Inglis, Keith Old and Neil Hermes. To Clinton White and Kate Davis, neither of you were ever actually employed by me, but you have been mainstays of the Liberal team for many years and a wise and steadying influence on our Liberal Party team.

My current staff, Brigitte Morten and Josh Baker have, in a short time, done great things. Brigitte is one of the most talented staffers in the Assembly and will one day go on and become Prime Minister of New Zealand, I am sure. She is a force of nature and there are few, if any, people who work harder or more effectively than Brigitte.

Josh is not just super bright; he is also super committed to the Liberal cause. To my old friend Bob O’Heir, he was with me in the early days and he brought much to the job. What was most significant, apart from his efficiency and his work ethic, was his judgement. I so greatly valued the early advice he gave me at a time when I was very much feeling my way in politics. You did not think you belonged in that job, but you were the perfect person at the right time.

I would like to pay special tribute to Ian Hagan. Ian is one of those people who could make a lot more money and work a lot shorter hours in another job. His skills in communications and the law are first class. He has made a massive contribution to the Liberal Party and I am personally so grateful for his friendship and his contribution.

To Steve Doyle, I say that there is no-one, I think, who has contributed more to the Liberal Party in the ACT in recent years than Steve Doyle. Notwithstanding that he would never have gotten the job if he was not related to me—sorry, for the *Hansard*, I was joking—I am forever grateful to you for the work you have done, the sacrifices you have made and the friend you are not just to me but to so many in the Liberal team.

The two most recent party presidents of the Liberal party have made a massive contribution. Winnifred Rosser helped to heal the party. She was not my choice for party president at the time but she quickly proved that she had only the best interests of the Liberal Party at heart, and not of any particular sections of the party. Hers is a strong legacy.

Tio Faulkner works seven days a week for the Liberal Party. He has often been unfairly maligned. Those who criticise him often have no idea how often he goes the extra mile unnoticed to make sure things work. He is a great servant of our party. I just wish he would have signed his timesheets from time to time. To my friends who are here, such as Jonathan Doyle, Adam Morris and Nick Medway, you are great and valued friends and I welcome your presence.

I give thanks to a number of party members, supporters and volunteers. In no particular order, Peter Collins, Jan Beazley, Arthur Potter, Dave Howard, Pam Berriman, Angela Samuels, Russell Boyd, Brian Medway, Ben Damiano, Rowan Carter, Henry Pike, Risto Rimmukainen, Candice Burch, Tom and Helen Watson, Duncan McDonald, Jimmy Kiplox, John Cziesla, Robert Gunning, Matt Graham, Josh Manuatu, Gerry Wheeler, Cate Clunies-Ross, Greg and Margaret Cornwell, Mel Clode, Anne Prendergast, John and Jan Kennedy, David Connolly, Andrew Wilsmore, Jon Belmonte, Dave Morgan, Gwynne O’Heir, Dave and Steph Wawn, Ruth and Elizabeth Biggs, Katie Lankuts, George Lemon, George Ober, Suzannah Edwards, Sarwat Maqbool, Ignatius Rozario, Julian Leeser, Sandy Tanner, Linda Reynolds,

Tim Kirk, John and Tony Barilaro, David Malloch and Louise English, and my apologies to all those that I have missed. We are supported by some wonderful people in the Liberal Party.

To Andrea Cullen in the committee office, I think she is one of the stars of the Secretariat and I think she does an outstanding job. To all of the staff of the Assembly, it is great to see Dick Stalker back. I told him I would get his name in the *Hansard* one more time.

To my opponents, I thank you for your service to the community. I apologise for the times when in the heat of battle I may have said things which were unfair. To my Green friend Mr Rattenbury, I have enjoyed our battles. We come from very different perspectives but I do respect your passionate advocacy for your cause and I even occasionally agree with what you are saying.

To the Chief Minister, thanks for the memories. I will miss our stoushes in and out of the chamber. I enjoy having a joke with you from time to time in the midst of it all. I know you have been very keen for me to go, but I do not think that you are really that keen for me to go. I think you will miss me just a little bit. The last time I spoke to Katy outside of the chamber, I actually was standing in solidarity with her because I just could not believe the gall of that Jon Stanhope; to criticise her for public art, fair dinkum! I was standing with Katy on that one. I thought, "Fair dinkum!"

To me, family is the most important thing. I went into politics because I wanted my kids and all the kids of Canberra to have a better future. Ironically, it is politics which so often takes me away from my own family, as I know is the case for so many people here. I have been blessed by amazing parents who have made massive sacrifices for each of their children. I can only say to Kate and Loui, thank you and I love you. To Branka, Zvonimir, to Katarina, Lidia and Nik, you guys are awesome and I love you very, very much.

In my maiden speech I had a message for my then two young kids, Michael and Tommy. I said this:

... you are too young to understand this now but when you read this in years to come, know that I love you with all my heart and only want what is best for you. Thank you for providing me with a pleasant distraction during my campaign and bringing so much joy to my life. I hope to help shape Canberra into a better city for you and for your children.

I now say something similar to Michael, to Tommy, to William, to Olivia and to the one who we will meet at the end of August. I love you dearly. Time with you and your mum is what I live for, whether it is sitting in front of the fire and watching Parramatta lose on a Friday night, or the Blues occasionally winning, hiking in the Brindabellas with my boys, reading a story with Olivia, you bring joy to my life and all I do is for you and your mum.

Finally to Ros, what an amazing woman you are—a super woman, no less. A wife, an amazing mother, a dean's list student, a public servant, a campaign volunteer. All I

can say is that you are far and away the best thing that has ever happened to me. The term “batting above your average or punching above your weight” was designed to apply to me. I love you dearly.

That brings us to this day and what I have learned from my experiences here that will take me on the next part of my journey. Madam Speaker, there is a theme that flows through all I have done and which will drive me into the future, and that is values—values I learnt from my parents as I grew up in Canberra, values I try and instil in my own family with my beautiful wife, Ros. They are values from my faith and values that I think I share with many Canberrans.

They are values that have guided every decision every day. They are values that led me to the Liberal Party, because the Liberal Party believes not in imposing an ideology onto the people, but which respects and empowers people to achieve freedom. Freedom of speech, freedom of association, freedom of worship are the great freedoms which allow people to prosper. They are enduring values I will always hold dear and will always work to protect. The rule of law helps us to live together in peace. It is something we can sometimes take for granted, but I believe deeply in its value for a better society and the need to aspire to this.

I believe that those who work hard should be rewarded for that hard work, not brought down. But I also believe in our responsibility to contribute to society and to care for and empower our most vulnerable citizens. I believe governments should encourage job creators and aspirational Australians, that they should provide the opportunity for them to improve themselves rather than impose impediments to success. These values permeate the Liberal Party, which is one of the reasons I am proud to be part of it. I am proud of the friendships I have forged, the fights we have fought together and I hope that the future will see even more success.

I am proud of the part I have played here so far. I will continue to live by and fight for these values in the future. I am proud to have served the people of Canberra. For so long they have shown trust, support, encouragement and belief. For so long I have tried with all my effort to repay that trust with diligence and honesty. Finally, I will leave with a few words for anyone looking into the future: drive for your goals, live by your values, keep your faith and dream the big dreams. You may not get everything, but it will be well worth the journey. Thank you.

MR HANSON (Molonglo—Leader of the Opposition), by leave: I thought everybody had got here early for my budget in reply this afternoon! Zed, it is a great honour for me to stand in this place to say a few words on behalf of all my colleagues, and the deputy will speak as well. But I know that what I say is shared by Giulia, Andrew, Steve and Brendan as well. You would have made a great Chief Minister, Zed. You came very close—about as close as someone can. And the best way I can express how much I believe that is that if I were given the choice of being opposition leader or serving under you as a minister in your ministry, I would have chosen the latter, because that would have been better for Canberra. I think we all understand you would have made a great Chief Minister.

You have restored this party. I am the beneficiary of that; all of us are. You expressed well the journey the Liberal Party has come on. In the first term in which you served, in the second, the two elections that you fought and in the time that you have served as my shadow Attorney-General, you have not once done anything but your best and given 100 per cent. You have been someone who has been much maligned, perhaps not as much as Tio, but you have copped your fair share. Probably the best way to explain that is in the words of Paul Gallen who, in explaining away his left and right jab on Nate Myles, said he did it because he respects him.

I think that is why you have been as maligned as you have been and why you have been attacked, so often unfairly. People do not do that unless you stand up for something. People will not attack you unless you are a worthy opponent. That is why you have been the subject of that vilification. It has been tough on you; it has been tough on your family; it has been tough on your friends. But it meant that you stood for something, so take that with you.

We will miss you. The qualities that you bring to this place are exceptional, and I would like to touch on some of them: firstly, your parliamentary performance, and everyone has just seen that in the speech that you gave here. Often these benches are empty, but we all get to see the quality of your speeches. Your ability to think on the floor to shape an argument as you go is the best in this place. There is no-one that can exceed you in terms of parliamentary performance, in terms of debate, in terms of winning an argument on the floor. If the votes in this place were shaped by arguments rather than just the numbers, you would have won a significant amount more.

Then there is your intellect. Everybody understands your intellect. You are a trained lawyer; your intellect shines through and it shines through into your judgement. It was very rare that you made a bad decision. Supporting Parramatta is probably the fundamental one amongst them, but other than that your decisions have been good ones, as has your capacity for hard work. You are a hard worker. That is one of the criticisms that is used against you—it is a myth; it is not true; it is a lie. You are one of the hardest working individuals that I know.

You touched on your values. You live by your values. They are family values, and as we see Ros and your beautiful family here in the chamber today with your friends and your supporters, we all understand how much your family means to you and how you are able to translate what that family means to you into how you have shaped the values of the Liberal Party in this place.

Liberal values are often mistaken as being hard nosed, business oriented and not emotive, I suppose. But another quality that is often not recognised are your social values and your sense of social justice. In the party room when we have had the debates you have always been shaped by the policy—what is best for Canberra and what is best for those people doing it tough in Canberra—and not just by the politics of an argument. Often that gets missed as it gets played out in here and in the media, but we have seen that and we understand that.

I would like to thank you for your friendship and your support. We in this place, as you mentioned, are only as good as we are because of our staff, and you thanked our numerous staff. It would be unjust of me not to mention that you are also stealing staff from this place as you go. I would like to particularly mention Brigitte Morten. If she serves you half as well as she served me then you will be very well served. She was an instrumental part in why we were able to hold the government to account so effectively on health in the last term. She was instrumental in why I achieved the result I did in Molonglo, and you will be a great beneficiary of her hard work in your upcoming Senate campaign and when you become a senator.

Mate, good luck. The Assembly's loss will be the Senate's gain, and I applaud the fact that what you have done for your electorates both in Molonglo and Brindabella you will now be able to do for all of Canberra. Canberra will be the beneficiary of that now and not just the electorates you represented in this place. Good luck.

MADAM SPEAKER: Thank you, Mr Hanson. And thank you for undermining all my good work on standing order 42!

MR COE: (Ginninderra), by leave: Zed is one of only a handful of people in the history of ACT Hare-Clarke elections who have won three or more elections and improved in each. In 2004, as he said, he was an outsider and got half a quota and was the second best performing Liberal in Molonglo. Four years later he went on to get 1.5 quotas at 19 per cent in Molonglo, and in 2012 in Brindabella he got 29.2 per cent, which was the highest in the ACT, securing 1.8 quotas. Zed is going to leave this place as all of us would like to leave this place—that is, with the last election being the best.

I would like to put on the record that Zed has been a tremendous support to me personally, as a new member in 2008 and as an ongoing member since. I think we have all depended on Zed for a very measured and considered response either in this place, personally or in the party room. Indeed, your contribution in the party room is of course one of the greatest you can make in terms of shaping Liberal Party policy, and the role Zed has played in that space has been truly instrumental. To be opposition leader anywhere is a tough job, but here in the ACT it is arguably the toughest job anywhere, and Zed has done so very well.

Zed has been a great servant of the party. A few of us on this side of the chamber have served on the party's management committee and Zed was the policy convener in 2003 through 2004. He ably contributed to the party in that role and then, once elected, he was a driving force with regard to fundraising and, as he touched on, bringing unity to the party. He helped to stabilise and modernise the ACT Liberal Party. He backed his staff and, in turn, his staff backed him.

Zed is all about the family and he is ably supported by Ros and his kids. Zed is very much living the liberal tradition—that is, working hard, strong values and creating more opportunities for the next generation.

As to the Senate, Zed will be a great boost to the Liberal cause in that place. The pre-selection was tough. I think all federal politicians have a story to tell with regard to their pre-selections, but Zed has a classic one. The party is better off as a result of that stoush over the last few months, and so will be the nation's Senate. I predict the Liberals will receive a strong positive swing in the upper house here in the ACT.

I would like to thank you, Zed, for the leadership, the counsel and the political support to me and to your colleagues. The new opportunities that present here in the Assembly and in the federal parliament we hope will be for the best. Madam Speaker, I know you have been as strong and as loyal a friend to Zed as one can be in politics. Whilst it is very hard for you to say much from that chair in this place, I know you would want to have on the record your admiration and your support for Zed as well. Thank you.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education), by leave: I am pleased to rise on behalf of the government for one last response to Mr Seselja and to place on the record my acknowledgement of his service to the Assembly and his representation of the community since 2004. In doing so I echo the gracious comments Mr Seselja made when John Hargreaves retired in August last year—this place will not be the same without him. Having been here for the duration of Mr Seselja's Assembly career I have heard all of his best speeches. Some of them I have heard many times over. Perhaps a valedictory from a Liberal member is one of the best ones from our side of the chamber you can hear.

I pay tribute to Mr Seselja as a strong political opponent and his contributions to the life of the Assembly as a shadow minister and opposition leader over three terms. Despite our differences, Mr Seselja and I share the understanding that election to any parliament is an honour and a privilege; a position of trust that has to be earned and worked hard for. I believe we also share the view that political contest, the contest of ideas, is a fundamental requirement for a healthy parliamentary democracy. I am sure Mr Seselja will take these values to the Senate, if he is successful in the September election.

On that note I urge Mr Seselja as a potential senator and member of a potential government to be a strong voice for Canberra within the federal Liberal Party. There are some core issues for our city, for any city, that ought to sit above politics. Canberra deserves to be treated with respect and with fairness in both the political debate and in the policies of a federal government. We are an Australian community like any other, and I hope Mr Seselja will use his powers of persuasion—very strong powers of persuasion—to remind some of his new colleagues of this.

I want to wish Mr Seselja, his wife, Ros, and their children all the best for the future. I remind him to fill out his last time sheet before leaving next Tuesday, and I look forward to continuing our ongoing contest of ideas, albeit outside the walls of this chamber. Perhaps, on occasion, we may even be on the same page, driven by our love for this city. Farewell from the Assembly, Mr Seselja.

Public Accounts—Standing Committee Report 3

MR SESELJA (Brindabella) (10.37): Pursuant to the order of the Assembly of 14 February 2013, as amended on 9 May 2012, I present the following report:

Public Accounts—Standing Committee—Report 3—*Report on Annual and Financial Reports 2011-2012*, dated 6 June 2013, including dissenting comments (*Ms Porter and Dr Bourke*) together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

Madam Speaker, today I rise to present the public accounts committee inquiry report on annual reports for 2011-12. As you know, consideration of annual reports and the estimates process are a critical part of scrutiny in this place. Arguably, the public accounts committee, with its particular focus on and significant responsibilities in relation to the expenditure of public money in the territory is the most significant player in this aspect of scrutiny.

In hearings for this report, the committee considered a number of whole-of-government issues on the operations of a number of the most important government and independent agencies. One focus of the recommendations made by the committee in this report is the reporting process itself. In the first recommendation, the report recommends improvements to reporting systems and compliance, with an emphasis on the clarity and timeliness of reporting, and that performance indicators be meaningful. Consistent with this, it recommends that the ACT government develop better performance measures for economically sustainable development.

Other recommendations include: that the government finalise policy on the process for complaints about government services and report on progress regarding feedback on Canberra Connect as a conduit for complaints; ensure that remuneration for the managing director of ACTEW and other territory-owned corporations is fully disclosed in annual reports and develop a government business enterprise ownership policy; respond to the Auditor-General's 2006 report on Rhodium Asset Solutions; report on the outcome of the Economic Development Directorate's discussions with Indigenous representatives regarding tourism and ecotourism and consider formalising a linkage with Indigenous Business Australia; inform the Assembly as further developments arise about the creation of a single racing industry administrative body; table the evaluation, when finalised, of the centenary of Canberra program events and activities; update the Assembly on funding negotiations with the commonwealth and co-investment for a new convention centre; regularly update the Assembly on the proposed light rail project; table its response to the review of the land rent scheme; and inform the Assembly regarding the review into future ownership and governance arrangements for ACTTAB.

The report also recommends that the Auditor-General conduct a performance audit into the oversight and governance of ACTEW, that the Commissioner for Public Administration review the current guidance on caretaker conventions in the lead-up to the ACT elections, and that the Speaker of the Assembly should continue to progress the feasibility of extending the discretionary officer allowance to communications.

Madam Speaker, these matters all hinge on the premise that accountable government is good government. In my view things have a way to go before that can be said.

As outgoing chair, I particularly want to thank Dr Andrea Cullen for her tireless work on behalf of the committee. I note that Andrea has recently been short-listed in the 2013 ACT public service awards for excellence. In my view she has more than earned this recognition. I commend the report to the Assembly.

DR BOURKE (Ginninderra) (10.40): Reports of the public accounts committee are some of the most valuable reports produced by our committee system. They should ensure that government is spending Canberra's wealth wisely and should make insightful recommendations showing how matters can be improved. I am proud that this report generally achieves that aim.

However, this report has clearly got it wrong on two recommendations, Nos 6 and 10, that Ms Mary Porter and I have not supported. They merely rehash a debate we have already had in the Assembly, which the opposition has lost. Recommendation 6 essentially calls for a full performance audit of ACTEW. The Auditor-General is already looking into matters relating to ACTEW—an inquiry that is well underway. As an ongoing member of PAC, I can assure the departing chair that we will listen with interest to anything further that the Auditor-General has to say on ACTEW, and act accordingly.

This recommendation smacks of the departing chair leaving riding instructions for his replacement, saying, "Make a fuss about ACTEW: political mileage to be made." Mr Hanson should have come onto PAC as chair months ago, as soon as he took over the Liberal leadership and learnt the ropes himself. We do not need the departing member for Brindabella leaving some wish list of spin jobs he would have liked to have got around to, if only he had had the time. The recommendation is obviously something that the chair has had time to pursue. The time just slips away, it seems.

Here we are in the Eighth Assembly, and this recommendation harks back to a PAC report relating to an Auditor-General's report, not in the last Assembly but in the Assembly before that—the Sixth Assembly. The PAC report of the Eighth Assembly is not the place for the departing chair to express his whimsical regrets about Assemblies past, old defeats and the ones that got away.

Madam Speaker, as you might gather, I am not supporting recommendation 10 either. However, I recommend that you read the rest of the report, and I look forward to new blood on the PAC committee at its next meeting.

Question resolved in the affirmative.

First Home Owner Grant Amendment Bill 2013

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

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (10.43): I move:

That this bill be agreed to in principle.

The First Home Owner Grant Amendment Bill 2013 will give effect to important changes to the territory's first home owner grant scheme. As part of last year's budget, this government announced a number of important taxation reforms in order to create a fairer, simpler and more efficient taxation system for the residents of the ACT. This included a range of housing affordability measures such as the retargeting and expansion of the homebuyer concession scheme, the expansion of the pensioner duty concession scheme and the phasing out of conveyance duty over a 20-year period. The ACT's 2013-14 budget will continue the implementation of significant housing affordability initiatives which support new homebuyers in the territory, as well as the construction industry in the provision of new housing.

This bill will implement amendments to the First Home Owner Grant Act 2000 and will retarget the grant. This grant was originally introduced in July 2000 to help offset the impact of the goods and services tax. However, since the time the grant was implemented it has been found to no longer achieve its original intended purpose, and can in certain circumstances increase house prices.

To best utilise the grant, and to best assist those first homebuyers most in need, the grant will be retargeted with this bill to first homebuyers who are purchasing a new or substantially renovated property. In addition the grant amount will be increased from \$7,000 to \$12,500 for each eligible application.

These amendments will better align the grant not only with the ACT's homebuyer concession scheme but also with other jurisdictions which have already announced or implemented similar changes to their grant schemes. Other jurisdictions, including New South Wales, Victoria, Queensland, South Australia and Tasmania, will redirect or have already redirected the grant to new homes only and increased the value of the grant payment.

This bill will help the ACT to become a more attractive marketplace to first homebuyers of new homes. It is anticipated that the provision of the grant to new and substantially renovated properties only will stimulate the territory's construction industry and provide an increase in housing supply. This will help to create a stronger property market in the territory.

This bill also amends the required residency period for the grant. Currently, it is a requirement that at least one applicant for the grant reside in the property for a continuous period of at least six months within the first year of purchasing the property. With the commencement of this bill, the residency period will be extended to one year. This will help to ensure the integrity of the grant, as it will be more appropriately targeted to first homebuyers most in need who are purchasing their principal place of residence. The extended residency period will also assist the ACT Revenue Office in ensuring applicant compliance with the residency requirements.

This bill provides the required legislative amendments to implement this retargeted grant. For example, the bill amends the definition of an eligible transaction for the grant while providing definitions of new and substantially renovated homes. The bill also clarifies the new residency period of one year.

Retargeting the grant will help us to ensure its relevance to first homebuyers in the market, and assist these purchasers during the exciting time of purchasing their first home. It will also support the growth and activity of the territory's construction industry. I commend the First Home Owner Grant Amendment Bill 2013 to the Assembly.

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

Legislation (Penalty Units) Amendment Bill 2013

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.48): I move:

That this bill be agreed to in principle.

I am pleased to present the Legislation (Penalty Units) Amendment Bill 2013. The ACT's statute book uses the concept of a "penalty unit" for offences to express a maximum monetary fine for an offence. Section 133 of the Legislation Act 2001 currently defines the value of a penalty unit as \$110 for an individual and \$550 for a corporation.

The Legislation (Penalty Units) Amendment Bill 2013 seeks to amend section 133 by increasing the value of a penalty unit rate for an individual by \$30 from \$110 to \$140, and for a corporation by \$150 from \$550 to \$700.

The proposed increases to penalty unit amounts for an individual have been determined through the application of the consumer price index to the value of a penalty unit since 2001. Since 2001 there has been only one adjustment of the value of an ACT penalty unit, and this occurred in 2009.

This increase will also place the ACT in the mid-range for Australian jurisdictions that use the concept of a penalty unit. This bill will align the territory with the value of a penalty unit for an individual with the Northern Territory and Victoria. The value of a penalty unit in the commonwealth has also recently been increased from \$110 to \$170.

The majority of criminal offences in the ACT include the option of a fine being imposed as a sentence, or as part of a sentence. The effect of the amendment will be to raise the dollar amount maximum fine that can be imposed for all offences that include a fine as a penalty unit. Increasing the maximum penalty amount for all offences in this way means that the relative weight of monetary penalties is maintained.

Using penalty units for all offences where a monetary penalty applies, and adjusting the value of penalty units, maintains relativities as between the penalties for a wide range of offences on the ACT statute book.

This proposal is consistent with other government amendments to ensure that maximum penalties remain relevant and appropriate. In sentencing an offender, the court must have regard to the offender's ability to pay a fine. This is recognition that financial penalties may have a disproportionate effect on the section of the community that is already socioeconomically disadvantaged.

Government initiatives such as a range of flexible fine enforcement measures for court imposed fines and new "time to pay" options for people experiencing difficulty in paying their infringement notice penalties for, for example, traffic or parking offences will assist to minimise these impacts.

Prior to the current review, the value of a penalty unit has only been reviewed once since the Legislation Act commenced in 2001. As I mentioned earlier, this was in 2009. In order to facilitate more regular reviews, this bill also includes a requirement that the Attorney-General consider the appropriateness of the monetary value of a penalty unit at least every four years.

Monetary penalties become inappropriately low if they do not keep pace with inflation. Ensuring that the relative weight of the penalties is maintained is also linked to supporting the deterrence effect and value of penalty units.

A number of other Australian jurisdictions already have a statutory review mechanism for the value of a penalty unit. Tasmania, Victoria and the Northern Territory have a requirement to review the value of a penalty unit before every financial year, and the commonwealth recently introduced a requirement to review the value of a penalty unit every three years. Creating a requirement for the Attorney-General to consider the appropriateness of the value of a penalty unit will support the maintenance of the relative value of a penalty unit over time.

It should be noted that the Legislation (Penalty Units) Amendment Bill will not automatically result in an increase in infringement notice penalty amounts. Any

increase in the value of infringement notice schemes will be addressed on a case by case basis through amending regulations made by the executive and tabled in the Assembly. I commend the bill to the Assembly.

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

Crimes (Sentencing) Amendment Bill 2013

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.54): I move:

That this bill be agreed to in principle.

Today I present the Crimes (Sentencing) Amendment Bill 2013. This bill's purpose is to encourage defendants to participate in the running of an efficient trial. The bill proposes amendments to the Crimes (Sentencing) Act 2005 to allow the court to impose a reduced sentence where an offender has facilitated the administration of justice by cooperating to ensure that the trial is focused as efficiently as possible on the real issues in dispute.

New section 35A allows a court to impose a lesser penalty, including a shorter non-parole period, on an offender than it would otherwise have imposed having regard to the degree of assistance provided in the administration of justice. The provision is designed to encourage cooperation in ensuring that the trial is focused as efficiently as possible on the real issues in dispute. The provision will extend to allowing a reduced sentence to be imposed where an offender, while maintaining a not guilty plea through to trial, has nevertheless facilitated the administration of justice through pre-trial disclosures, disclosures made during the trial or otherwise, admissions and early indication of which elements of an offence are in issue.

A similar provision exists in New South Wales and, accordingly, the case law that exists on this provision in New South Wales will serve as a guide to the ACT judiciary in applying new section 35A.

New section 35A ensures that a lesser penalty imposed must not be unreasonably disproportionate to the nature and circumstances of the offence. The new section clarifies that the power is not intended to limit the operation of existing sections 35 and 36 which allow for reduced sentences where the defendant has pleaded guilty or provided assistance to law enforcement agencies.

The court will be required to give a statement where it imposes a lesser penalty for an offence under this new power. The court must state the penalty it would have imposed, and the reasons for imposing the lesser penalty.

This will ensure the visibility of reductions for two reasons: firstly, to ensure that the community is able to be satisfied that sentences continue to reflect the seriousness of offences; and secondly, to ensure that defence counsel can advise their clients of the benefits of pre-trial and trial cooperation which ultimately may facilitate greater efficiency in cases before the courts.

Madam Speaker, the amendments in this bill will implement measures designed to improve the efficiency of our courts. In criminal matters, delays affect defendants, the community, and victims by prolonging the emotionally traumatic and exhausting experience of participating in criminal proceedings. The bill is an important step towards reducing such delay while still ensuring fairness to a defendant. I commend the bill to the Assembly.

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

Criminal Code (Cheating at Gambling) Amendment Bill 2013

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.58): I move:

That this bill be agreed to in principle.

Madam Speaker, I am pleased to introduce the Crimes (Cheating at Gambling) Amendment Bill 2013. The growth of sports betting in the Australian wagering market has led to increasing risks to the integrity of sport from those seeking to profit from the manipulation of results. These risks have been recognised nationally by state, territory and commonwealth attorneys-general and sports ministers as needing urgent attention.

In June 2011, all sports ministers committed to the national policy on match-fixing in sport, and agreed that all Australian governments would pursue a consistent approach to criminal offences and penalties for match-fixing activities.

The Standing Council on Law and Justice subsequently established a match-fixing working group. This working group developed a list of six match-fixing behaviours to assist jurisdictions in determining whether their legislation was appropriate to deal with the risks of match-fixing.

At the standing council meeting on 18 November 2011 the ministers endorsed the list of match-fixing behaviours and agreed to seek approval from their respective cabinets for the introduction of specific match-fixing offences where current legislation did not already deal with the behaviour.

In February this year, the Australian Crime Commission released a report titled *Organised crime and drugs in sport*. This report highlighted the concern that organised crime groups were targeting elite and sub-elite athletes with an aim of having the athletes participate in match-fixing activities.

Today the government is addressing identified risks to integrity in sport and gambling with the introduction of this bill. The bill also recognises that ACT law provides criminal sanctions for a broad range of dishonest and fraudulent conduct.

The bill inserts three new offences into the Criminal Code 2002 to criminalise specific match-fixing behaviours and cheating at gambling activities.

The first offence will criminalise engaging in conduct that results in a corrupt betting outcome for an event, and obtaining a financial advantage or causing a financial disadvantage in connection with betting on the event. This offence will deal with actions that corrupt a betting outcome, such as deliberate underperformance or “tanking”, interference with a playing surface, or any actions likely to affect the outcome of betting, contrary to standards of integrity. It is also intended to capture someone who pays another person, or puts pressure on another person, to engage in such conduct.

The aim of this offence is not to criminalise the making of tactical decisions for reasons other than affecting a betting outcome, or breaking the rules of a sport. The aim is to prevent deliberate cheating aimed at affecting betting outcomes for a financial advantage or to cause a financial disadvantage.

The second offence prohibits betting while possessing information about a corrupt betting outcome. The purpose of this provision is to prohibit a person who possesses information about a fixed event from doing something that results in a bet on that event. The offence extends to encouraging another person to bet on an event or telling someone else about the fix where the person knows the other person is likely to bet on the event.

To prove this offence, it is not necessary for the prosecution to prove that a bet was actually placed by the first person or another person. However, the person needs to engage in conduct, and the person needs to possess information and be reckless as to whether it is corrupt conduct information.

The maximum penalty for these first two offences is 10 years imprisonment. This penalty is consistent with penalties for other serious fraud and dishonesty offences in the Criminal Code 2002.

The final offence in the bill relates to betting with inside information and carries a maximum penalty of two years imprisonment.

The New South Wales Law Reform Commission report titled *Cheating at gambling* notes that inside information relating to sports can be of considerable importance to certain criminal syndicates that employ sports betting in support of money-laundering

activities. Additionally, a person who abuses inside information may not be amenable to the disciplinary powers of sports controlling bodies. Accordingly, it is important that an offence of betting on an event with information not generally available is enacted to respond to the real opportunity for the misuse of such information.

This offence will prohibit a person who possesses inside information about an event from betting on that event, or encouraging another person to bet on the event in a particular way, or communicating the inside information to another person who they know—or it is reasonable to know—is likely to bet on the event.

This offence addresses concerns about the use of inside information about an event to manipulate the betting market. However, not all information about an event will be sufficient to prove this offence.

The bill uses the term “inside information” to limit the offence to instances involving information that is not generally available where, if the information had been available, it would likely have affected betting decisions.

A person will not commit an offence if, for example, they place a bet based on a media report that a player will not be fielded due to an injury. However, if this information is not reported publicly and the information is not available to the public through other means, and a person with this information bets on an event, it is intended that this person would be captured by the inside information offence.

New South Wales, South Australia and Victoria have also recently enacted legislative amendments to address match-fixing activities.

The bill I introduce today aligns with those amendments, but has been drafted to comply with the territory’s Criminal Code and to expand on existing fraud and dishonesty provisions.

The government recognises that legislative amendments to address match-fixing behaviours may have an impact on local sporting bodies and organisations. To this end, my directorate and the Economic Development Directorate will hold an information session with the sport sector to outline the offences in the bill in the context of national and local efforts to improve integrity in sport.

This bill will ensure that those who fix sporting and other events will be subject to criminal sanctions. Furthermore, those who use information about a fix or inside information for a betting purpose will also be subject to the criminal law.

The offences in the bill will protect sport and racing organisers and their participants by deterring corruption. The amendments will also protect those who wish to participate in lawful gambling from the interference of match-fixing. I commend the bill to the Assembly.

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

Justice and Community Safety Legislation (Red Tape Reduction No 1—Licence Periods) Amendment Bill 2013

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.14): I move:

That this bill be agreed to in principle.

Today I introduce the Justice and Community Safety Legislation (Red Tape Reduction No 1—Licence Periods) Amendment Bill 2013.

This bill will help ease the regulatory burden on a range of regulated industries by extending the maximum term for a number of licences or registrations issued by the Office of Regulatory Services. This bill extends the maximum period for those licences or registrations from the current one-year limit to a more appropriate three-year period.

This will mean that individuals and businesses in those industries will no longer have to undertake the time-consuming process of applying for annual licence or registration renewals. The bill builds on this government's strong record in making the territory a better place to do business.

The bill supports the government's commitment to red tape reduction by amending various legislation, including the Agents Act, Agents Regulation, Fair Trading (Motor Vehicle Repair Industry) Act and Sale of Motor Vehicles Act.

It is necessary to implement this change in policy to allow longer licence and registration periods, through legislation, as the acts amended by this bill currently specify a maximum licence or registration term of up to one year. The bill amends that maximum term to three years.

This change arises from a recommendation from the government's red tape reduction panel. The government established the panel as part of its ongoing efforts to support a diverse and successful private sector. The panel has been given a mandate to identify regulation that imposes unnecessary burden, cost or disadvantage on business activity in the ACT, and recommend ways to remove and improve outdated, unworkable and illogical regulation.

The government's decision to establish the panel has been warmly welcomed by the private sector. The panel includes representatives from the Canberra Business Council, the ACT and Region Chamber of Commerce and Industry and the Council of Small Business. I know that these representatives appreciate and support the government's commitment to making Canberra a better place to do business.

The red tape reduction panel is an output of the government's policy for supporting the private sector—"growth, diversification and jobs: a business development strategy for the ACT". That strategy sets out how the government will accelerate business innovation, support business investment and foster the right business environment so as to grow the ACT's economy.

This bill reflects the government's risk-based approach to licence terms. As part of these reforms, the Office of Regulatory Services reviewed all of the licence and registrations it issues. Where possible, the requirement for annual renewals for these licences and registrations is removed. This bill will instead give the Office of Regulatory Services the power to issue these licences and registrations for up to three years.

This bill does not compel the ORS to issue licences or registration for the maximum term. It will retain the discretion to issue licences or registrations for less than three years if a shorter period is appropriate in the circumstances.

While the government is committed to supporting the private sector, we have not simply extended the maximum period for all licences and registrations. As I have indicated, the government adopts a risk-based approach, and licence or registration periods have not been altered where there are public safety, health or other considerations to justify an annual assessment of the applicant's suitability to hold a licence or registration. The bill only extends licence and registration periods in industries where the licence period could appropriately be extended without any adverse impact on public safety.

The bill will assist a wide range of licence and registration holders by removing their obligation to undertake unnecessary annual licence renewals. Among the many industry sectors that will benefit from this bill are motor vehicle repairers, real estate agents, travel agents, second-hand dealers, employment agents and car market operators.

The changes in this bill, and the many other reforms this government is pursuing as part of our "growth, diversification and jobs" business development strategy, will not only help employment opportunities for Canberrans, but they are also a win for consumers. By reducing the regulatory burden on business we can help reduce the cost pressures they face, which in turn benefits Canberrans who are consumers of their services and products.

It is more important than ever that this government do all it can to support the private sector, and consumers in the territory generally. This bill is just one way in which the government is working to do this by lightening the regulatory burden. I commend the bill to the Assembly.

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

Construction and Energy Efficiency Legislation Amendment Bill 2013

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.14): I move:

That this bill be agreed to in principle.

The Construction and Energy Efficiency Legislation Amendment Bill introduces new policy necessary to improve the quality of work in the construction industry and to protect the public. The quality of our built environment is important to our health, safety and wellbeing. This is the main reason there are minimum standards for construction and that practitioners that build structures and install and maintain building services are regulated. Unfortunately, the quality of work in some buildings can be substandard, which is of concern to the government and the community.

The bill will amend a range of legislation and contains a number of minor amendments to improve the operation of existing legislation for the construction industry. The bill is accompanied by detailed explanatory notes, so I will not go through all of the amendments here. However, I will highlight a number of important changes.

Amendments to the Construction Occupations (Licensing) Act and regulation will give the Construction Occupations Registrar a better range of options to assess the competency of practitioners at the time they apply for a licence and throughout the course of their career and to respond to breaches of construction legislation when they occur. This includes to: create a new power for the registrar to consider the past and present behaviour of a licensee or applicant before issuing or renewing a licence; introduce new grounds for requiring an applicant or licensee to undergo a skills assessment; and provide a new system for ongoing training of practitioners.

Regulated practitioners are relied on to carry out a number of functions and meet obligations under law. Decisions that the registrar makes on who may hold a licence and whether they may continue to practice with or without restriction can have subsequent effects on work safety, fair-trading, planning and environmental matters. So it is important that the registrar has appropriate powers under the act and the range of operational acts for construction work.

New provisions will allow the registrar to take into consideration whether an applicant, nominee, director or company is disqualified in the ACT or another jurisdiction from holding a licence or subject to occupational discipline. For licence renewals, the

registrar will also consider a range of things related to the licensee's conduct while licensed including if they are contravening a rectification order, a court order or an order of the ACAT relating to the applicant's licence.

If the registrar believes it is necessary or desirable to protect the public, the registrar will be able to refuse the issue or renewal of a licence. This will be reviewable by the ACAT. If a licensee contravenes a relevant act, the registrar may take disciplinary action that can include requiring a person to undertake training. So that the registrar can assess if a breach of legislation was due to a lack of skills or knowledge, the bill gives new powers to the registrar to require a skills assessment of a licensee if a ground for occupational discipline exists. This helps the registrar in being able to select or recommend the most appropriate disciplinary action to the ACAT and to assess any ongoing risks to the public.

Legislation, standards and practices in the industry change frequently. To carry out construction occupations with a sufficient level of skill and knowledge, practitioners must continue to learn and respond to these changes. The bill includes a new power for the registrar to determine a course of training for a construction occupation or occupation class if it is necessary for the development or enhancement of the skills or knowledge of licensees in that occupation.

This allows the registrar to target training appropriate for each occupation on an as-needs basis. The system does not require licensees to accrue a mandatory number of points or attend a certain number of courses but directly addresses identified gaps and problems in specific occupations or occupation classes. It is a practical and responsive way to manage the ongoing competency of licensees.

Implementing a system of professional development was a recommendation of the government's *Building quality in the ACT* report. This is the first in a series of bills the government intends to bring forward as part of our commitment to improving building quality and as part of the ongoing review of the Building Act.

I commend the bill to the Assembly.

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

Water Resources Amendment Bill 2013

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.20): I move:

That this bill be agreed to in principle.

I am pleased to present this bill today. The Water Resources Act is an important piece of legislation, providing the framework to regulate the water resources of the territory. It regulates the use of water from rivers, lakes and underground aquifers through a range of tools administered by the Environment Protection Authority. The bill seeks to amend provisions of the Water Resources Act and its regulation to ensure the ACT has an appropriate and reasonable suite of enforcement tools.

The ACT has taken important steps to participate in the Council of Australian Governments reform concerning water resource laws. The national framework for compliance and enforcement systems for water resource management is a collaborative reform program agreed by the Council of Australian Governments and funded by the commonwealth. The national framework will form the basis for implementation plans developed in each state and territory guided by the principle of cost-effective water regulation.

There are five elements to the national framework: harmonising water resource compliance and enforcement laws, prioritising enforcement activity in high-risk water catchments, developing best practice regulatory methods, engaging and informing licensees and stakeholders, and monitoring water resource and enforcement activity.

The focus of this bill is on the first element of that framework—that is, reform of water resource enforcement laws. The scope of the national framework requires that water resource laws include offences for the following regulatory subjects: take or use water without a licence, unauthorised construction of bores, unauthorised work in a waterway, contravention of the conditions of a licence to take water, offences regarding water metering and reporting water usage, tampering with water meters, impeding authorised officers from performing their enforcement duties, and impacting on water quality.

For each of these issues the states and territories are required to have an adequate range of regulatory tools, including infringement notices, disciplinary action, sanctions and criminal offences, to strike a balance between protecting water resources and taking appropriate regulatory action. The national framework also requires adequate and appropriately scaled penalty levels for offences.

A review was undertaken of ACT water laws and enforcement provisions relative to the scope of the national framework. The review found that many of the required offences were already contained in the Water Resources Act, mainly because the ACT's act is modern and developed with consideration of the other national water initiative and Murray Darling Basin reforms.

The review recommended a number of minor amendments to the Water Resources Act and regulation. The review also noted areas of the Environment Protection Act that may require amendment. However this latter issue is being considered separately in the current review of the Environment Protection Act process.

The amendments proposed in the bill ensure there are reasonable and adequate water laws to protect our water resources. The amendments are largely technical in nature and do not pose change in policy that is contrary to the intentions or objectives of the

act. The amendments are complementary to existing provisions of the act and expand the range of reasonable and appropriate enforcement actions that may be applied relative to the seriousness of a noncompliance incident.

This bill will introduce a new strict liability offence in the act for failure to submit a bore completion report to the EPA within a requested time frame. The bill introduces a new strict liability offence for undertaking waterway works without holding the required licence. It is intended to include these new strict liability offences in an infringement notice scheme subject to the agreement of the Attorney-General.

It is acknowledged that the use of strict liability offences engages the presumption of innocence because there are no fault elements to the offences. But these are minor environmental offences, and the purpose of the limitation to the right to presumption of innocence for these minor offences is to: deter noncompliance of failure to submit a bore completion report, deter noncompliance of unauthorised waterway work, avoid subjecting a person to the ordeal of criminal prosecution, and provide an appropriate small penalty or infringement notice fine that does not carry a criminal record. It is the least restrictive means available to achieve the purpose of the limitation, because current alternative offences in the act carry substantial penalties or, in the alternative, are inadequate.

The bill will clarify the definition of “ACT drillers licence” in the act to make it clear to interstate drillers that they require an ACT licence to drill bores in the ACT. The taking of water for roadworks, earthworks, construction and landscaping will be removed as an activity that is exempt from requiring a licence to take water in the regulation. This will result in this type of water-taking activity being subject to regulatory control, as are all other licensed water-taking activities.

Finally, the bill will introduce a new criminal offence for tampering with a water meter that is comparable to a meter tampering offence of the New South Wales Water Management Act 2000.

The amendments provide improved equity for existing licence holders by ensuring enforcement provisions apply to all licensed water-taking activity. The enforcement actions proposed by the amendments are similar to existing penalties and, like existing penalties, are reserved for occasions when the authority may issue a penalty in the public’s interests to protect the environment.

The bill ensures the ACT’s participation in important reforms to water resource management that see a consistent suite of enforcement laws implemented across all states and territories. I commend the bill to the Assembly.

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

Gaming Machine Amendment Bill 2013 (No 2)

Ms Burch, Pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

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) (11.28): I move:

That this bill be agreed to in principle.

I introduce the Gaming Machine Amendment Bill 2013 (No 2), which amends the commencement of sections 28 and 29 of the Gaming Machine Amendment Act 2012 (GMAA) to align with the commonwealth legislation which takes effect on 1 February of 2014. These sections relate to the automatic teller machine withdrawal limit provisions.

The bill I introduce today allows for further time for the government to work with the commonwealth to address inconsistencies that have emerged between the proposed withdrawal limits and those under the commonwealth's National Gambling Reform Act 2012. The GMAA amended the Gaming Machine Act 2004 to provide a withdrawal limit of \$250 per card per day for territory ATMs located in gaming machine premises subject to a number of identified exemptions. These provisions are due to commence in September of this year. The NGRA, or the National Gambling Reform Act, was passed by the commonwealth in November of 2012 and imposes national ATM withdrawal limits which commence in February of 2014.

Whilst the exemptions to the territory's ATM withdrawal limits were negotiated in good faith and based on the draft of the National Gambling Reform Bill 2012, they will be ineffective under the NGRA as passed. The Canberra Racing Club, licensed premises operating 20 or fewer gaming machines and licensed premises authorised to operate a class B machine, will be impacted as a result.

I am committed to the exemptions, and I am also committed to ensuring that any situation which leads to confusion is addressed as a matter of priority. As I have been advised there is no legislative remedy the territory can invoke to safeguard the exemptions from the commonwealth's legislation, I have written to my commonwealth counterpart making representations on the territory's concerns. The officials for my directorate are working closely with industry and their representative groups to disseminate information and to provide assistance, as required.

The delay in commencement of these provisions until 1 February 2014, when the commonwealth provisions take effect, will also give the industry additional time to ensure that the required systems and technology is in place. It is important to note that the amendment I am introducing today only affects the commencement of the ATM withdrawal limit provisions and not the remainder of the GMAA, which has already commenced. I commend the bill to the Assembly.

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

Territory and Municipal Services Legislation Amendment Bill 2013

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

Title read by Clerk.

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) (11.31): I move:

That this bill be agreed to in principle.

The bill that I am presenting today makes minor and technical amendments to legislation in the Territory and Municipal Services portfolio.

As members would be aware, it is common for ACT government agencies to initiate portfolio bills. These bills generally deal with minor amendments required to the legislation governing their operations. Examples include the biannual planning, building and environment legislation amendment bills and the regular justice and community safety legislation amendment bills.

Today I am presenting a bill that adds the Territory and Municipal Services portfolio to that list of agencies. The bill that I am presenting is designed to better administer Canberra's cemeteries and primary industry.

Members, I am missing a page of my speech, it seems, so I will just have to continue on, as opposed to the presentation version.

And finally, amendments to the Stock Act 2005 and Stock Regulation 2005 facilitate the setting of the stock levy.

The bill contains a number of minor amendments, and I will not go into all of them now. But I will highlight a few of the more interesting amendments contained in the bill.

I propose amendments to the Animal Diseases Act and Animal Diseases Regulation to bring the ACT's feed tag labelling requirements into line with the rest of the country. Part 5 of the Animal Diseases Act requires that feed tags be attached to bags of stockfeed or meal that are sold or supplied in the ACT. These feed tags must contain a statement declaring whether or not the feed contains "restricted feed material". Restricted feed material must not be fed to ruminants—that is, cud-chewing mammals like cattle and sheep.

All Australian jurisdictions have agreed to complementary legislation to prohibit the feeding of animal materials to ruminants. This requirement is to stop the introduction into Australia of bovine spongiform encephalopathy, commonly called BSE or "mad

cow disease”. All jurisdictions except the ACT have adopted the term “restricted animal material” in their legislation on livestock feed, whereas the ACT adopted the term “restricted feed material”.

Because of its small agricultural industry, the ACT does not manufacture much stockfeed. We must therefore import the majority from interstate. Feed tags in use in the ACT are manufactured in other jurisdictions and then imported into the territory, attached to bags of stockfeed. These feed tags do not comply with the current wording in the ACT’s Animal Diseases Act although they do comply with the wording from their home state. This situation means that importers of stockfeed are unwittingly committing an offence by bringing non-compliant feed bags into the ACT.

In order to harmonise the ACT’s legislation on feed tags with that of other jurisdictions, I propose amending the Animal Diseases Act to replace references to “restricted feed material” with “restricted animal material”. This amendment should protect stockfeed importers from the offence.

I also propose a number of amendments to the Cemeteries and Crematoria Act 2003 to clarify the intention of the act. These amendments include providing the minister with the power to give permission to an individual to bury human remains in a place other than a cemetery. The act provides that it is an offence to bury human remains except in a cemetery unless you obtain the minister’s written permission. But the act currently neglects to give the minister the power to give this permission. The amendments that I propose will correct this anomaly.

I anticipate that the minister would only use this new power in exceptional circumstances such as in the case of a mass epidemic or some other terrible tragedy. That this power would only be rarely used can be demonstrated by the fact that—since the commencement of the Cemeteries Ordinance 1933—there are only two locations in the ACT where graves are located outside cemetery grounds that I am aware of. These locations are, of course, the tomb of the unknown Australian soldier at the Australian War Memorial and General Bridges’s grave on top of Mount Pleasant.

The bill also provides an extra review right to the ACT Civil and Administrative Tribunal for cemetery and crematorium operators. The director-general currently has the power to issue operators with an improvement notice if he or she believes that an operator is contravening the act. With the passage of this bill, cemetery operators will be able to seek merits review of a decision to issue an improvement notice.

The amendments to the Stock Act and Stock Regulation are to facilitate the setting of the stock levy. As members may be aware, the stock levy is payable by rural lessees who run livestock. It is used to help fund services for those lessees, such as the provision of animal health services and the control of pest animals. While the Stock Act currently allows the minister to determine the stock levy, it also provides that the executive may set the minimum stock levy payable by lessees. The executive has done this in the Stock Regulation 2005.

This is a somewhat cumbersome situation. The stock levy is being set by two different entities. I therefore propose that the act be amended to provide the minister with the power to set both the stock levy and the minimum stock levy. It is important that scrutiny by this Assembly is assured. So I propose making the minister's determination of the minimum stock levy a disallowable instrument.

I see value in constantly reviewing the ACT's statute book to ensure that our legislation is up to date and relevant to the community. I have asked TAMS to begin an ongoing program of reviewing its legislation. This should ensure that the Assembly can identify, modify or remove any redundant or unnecessary provisions.

I am planning on introducing more TAMS bills to the Assembly over the next three years. I intend to improve and modernise the ACT's statute book in relation to the Territory and Municipal Services portfolio.

I commend the bill to the Assembly.

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

Children and Young People Amendment Bill 2013

Debate resumed from 16 May 2013, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

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) (11.39): The government supports the Children and Young People Amendment Bill 2013 and the changes it seeks to make regarding the placement of children and young people in out-of-home care.

The purpose of the bill is to make minor amendments to the Children and Young People Act 2008 by removing the current discretionary decision-making power of the director-general of community services to place a child or young person with someone other than an approved foster carer, kinship carer or residential care service. The changes provide that when the director-general has daily care responsibility for a child or young person, the director-general must place the child or young person with an out-of-home care provider, as defined in the Children and Young People Act under part 15.4.

The safety and wellbeing of children and young people is of paramount importance to the government and the community. When the safety and wellbeing of a child or young person cannot be maintained, the territory is required, under the Children and Young People Act, to intervene. It is important that, through this intervention, the child or young person is placed in a safe and stable arrangement where they are supported to live, thrive and grow.

Clauses 6 and 7 are the most important clauses in the amendment bill as they relate directly to the placement of children and young people in out-of-home care.

When the Director-General of the Community Services Directorate determines the placement of a child or young person, the best interests of the child or young person are paramount. That is, the individual circumstances and the needs of the child or the young person must be considered when determining a suitable placement. This recognises that a “one size fits all” approach cannot account for all of the circumstances and a flexible approach must be maintained.

For example, when a child or young person has come into the care of the territory, a young person at least 16 years of age may live independently in their own accommodation but still receive case work support; a child or young person may have significant needs, such as disability or serious trauma, and may be placed in a specialised health facility; or a child or young person may be placed at home for restoration purposes.

It is important to note that under the proposed changes these placements can continue to be made if one of four circumstances applies. These are: the child or young person is placed in a health facility if a doctor states in writing that it is necessary for the child or young person’s wellbeing; a young person who is at least 16 years of age may be placed in an independent living arrangement; a child or young person may be placed with their parent; or a child or young person may be placed in another arrangement where there is a court order directing that placement.

I am pleased that these amendments were able to be developed with Mr Rattenbury in a consultative and positive way. This has ensured that they have achieved his intent, without any unintended and negative consequences that might have flowed if the amendments were less thought through. Child protection is a difficult and complex matter, and we need to ensure that the law serves the children, not the other way round.

Finally, I will take this opportunity to thank the foster and kinship carers of our city and the dedicated workers of the Community Services Directorate. Care and protection and support of these vulnerable kids are a priority for any society.

MR HANSON (Molonglo—Leader of the Opposition) (11.43): I rise today in support of this bill and I thank Mr Rattenbury for bringing this matter before the Assembly.

The Children and Young People Amendment Bill 2013 seeks to fix the uncertainty surrounding the requirements placed on the director-general when given responsibility for a child or young person in out-of-home care.

As the Children and Young People Act 2008 stands, the requirements of the director-general are highly interpretive. This has allowed the government to make excuses and escape taking responsibility for their failure to provide adequate care for the ACT’s most vulnerable.

As I am sure most members are aware of the history of this bill, I will just briefly touch upon it.

A report by the Public Advocate in 2011 found that the Community Services Directorate had breached the Children and Young People Act 2008 on 24 occasions by placing children into emergency care with a service provider that was not accredited. Amongst the reports of failures in communication, procedure and administration, one of the most serious findings reported by the Public Advocate was that children were cared for in a property that “was found to be totally inappropriate, with stained mattresses, no beds or bedding, no reliable heating or hot water, and a broken window”. These are conditions that should not be acceptable by any standard, and certainly not for children in the government’s care.

Subsequent to the release of the report, the government tabled Solicitor-General advice stating that the requirements on the director-general were not mandatory and that the Public Advocate had misinterpreted the act. The Canberra Liberals were at the time, and are still, of the view that this is a very creative interpretation of the law. The advice, in our view, sets a very dangerous precedent where legally the government can allow standards of care to drop to the poor level experienced by these children without being held accountable. It is also our view that the advice justified and excused the government’s action in a way that fundamentally goes against the intent of the Children and Young People Act, which is to protect and act in the best interest of the child.

The bill we are debating today seeks to address this issue and provides that the requirements placed on the director-general when providing care are mandatory and must be followed. This will help in ensuring that service standards are upheld and that, should a similar incident occur again, the minister and directorate will be held responsible.

Most importantly, the bill enables the Children and Young People Act to operate as it should.

While this bill does rectify a legislative issue in the care and protection system, a recent Auditor-General’s report highlights that there are still systemic failures in the directorate, including not having up-to-date details of where children in care are. Nine years after the Vardon report, this is disappointing, and it is disappointing that this bill has to come from the Greens member, not the government.

As stated previously, the Canberra Liberals will be supporting this bill.

MR RATTENBURY (Molonglo) (11.46), in reply: Firstly, I would like to thank members for their support of the bill today. I am confident that in clarifying the operation of the act we will have put in place better protections and a clearer framework to ensure that the children and young people who come into the care of the territory are looked after as well as possible.

As I said in presenting the bill, while it is in response to a particular incident and the subsequent advice of the Solicitor-General, the bill is a proactive step forward that is focused on ensuring that we provide the best possible care and that all the protections in place apply in every circumstance. The bill will remove any doubt that the scheme is mandatory and that the range of options for the care of children and young people in care is confined by the act to ensure that every possible protection that we can put in place is in place and applied properly.

The main feature of the bill is that rather than leaving a general discretion for the placement of children and young people, the bill provides that the director-general must place a child or young person with an out-of-home carer. This in turn means that the protections in place for assessing the suitability of out-of-home carers must be applied to ensure that the people we trust to look after this particularly vulnerable group are capable of doing the job well.

The bill also sets up the limited circumstances where a child or young person may be placed somewhere other than in the care of an out-of-home carer. A particular feature of these provisions that is not currently set out in the act is the requirement that when a child or young person is placed in an independent living arrangement or in the care of a medical facility there are particular requirements that must be met. These are what should be being done anyway, but I think that it is worthwhile that we clearly articulate our expectations in the act to ensure that these things do occur in every case.

Similarly, the bill will ensure that care plans are in place and implemented. Care plans are very important for the wellbeing of children and young people. When the territory is effectively the parent for these children and young people, we have an obligation to do all we can, to provide all the supports and services to help them find their way in very difficult circumstances.

Again, I would like to thank members for their support of the bill. Particularly I would like to thank Minister Burch and her staff, and the staff from the Community Services Directorate, for the detailed conversations that we were able to work through in discussing this issue. I am confident that this will be a positive change for the care provided to those we have the greatest responsibility to care for.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Fair Trading (Fuel Prices) Amendment Bill 2013

Debate resumed from 16 May 2013, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

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

Leave of absence

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

That leave of absence be granted for all Members for the period 7 June to 5 August 2013.

Public Accounts—Standing Committee Report 2

MR SESELJA (Brindabella) (11.50): I present the following report:

Public Accounts—Standing Committee—Report 2—*Report on the 12th Biennial Conference of the Australasian Council of Public Accounts Committees (ACPAC)*, dated 6 June 2013, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

I rise today to present this report on the attendance by the Standing Committee on Public Accounts at the 12th biennial conference of the Australasian Council of Public Accounts Committees, hosted by the New South Wales parliament's public accounts committee at Parliament House, Sydney, in April this year. These conferences attract members and secretariats of public accounts committees and auditors-general and their staff from across Australia, the Pacific, Africa, Asia and Europe.

I was pleased that all members of the ACT Standing Committee on Public Accounts attended the conference. I was also pleased to make a presentation to the conference regarding the status of the ACT Auditor-General as an officer of parliament, in particular asking: "Does it make a difference?" This question has particular resonance in this place in view of recent discussions on conferring that status on some other statutory office holders. This led into a panel discussion by present and former auditors-general and their officers from Tasmania, Victoria, Western Australia and New Zealand, and the Hon David Morris MP, Chair of the Victorian Public Accounts and Estimates Committee.

Other points of interest included presentations by the Chair of the Joint Committee of Public Accounts and Audit in the Parliament of Australia, Rob Oakeshott MP, and Professors Zahirul Hoque of La Trobe University, Sue Newberry of the University of Sydney, David Gilchrist of Curtin University, and Kerry Jacobs from the Australian National University.

The formal presentations are one side of ACPAC. These conferences also maintain a high standard of debate and collegial interaction. So there is a lot of value in the interactions between attendees. It is notable that in this case attendees included those from all Australian jurisdictions, and internationally from Bougainville, Samoa,

Tonga, New Zealand, Papua New Guinea, Fiji, Indonesia, Kiribati, Republic of South Africa and provincial parliaments in Free State, Gauteng, Limpopo and Northern Cape, Uganda, Vanuatu and the United Kingdom.

This report is the committee's record of its attendance at a conference which was of a considerably better standard than most others, because it was focused, practical and useful, and I commend the report to the Assembly.

Question resolved in the affirmative.

Report 1—corrigendum

MR SESELJA (Brindabella), by leave: I present the following paper:

Public Accounts—Standing Committee—Report 1—*Inquiry into Appropriation Bill 2012-2013 (No. 2)*—Corrigendum.

Education, Training and Youth Affairs—Standing Committee Statement by chair

MS PORTER (Ginninderra): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Education, Training and Youth Affairs.

At a private meeting on 29 May 2013, the committee resolved to conduct an inquiry into vocational education and youth training in the ACT. The committee will conduct a wide-ranging inquiry into current arrangements and facilitation of vocational education and youth training in the ACT. This will include obtaining submissions and material on the ACT implementation plan for the national partnership on skills reform which is in place.

The committee aims to familiarise itself and the wider community with the best possible, up-to-date vocational education and training programs, with an ACT context and additional emphasis on youth training. The committee is also interested, as the Assembly committee responsible for this area, in surveying and reporting on training systems available and in place in the ACT and which are directed to meet the needs of industry, students, including those from culturally and linguistically diverse backgrounds, and the pathways currently provided by these programs into industry, trades and skilled occupations.

The committee will look at current VET and youth training available through our schools, colleges, tertiary institutions, registered training organisations and other provider organisations in the ACT community.

The committee inquiry has the following terms of reference:

To inquire into and report on all aspects of current vocational education and youth training programs, strategies and resourcing in the ACT with particular reference to:

implementation of current ACT programs, including national programs for youth training and education;

the effectiveness of current youth training programs and strategies;

current programs available through ACT secondary colleges, vocational training programs and tertiary institutions;

the role and programs conducted by all Registered Training Organizations (RTOs);

provision of vocational education and training to culturally and linguistically diverse students;

relevant experiences and learnings from Australian state, commonwealth and international jurisdictions; and

any other relevant matter.

The committee will shortly be calling for public submissions to the inquiry.

ACTEW Corporation Ltd—governance

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), by leave: I am providing this statement pursuant to part (9)(g) of the resolution passed by the Assembly on 10 April this year. Under that part of the resolution the government indicated it would provide an update on various items relating to the governance of ACTEW.

In relation to the enlarged Cotter Dam, the project is still expected to be completed by July 2013 and there has been no change in the revised budget estimate of \$405 million.

In accordance with part (9)(b) of the Assembly resolution, I previously provided a statement to the Assembly on 9 May 2013 about the issues discussed at the ACTEW general meeting on 15 April 2013 relating to the remuneration of the managing director.

I would like to further advise that the government is currently preparing a response to the subsequent report issued by the ACT Auditor-General entitled *Executive remuneration disclosed in ACTEW Corporation Limited's 2010-11 financial statements and annual report 2011*.

I can also confirm that at a meeting held on 12 April 2013 senior government officials briefed the Leader of the Opposition about various matters relating to ACTEW. In a letter dated 6 May 2013 the Chief Minister provided Mr Hanson with certain information that had been requested at the meeting with the government officials.

The government is also commissioning a review of ACTEW's institutional governance. The existing arrangements have been in place for some years and this review is the opportunity to examine whether they continue to be appropriate and reflect best practice. This review will look at whether the existing structures and legislative framework can be improved, or remains fit for purpose.

Finally, I am advised that representatives of the Auditor-General's Office have had preliminary discussions with various government agencies concerning the efficiency and effectiveness of the processes for regulating water and sewerage prices. I understand the performance audit is expected to be completed by December 2013.

Reconciliation Week, Mabo Day and Sorry Day 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) (11.58): I present the following paper:

Reconciliation Action Week, Mabo Day and Sorry Day 2013—Ministerial statement, 6 June 2013.

I move:

That the Assembly takes note of the paper.

During the past two weeks Aboriginal and Torres Strait Islander people and all Canberrans have marked three very significant and special occasions—Reconciliation Week, National Sorry Day and Mabo Day.

Each of these occasions represents the struggles, as well as the healing process, endured and felt by Aboriginal and Torres Strait Islander people across the nation—and indeed here in Canberra. But marking these occasions is part of the healing process and it provides us all with an opportunity to reflect on the errors of the past, gauge where we are now and how we forge ahead into the future.

During National Reconciliation Week we had an excellent opportunity to recognise and celebrate the cultural, historical and contemporary role of Aboriginal and Torres Strait Islanders in Australia. On 24 May 2013, I joined hundreds of Indigenous and non-Indigenous Canberrans to walk-as-one over Commonwealth Avenue bridge, giving a physical presence and a strong showing of support for the significance of this important week, which celebrates three landmark achievements. I would like to thank the organisers, and Winnunga Nimmityjah in particular, for inviting me in my capacity as Minister for Aboriginal and Torres Strait Islander Affairs, a position I am humbled and privileged to hold.

The first event was the anniversary of the tabling of *Bringing them home*—the stolen children report—tabled in the Australian parliament on 26 May 1997. The report was “a tribute to the strength and struggles of many thousands of Aboriginal and Torres

Strait Islander people affected by forcible removal". On 13 February 2008, then Prime Minister Kevin Rudd led the nation's apology to these stolen generations. It was a powerful and emotional day and one that many say changed their lives for the better. It was a moment in time that re-energised Australians to right the wrongs of our past. It has helped with the healing.

The second event marks the anniversary of the historic 27 May 1967 referendum which saw more than 90 per cent of Australians vote to give the commonwealth power to make laws for Aboriginal and Torres Strait Islander peoples, and recognise them in the national census. The vote came at a time of significant world change in the late 1960s, from conservative and restrictive notions of the past to a more open perspective on the future.

The Australian community may have been divided and grappling with its involvement in the Vietnam War, but it was overwhelmingly united in its support of the rights of our nation's Aboriginal and Torres Strait Islander peoples. That special day in 1967 marked the beginning of a new era of acceptance and embracing of the significance and importance of the culture of Australia's first people.

The third occasion, Mabo Day, on 3 June, commemorates the High Court of Australia's landmark decision which legally recognised that Aboriginal and Torres Strait Islander people have a special relationship to the land. This decision paved the way for native title land rights.

These three events were nation-changing and their impact is still felt today. While these are indeed occasions for celebration, and while we acknowledge much has changed and there have been many significant improvements over the decades, we cannot stop here. This is particularly true in terms of the work towards closing the gap. The ACT government is committed to closing the gap between the life outcomes and opportunities experienced by Aboriginal and Torres Strait Islander peoples and their non-Aboriginal and Torres Strait Islander peers in Canberra and the surrounding region.

As I have stated previously, this is a long-term process, and so is our commitment. The ACT government is committed to working in partnership with Aboriginal and Torres Strait Islander peoples to find solutions to problems which are a legacy of past policies and decisions, as well as present-day disadvantages and challenges. We are committed to doing this.

I have spoken a lot about the healing process and the work that needs to be done. But before I finish today, I would like to talk a little about how uplifting and inspiring it is to see the success and achievements generally of Aboriginal and Torres Strait Islander Canberrans. Their input and impact are experienced across all aspects of our city. This includes those who work within government, those focused on assisting their community through outreach and those who ensure precious traditions and cultures are passed on to younger generations.

We are lucky to have such a vibrant and rich Aboriginal and Torres Strait Islander community in Canberra. Events like Reconciliation Week, Mabo Day and National Sorry Day are days which remind us of the past, reflect on the present and cast our thoughts to the future.

Question resolved in the affirmative

Executive business—precedence

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

That Executive business be called on forthwith.

MADAM SPEAKER: For the information of members, we have just discovered that there is a problem with the standing orders in relation to executive members' business. There is no mechanism for getting out of it in under an hour without leave. It is something that has just come to our attention today, and we will look at it with a view to fixing the standing orders in the August sitting. That is why leave was required for the motion.

Official Visitor Amendment Bill 2013 **Detail stage**

Clause 1.

Debate resumed from 4 June 2013.

Clause 1 agreed to.

Remainder of bill, by leave, taken as a whole.

MR RATTENBURY (Molonglo) (12.05), by leave: I move amendments Nos 1 to 10 circulated in my name together [*see schedule 1 at page 2447*].

The first of the Greens' amendments seeks to clarify the issue of how often official visitors visit visitable places. Currently, the Corrections Management Act and the Children and Young People Act set out the minimum frequency of visits by official visitors. The bill proposes to change this and apply a consistent approach for determining the minimum visitation frequency for all official visitors through a guideline-making power.

One can argue either way about whether it is most appropriate to set the minimum frequency. The amendment accepts the principle that the minimum frequency be set by a legislative instrument. However, where currently the minimum visitation requirement is part of a broad guideline-making power, the amendment proposes that we put in place a specific declaration-making power that the minister must fulfil and that will ensure the minimum frequency is a binding part of the scheme.

This mechanism will make things clearer and separate out the more subjective and discretionary elements that the guidelines-making power must also fulfil from the very black and white question of how often an official visitor must visit a visitable place. With regard to amendments 2, 3 and 4, these ensure that the official visitors are integrated with the broader oversight scheme so that we have in place a robust and coordinated scheme to protect these particularly vulnerable groups of people. These amendments clarify that official visitors can give their reports to the relevant commissioner of the Human Rights Commission if they believe that that is appropriate.

Further, the amendments also ensure that any official visitor can seek the assistance of either the Public Advocate or the relevant human rights commissioner in fulfilling their functions. As I said, it is important that oversight bodies can work together. We know that often the issues that come to the attention of the official visitors will also be relevant to the functions of the Human Rights Commission and the Public Advocate.

Amendments Nos 5 and 7 follow on from amendment No 1 and also help to clarify the powers that we are delegating to the minister. Currently the minister is required to list in the instrument all the visitable places that a visitor must visit. Considering the issue further, it is important that we respect the privacy of those living in these places. Given that at times these places will be, for example, disability group homes, it is not considered appropriate that we publish such a list. Instead, the amendment proposes that the minister be required to keep a register of visitable places for use by the official visitors and the official visitor board.

In addition, the amendment will require the minister to keep a register of visitable places and make the register available to the official visitors, and the official visitor board, rather than list all the visitable places, which will include disability group homes, in a publicly available instrument.

Amendment 6 adds to the functions of the board. Whilst I was initially sceptical about the utility of the board, as I said in the in-principle debate I agree that it can play a useful role in the scheme. My view is that if we are to create the board, the act should give them the additional explicit functions of monitoring the effectiveness of the official visitor, the official visitor scheme and promoting and enhancing community awareness of the role of official visitors. This is especially so given the other roles and calibre of the people on the board. This I believe will assist us in monitoring the operation of the scheme and ensuring that it is fulfilling its functions as well as possible.

With regard to the remaining amendments, these remove the requirement that visitable places must be funded by the territory in order to be considered visitable places. There is simply, I believe, no need for this requirement. Particularly I make that comment in regard to disability services where we know that disability care will significantly change the funding landscape.

The government has argued that there should be a link between the service and the territory—that is, funding. I do not agree that this is necessary. I think that would be

doing a disservice to those who are entitled to expect that the scheme for their protection that we create in this place will, in fact, do just that. It is of little consequence to them who funds the service they receive if they are being abused or not receiving adequate care from that service. There is no reason why the official visitors could not similarly act as a safeguard for these people, as for others who receive services funded by the territory.

In conclusion, these amendments will ensure effective operation of the scheme and give us the best possible official visitors scheme for the territory. I am confident that, in fact, it would be the best official visitors scheme in the country. I commend the amendments to the Assembly.

MR DOSZPOT (Molonglo) (12.11): Madam Speaker, the opposition will not be supporting Mr Rattenbury's amendments to the Official Visitor Amendment Bill 2013. We will not be supporting them because Mr Rattenbury seems to have missed entirely the role and purpose of official visitors in the ACT. Put simply, the role of official visitors is to visit certain places where some of Canberra's most vulnerable people are accommodated and cared for. They respond to complaints and they look out for their wellbeing.

At the risk of appearing to favour some legislative functions of official visitors over others, it seems to me that the success of the official visitor program depends primarily on two things: firstly, for official visitors to talk with entitled people and anyone else who is concerned about an entitled person or a visitable place; and, secondly, to deal with an entitled person with sensitivity.

The government's bill, which the opposition foreshadowed on Tuesday it would support, recognises those elements by doing several things. It removes the concept of "inspect" and replaces it with "visit". It removes the rigidity and regimen of legislatively prescribed activities and processes and preserves a flexible approach. It allows those activities and processes to be outlined in guidelines that can better fit the needs of the day. It allows official visitors to seek the assistance and support of their peers, people who know what it means to be an official visitor and who know the culture and spirit that lies behind the legislation.

In keeping with that culture and spirit, the government's bill establishes an official visitors board to provide support for official visitors and facilitate collaboration between them. All of these elements address the concerns that official visitors had in the early development stages of the law as it currently stands. It was recognised widely that the law, as passed by the Assembly and which now is being amended, had flaws in those areas. At that time official visitors were concerned that administrative burdens and oversight would compromise their autonomy and impede their flexibility and informality in doing the important work they do with such sensitivity.

So what would Mr Rattenbury's amendments bring to the government's bill? They would bring rigidity of functions through a return to prescribed visitation programs. They would bring administrative burden by prescribing additional reporting lines for official visitors. They would return official visitors to an obligation to inspect rather than visit, investigate rather than talk. It would make the board one of assessment and evaluation rather than one of facilitation and support.

It would make the functions of official visitors less flexible and their roles less autonomous. Instead of a visit and a talk, official visitors would be inspecting and investigating. This is not what official visitors want. It is not what their clients want. It is not what the legislation, the government's amendment, intends and, Madam Speaker, it is not what the opposition will support.

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) (12.14): The government will not be supporting Mr Rattenbury's proposed amendments. The proposed amendments strip the bill of essential clarity in relation to those places which will be routinely visited by official visitors. They introduce additional instruments for some operational elements but not others. They threaten the independence of official visitors by requiring the official visitors board to monitor their performance. They misdirect resources and the functions of operational agencies. And there is no clear justification for any of these changes.

In contrast, the Official Visitor Amendment Bill 2013 reflects the government's extensive consultation with stakeholders to ensure the effectiveness of the scheme. I turn to each of the amendments. In relation to amendment 1, this amendment, with proposed amendment 5, would introduce an additional instrument that will need to be used in conjunction with the guidelines, but there is no explanation as to why it is necessary. The amendments would remove provisions that provide for how often an official visitor must inspect a visitable place and move them to a disallowable declaration under a new section 15A.

Despite the position advanced by Mr Rattenbury that this will clarify the operation of the act, it is not clear that this will clarify anything. What we will have is another disallowable instrument to provide separately for this operational detail but which must be read in conjunction with the other disallowable instrument that provides the other operational details. There is no clarity in this. It will create additional work for no clear benefit. Mr Rattenbury's amendment uses "inspect" which is omitted from the bill and substituted with "visit". This is inconsistent with the rest of the bill.

Turning to amendment 2, this amendment would add the commissioner from the Human Rights Commission to the list of people to whom a report about a noncompliant visitable place may be given. The amendment is unnecessary as the bill will provide for official visitors to report noncompliance to the board. The commissioner would receive that report to the board. The bill provides that the Public Advocate may receive these reports, as the Public Advocate has always received this type of information.

In respect of amendment 3, as with the previous amendment, this amendment would add a commissioner from the Human Rights Commission to the list of people to whom a report about complaints may be given. The amendment is unnecessary, as the bill provides for official visitors to report on complaints to the official visitors board. The commissioner would receive that report through the board. The bill provides that the Public Advocate may receive these reports, as the Public Advocate has always received this information.

Amendment 4 would provide for the Public Advocate or a commissioner from the Human Rights Commission to provide reasonable assistance to an official visitor if asked by an official visitor. Mr Rattenbury has said that it is beneficial for the scheme if the respective oversight bodies could work together as closely as possible and for official visitors to be able to seek assistance directly from either the Public Advocate or the Human Rights Commission. While I am in agreement with Minister Rattenbury on the value of greater collaboration within the official visitors scheme, this amendment is unnecessary. The bill already provides for official visitors to seek assistance from the official visitors board, which is established to provide assistance and support.

The proposed amendment might create a presumption that official visitors should go to the Human Rights Commission or Public Advocate rather than to the board. The board will have the capacity to look at an official visitor's needs in a systemic way that might not be possible if official visitors approached the Human Rights Commission and Public Advocate in an ad hoc way. Approaching the HRC and Public Advocate separately may result in the board being sidelined and lead to inconsistent approaches to providing information to OVs.

Amendment 5, with proposed amendment 1, removes provisions that provide for how often an official visitor must inspect a visitable place to move them to a disallowable declaration under new section 15A. Despite Mr Rattenbury's argument that this will clarify the operation of the act, it is not clear that it clarifies anything. What we will have is another disallowable instrument to provide separately for this operational detail but which must be read in conjunction with the other disallowable instrument that provides the other operational details. As I have said before, there is no clarity in this.

In relation to amendment No 6, this amendment would require the official visitors board to monitor the effectiveness of the scheme and be responsible for promoting and enhancing community awareness of the role of official visitors. Recognising the community's concerns about Ms Bresnan's first bill, the exposure draft of the Public Advocate (Official Visitors) Amendment Bill, it is important that the board is not put in a position where it is seen to be directing OVs. Since much of the value of official visitors can be seen to come from their being the eyes and ears of their ministers, it would be a step backward if they were to lose their connection with their operational directorates.

Part of that connection comes from the operational areas promoting and facilitating the work of official visitors. If the board is given the function of evaluating the OV scheme, it would effectively be overseeing official visitors. This would detract from the model of official visitors as independent agents.

Amendment 7 will insert another register in the act in addition to the register of approved disability accommodation which must be kept under the act. The amendment would also require me, as the responsible minister, to be responsible for the register rather than operational agencies. It is not clear why this register is

necessary or why a minister should be responsible for it. It is of concern to me that these amendments do not include a proposal to omit the requirement for the disability accommodation register under the Disability Services Act.

Amendment 8, with amendments 9 and 10, removes the restriction of visitable places to those wholly or partly funded by the territory. This link has been strongly advocated by operational agencies because it provides the clarity necessary to ensure the effective operation of the scheme. Mr Rattenbury's proposed amendments are the result of a fundamental disagreement about the basis of the official visitor model.

The Greens see official visitors as roaming inspectors, rather than observers, reporters, eyes and ears. Mr Rattenbury's assertion that an official visitor may not visit other places is not correct. Any place where an entitled person lives or where they receive a relevant service can be visited at an entitled person's request. This model is the scheme's best chance of success.

I have already dealt with amendments 9 and 10 by my commentary on amendment 8. The government will not be supporting these amendments.

Question resolved in the negative.

Amendments negatived.

Remainder of bill, as a whole, agreed to.

Bill agreed to.

Planning and Development (Territory Plan Variations) Amendment Bill 2013

Debate resumed from 9 May 2013, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

MR COE (Ginninderra) (12.23): The opposition will be supporting the Planning and Development (Territory Plan Variations) Amendment Bill 2013. The bill amends the Planning and Development Act 2007 and the Planning and Development Regulation 2008 to streamline the process of updating and maintaining the territory plan.

This bill increases the minimum community consultation period for both ordinary and technical amendments to the territory plan. The minimum consultation period for ordinary amendments has been increased from 15 days to 30 days in line with current practice within the directorate. This will allow the community more time to investigate and comment on variations. I understand that it is already current practice for the consultation period to be at least 30 days, so it is good that the legislation will now ensure that members of the public have a reasonable time to consider the variations—albeit there is no real change in practice. The consultation may be further extended by the authority if it is considered necessary.

The minimum consultation period for technical amendments has been increased from 15 to 20 days, which allows extra time for the community to comment on the amendments without unnecessarily delaying the progress of technical variations.

The bill proposes several amendments to the technical amendments process. The amendments relate to future urban areas and the approval of an estate development plan, or EDP. A future urban area is an area of territory land identified in the territory plan for future urban development. During the planning process the zoning for an area is refined. Changes to the zoning are classified as technical amendments to the territory plan and can therefore be made with limited community consultation.

Under these amendments, land in a future urban area may be rezoned to introduce or amend codes that apply to this land. This would usually be done through the use of a concept plan. All changes to a concept plan must be consistent with the territory plan and the structure plan, and can be amended through the technical amendment process. The concept plan is used in the preparation and assessment of the EDP for a suburb.

There are two types of EDPs—those for future urban areas and those for existing areas. EDPs for future urban areas can include the zones that will apply, the ongoing provisions that will apply and identification of block boundaries. EDPs for existing areas can only include ongoing provisions and the identification of block boundaries.

Amendments to the EDP for a future urban area can be uplifted into the territory plan as technical amendments and without further community consultation, but the current legislation does not allow this to occur without variations to the EDP for an existing area. The amendments in this bill will ensure that both types of EDP will be treated in the same way.

In conclusion, it seems to me that this bill could be the first of many clawback mechanisms to make DV306 workable. That said, the Canberra Liberals will support the bill.

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

Sitting suspended from 12.26 to 2.30 pm.

Health—bush healing farm

Statement by Speaker

MADAM SPEAKER: Before I call the Leader of the Opposition I would like to deal with an issue that arose in question time yesterday. During question time Mr Hanson asked a supplementary question of the Chief Minister about the Aboriginal and Torres Strait Islander healing farm, and I asked that Ms Porter withdraw some comments. Ms Porter contested what I thought I had heard. I have had the tape checked and I was advised that Ms Porter can be heard clearly to say, “Do you care? I bet you don’t care,” which is what I thought I had heard, and I ask Ms Porter to withdraw.

Ms Porter: I withdraw, Madam Speaker.

Questions without notice
ACTEW Corporation Ltd—management

MR HANSON: My question is to the Chief Minister. Chief Minister, in the last week we have seen news stories about a million-dollar bonus for ACTEW Corporation's managing director. Close on the heels of that story, we have read about a shake-up of senior employee positions and a so-called "dumbing down" of senior engineering positions. All of this comes on top of the scandal surrounding the managing director's remuneration and the uncertainty of revenue flows to ACTEW, and therefore dividend flows to your government, pending the release of the final ICRC report on water pricing in the ACT. Chief Minister, as a shareholder in ACTEW Corporation, holding that share as an investment in trust for the people of Canberra, what do you say to the people of Canberra about the continuing string of problems confronting their water utility?

MS GALLAGHER: I would reject the allegation raised in the question that there is a string of problems relating to the water utility, for a start. Mr Hanson alludes to a million-dollar bonus. There was not a million-dollar bonus paid to the managing director. There were a series of bonuses paid over a number of years.

Mr Hanson: They totalled a million dollars.

MS GALLAGHER: You said a million-dollar bonus; I am just clarifying it for the purpose of *Hansard*. Over a period of years of employment with ACTEW, there had been bonuses paid, and we have been through that in this place.

In relation to an internal restructure of the organisation that has flowed from the change to arrangements or the establishment of ACTEW Water, the shareholders have made it clear to the managing director, and we have no reason to disbelieve it, that the managing director, the senior managers and the board of ACTEW are responsible for those internal matters. The shareholders have received correspondence from APESMA, representing members within ACTEW, and we have urged ACTEW and APESMA to work through those issues they have raised during the consultation period.

It is not unusual for corporations to restructure their staff. That is what ACTEW is doing. It is doing it in accordance with the EBA requirements and there is a consultation period ongoing.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Chief Minister, are the axed technical experts being asked to carry the can for the poor performance of the shareholders of ACTEW in recent years?

MS GALLAGHER: Again, I am not sure what you are alleging is poor performance. ACTEW has performed very strongly. The joint venture that was established back in 1999 has performed very strongly. The water security projects have been delivered. Yes, I know you will make hay with the construction costs, even though that has been

tested through the ICRC and been seen to be a reasonable cost for the delivery of that infrastructure. I completely reject the allegation that is implicit in Mr Hanson's questions that there are ongoing problems or that anyone is being asked to carry the can for anything.

MADAM SPEAKER: A supplementary question, Mr Seselja.

MR SESELJA: Chief Minister, what risks does a so-called dumbing down of senior engineering positions bring to the integrity of construction and maintenance of water and sewerage infrastructure in the ACT?

MS GALLAGHER: Again, I see that the Liberal Party have done their due diligence and read the *Canberra Times* today. Have you decided that what you have read in the *Canberra Times* actually means there is a dumbing down, or is the allegation that the right people are not in the right jobs to manage ACTEW Water? APESMA has raised issues around qualifications for certain positions through a consultation period over an internal restructure. That is their job. It is ACTEW's job to respond to that. They are doing that. I do not imagine the Assembly is going to come in and start micromanaging employment decisions of ACTEW Corporation. This is a matter for the board and senior managers of ACTEW to manage and to respond where concerns are raised by employee associations.

Visitors

MADAM SPEAKER: Before I proceed, I would like to draw members' attention to the presence in the gallery of members of the Macquarie and Jamison Probus Club who are present here today as part of their getting in touch with Canberra program. I welcome them to the Assembly.

Questions without notice

Schools—autism

MR SESELJA: My question is to the Chief Minister. Chief Minister, autism is a condition which society still has much to learn about. However, in recent years, much progress has been made. While there are a number of measures which need to be taken to help people with autism and their families, there are a number of successful autism-specific schools and centres around the country.

The AEIOU Foundation reports that in its early intervention centres, 75 per cent of kids go on to mainstream schools and 90 per cent become effective communicators. Chief Minister, given this success, will the government commit to at least further examine this model and/or similar models to ensure that families with autism in the ACT get the same sorts of support and opportunities as those offered in states such as QLD and NSW?

MS GALLAGHER: Our commitment to people with a disability is firmly outlined in the budget—that covers children who have autism—through signing up and making the investments necessary for disability care. That is the single biggest thing that a government can do. I note that the Queensland government has done that as well, albeit they were coming off a lower base than most jurisdictions.

In relation to the specifics of the proposals, I understand that the University of Canberra is looking at different models that have been presented around Australia. I will, as usual, as part of my job as Minister for Higher Education, have ongoing discussions with them around that.

MADAM SPEAKER: A supplementary question, Mr Seselja.

MR SESELJA: Thank you for that answer. Apart from the University of Canberra, has any analysis been done by the government to assess the success of established autism schools in other jurisdictions?

MS GALLAGHER: Not under my portfolio, Mr Seselja. Whether there has been some work done through the disability portfolio or the education portfolio perhaps, that is best directed to Ms Burch. But I do understand that the AEIOU model is the one that the University of Canberra are looking at further, to see whether there are benefits or partnerships, and we remain open to any dialogue that they seek on that front.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Chief Minister, what call has there been from the ACT community, particularly from families dealing with autism, for specialist education services in the territory?

MS GALLAGHER: I cannot recall having any correspondence specifically around that model that Mr Seselja alludes to. Over the years, obviously, I have had a number of meetings and discussions with parents of children who have a range of disabilities, not just autism, who are seeking further support, whether it be through school or the community service system. Mr Doszpot's question was quite general. I have had representations over the years, but I do not recall one specifically perhaps in the last year over that model that is in Queensland.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Chief Minister, most other jurisdictions have adopted an autism school aspect. Why has your government been slow to acknowledge the needs of autism spectrum disorder children and their families in Canberra?

MS GALLAGHER: I reject the allegation, again, that is implicit in the question. I would reflect back that I believe the commonwealth government actually funded autism schools in every jurisdiction other than the ACT—

Mr Doszpot: Sure, and they offered to do it here too.

MS GALLAGHER: No, they did not. The commonwealth government did not offer us a school. We missed out, because I think we were in discussions with them around that. That is my recollection of that. I will happily correct the record if I am wrong. But I remember speaking—and I think it was when Kevin Rudd was Prime Minister. Those autism schools were being funded across the country, and the ACT missed out.

Budget—community sector

MS PORTER: My question is to the Minister for Community Services. Minister, could you please advise the Assembly about measures announced in this week's budget for the ACT community sector?

MR BARR: I thank Ms Porter for the question and for her ongoing interest in the community services sector. This budget, this week, invests significantly in creating opportunities for all Canberrans. It invests in a number of transformational social reforms, most particularly DisabilityCare and the national education reform agenda, and transformational infrastructure projects to provide jobs and sustainable economic development for our city's second century.

The 2013-14 budget combines community service system reform with targeted support, evidence-based investment and resourcing for cost-of-living pressures to ensure that all Canberrans are able to reach their full potential. It sees the ACT government exercising responsible expenditure restraint to fund high-priority community sector services.

It is this approach that has seen the 2013-14 ACT budget introduce and continue significant expenditure to support vulnerable Canberrans. In this budget there is over \$30 million worth of new funding for vulnerable Canberrans across disability services, support for vulnerable children and families, funding for housing and homelessness, infrastructure and services and funding to further support Aboriginal and Torres Strait Islander peoples.

The 2013-14 budget also continues to address cost-of-living pressures and includes \$3.6 million for the targeted assistance strategy to provide more flexible arrangements to manage motor vehicle infringement notices for Canberrans most in need.

For Canberrans eligible for concessions programs, funding will be increased in 2013-14 to raise the energy concession by 10 per cent, from \$292 to \$322, to increase the secondary bursary scheme from \$500 a year to \$750 a year, to invest \$235,000 in a 12-month extension for the trial of bulky waste collection, a free service for pensioners and concession card holders who have limited capacity or financial ability to dispose of large items, and also to reduce the qualifying age for seniors gold card holders from 75 to 70 years. This is worth \$620,000 over four years and will provide free bus travel for nearly 9,000 additional members of our community.

During the development of the targeted assistance strategy, the sector made it clear that the concessions program made a real difference in the lives of Canberrans doing it tough. The government has sought to consolidate information on all ACT government concessions in a single spot, the single assistance website, to provide better access to the range of assistance and concessions available.

I am pleased to advise the Assembly that since all of this information has been consolidated in one space, there have been 77,000 visits to that website in its first

year. I look forward to continuing to work with the community sector to continue the good initiatives, such as this one, to improve opportunity and fairness for all Canberrans.

MADAM SPEAKER: Supplementary question, Ms Porter.

MS PORTER: Minister, can you further advise how these measures will benefit the Canberra community?

MR BARR: The budget begins the funding of one of the most significant social reforms of our generation, the introduction of DisabilityCare, to be led in the ACT by Minister Burch. \$5.5 million over two years has been allocated for enhanced services to prepare the ACT for the full rollout of DisabilityCare from 2014. In addition, \$10.6 million has been allocated from the commonwealth government. \$1.6 million has been allocated in 2013-14 to support the transport of students with a disability to and from ACT schools. \$1.3 million has been allocated for additional support for students with complex learning needs in ACT public schools. This is integral to the national education reforms and will support ACT students in this important area, targeting resources to students with special needs.

I am very pleased that this budget contains an allocation, \$740,000 over the next two years, to provide a payroll tax rebate for organisations who employ people with a disability, particularly those who are leaving school for the first time. \$360,000 is provided for the mobile attendant and evening care services program to provide drop-in support services for people with a core profound disability in the territory.

The budget also provides significant support for homelessness services and infrastructure, led by Minister Rattenbury, including \$7.6 million to support the development of the common ground project, a new and transformational approach to delivering permanent solutions for homelessness.

MADAM SPEAKER: Supplementary question, Mr Hanson.

MR HANSON: Minister, what are the 38 jobs that will be cut in the Community Services Directorate next year to fund your other priorities?

MR BARR: There will in fact be job growth associated with new initiatives within this sector, particularly in the disability area. There were some positions that were required for this current financial year that were on contract to prepare for particular programs and the implementation and transition into new arrangements. Those contracts are concluded at the end of this financial year and, indeed, will not be renewed. But new contracts will be in place in relation to new programs that are on offer.

So across the ACT Community Services Directorate, we are seeking to target resources to our high-priority projects that I have outlined in my responses to Ms Porter's questions. There will from time to time be movement of staff across directorates to focus on particular government priorities.

Mr Smyth: And none of those new projects use staff.

MR BARR: This happens in every budget and will continue in every budget into the future—

Mr Smyth: But you promised not to cut.

Mr Barr: regardless of who is in government. To respond specifically, although I should not, to Mr Smyth's interjection, I have said in this place and publicly at least 100 times in the last two or three years that we would maintain the size of the ACT public sector, that there would be growth in some areas that would be offset by reductions in others.

I said that publicly before the election, when I delivered my budget last year, through the pre-election budget update, the mid-year update and I have said it every time this question has been asked. I repeat it again today: we will be providing resources for new initiatives. There is growth in the ACT public sector and this budget stands in marked contrast to what conservative governments have done elsewhere in Australia. *(Time expired.)*

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, how is the ACT government assisting the sector to develop its capacity?

MR BARR: The government continues to work very closely with the community sector, and my colleagues Minister Burch and Minister Rattenbury and I have just come from the annual ACT Council of Social Services post-budget function. We continue our strong engagement with the sector discussing the challenges and opportunities that are before us in the coming year.

The government and the sector are both very acutely aware that the community services system is on the cusp of major reform, not just in the area of disability through DisabilityCare, but also a desire from government and across the sector to ensure that limited resources are targeted to provide support for vulnerable people and their families.

I have had a focus since becoming community services minister on reducing red tape for the sector. Reducing red tape works for everyone. It increase productivity within government and the sector and it enables the freeing up of resources to target our service delivery to the people who need it most.

And this week I was pleased to announce the ACT government has reached agreement with the commonwealth on the funding that they will provide to support ACT community sector workers through the equal remuneration order. The ACT government has already announced that it will provide \$32 million to the sector to bring community sector wages up to the new award rate. The commonwealth government will make a contribution of \$25 million.

Through red tape reduction I have been working with the sector and have already announced changes to align ACT legislation with the requirements of the new Australian Charities and Not-for-profits Commission—the ACNC—in eliminating duplication from the two levels of government. We have introduced changes to the threshold at which audit requirements for incorporated associations increase. This has the potential to save more than \$400,000 a year across the ACT sector. We have increased reporting periods from six months to 12 months, and I have received agreement across government for this to be a whole-of-government approach.

Supermarkets—Bonner

MR COE: My question is to the Minister for the Environment and Sustainable Development. Specifically, it is in relation to the planning and implementation of the government's supermarket policy, particularly in Gungahlin. Minister, why did ACTPLA defend the Bonner supermarket in ACAT and how much money has the government spent on legal fees for this matter?

MR CORBELL: I thank Mr Coe for the question. The government was engaged in the ACAT action as a result of a compliance order that was taken in relation to the size of the Bonner supermarket. It became a party to the proceedings in that way, which is the normal course of action for ACTPLA in that regard. In relation to the costs, I would have to take the question on notice.

MADAM SPEAKER: Mr Coe, a supplementary.

MR COE: Minister, in the event that a commercial proponent breaches a lease condition, what steps will the government take?

MR CORBELL: The planning authority can take compliance action in relation to a breach of a lease. That has a range of steps that go through an attempt to, first of all, ensure compliance through voluntary means on the part of the leaseholder, through to more formal courses of action, including seeking orders through the ACAT and so on. In relation to the matter at Bonner which Mr Coe referred to in his earlier question, the issue at Bonner was determined by the ACAT to not be a substantive breach of the lease. That was the tribunal's decision. As a result there is no further action in relation to that matter at this time, although I am aware of concerns from other supermarket operators in the area, and I have to say that I share their concerns. But given the decision of the tribunal, it is a difficult situation that the planning authority is in.

MADAM SPEAKER: Supplementary question, Mrs Jones.

MRS JONES: If a supermarket breaches a lease condition, has the government ordered a rectification or will it order one?

MR CORBELL: In many instances the government will order a rectification, but it will depend on the specific circumstances. In relation to the instance at Bonner, it is important to reiterate that the tribunal determined that, whilst there was a breach, no

rectification order was appropriate and no further compliance action was appropriate. That was the decision of the tribunal, and the planning authority has to accept the decision of the tribunal.

MADAM SPEAKER: Supplementary question, Mrs Jones.

MRS JONES: Minister, was an economic impact assessment undertaken as part of the development application for the Bonner supermarket?

MR CORBELL: I think that may have been before my time, but I am happy to seek further advice on the matter.

Roads—Majura parkway

MR SMYTH: My question is to the Minister for the Environment and Sustainable Development. Minister, the Majura parkway, with a budget allocation of \$278.5 million, is now under construction. I understand that the retailers at Majura Park wrote to you to request an on-off ramp near the northern end of the shopping precinct to ensure easy access to the precinct and to allow passing traffic to also access Majura Park. This request has been denied. Minister, why have you not planned for proper servicing of motorist access to the Majura Park shopping precinct from Majura parkway?

MADAM SPEAKER: The Minister for the Environment and Sustainable Development, Mr Corbell. Mr Barr, are you going to take this one?

MR BARR: Thank you, yes.

Mr Smyth: A point of order, Madam Speaker. Could you stop the clock?

MADAM SPEAKER: Could we stop the clock, please.

Mr Smyth: The question is about the letter that was written to Mr Corbell and the denial. Mr Corbell signed the documents and Mr Corbell was the planning minister at this stage.

Mr Corbell: Your actual question followed on from that and it relates to—

MADAM SPEAKER: In a sense, it is up to the minister to direct the question where he thinks it is most suitably answered. I think if it is Mr Barr, it is Mr Barr.

MR BARR: Thank you, Madam Speaker. I draw the member's attention to the budget. He will find that there is an item, an allocation, in fact, for design of such roadworks associated with the development of a new estate in that area.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, given there is an allocation of \$600,000 for a design study to now rectify the failure of Mr Corbell to deliver adequate access to the northern end of Majura parkway—

MADAM SPEAKER: Preamble, Mr Smyth.

MR SMYTH: what will the \$600,000 encompass and when will it be delivered?

MR BARR: Not surprisingly, the design work for the road, Madam Speaker.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, why is the government unwilling to support these businesses by providing proper access to motorists right from the beginning?

MR BARR: There is a significant investment in this new road. The Majura parkway is the largest infrastructure project, or will be the largest infrastructure project, in the territory in coming years. Particularly once the airport, the ASIO building and the dam are completed, it will be the largest infrastructure project in the territory. So that is a pretty significant commitment.

Mr Smyth interjecting—

MADAM SPEAKER: Mr Smyth, you are distracting Mr Barr from answering the question.

MR BARR: Thank you, Madam Speaker. In relation to access and egress to the Majura Park shopping centre, I would of course remind Mr Smyth that there is a major intersection about 500 metres to the south of the area that he is most concerned about. We are also making provision in this budget for new access roads to open up new land releases in that area.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Minister, how much federal money has been forgone as a result of not putting this in the original design scope?

MR BARR: None, Madam Speaker.

Kangaroos—cull

MS BERRY: My question is to the Minister for Territory and Municipal Services. Minister, today you have announced that a conservation cull to reduce overpopulation of eastern grey kangaroos in Canberra nature reserves will be held this winter. Can you advise the basis on which your decision was taken and under what advice the number of kangaroos to be culled has been determined?

MR RATTENBURY: I thank Ms Berry for the question. I have today made an announcement that there will be conservation cull of eastern grey kangaroos undertaken this winter. That is of 1,455 individuals. The purpose of that cull, as I said, is for conservation purposes; it is about enabling an appropriate level of management and protection of our Canberra Nature Park. Unfortunately we have a situation where

kangaroos can have a significant impact on both temperate grasslands and the grassy woodlands. This is a management issue. We face the situation where those ecosystems to some extent are out of balance. The lack of natural predators means that kangaroo populations are now not constrained in a way they might historically have been.

Kangaroos can eat down to the ground layer of vegetation so that it is no longer able to provide food and shelter for small animals such as reptiles, insects, frogs and ground-feeding birds, and this can lead to a decline in the population of those species and localised extinctions. From that point of view, the government policy is then to undertake a conservation cull.

The way the numbers are determined—going to your question of where the advice came from—is that ecological staff in the Environment and Sustainable Development Directorate undertake a survey of existing kangaroo populations. They then match that against the calculated quotas of the carrying capacity of the various sites. Allowing then for population growth and breeding patterns, a final number is determined. A number is then sent to Territory and Municipal Services, to the Parks and Conservation Service, who then operationalise that and make a plan based on the initial advice from ESDD. That is how the final number is reached.

I can inform the house that the cull will start shortly. The Canberra Nature Park has seven areas that will be closed each night from 5.30 pm until 6 am the following morning, and that will be from Friday, 7 June until Wednesday, 31 July. That is to ensure that the staff conducting this activity can do so with safety, both for their own safety and for the safety of the public. Notices will be put at the entrance of the Canberra Nature Park in the affected units, and that should ensure that this is undertaken in a safe and responsible way.

It being 3 pm, questions were interrupted pursuant to the order of the Assembly.

Appropriation Bill 2013-2014

[Cognate bill: Appropriation (Office of the Legislative Assembly) Bill 2013-2014]

Debate resumed from 4 June 2013, on motion by **Mr Barr**:

That this bill be agreed to in principle.

MADAM SPEAKER: I understand it is the wish of the Assembly to debate this bill cognately with executive business order of the day No 5, Appropriation (Office of the Legislative Assembly) Bill 2013-14. That being the case, I remind members that in debating order of the day No 4, executive business, they may also address their remarks to executive business order of the day No 5.

MR HANSON (Molonglo—Leader of the Opposition) (3.00): Too often in contemporary politics, particularly for an opposition, the focus is on the negatives. It almost has to be and almost always is. Governments must be scrutinised, they must be accountable. That is the role of oppositions, and it is a role that is particularly necessary as governments become lazy, arrogant, aloof and accident prone.

Madam Speaker, they are not my words; they are the words of then opposition leader, Jon Stanhope, at the Labor campaign launch in October 2001. If ever there was a government that was drifting towards being lazy, arrogant, aloof and accident prone, it is this one. And there is no better demonstration of these attributes than the budget that was delivered by this government two days ago. It is a document marked by soaring debt, massive deficits, an astonishing failure of delivery and, more than anything, an extraordinary level of deceit.

Turning first to the debt, this budget demonstrates a breathtaking disregard for fiscal responsibility. The borrowings of this government, including its territory-owned corporations, are already \$2.7 billion or nearly 70 per cent of the total budget. They skyrocket to over \$3.5 billion in the out years. That is \$3.5 billion that the taxpayers of the ACT have to repay, and they have to repay it with interest one way or another. The accumulated interest bill on this budget totals over \$650 million.

To put that into a meaningful context, that is the equivalent of building and staffing an entire new hospital all in this term and all without debt. It would build all of the light rail, all in this term and all without debt. It would cover the entire cost of the Cotter Dam and leave \$200 million in change, and it could create and protect thousands of jobs. But we cannot do any of that because of the mismanagement of the budget by this government, and that is why good governments avoid debt. That is why prudent management counts.

But that is not the end of the issue. This Labor budget does not plan to pay this debt down; it plans to push up deficits. When the effects of superannuation on the budget are taken away, the structural deficits in this budget top over \$668 million. That is \$668 million more in spending than the government has in income. Let me be clear—that is not for a want of income. There is more revenue than ever before to draw upon—more next year than this year and more in the final year than ever. Revenue is projected to increase by about \$250 million a year, and there will be a billion dollars more revenue by the last year of this budget. This is proof beyond doubt that there is no revenue problem for this government. There is no crisis of cash. It is overspending and bad budgeting, pure and simple. And it is this bad budgeting that has led to so many observing that this budget simply fails to deliver.

This budget is not, as Andrew Barr claimed, a budget for a rainy day; this budget is a rainy day. A look down the list of almost any directorate exposes a list of delayed projects, unmet expectations and undelivered promises. I am not talking about the empty rhetoric that this government trots out every election about priorities, but actual outcomes. In every case, it does not deliver.

There are scoping studies and forward design, but very little in actual construction. Court cases are facing massive delays and justice is being denied. We still languish as the worst place in the country on the important measure of emergency department waiting times, despite the repeated promises of improvement. The budget bottom line is under serious threat because of the ACTEW dividends that may be reduced by tens, if not hundreds of millions of dollars. The jail that was meant to have capacity for 25 years has blown out again by millions of dollars. Projects which were promised

years ago across health, like a secure mental health facility and the bush healing farm are still just empty promises, but with a bigger price tag and reduced scope. ACTION is falling further behind on almost every measure, except how much it is costing us. And basic local services like parking that have been appallingly managed are going to cost us significantly more. Services are being cut and fees and charges are going up, but the quality of services is going down.

For any other government this would be a list of shame, but for this government it is business as usual. And it points to the real failure of this budget and this government. As well as the failures on debt, failures on just deficits and failures on delivery, its most marked failure is that of honesty. That promise we saw from this government of delivery of budget surpluses left the building with Jon Stanhope. That promise has been replaced by a pattern of deceit that is now undeniable.

This government simply does not tell the truth. This government has a track record of dishonesty. The truth is that before the 2004 election Katy Gallagher's office issued a statement saying there will be no school closures, and within weeks of being re-elected they started making plans to close dozens of schools. What does Katy Gallagher say now to the teachers, the parents and the children who were told by her there would be no school closures?

The truth is that before the 2008 election Katy Gallagher said all of her health plans were on the table, but at the same time she was holding secret meetings to stitch up a deal that would result in the biggest shake up in health in territory history. What does this government now say to the staff at Calvary and Clare Holland House who were misled into thinking there were no plans to sell the hospice or to buy the hospital? What does this government say to the patients in our emergency departments who are still waiting the longest times in the nation for treatment after the results were fabricated on a massive scale to make them look better because of the political imperative? What does this government say to the obstetricians who complained about being bullied at Canberra Hospital in 2010 then were falsely told by Katy Gallagher that no complaints had been made, that this was an incident of mudslinging and then instigated or threatened to instigate, a witch-hunt?

We hear a lot from this Chief Minister about honesty. Where was the honesty during the 2012 election campaign about the \$142 million of job cuts, cuts to services and increased fees and charges that are in this budget? I remember expressions during the campaign like "fully funded" and "fully costed". But the people who are most deceived are those Canberrans who this Chief Minister stared straight in the eye and said their rates would not triple under the tax reforms promised by her Treasurer. The mathematics of the tax reforms are undeniable and inescapable. This government claims and has always claimed that they were removing stamp duty and a range of other taxes and charges and replacing them with increased rates, and we accept that. The rates paid before the reforms were \$173 million. Labor are removing \$347 million in taxes and charges and putting it all on to rates—that is triple. There is no way out of it. The only matter in question now is how long it will take.

Now, Andrew Barr talks about it as if it is going to happen in the distant future as part of natural growth. It is not. In this budget alone rates are openly increasing by

40 per cent. That is a 40 per cent increase after this Chief Minister assured the people of Canberra that big rate rises were just a Liberal scare campaign. It has been said also that we claimed that these reforms would happen within a year, within a term of government. The truth is that at the last election we circulated a table sourced from the government's own tax review showing that rates would triple in about 10 years. We published tens of thousands of letters, thousands of brochures and flyers and hundreds of TV ads showing the table that showed rates tripling in 10 years. That table was then the very basis of Labor's attack against our claims. So to deny now that that was the basis of what we said is to compound your real deceit with an outrageous denial.

But still the government told the people of Canberra that it was all a lie; that rates would not triple as a result of their reforms and that the increases warned of by the Liberals and included in the 10-year table were false and would not happen for decades. Under the projections put forward in this budget, it will not take 10 years to triple; we were wrong. It is just over 11. That is the truth of this. This government was not honest when it tried to hide the increases necessary to make this reform work. The Chief Minister assured and kept assuring that this is not happening, even when it is happening right before everybody's eyes.

Madam Speaker, I urge the government to tell the truth. Tell us the truth about how much rates have to increase to remove the stamp duty, and tell the truth about when these increases will occur. I challenge the Treasurer to publish his modelling. It is inconceivable that this is the only government in any jurisdiction on any tax reform that did not do any modelling. Where is it? And the fact they still refuse to publish it is a damning indictment.

I challenge the Treasurer—have the courage of your convictions, be up-front about what you intend to do, and table your modelling. Then we will see how fair these reforms really are. Is it fair to ask those people who have already paid stamp duty to pay stamp duty again, and again, and again? Is it fair to the couple who bought their home in the 60s or 70s or 80s or maybe a couple of years ago and who paid their fair share and worked hard to pay off their house to be asked to pay an extra \$3000, \$4000, \$5000 a year every year? Is it fair that those people who cannot pay to have their debt racked up against that house and then deducted when they die like a death duty? Is it fair for the struggling small business owners in this town who have seen commercial rates go up by over 30 per cent? Is it fair for the 90 per cent plus of people who do not move house to have their rates tripled to give some relief to those who do?

And is it fair when you compare Canberra to other places? Madam Speaker, if you live in a \$3.5 million home in Double Bay, you will pay \$1,873 in rates a year. But under Andrew Barr's reforms, if you live in a \$700,000 house in Campbell, you will pay \$3,031 in rates. Is that fair? If you live on six acres in Dural, you will pay \$1,903 in rates. If you live on a 700-square meter block in Lyneham, you will pay \$2,012. Is that fair? If you own a \$1.7 million property in Mosman, you will pay \$1,500 dollars in rates. But under these reforms, you will pay more than that if you own a home in Palmerston. Is that fair? I say to the Treasurer and I say to the Chief Minister, if you want a debate about the fairness of these rates rises, table your modelling and bring it on.

Madam Speaker, that has been the big deceit of this government, but it is not the first and as many people have found out, it is not the last. The CPSU found out recently what Katy Gallagher's word was worth when she said before the last election that pay negotiations would start right after the election. But as is reported in the *Canberra Times*:

... Mr McDevitt said ACT public servants had been "shafted" and accused the government of delaying the start of negotiations to ensure the "inferior offer" was drowned out by the budget.

After this budget the CPSU stated the budget was full of weasel words. If the CPSU cannot trust their former delegate, who can? Not the nurses. They say they have been insulted and treated without respect after being offered a pay cut in real terms and the lowest pay offer in 30 years. Not the kids who are being helped by Robert de Castella, who would have heard Katy Gallagher say last Friday week that the ACT Labor government was committed to tackling obesity while at the same time she was ceasing their funding. Not the homeowners who will see their rates go up 40 per cent in this term and tripled in under 12 years. Not the builders who were told commence and complete charges would be waived but are, in many cases, getting bills that have doubled. Not even the *Canberra Times*, who thought they were getting an objective view of the budget from a constituent who neglected to mention he was a Labor staffer and even edits the Labor party journal. And certainly not the ACT public servants whose jobs will be cut in this budget when Labor was running a scare campaign about a secret Liberal plan to cut jobs.

It turns out there was a secret plan, but it was Katy Gallagher's and Andrew Barr's. Katy Gallagher and Andrew Barr claimed there would be no job losses. So tell that, then, to the 100 staff who are going to be cut from the education directorate or the 17 at the CIT. Tell that to the 38 staff being cut from the Community Services Directorate. Where was Mrs Burch during the scare campaign? Where is she with this now?

Madam Speaker, it is an inescapable fact that this government does not tell the truth. They did not tell it in 2004, they did not tell the truth in 2008, they did not tell the truth at the 2012 election, and they do not have the truth in this budget. How do you trust a government that is so morally bankrupt that it derives millions of dollars from the proceeds of poker machines to fund its election campaigns? That is money that comes out of the pockets of Canberra families, in some cases from problem gamblers, and then is used to fund slick television ads for Katy Gallagher to tell those same families how much she cares about them.

We think there is a better way, and I will tell you, Madam Speaker, about this in some detail. We believe a government must have the trust of the people. Trust is not achieved by policies that are not delivered, promises that are not honoured, and words that are not actioned. It is a fundamental aspect of who you are, and this government and Labor have developed a culture of not telling the truth. That is why we should do everything we can to make sure that scrutiny and accountability of this government is maximised.

In response to the government's malaise, today I call for the funding to the Auditor-General to be increased so that the number of performance audits she conducts is doubled by the next election in 2016. Let us make the first of those new audits on ACTEW, which the government still refuses to do but is so obviously required.

Today I call on the government to make the Public Service Commissioner an independent statutory authority so that he or she can more effectively investigate issues of nepotism, bullying, and improper behaviour within this government.

Today I call on the government to establish a central authority within the Chief Minister's directorate to conduct proper regulatory impact statements on all legislation and release those impact statements to the public so that the community is provided with an honest view of the full effects of this government's plans.

And today we commit to these initiatives. If the government will not do this of their own accord, I will bring them forward in legislation in this place.

Madam Speaker, we will always be the party that focuses on delivering local services. We are not the party engaged in some race to the left with the Greens, each outdoing the other with grander and more out-of-touch schemes designed solely to placate an ideological extreme instead of delivering core services to the community. We would do it differently. We would maintain SmartStart for kids to address the obesity crisis we are facing and help our children who are struggling with their health. We would establish a proper preventative health task force immediately. We would halve the fees for local sporting clubs to use their local sports grounds and keep kids active. We would deliver an autism school to support parents and children who are crying out for the early intervention that can transform their lives.

We would appoint a fifth Supreme Court judge right now to make our justice system fairer. We would reduce the impact of the lease variation charge that is a tax on growth and development, an impediment to employment and a hindrance to density. We call on Andrew Barr to honour his broken commitment on commence and complete fees, fees that for many landowners have doubled as commercial rates have doubled. That is what we would do.

Sometimes, though, what defines you is not just what you do, but what you would not do. We would not commit to building a light rail without a cap on expenditure. We would not say there is no price we will not pay, as Andrew Barr did. We would not impose a massively disproportionate response to climate change that is costing us millions and millions of dollars. We would not treat the business sector as something to be squeezed until it bleeds but not until it dies. And we would never, ever think of the family home as a tax haven that is simply to be plundered by government. Lastly, we would not talk this town down. Since this time last year we have heard nothing from this government but dire predictions of disaster—constant, incessant talk of how a change of government will kill this town, while at the same time blowing the budget, racking up debt and cutting jobs and services. That has actually caused this slowdown that we see right now.

The constant harping about how a change of government will cause uncertainty is causing the uncertainty right now. And the cheap pointscoreing from Labor and the Greens is doing the damage right now. I call on this government to cease. I call on you to cease.

Federal Labor is slashing jobs right now and ACT Labor is cutting jobs right now. Services are being cut right now. Andrew Barr has the unmitigated gall to say, "I cannot save the ACT from Tony Abbott." Well, I say: who will save the ACT from Andrew Barr?

Many Canberrans have compared this budget and the government to the *Skywhale* and I myself see the parallels. Just as I started by quoting Jon Stanhope, let me now draw on this view of this gift to the Canberra community, this gift from the Gallagher government. This is what Jon Stanhope said:

I just think it's selfish, I think it's self-indulgent ... It sort of smacks of arrogance ... I think it was a misstep. I think it was politically naive. ... I fear that this particular incident, this particular expenditure, this particular piece of public art will come to symbolise the year, and it's divisive ...

Jon Stanhope's message on *Skywhale* serves equally well as a critique of this budget. It pays lip service to the hardworking majority who, for the most part, want government out of their lives and focused on delivering better local services.

Madam Speaker, it is not what we believe and it is not what we would do. We believe in a better Canberra than the one that this government spends all its time talking down. We believe that Canberra should be a competitive place to do business. We believe in rewards for enterprise and for effort. We believe that Canberra should be a more affordable place to live. We believe in growth. We believe that a government should promote and encourage, not inhibit and over-regulate.

We believe in freedom—freedom of expression, of association and freedom of faith. We believe deeply in something that this government seems to have forgotten in the 12 long years that it has been in power. We believe that Canberra should be the best place in the country to earn a living, to get ahead and to raise a family. That is what we believe. It is something that we will never forget and we will never stop defending.

MR RATTENBURY (Molonglo) (3.24): I speak to this budget on behalf of the ACT Greens today, aware that I have participated as a minister in the development of the budget.

As a party, the Greens appreciate that there are challenges that our community faces now that need short-term resolution—maintaining employment and providing day-to-day services. There are also long-term risks ahead of us—climate change, resource depletion, and the building of economies on unsustainable practices. And it is because of this that we are always looking to our budgets, both federal and ACT, to deliver programs and projects that will insulate us against these risks. Because if we do not insulate ourselves against these risks now then, in the future, our daily challenges will

only multiply. This is something that is often overlooked by those who criticise spending on long-term infrastructure projects—not just that the up-front investment delivers the benefit of a good service, but that other costs to the community are offset, thereby improving the quality of their lives into the future.

It is because of this long-held perspective of the Greens that I am very pleased to be standing here in this place as at last we see a funding and policy commitment towards light rail in the ACT in our budget. Light rail is a project that, of course, has been championed by the Greens for some time and was solidified in the parliamentary agreement. The budget progresses light rail for Canberra by funding the capital metro and the light rail master plan. This is one project that will deliver long-term benefits and savings to the community, and could well insulate this city from the future risks of both climate change and oil shortages.

Light rail will be a major milestone for Canberra's public transport and its future development. It will signal a major shift in the way we see our city and how we plan its future. The Greens remain dedicated to this project as a way to help build a convenient, sustainable and vibrant city of the future. It is not just for north Canberra—this is a project that over time will extend across all of Canberra. The light rail master plan is key work to lock in that future network.

An equally important project I am pleased and proud to be here to see funding for is the common ground initiative. While climate change may affect our planning for the future, there are Canberrans who face the challenge of homelessness today. The common ground initiative will provide permanent housing to help homeless and disadvantaged Canberrans achieve stability, and support services to improve the quality of their lives.

It will not be a panacea for all our homelessness issues, but it will provide a real opportunity to end the cycle of homelessness for some people in our community, as well as providing more affordable housing options for low income earners. The delivery of the project would not be possible without the tireless work of the Common Ground Canberra Board, and I would like to thank them all for their patience, good faith and passion.

We are all very aware of our economic reliance on commonwealth government spending. Development of our economy outside the influence of the commonwealth government will ensure we have resilience in times of commonwealth contraction. The Greens have long advocated for a transition to a green economy with increased investment and support towards local businesses involved in sustainable industries. While there have been some opportunities where government could have encouraged this over the past few years, the reality is that we have not yet done enough to maximise those opportunities to build local green businesses.

Nevertheless, there remains much that we can do and we are in a good position to adapt. We have a 40 per cent greenhouse gas reduction target, and an energy efficiency scheme that could drive the development of these green businesses, recycling targets and incentives and mechanisms to encourage improved energy efficiency standards for new buildings.

We have the expertise in our community, and particularly in our universities, but we have not yet made significant attempts to build and retain that expertise in our own business sector. We all recognise the key areas that we can be leaders in. However, we must equally acknowledge that it is simply not possible to change 50 per cent of our economy in the time frame that any one of us will be in this place and for the foreseeable future we will continue to be dependent on the whims of the federal government.

Managing an economy is a difficult task at the best of times; managing it in the ACT presents a range of unique challenges that at times make it even more so. Managing the ACT economy in a federal election year when polls indicate a change of government is significantly more difficult again.

The fine line that this budget walks is between balancing territory government expenditure and maintaining our AAA credit rating and giving us enough fiscal space to ensure that if the worst comes to pass and there is a significant reduction in the size of the federal public service, we can respond to try and offset some of that contraction. However, it is true that the action that can be taken by the ACT to offset the impacts of large federal public service cuts is indeed limited.

The Greens have long said that we are committed to a balanced budget over the economic cycle, and we support the planned return to surplus in 2015-16. There are significant spending cuts in the budget and the Greens agree that we need to protect our AAA credit rating and save where that is possible.

The ACT must ensure a sustainable revenue base and we have seen an important shift towards this with the tax reforms that were passed last year. The budget continues the implementation of the tax reform program—reforms endorsed not only by every credible economist to have examined the issue but also by the people of the ACT at the last election. It could be said that one thing the deceptive campaign run by the Liberals did draw out was that the majority of the Canberra community support the reforms even in the face of outrageous claims by the Liberal Party that were simply untrue.

We know that stamp duty is an unfair and unstable tax that is counter-productive in terms of using our housing stock sustainably. Phasing out stamp duty is a good initiative and one that the Greens continue to support. One does have to make the observation that it was Mr Hockey who, ironically, told us to expect a significant decline in stamp duty if the Liberals form government federally, and yet stamp duty is a revenue that the Canberra Liberals would have us continue to rely on.

As a result of the tax reform policy, this budget sees about an additional six per cent increase in rates, on top of WPI, as was outlined prior to the ACT election. These increases will be offset by reductions in other taxes such as the insurance levy and, of course, the reduction in stamp duty. There can be no doubt that a tax system that does not fluctuate and that allows us to accurately forecast our revenue and fairly distribute the burden across the community on an annual basis rather than in great chunks when anyone buys a house is a much better system.

As members know, the ACT Greens signed a new parliamentary agreement with the ALP after the 2012 election. Aside from our priority areas of light rail for Canberra, common ground and support for Gonski, which have been funded by this budget, there are a number of other initiatives that have been funded in this first year of the parliamentary term. The policies outlined in the agreement reflect our ongoing commitment to building a sustainable society, supporting those in our community who need extra assistance through a lens of social justice, developing our city to be vibrant and diverse, but also to have clever urban design that supports resilience in the face of climate change, and protects our bushland and biodiversity.

There are a range of parliamentary agreement items that I am pleased to see progressed in this budget—items that truly reflect the breadth and width of the ACT Greens’ engagements with the community, items that have been worked up over years by myself and my former colleagues in the Seventh Assembly, and all items that will be welcomed by many. I would like to also acknowledge the efforts made by my cabinet colleagues in seeing the value of these agreement items in what is admittedly a tight year.

I am very pleased to have been able to announce an additional \$1.3 million to enhance the biodiversity of Canberra’s woodlands, parks and nature reserves. This goes hand in hand with an additional \$1.5 million to fund five new park ranger positions over the next four years. The Greens have long been calling for extra resourcing for our parks and for appropriate amounts of money to be spent on pest and weed management, in particular as earlier operational plans indicated that programs were not being carried out due to shortages of funding.

I am personally very pleased to see funding of just over \$1 million for Canberra’s community legal services to provide funding for rental accommodation for a community legal hub. The community legal centres—the Welfare Rights and Legal Centre, the Women’s Legal Centre and the Tenants Union—will finally have improved accommodation, and more space, which will allow them to maximise their volunteer capacity. It is an outcome that the Greens have been advocating for over a number of years. I am pleased, as I understand the CLCs are, to see the funding eventuate.

In the area of mental health, it is positive to see that the Greens and Labor are placing the importance needed on the creation of a secure mental health facility. Often discussed, and desperately needed, the funding for forward design for the facility will help to address a major gap between our justice and mental health systems, and will undoubtedly lead to better outcomes.

WorkSafe is funded for 12 new WorkSafe inspectors. From the Greens’ point of view, this is a particularly welcome initiative. This reflects the Greens policy platform from the ACT election called “Making Canberra the work safety capital”, and the parliamentary agreement, which sought to increase proactive worksite investigations, particularly in construction. In conjunction with the implementation of other recommendations from the *Getting home safely* report, this budget item will provide a strong boost to work safety in Canberra.

The budget has provided money for new interpreter scholarships, to ensure that Canberra trains and keeps interpreters in areas of shortage. These scholarships provide more than just money to emerging communities. They will provide real people with the support they need to improve their language skills, and go on to be important assets for the whole community. It is an outcome that is not immediately visible but that manifests over time through our increasingly rich and well-established multicultural community.

In the area of education, I am particularly happy to see the Education and Training Directorate initiative that will provide additional post-school options support to young people with disability. This will mean a lot to the many families that have worked with the Greens on this, and to the students who will be soon leaving our schools and embarking on the journey to adulthood.

Establishing the inaugural Older Persons Assembly in 2011 was an achievement of my former colleague Amanda Bresnan, and I am very pleased that two further older persons assemblies have been funded for this parliamentary term. Older Canberrans have much to offer us in terms of informing our policy in relation to older people as well as sharing with us the lessons learnt from years of shared experiences across a range of sectors and the community.

We will have the first of these assemblies in 2014, rather than 2013, as in the parliamentary agreement. Instead, in October 2013 we will have an additional event, the age-friendly cities and communities conference, to be held at the University of Canberra. This decision follows feedback from the ageing community and advisory bodies and representative organisations that the conference this year, with an assembly next year, will lead to the best outcomes for our age-friendly city and for older Canberrans.

The microcredit program in the budget provides \$416,000 for interest-free and fee-free loans to eligible low income earners who wish to establish or expand a small business activity. This is a parliamentary agreement item, and expanding this successful program from being available only for women was a Greens election initiative. This program will now also be available to migrants, Aboriginal and Torres Strait Islander people and young people. I look forward to this program also being expanded in the next few years to make larger loans available so that people can take their next steps in growing their businesses.

On education and the Gonski reforms, there has been a lot of talk in this budget about transformation, and I think that the Gonski reforms, now known as the national plan for school improvement, fit that description. While it is true that the ACT may not be receiving the massive injections that other states will, due to the fact that we already fund our education system so well, the reforms will increase transparency, fairness and equity—all principles the Greens hold dear.

Coming to youth funding, the government has allocated \$1.2 million towards a range of outcomes, including transitioning from care and family support services, including youth centre activity, outreach and youth engagement, and increased services for at-

risk groups such as Aboriginal and Torres Strait Islander families, new migrants and refugees, and the GLBTI community. We would like to acknowledge the allocation of the funding, and we look forward to consulting with the relevant stakeholders to ensure that the funding is actually going where it is needed.

In addition to the parliamentary agreement items, this budget reflects the positive legacy of Greens from the previous Assembly, where the Greens implemented numerous long-lasting changes. For example, the budget provides funding to expand the official visitors scheme to ensure that people in settings such as the jail, crisis refuges and aged-care facilities receive fair treatment and quality care. This stemmed from the official visitors legislation that the Greens introduced and passed last year—and that was further worked on this morning.

Likewise, the Greens introduced reforms to the ACT's infringements system last year to ensure that people suffering financial or other hardships are treated fairly. The budget provides funding to administer this scheme, which will be of great benefit to some of the most vulnerable people in the territory.

When it comes to health, despite substantial efficiencies across the board in this budget, Canberrans will be pleased to see significant targeted funding for health, including \$8.25 million to complete the planning and forward design stages of a new public hospital at the University of Canberra; \$33 million for improving elective surgery waiting times; and \$12 million for improving services at Canberra Hospital's emergency department and establishing a rapid assessment unit at Calvary Public Hospital.

I am particularly pleased to see \$9 million for the expansion and enhancement of the Belconnen community health centre, and especially to co-locate a walk-in centre at Belconnen as well as open another in Tuggeranong. We all appreciate the importance of these centres for their role in preventative health care and reducing emergency department pressure. This walk-in centre will be a great relief for both the north side of Canberra and residents in Tuggeranong.

I note significant funding of \$45.5 million for increased inpatient beds over the next four years for both Canberra and Calvary hospitals. The 31 new beds include a four-bed stroke unit at Calvary which will be extremely beneficial for many families, especially given that some people have had to go to Sydney due to lack of beds here in the ACT in recent times.

As well as this covering an increase in hospital-in-the home places, there is \$8.8 million for an outpatient service, including for cancer and for drug and alcohol services. It is vital that we invest in both these areas. Our hospitals need to have sufficient beds for those in need, but if people do not actually need to be in hospital it is important to be able to provide services to help people in their own homes. As this in turn reduces the pressure on the number of beds in hospital, the Greens are very supportive of this dual investment.

The Greens are also extremely pleased to see increased funding of \$1.2 million for advance care planning over the next four years. We took this to the election last year,

and it is an important item in the parliamentary agreement. This funding will enable ACT Health to develop and implement a range of appropriate care planning tools, including establishing a mobile clinic. It will be a relief to many elderly patients and those with chronic illnesses, and their families, over coming decades.

I commend the continued growth in community mental health funding. Mental health has been an item in both the 2008 parliamentary agreement and the current one. Serious mental health issues are a continuous problem in our community, and it is key that we continue to support the community sector to deliver these important services to the broad range of the community in need. The \$4.1 million appropriated in this budget will help with expanding community mental health services, including supporting people leaving the Alexander Maconochie Centre. We will continue to monitor mental health funding over the parliamentary term.

I applaud funding to establish a public obesity management service. Obesity is a significant problem in our community and will need to be a focus over coming years if we are to help people have healthier, happier lifestyles. The Greens are highly aware that preventative health management programs not only improve people's health but also reduce the pressure on our hospital system, as severe obesity can contribute to many chronic but preventable illnesses.

This budget also commits to \$1.7 million for mobile dental clinics for 2013-14. This is commendable, as dental health is key to people's overall health and can make a huge difference to people's lives. This is why the Greens have fought so hard federally to gain funding for Denticare.

In the same vein, the Greens are advocates for a mobile primary health program, and we look forward to working with the government to develop this program in future years. We know that mobile services such as these can make the difference between some people seeing a doctor or dentist at all.

In conclusion, there is much more to the budget and not enough time to comment on everything today. I look forward to the estimates process and subsequent debate for exploring these issues in more detail. As I indicated in the discussion on Tuesday, my intent is now only to participate in the debate about the appropriation bill in my portfolio capacities and to use today's remarks as the analysis by the Greens of this budget.

Overall I think that this is a budget that is fiscally responsible. The commitment to return to surplus during this current parliamentary term is important. In a number of public remarks and my comments today, I have stressed the necessity of having a balanced budget over the economic cycle.

The budget also plans for the future in the things that it is funding, in starting to make some of the major decisions that will make this city more sustainable, more liveable into the future. I commend the budget to the Assembly.

MR SMYTH (Brindabella) (3.44): Mr Assistant Speaker, what a difference a year makes. It seems like only yesterday that the ACT Treasurer stood here in this chamber

to present his budget under the theme of “Supporting our economy, supporting jobs”. But only 12 months later he has ditched supporting our economy and jobs, and now he wants to transform Canberra. Yet the only transformation this budget contains is its presentation of our territory’s finances in order to hide this government’s debt, deceit, deficit and lack of delivery—highly ironic given Ms Gallagher’s pledge for open government and transparency when she became Chief Minister a couple of years ago.

Then again, this is an ACT Labor-Greens government who like to think of themselves as progressives but they have transformed life in Canberra into a routine. They like to think of themselves as open-minded, but they have taken away cherished aspects of Canberra living through draconian bans and manipulating supply. They like to think of themselves as idealistic revolutionaries of sorts but they harbour omnipotent government aspirations. They promise the blessings of a greener, more sustainable economy but this has led to nothing more than higher taxes and costs for negligible benefit.

In fact, whether it is forcing Canberra families out of their cars, making them pay for indulgent green schemes or government waste and mismanagement, the only thing new about this budget is that Canberra families will have to pay even more rates and charges than before.

Mr Assistant Speaker, this is not a budget for a centenary year. The Treasurer has claimed that his government has delivered a surplus for nine consecutive years. In fact, he has gone so far as to claim that, “During the financial boom the government put aside money for a rainy day.” Yet the budget that Mr Barr handed down on Tuesday is not a budget that is indicative of a well insulated, cashed-up government budget.

This is not a budget worthy of Canberra’s centenary. This is not a budget that shows a bold and vibrant Canberra. It is a budget on the defence—a massive running deficit over \$340 million, job and service cuts to carve out \$142 million in savings, borrowings ballooning from \$2.7 billion to \$3.5 billion with an interest bill over \$655 million. In fact, within the next two years alone, whole-of-government borrowings will increase by \$769 million.

If revenue grows by about \$250 million a year, and it does, and you spend \$668 million in excess of this funding growth, it is a structural deficit. Never mind the fact that the territory’s revenue has been growing year on year and exceeded budgeted revenue every year. In fact, between 2012-13 and 2016-17 the government is forecasting structural deficits in excess of \$1 billion.

Truth is, Mr Assistant Speaker, this government have a spending problem. Their only measure is how much they spend with no regard to outputs, outcomes, results or improving the wellbeing of Canberrans. And Canberrans are the ones invariably left with footing the bill for this.

The gouge in fees and fines continues, and here are just a few examples. Taxation revenue is forecast to increase by 27 per cent in the cycle of this budget. Rates are expected to increase by more than 16 per cent this year. Rates revenue is expected to increase by 16 per cent this year. When this government has promised to get rid of

land tax, land tax is expected to increase by five per cent. Revenue from traffic infringements fines is slotted to increase by 28 per cent, parking fines seven per cent, and court fines a whopping 204 per cent. The numbers for these are big. Taken as a whole, user-pays government services alone will cost Canberrans approximately \$437.8 million.

But let us go back to the rates, Mr Assistant Speaker. This budget has been illuminating in some respects. Take for example the fact that in the last two days we now have better clarity of the fact that although this government will abolish stamp duty in the next 20 years, it will start tripling your rates in less than 12 years. Mr Barr repeatedly mentioned yesterday that Canberrans move house an average of once every seven years. The Treasurer claims that this is a broad-based and equitable tax reform. Yet it is a cunning plan to shift the tax burden from homebuyers to home owners. Truth is, raise people's rates unreasonably—never mind tripling them—and they may not be able to afford to even own a home, let alone buy a home.

Recall the Treasurer's recent tax reform bill last May where he expanded the eligibility rates deferral criteria for home owners 65 and over. It foretells that people will have problems keeping up with this government's rates increases. What is insidious is the fact that Mr Barr's only solution is to put Canberra seniors in indefinite debt, and with an interest charge to boot—a death tax.

Yet with all these increased charges and rates, what do Canberrans get in their neighbourhoods? According to the budget papers, two residential street improvements. That is all—Maribyrong Avenue in Kaleen and Sternberg Crescent in Wanniasa. I think Canberrans deserve more bang for their buck.

Let us look at the business sector and commercial rates. Let us not forget that businesses who employ and pay taxes are a valuable part of our community. But this year they will be experiencing rate increases of about 20 per cent to compensate for Mr Barr's tax reforms. This is what the ACT and Region Chamber of Commerce and Industry has to say about that:

The feedback from our members is that business is really struggling at the moment. We are aware of a number of businesses that are finding that they are having to retrench employees ...

Remember, members, that we are only in the first year of this government's plans to triple your rates. Then, of course, there is the looming budget black hole. Added to this, you have the potential of a \$436 million budget black hole as a result of ACTEW ceasing to pay dividends should the ICRC recommendations to reduce water and sewerage household costs to \$230 per year be adopted. This is not a trifling sum of money for Canberra households. Making up \$436 million amounts to an additional \$3,000 slug to household budgets through increased charges and further cuts to core services.

However, the issue of ACTEW goes further than this. As of today, we learn that it is requiring 34 senior operational managers to re-apply for only 26 new positions,

meaning also a loss of eight jobs. To date, the Treasurer has not given any assurances or guidance on both these issues, because in fact the Treasurer put the ICRC process in place and has it delivering a week after his budget was delivered. You would be curious at the timing, wouldn't you?

Of course, there is no economic planning. The government has squandered our wealth and opportunistically taxed families for only one thing: to fuel their uncontrolled spending. Mr Barr speaks regularly about diversifying our economy these days. The government did not for a long, long time. Yet in over 12 years they have done nothing more for job creation in the ACT than ride the wave of the public sector. Indeed, in 2006 they cut funds to tourism and business programs that created and grew jobs in the ACT.

It has taken them just as long to finally come up with an economic diversification strategy. I hate to burst the Treasurer's bubble, but although he can think that he can in one year go from supporting Canberra's economy to transforming it, you cannot diversify our economy overnight. A belated report with repackaged existing programs is not progress. It is an opportunity missed.

It comes as no surprise that since reaching an all-time high of 59 per cent under the Canberra Liberals, private sector employment has since consistently slipped below the public sector and is now at 49 per cent under ACT Labor. Then again, if you have a Treasurer who has been on the record as stating that he does not care where employment comes from, of course the easiest path is to do as Mr Barr has done, which is nothing.

Then, of course, we have got global connect, the "do nothing new program". It is kind of ironic that in typical Barr spin, the Treasurer talks about a \$1.5 million initiative for the global connect program pitched at helping local businesses export. Yet, when you look at the elements of this program—for example, the trade connect program, the ACT Exporters Network, the trade mission program, the ACT Chief Minister's export awards and the ACT international student ambassador program—these are all initiatives that have been running for quite some time now.

Some had their genesis in old programs axed by ACT Labor in 2006. Never mind the fact that ACT Labor promised over \$3 million over four years in the last election for this initiative but have only managed to find \$1.5 million over the next couple of years. It is just one example of ACT Labor not understanding its brief as a government to foster a business-friendly economy and to create jobs.

There are more broken promises, Mr Assistant Speaker, and more deceit. Funding for Enlighten was promised at \$5.4 million over four years in the last election. In this budget it is \$3.6 million over three years. The tourism major events fund was meant to be \$4 million over four years in the last election. In this budget, it is \$2 million over two years. Funding for the international tourism market was \$1.8 million over four years at the last election. In this budget, it is \$500,000 for only 2013-14. I understand that at the breakfast yesterday there was one quip that that would buy a couple of page ads in Singapore and New Zealand and get you a massage. That is probably about all you will get, Mr Barr.

And what about arts? \$4.7 million was promised for the visual arts hub in Kingston and music arts hub in Ainslie over four years at the last election. But in this budget there is only \$1.8 million, for 2013-14 only. What the government fail to highlight in all these underspends is their desperation to make up their promised \$29 million surplus in 2015-16 by not putting their promised commitments in the outyears. It is a trick Wayne Swan used. It was exposed. It caught Wayne Swan out. You will be caught out with this urge for a surplus that you cannot deliver when you do not fund your promises consistently and across the period as promised.

But when it comes to green-cred initiatives like the government's energy efficiency scheme, which already costs Canberrans approximately \$1 million a month to run, the government pumps in \$1.6 million to expand this initiative. An expanded program that is already expensive to run can only mean one thing to Canberrans: higher taxes, higher rates and higher charges.

When it comes to protecting our tertiary institutions, a core sector of our economy, this government was quite ready to allow its federal Labor counterparts to rip out almost \$60 million from this sector, from our economy.

If you look at capital projects, there was the Chief Minister on ABC 666 yesterday morning advising that the city to the lake and the capital metro projects will diversify our economy and create jobs. What she failed to highlight is that the economic softening the government is predicting is actually happening now. The federal Labor government's job cuts to the public service are actually happening now.

But the commencement of the city to the lake and capital metro projects, according to her, will not begin until well into the second half of this decade. So what is she proposing? What is this government proposing—that people simply go jobless for the next three or four years because this government has failed to plan and failed to deliver?

This is what I mean when I say that the government does not have a plan. Indeed, there have been many critics of the lack of a city plan. We have got development to the north-east and now we are going to the south-west. But if you stretch a doughnut, the doughnut breaks. This government has had 12 years in which to deliver a plan for the entire city centre and has failed to do so. This is the height of this government's contempt for taxpayers.

Let us look at capital metro. There can be no better example of their contempt for the people of this city than the capital metro initiative. In this government's race to be—what was it?—the most progressive, capital metro is the jewel of the ACT Labor-Greens alliance. In fact, so much so that the Treasurer unequivocally stated that this project will go ahead whatever the cost.

In fact, he even added that there is no number at which the project will not go ahead. This Assembly might recall that capital metro was promised \$34 million in the last election. But we see in this budget that it is an \$18.7 million project. Again, according

to Mr Barr, this project is to be had whatever the cost. But what about the need for fiscal prudence? They do not even know how much a ticket will cost on the metro and they do not know how much subsidy taxpayers will have to pay to keep it running.

What about the convention centre? The lack of commitment to the convention centre is illustrated in the budget paper where the government has \$800,000 to look into the convention centre under the city to the lake assessment. I understand that the convention centre might get \$200,000 this year. In other words, this is not a front-and-centre priority. But yet at yesterday's budget breakfast, I have been advised from a credible source that the Treasurer stated that he was "happy to look into fast-tracking this project and bringing it forward".

But what did he tell us yesterday, Mr Assistant Speaker? Let me read the quote and what he said about the convention centre yesterday. He said:

We need to consider whether a significant expansion and improvement of the existing facility or a new facility on a new site in the CBD is appropriate in the next few years.

Which is it, Mr Barr? Are you committed to a new one or are you going to refurb the old one? The community is waiting for your answer.

Question resolved in the affirmative.

Bill agreed to in principle.

Estimates 2013-2014—Select Committee Reference

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) (3.59): Pursuant to standing order 174, I move:

That the Appropriation Bill 2013-2014 and the Appropriation (Office of the Legislative Assembly) Bill 2013-2014 be referred to the Select Committee on Estimates 2013-2014.

Question resolved in the affirmative.

Public Accounts—Standing Committee Membership

MR COE (Ginninderra) (3.59): Pursuant to standing order 223, I move:

That Mr Seselja be discharged from the Standing Committee on Public Accounts and Mr Coe be appointed in his place.

Question resolved in the affirmative.

Post-implementation review of the ACT land rent scheme— government response Paper 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 paper:

ACT Land Rent Scheme—Post implementation review—Government response.

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

Leave granted.

MR BARR: Today, I am tabling the government response to the post-implementation review of the ACT land rent scheme as requested by the Standing Committee on Public Accounts in its report *Inquiry into Appropriation Bill 2012-2013 (No 2)*. The government thanks the consultants, Epic Dot Gov, for the review report and their insightful findings and recommendations. Their work is an important contribution to the ongoing improvement of the ACT land rent scheme and securing the objectives of that scheme for the benefit of the Canberra community. The government welcomes the key finding that the scheme has been successful overall and acknowledges there are opportunities for improvement.

Since the review the ACT government has either implemented or is progressing a range of strategies in line with the recommendations in the report to improve the design and administration of the scheme. The government is also committed to further reforms to the scheme and will give ongoing consideration to the other recommendations in the report in the context of the government's broader policy settings.

I would like to take this opportunity to reflect upon some of the key steps the government has taken since the review. The government has made changes to its affordable housing thresholds policy, aimed at increasing the supply of smaller blocks of land in the territory. The government will continue to provide targeted homebuyer assistance to land rent lessees.

The homebuyer concession scheme was expanded in the 2012-13 budget and again in the 2013-14 budget. In the recent budget, the first home owner grant was increased for the purchase of new homes. The government has extended access to the two per cent discount rate to CHC Affordable Housing to achieve a greater social outcome. The government has introduced a security payment on block selections. In 2013-14, the government has also modified the scheme to provide improved and targeted access for low and moderate income households who are eligible for the two per cent discount rate. The standard four per cent rate will cease to be offered to new entrants who do not meet the eligibility criteria for the discount rate.

The ACT government is committed to supporting affordable housing for moderate and low income households and sees the land rent scheme as an important element as part of an overall housing affordability strategy. We will continue to work closely with participants in the scheme and industry and the community to explore opportunities to make the scheme work even better for those who need it most.

Financial Management Act—Instruments 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 the Commerce and Works Directorate, dated 20 May 2013.

Section 16—Directing a transfer of appropriations from the Treasury Directorate to the Commerce and Works and Chief Minister and Treasury Directorates, dated 1 June 2013.

Section 18A—Authorisation of expenditure from the Treasurer's Advance to the Office of the Legislative Assembly, dated 1 June 2013.

I seek leave to make a brief statement in relation to the papers.

Leave granted.

MR BARR: As required by the FMA, I have tabled a number of instruments under sections 14, 16 and 18. 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. So I have tabled a total of three instruments this afternoon.

Section 14 of the FMA allows for the transfer of funds between appropriations, when endorsed by the executive. This package this afternoon includes one such instrument. The instrument transfers \$2.5 million of capital injection (territorial) appropriation to expenses on behalf of the territory (territorial) appropriation within the Commerce and Works Directorate to cover the anticipated remaining expenditure under the first home owner grant scheme in 2012-13.

Section 16(1) and (2) of the FMA allows 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 one such instrument that is budget neutral. The instrument facilitates the final transfer of the balance of the 2012-13 net cost of outputs (controlled) appropriation of \$10.585 million from the former Treasury directorate, consisting of \$5.907 million to the Chief Minister and Treasury Directorate and \$4.678 million to the Commerce and Works Directorate.

Section 18 of the act provides for the Treasurer to authorise expenditure from the Treasurer's advance. This package includes one such instrument signed under section 18. The instrument provides an increase of \$433,000 in expenses on behalf of the territory (territorial) appropriation for the Office of the Legislative Assembly to reimburse employee termination and leave entitlement expenses incurred following the 2012 Assembly election.

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

Commissioner for Sustainability and the Environment report—government response 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:

Commissioner for Sustainability and the Environment Act, pursuant to section 21(2)—Commissioner for Sustainability and the Environment—Report on the state of the watercourses and catchments for Lake Burley Griffin—Government response, dated June 2013.

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

Leave granted.

MR CORBELL: I am pleased to table the government's response to this report from the Commissioner for Sustainability and the Environment. The government is committed to sound catchment and waterway management. The government referred the issue of the condition of the watercourses and catchments for Lake Burley Griffin to the Commissioner for Sustainability and the Environment following a resolution in this place.

The events that triggered this, of course, were increasing frequency and duration of algal bloom events in Lake Burley Griffin. These events significantly impact on recreational use of the lake and its amenity, as well as its national significance for our city.

The commissioner found that the key water quality issues for Lake Burley Griffin, in its assessment of conditions from 1978 to 2010, were: low dissolved oxygen levels caused by the release of the decomposition of organic matter in urban stormwater flowing into the lake; blue-green algal blooms caused by the release of phosphorous from sediments, when dissolved oxygen is low with a poor mixing of the water column, especially during dry periods; and the loss of submerged and fringing water plants caused by increasing levels of turbidity which contributes to low dissolved oxygen levels.

The commissioner also found that the main sources of faecal pollution in the lake were urban run-off, wildlife, regrowth of bacteria already in the lake and possible sewerage leakages. Given the state of the lake and its functioning with the loads of pollutants present in it, the commissioner accepted the advice that the Queanbeyan sewage treatment plant output is not at this point a significant source of faecal pollution. Similarly, rural catchments were not of themselves ordinarily a source of excess nutrients or turbidity in the lake. However, the condition of inflows from these catchments needs to improve as during periods of high rainfall or storm events they do contribute to water quality issues in the lake.

The government believes that working with the community is the best way to address the issues in the territory that compound the water quality issues in our lakes. An initial action will be an education program addressing nutrient run-off in suburban areas, siltation from development sites and landscaping, and possible care of pets using public areas.

Following receipt of the report, the Chief Minister met with senior representatives of the NCA, Queanbeyan City Council, Palerang Council, Cooma-Monaro council and a range of ACT government directorates. The Chief Minister directed the Environment and Sustainable Development Directorate to convene a cross-jurisdictional task force to develop an action plan to improve water quality in Lake Burley Griffin. The task force was directed to use the commissioner's report as a basis for the development of the action plan.

Facilitated by a peer review by water quality experts, the task force developed an action plan that identified short, medium and long-term actions that can improve overall lake water quality, highlighting the benefits of each action; identified the contribution of participating jurisdictions and their responsibilities for undertaking the actions; and outlined a program of works to undertake the actions and budget constraints and opportunities for each of them.

The task force also consulted with key catchment and Landcare community organisations in the ACT and region whilst compiling the action plan, in recognition of the important role that the community and these organisations in particular play in promoting catchment and waterway health.

The task force reported to the Chief Minister in August last year and their action plan has, in turn, informed the government's response to the commissioner's report. The task force noted that the recommended actions had equal applicability to the other major urban lakes in Canberra—Lake Tuggeranong and Lake Ginninderra.

Remedial actions can include agitation of lake waters to prevent stratification, reintroduction of water plants, interception of sediment and nutrient-rich run-off through renovated stormwater infrastructure, as well as targeted campaigns to alter individual landholder behaviour to avoid allowing leaves and other organic matter entering our waterways.

I am pleased to advise the Assembly that the government agrees with the majority of the commissioner's recommendations. The job of implementing them will take many years, for there are no quick fixes when it comes to water quality. It is also a job for a number of stakeholders, not least the commonwealth's National Capital Authority, with its ongoing role as lake manager, responsible for the lake waters themselves and its immediate foreshores, as well as our neighbouring local government areas in New South Wales who control the catchments that feed in to the lake.

The government has asked ACTEW Water to report back on the concerns about sewage system leaks and welcomes the National Capital Authority's introduction of water mixers and macrophytes into the lake. Queanbeyan City Council's quick action to test its sewage system for leaks is also a welcome indicator of their concerns about the lake. The government will continue to work with the task force members and community organisations on catchment management issues to address the required activities in the reports.

Addressing the issues impacting on lake water quality will require concerted coordinated efforts over many years. Members of the Assembly will be aware that the current parliamentary agreement between the Labor Party and the Greens party commits the government to work towards the establishment of a catchment management authority in the ACT. The government is considering options for the form and scope of such an authority and it is mindful of the potential such an authority will have in improving catchment management in the ACT and region.

The government has also submitted a business case identifying the clear benefits from accessing funds to invest in improving overall catchment health in the territory through commonwealth basin priority projects, consistent with the 2008 Council of Australian Governments Agreement on Murray-Darling Basin reform.

To inform this business case, the government recently commissioned detailed and comprehensive hydrological modelling of all ACT catchments. Using a systems analysis approach now being employed in other jurisdictions, the modelling shows that lakes and ponds have significant accumulated nutrient, pollutant and sediment loads. This reflects their meeting original design objectives which had overlooked their longer-term functioning, with excessive pollutant load build-up creating future source points for poor water quality and pollution downstream.

Changes will need to be made to catchment management to alter water quality inflows into and through the lakes and manage the release of these nutrients further downstream. This work will not only address lake water quality; it will minimise the impact the ACT has on the Murrumbidgee and the wider Murray-Darling Basin.

While these initiatives play out, the government will invite members of the Lake Burley Griffin task force to continue to meet and work together to advance water quality and catchment management through the implementation of the detailed action plan.

I have outlined in the government's response its commitment to continue to work with our key stakeholders to address the condition of Lake Burley Griffin and other urban lakes. I would like to thank the Commissioner for Sustainability and the Environment and his staff for this investigation. The report is a valuable contribution to our understanding of the state of the lake and other waterways and the actions needed to address their continuing health. I commend the government response to the Assembly.

Independent Competition and Regulatory Commission report—government response 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:

Independent Competition and Regulatory Commission Act, pursuant to section 24A—Independent Competition and Regulatory Commission—Report 6 of 2012—Secondary water use in the ACT—Final Report—Government response, dated June 2013.

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

Leave granted.

MR CORBELL: I am pleased to table the government's response to this ICRC report. The commission's recommendations confirm the government's original position that this review was premature. It has also confirmed that the government's strategies for securing long-term sustainable water supplies for the territory are working. The commission concludes that the ACT is water secure for a significant number of years.

I note that the report concludes there is a role for secondary water supply in the ACT. However, provision of this secondary water supply, where there is no pressure from storage for potable water supply, needs to be measured against tests for economic analysis so as not to impact on ACT residents' water costs and the general development of the territory.

The government has agreed with the majority of the commission's recommendations.

A key recommendation was that a detailed review be undertaken of all the regulations that impact on water-related development decisions, including the water-sensitive urban design general code. The government's response agrees in part with the recommendation. Water-sensitive urban design is an issue gaining prominence across Australia as we continue to grapple with the expected impacts of climate change, population growth, liveability and security of supply. ESDD will inquire into and report on the water-sensitive urban design general code against a government objective of a 40 per cent reduction in water usage in new developments and

refurbishments and extensions. The review is to recommend ways of significantly expanding the acceptable mandated measures to achieve the target and provide maximum flexibility to developers so they are able to manage their costs.

The commission also gave detailed consideration to the ACT government's urban wetlands and stormwater harvesting programs. The government has accepted the recommendation that given the current water security outlook, no further developments of this kind—that is, wetlands built for stormwater harvesting purposes—should be undertaken until an evaluation of a trial of the north Canberra system is undertaken. The north Canberra system will be assessed after it has been operating for five years.

The commission made its recommendations before the Murray-Darling Basin plan was settled in November last year, which resulted in the setting of the ACT's sustainable diversion limit of 40.5 gigalitres.

The issue now facing the ACT is that there is a limit on what we can draw from the basin. We are well within that limit currently, but population growth and encouraging water use with inappropriate pricing need to be guarded against. If the limit is reached, it will need to be increased by water entitlement trading to increase the ACT's sustainable diversion limits. The uses of secondary water and of stormwater for irrigation are uses that fall within the definition of use for the purposes of the sustainable diversion limits. This is irrespective of our actual water supply capabilities as determined by our successful implementation of the think water, act water strategy. The ACT still needs to be conservative and judicious in its use of water.

The government's response notes the commission's recommendation in relation to greywater treatment system accreditation. The government is working within the COAG framework to pursue water reforms. A significant step in that process is the formation of an intergovernmental working group to review and update water quality standards, including nationally consistent standards for greywater regulation. The government response indicates that whilst there are too few greywater systems in the ACT to warrant specific regulation at present, development of an acceptable national system will avoid unnecessary red tape.

The commission recommended that a clear pathway for approval of private sector multi-dwelling secondary water systems be developed. The response notes this recommendation and indicates that processes and conditions for the development and instalment of secondary water systems will be developed.

The commission also recommends that a clearly defined third-party water infrastructure access regime be developed. The response notes that there is no current restriction on ACTEW Water providing third-party access, but there is no evident demand for these schemes in the ACT at present.

The commission recommends that the utility that owns the Canberra integrated urban waterways project stormwater pilot reticulation network be licensed under the Utilities Act. The government has agreed with this recommendation.

The government welcomes the commission's report and remains committed to ensuring that the ACT remains at the leading edge of innovation in water-sensitive urban design and the use of secondary water to supplement potable water supply in the context of a more systematic and coordinated approach to catchment management.

I commend the government response to the Assembly.

Planning and Development (Territory Plan Variations) Amendment Bill 2013

Debate resumed.

MR RATTENBURY (Molonglo) (4.23): This bill covers processes around technical plan variations, also known as technical amendments to the territory plan, and specifically how they are used for future urban areas and to implement estate development plans, and also consultation periods.

In general, I am aware that there is community concern about ACTPLA's very regular use of these technical amendments, and I note ACTPLA's intent to enable "more effective and efficient processes associated with technical variations of the territory plan".

The general concern about the overuse of this legislative option is the ability for ACTPLA to slowly institute policy creep. The principle is that technical amendments to the territory plan should only be minor policy changes or technical in nature. Thus if there are any major changes being made through a technical variation, consultation should have already been undertaken via an earlier process.

However, I am satisfied that in this bill those opportunities for community consultation have already occurred for the issues or areas being covered by these technical amendments.

This bill allows three main things to occur through technical plan variations, or technical amendments. Firstly, it allows ACTPLA to incorporate an approved estate development plan for future urban areas, including all relevant codes or provisions, into the territory plan through a technical amendment without further consultation. I note that by this stage the estate development plan has already been through a public consultation phase. Provisions which might be included could be particular codes; area-specific requirements for roads; parking or other infrastructure; bushfire risk mitigation construction requirements; or even outlining where a community garden might go.

Secondly, also in relation to future urban areas, ACTPLA can implement zoning changes and amend or introduce new codes for an area, and incorporate these into the territory plan via a technical amendment, as long as limited consultation has already

been undertaken. I think it is important to ensure that the territory plan reflects as much detail about an area as possible, so if decisions have already been made about an area, it is sensible to ensure that ACTPLA is able to reflect this.

Thirdly, one of the key changes is in relation to provisions in an approved estate development plan which would have been through a development application process, with consultation. This bill proposes enabling these provisions to be incorporated into the territory plan. Currently this can only occur in areas that were zoned as “future urban areas”, but under this amendment ongoing provisions which apply to other areas will also be able to be incorporated into the territory plan.

This is a sensible change, as many area-specific provisions are created through the estate development planning process, as this is the culmination of the work distilled from a broad structure plan to a concept plan and then to a more detailed estate development plan. There will have been a few rounds of industry and community feedback through these processes.

It is very important that these area-specific requirements are retained in an enforceable document, and in the one place. Keeping all the codes and rules that might apply to any particular area in the one place is one of the key intentions of the new planning system, so that developers know what rules will apply.

This provision in the legislation will be very important for infill developments as, hopefully, we will see more estate development plans being developed for areas which already have zoning applied, as opposed to greenfields developments which are on areas marked as future urban areas.

Any technical amendments that are made for this purpose will be subject to limited community consultation, which essentially means a notice in the newspaper. This is because when an estate development plan is being approved by ACTPLA, they sometimes include new provisions to cover an issue which was raised in the consultation process or which ACTPLA has self-identified, but those provisions will not have been through a public consultation process yet.

In talking about consultation, as well as the changes in relation to what sort of changes can be made through technical amendments, there are some amendments in this bill that pertain to the length of time that territory plan variations and estate development plan development applications should be open for consultation. I am pleased to see that in this bill consultation times are being extended for both full draft territory plan variations and technical amendments, as well as for estate development plans.

For full draft plan variations, the minimum required time will be increased to 30 working days—that is, six weeks—up from 15 working days, or three weeks. And for technical variations, the minimum consultation period will be increased from 15 to 20 working days. For estate development plans, if the proposal is for a future urban area, the consultation is being lengthened from two weeks to four weeks, or 20 working days; and for non-future urban areas, consultation will also be 20 working days, increased from 15 working days.

In general it is quite unusual for consultation times to be extended in our legislation, and it is a move that I applaud. This is a win for the community. Given that territory plan variations can sometimes include significant changes, including Canberra-wide code changes, it is important for the community to have enough time to fully consider all the implications of the proposals. I am pleased that ACTPLA notes that this extension to consultation will not significantly impact on the time line or progress of the proposed technical variation or estate development plan.

On other matters related to territory plan changes, I note that there is a parliamentary agreement item to “revise the territory plan so that it is consistent with the 40 per cent greenhouse gas reduction target”, which I imagine will eventually entail a substantial number of amendments, some of which may be technical amendments. However, I anticipate that there will be substantial community consultation in this process, and it will be a bit of time until we see the outcomes of that.

Mr Assistant Speaker, the Greens will be supporting this bill today.

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) (4.30), in reply: I thank members for their support of this bill. The bill is important in terms of further facilitating and streamlining the operation of territory plan variations, and I commend it 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 Legislation Amendment Bill 2013 (No 2)

Debate resumed from 9 May 2013, on motion by **Ms Burch**:

That this bill be agreed to in principle.

MR SESELJA (Brindabella) (4.30): We will be supporting this bill today. The purpose of the Road Transport Legislation Amendment Bill 2013 (No 2) is to provide for an alcohol ignition interlock program in the ACT. This interlock program is an important tool for helping to keep drivers who have been drink-driving off the road. This bill ensures that high-risk driving offenders will have as a condition of their relicensing the fitting of this system in their vehicles.

In the past year, approximately 200 to 300 drivers were considered to be in the high-risk category and eligible for such a program. Their behaviour is a considerable

danger not only to themselves but to other people too. We know that alcohol impairs an individual's ability to react and respond to situations and we know that it can be a significant impact on our community.

It is particularly worrying that we continue to see a large number of repeat offenders in the high-risk category and that existing mechanisms for preventing this dangerous behaviour have not worked as well as would have previously been hoped. It would be a wise idea for an interlock system to be included in the arsenal of tools already being used to fight this reckless and life-endangering behaviour.

It is our belief that the implementation of such an interlock device is a smart idea and will achieve a number of aims, particularly being the removal of those high-risk offenders from the operation of a vehicle and from being a danger to themselves and others. I commend the bill to the Assembly.

MR RATTENBURY (Molonglo) (4.32): The Road Transport Legislation Amendment Bill 2013 (No 2) will establish a legislative framework for the introduction of alcohol ignition interlocks to the ACT. An alcohol ignition interlock is a device that renders a vehicle inoperable until it receives a breath specimen that is below a specified alcohol concentration. It is a technology that can be used as part of a suite of enforcement and treatment initiatives for drink-driving offenders. Primarily, alcohol interlocks are a road safety measure. If used, they should be part of a more holistic scheme of treatment and behaviour change for offenders.

The ACT Greens will support the passage of this bill, based on feedback that I have had from the Attorney-General that the interlock scheme will be implemented equitably and to a best practice standard. As members will have noted, this principal legislation establishes a framework, but the success of the interlock scheme will largely depend on the detail of its implementation.

I wrote to the Attorney-General, Minister Corbell, to seek assurances on several issues that I was concerned about. I am pleased to say that we have had a fruitful discussion about the implementation of the scheme. Mr Corbell wrote a reply to me this week agreeing to a number of measures to ensure the scheme operates to a best practice standard. I will discuss those in more detail shortly.

The Greens support sensible actions to improve road safety, whether this is through infrastructure improvements such as separated cycle lanes, targeted regulation such as such as slow-speed town centres, or enforcement measures such as point-to-point speed cameras. We support the vision zero strategy, pioneered in Sweden and adopted by the ACT government several years ago. It is a policy that aims for zero deaths or serious injuries. It recognises that safety is paramount, even above other goals such as mobility. Vision zero is reflected, for example, in local area traffic management changes being implemented by TAMS, which slow and control traffic for the safety of everyone in the local neighbourhood.

Road safety remains a major problem all around the world. Globally, there are about 1.24 million road traffic deaths a year. More than 270,000 of these are pedestrians. Millions more are left with injuries or permanent disabilities. Recognising this, the United Nations declared a decade of action for road safety, from 2011 to 2020.

Here in the ACT we are doing much better than most of the world. But there is no room for complacency. Last year, four pedestrians, one cyclist, three motorcyclists and three motor vehicle drivers were killed on ACT roads. As well as the costs to the community, each of those lost lives is a tragedy.

According to ACT Policing, impaired driving is the primary contributing factor to serious and fatal crashes in the territory. It is a factor in about 30 per cent of all serious motor vehicle collisions, and implicated therefore in the tragic injury and death resulting from those collisions. Alcohol was a factor in almost 50 per cent of the fatal crashes in the ACT between 2007 and 2009. It is clear that drink-driving is a crime that seriously endangers the safety of the impaired driver as well as the safety of the wider community.

On this issue I would like to refer to the comments made by the ACT Victims of Crime Commissioner, Mr John Hinchey, who was one of the stakeholders the Greens spoke with about the proposed alcohol interlock scheme. Mr Hinchey wrote that he supported the scheme, noting that:

... drink driving has far reaching and detrimental effects on the community. The criminal consequences of drink driving can be life changing for offenders, their friends and family. For the innocent community members who are injured by a drink driver the consequences can be severe. This may include financial, psychological and physical difficulties, not to mention the terrible consequences of fatal injuries caused by drink driving.

Drink-driving recidivism remains an issue for about 30 per cent of drink-driving offenders. It is an area in which the government can and should take action for the safety of the community and hopefully also to improve the treatment and therapeutic outcomes for the offenders.

Alcohol interlocks are now widely used around Australia and around the world as a response to drink-driving. Some of these schemes are very mature and have operated for over 20 years. We can look at these schemes, as well as at the considerable research done on interlocks and on recidivism, in order to establish best practice principles for an interlock scheme in the ACT.

One of the essential best practices is to complement an interlock program with education, counselling and regular assessments. Including a rehabilitative component with an interlock program is essential to changing a drink-driver's behaviour in the long term. It is not sufficient to treat interlocks as a stand-alone solution to drink-driving.

The most thorough and recent analysis of the effectiveness of ignition interlock programs on recidivism rates of drink-drivers was done by the Cochrane Collaboration, which is an international and highly respected research group focused on the efficacy of health care. The review concluded that alcohol ignition interlocks can be effective at stopping repeat drink-driving offences, but only while they remain fitted. The evidence is not clear that the devices stop repeat offending once they are

removed. It is essential that the interlocks are accompanied by an effective therapeutic component and that the scheme's goal is to achieve prolonged behaviour changes to reduce the risk of repeat drink-driving.

I therefore support the aspects of the bill that provide for an offender to undergo a pre-sentencing assessment by the Court Alcohol and Drug Assessment Service. The court can order an interlock condition in combination with other health and rehabilitation conditions. These can include treatments such as counselling, group therapy or another more intensive drug treatment program. CADAS has the benefit of enabling therapeutic responses to be tailored to individuals.

In addition to this, the scheme also has time and performance-based components. An offender with an interlock will need to have the device for at least six months and will need to demonstrate a continuous period of three months compliance with the interlock program and with any treatment order.

One of the reasons I support the introduction of interlocks as a combined strategy with therapeutic treatment is that the research shows standard penalties can be ineffective to stop recidivist drink-drivers. It is clear from various international studies that many recidivists have substance abuse problems. The advice from the research is that these offenders are unlikely to respond to brief educational interventions and that we need to pursue more intensive and comprehensive approaches. Interlock programs are one way to do this.

One of the beneficial aspects of the scheme proposed in this bill is that it will allow voluntary participation by offenders who do not meet the criteria for mandatory interlock conditions. These are lower level offenders and non-repeat offenders.

Offenders can accept an interlock in their vehicle in exchange for a reduction in their disqualification period. This offers these offenders the opportunity to get back on the road earlier and to get treatment at the same time. This has many benefits. An offender would otherwise be without a licence, but an interlock will allow them to drive again, which can help them get to work, participate in the community and receive treatment.

By allowing drivers back to the road earlier and in a safe way, it can help avoid the compounding problem of drivers using their vehicle while disqualified. Australian studies have shown that a large number of convicted drink-driver offenders whose licences are suspended still choose to drive while suspended, which endangers themselves and the community, and thwarts the purpose of the penalty.

Voluntary participation in the interlock program will help some people to control their behaviour, when otherwise they may not trust themselves when it comes to drinking and driving. I expect that some offenders will be encouraged by family and friends to participate in this scheme as part of changing their behaviour and improving their life.

My office has spoken to stakeholders in other jurisdictions that do not have a volunteer option, and they have advocated for using a model that includes voluntary

participation in addition to mandatory. The voluntary model is likely to enhance the therapeutic outcomes of the interlock scheme and reduce the negative social outcomes that can result from someone remaining vehicle-less for a long period.

For some people it is confronting to think that by installing an interlock a drink-driver can return to the road quicker. It contrasts to a traditional view that drink-drivers are deterred by having their licence suspended. But the evidence is that this is getting the best outcomes. It is more accurate to view interlocks as an enhancement of public safety; a better penalty than simply suspending licences.

A key issue for the interlock scheme will be whether it will be implemented equitably. This is an issue I wrote to Mr Corbell about. In my letter I sought assurance that the government will implement the scheme in a way that ensures equity for offenders experiencing financial hardship. My understanding is that interlocks are quite expensive. An individual would have to pay around \$1,200 to \$1,300 for a six-month period with an interlock device. During this time the person will be permitted to drive on a probationary licence, subject to the interlock conditions. The cost of the device raises an immediate issue that some offenders will struggle to pay the additional cost, thereby limiting their access to a provisional licence. While I agree it is appropriate that offenders pay for interlock devices, I am concerned about the different outcomes for offenders depending on their financial circumstances.

The opportunity to volunteer for the scheme provides a useful example. The cost of the interlock will mean that wealthier offenders can volunteer to use interlocks and thereby regain a licence earlier, but poorer offenders will not have this opportunity. I do not think it is fair to have a situation where effectively the rich can purchase earlier access to the roads. Similarly, in situations where the interlock is mandatorily imposed, offenders will need to wait until they can afford to pay for the interlock device before they are given a provisional licence.

Similar concerns have been raised with me by community groups. The ACT Aboriginal Justice Centre said that they were also concerned about the costs associated with the installation, noting that it would be a significant issue for clients who access the Aboriginal Justice Centre, as many are unemployed and do not have ways to obtain the kind of money through legitimate processes or legitimate means. Similarly, the Alcohol Tobacco and Other Drug Association ACT strongly supports concession arrangements to be in place for the program. Members may know that ATODA has been an advocate for alcohol interlocks for some time and proposed an interlock scheme in a 2011 submission to the government.

The position I expressed in my letter to Mr Corbell was that the road transport authority should require interlock providers to cross-subsidise interlocks so that people experiencing hardship can access devices at a lower rate, or at least can pay off interlock devices over an extended period. I understand that similar arrangements operate in some other jurisdictions and the ACT currently operates a similar model for its alcohol awareness course fees. Of course, this approach would also be consistent with the recent policy changes recognising the need for flexibility in the traffic fines system in order to ensure equitable outcomes.

I am pleased to say that Mr Corbell has written to me committing the government to using an equitable pricing model. His letter says that the government will do this through the arrangements with the private providers. When calling for expressions of interest, the government will seek to have arrangements that include discounted rates for those in financial hardship or other arrangements for payment by instalment, or both.

Noting that evidence about the long-term efficacy of interlocks is still inconclusive, I have also asked that the government review the operation, effectiveness and costs of the ACT's interlock scheme after a suitable period of time. This should include an assessment of the effectiveness of the therapeutic aspects of the scheme. There is no use administering an interlock scheme as a symbolic gesture. It has to be effective in improving road safety and reducing the rate of recidivism.

I suggested that the review commence after three years to allow the collection of adequate data about re-offending and that its results are reported to the Assembly. Mr Corbell wrote to me agreeing to a review beginning in the 2015-16 financial year and I thank him for that. It is appropriate that the directorate immediately start developing a framework for that review.

In recognition of this, it is appropriate that the government does not alter the offences to which mandatory alcohol interlock conditions apply until the review has been completed. Under the bill, mandatory interlock conditions will apply to drink-drivers who have committed three or more offences within five years and offenders with a breath or blood alcohol concentration of more than 0.15 grams. This is consistent with recommendations on best practice such as those from the Western Australian repeat drink-drive working group and the International Council on Alcohol, Drugs and Traffic Safety. This can be changed through the regulation. However the government has confirmed to me through Mr Corbell's letter that it will not modify the group of drivers to which the scheme applies prior to the review.

ACT Policing drink-driving statistics show that a large proportion of people apprehended for drink-driving are actually in the medium to high blood alcohol range or are repeat offenders. This interlock scheme as currently framed will apply to a significant number of people.

In conclusion, the Greens will support this legislation. Alcohol interlocks can be effective if part of a best practice scheme. The ACT's scheme does appear to be set up in a considered way. I also thank Mr Corbell for his assurances that the implementation of the scheme will address several matters I was concerned about—in particular, that the scheme will include a flexible, equitable payment system and that the scheme will undergo a review three years from now. I will be supporting the bill today.

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) (4.47): I thank members for their support

of this bill. This bill is an important reform for the territory. The establishment of an alcohol interlock regime, both a compulsory and also a voluntary element, will be an important complement to the other reforms to drink-driving laws which the Assembly adopted in amendments to relevant legislation in 2010. Those amendments made changes to maximum blood alcohol limits and how repeat offenders would be dealt with in the courts.

The changes today establish alcohol interlock arrangements, and they are an important proposal that will complement and further strengthen our response to the dangers of drink-driving. Regrettably there are some in our community for whom even repeat convictions in court are not sufficient to deal with their drink-driving behaviour. Alcohol interlocks, therefore, play a very important role. They ensure that drivers are physically not able to drive their motor vehicle until they have zero blood alcohol readings as registered by the interlock fitted to their vehicle.

Mr Rattenbury has indicated a number of, if you like, reassurances I have provided to him in writing, and I would like to reiterate those today. The government stands by the comments I have made in writing to Mr Rattenbury because my answers to the questions he asked reflect the government's intentions in relation to issues such as cost and to review. Those reassurances are freely given and are given genuinely, and I thank him for his consideration of them.

The progress of this bill will now be able to be facilitated through the funding that is being put forward in the budget, and the government will now be working through the details of concession arrangements, how they will be secured and how they will meet the budget arrangements. But we will be ensuring that those types of concession arrangements will be in place.

The reform is one a long time coming, but we recognise that it has the potential to make a very significant improvement to incidents of repeat and serious drink-driving in the territory. It is those drivers to whom the scheme will apply, and it is a further reassurance to other drivers on the road that the government and government authorities take very seriously the issue of drink-driving and the harm and tragedy it can cause on our roads. This reform will play a very important role, and 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.

Adjournment

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

That the Assembly do now adjourn.

Canberra Bonsai Society

MR COE (Ginninderra) (4.51): Mr Assistant Speaker, I rise tonight to speak about the Canberra Bonsai Society. The society was established in 1975 to enhance the knowledge and practice of Bonsai by bringing together people with an interest in the art. The founders of the society had previously been meeting on an informal basis for some years, and since 1975 membership of the society has grown to 850. The Canberra Bonsai Society is a member of the Association of Australian Bonsai Clubs and Bonsai Clubs International, and members regularly attend national and international bonsai conventions to share their expertise and learn from others.

Members of the society meet once a month to view presentations and demonstrations and help other members with their bonsai. The monthly meetings are a good opportunity for new members and other people who are interested in bonsai to find out more. The society provides support to its members through its resource library, monthly newsletters and workshops.

Members of the Canberra Bonsai Society participate in various community activities including Floriade and the Australian native trees as bonsai exhibition at the Australian National Botanic Gardens. The society also organises bus trips and field trips for members to visit bonsai nurseries and collect wild trees.

Last month I was privileged to attend the Bonsai Society's bonsai exhibition at Rydges Lakeside, which was held as part of the 26th Association of Australian Bonsai Clubs convention. The convention theme was the Australian journey and focused on history of bonsai in Australia. I was interested to hear about the way in which native Australian plants are now being used in bonsai and the traditions which have been inherited from China and Japan. I was very warmly welcomed by members at the convention, and I thank them for the time they spent telling me about their practice. Members I spoke to were full of praise for the inclusive way senior members of the society share information and knowledge with the less experienced members.

For more information about bonsai in Canberra and the Canberra Bonsai Society, I urge all members to visit their website at www.cbs.org.au.

Mr John Notaras—death

MR SMYTH (Brindabella) (4.53): I rise in the house to honour John Harry Notaras who was buried from St Nicholas Orthodox Church at Kingston on Monday this week. I know that you also attended, Mr Assistant Speaker Doszpot, and the family was grateful for that.

One can say many words about Harry but there is a page here in the booklet that was distributed at the service and I think it is probably best just to read the family's view of their beloved John. John was born into one of Canberra's earliest Greek Australian families, his father Harry having migrated here in 1910 at the age of 13.

His parents Harry and Helen instilled in him a good work ethic, community values and a strong sense of propriety that he would carry throughout his life. As a youngster John led an active life full of sport, athletics and hunting but his main pursuit was Rugby Union. His physical strength and speed found him playing reserve grade rugby at just 15 years of age and he made his first grade debut for Easts in May 1955, only two weeks after his 16th birthday.

Two years later John was honoured to represent the ACT against the touring New Zealand All Blacks. He went on to play over 100 first-grade games. Following a number of years travelling and working through Europe, John returned to Canberra to join the family in business. This led to a lifelong love of his home town and a commitment to commerce and community service.

John relished three terms as president of the Canberra chamber of commerce, his long tenure on the Property Council, ACT division council, and his involvement in various community groups such as Rotary, the Salvation Army, and Scouts ACT.

John's overriding passion was his family. He was immensely proud of his wife Koula and their children Helen, Mary and Harry, and wholeheartedly welcomed James and Debbie to the fold. A country boy at heart, there were always good times to be shared at his beloved property Arneville, the site of many a big cook-up and countless scrabble battles. In later years the arrival of grandchildren Peter and Marie-Claire brought great joy to John's life and the recent birth of his namesake John Harry delighted him in his last days.

John's many interests, broad knowledge and phenomenal memory astounded and entertained Koula and the family over extended breakfast and dinner sessions. He embraced the digital age and would sometimes sign off his emails as "john.com". His dry sense of humour often caused hysteria among family and friends and his wicked sense of fun was somewhat misguided.

John was a hugely popular, strong and principled family man who has left us enriched for having known and loved him. There is a poem that they have included in the booklet that I will endeavour to get through called *Ithaka*:

As you set out for Ithaka
Hope the voyage is a long one,
full of adventure, full of discovery.
Laistrygonians and Cyclops,
angry Poseidon—don't be afraid of them:
you'll never find things like that on your way
as long as you keep your thoughts raised high,
as long as a rare excitement
stirs your spirit and your body.
Laistrygonians and Cyclops,
wild Poseidon—you won't encounter them
unless you bring them along inside your soul,
unless your soul sets them up in front of you.

*Hope the voyage is a long one.
 May there be many a summer morning when,
 with what pleasure, what joy,
 you come into harbours seen for the first time;
 may you stop at Phoenician trading stations
 to buy fine things,
 mother of pearl and coral, amber and ebony,
 sensual perfume of every kind—
 as many sensual perfumes as you can;
 and may you visit many Egyptian cities
 to gather stores of knowledge from their scholars.*

*Keep Ithaka always in your mind.
 Arriving there is what you are destined for.
 But do not hurry the journey at all.
 Better if it lasts for years,
 so you are old by the time you reach the island,
 wealthy with all you have gained on the way,
 not expecting Ithaka to make you rich.*

*Ithaka gave you the marvellous journey.
 Without her you would not have set out.
 She has nothing left to give you now.*

*And if you find her poor, Ithaka won't have fooled you.
 Wise as you will have become, so full of experience,
 you will have understood by then what these Ithakas mean.*

Vale John Harry Notaras.

Arts—funding

DR BOURKE (Ginninderra) (4.58): Tonight I would like to highlight, especially to Canberra arts organisations, the new approach to private sector funding for the arts that has grown out of last year's federal government review of private sector support for the arts. Creative Partnerships Australia was launched in February this year as a result of a recommendation from the review for the amalgamation of the Australia Business Arts Foundation and Artsupport Australia. The aim is to promote, encourage and facilitate business, philanthropic and donor support for the arts.

We already see this happening in Canberra with business support of the Canberra Symphony Orchestra and various events of the centenary, but this new organisation offers new opportunity for our arts sector. Creative Partnerships Australia have people in every state of Australia helping to form partnerships between businesses and arts organisations to drive investment in Australia's cultural sector.

This initiative to connect business with arts organisations is more than just about money; a partnership with arts organisations is a way to deliver on corporate objectives and priorities such as brand alignment, employee engagement and

community contribution. Creative Partnerships provide information, advice and networking opportunities. They help to find art organisations that best fit with a corporation or business.

It is vital that an arts organisation understands the key business objectives of their corporate partners, and vice versa. Art organisations or an artist may seek a partnership as an avenue to discover new ways to become financially sustainable, explore new initiatives and extend their audience. Creative Partnerships provide information on interests and expectations of business in relationships with the arts, deliver workshops and seminars to develop knowledge and skills, give guidance on developing a business case and identify potential business partners, and host networking opportunities to introduce businesses and arts. Creative Partnerships' information, advice and events are all free, except for the modest fee charged for workshops. In April I attended an event when volunteers were acknowledged for their role in supporting the arts in the ACT.

Another example is how Creative Partnerships, through their Woodside Better Business program, introduce people interested in becoming a volunteer to arts organisations and artists needing their business expertise. In return, volunteering with the arts can help to build the volunteer's professional skills in a creative environment.

Philanthropists wanting to donate to a preferred artist or arts organisation can make a tax-deductible gift through Creative Partnerships. This is a free service to donors and artists, thanks to the support of the Macquarie Group Foundation. The federal government will also match funds raised in the private sector by up to \$3 million, and this will increase to \$4 million in the 2014 financial year. In addition, there will be half a million dollars for crowdfunding and a quarter of a million dollars for a micro-loans scheme.

These new arrangements offer great potential for new streams of funding and administrative support for our arts organisations. I urge Canberrans interested in the arts, as creators or consumers, to explore the new opportunities on offer.

Mr Zed Seselja

MRS JONES (Molonglo) (5.01): Today, on the last sitting day on which Zed Seselja will be with us here in the ACT Assembly, I rise to commit to *Hansard* my gratitude for his service to our Canberra Liberal Party and the community. I thank Mr Loui and Mrs Kate Seselja for their great work in bringing their family to the ACT. They have every reason to be proud of their son for all he has achieved and the promise of all he will achieve in the future.

I have known Zed for some years and I have worked with him across several campaigns, including the recent 2012 ACT election campaign. I appreciate his belief in the party and our capacity to win. We are at a natural disadvantage, one might say, as Liberals in Canberra, but Zed has helped build an election-fighting machine, competitive to win government in this place.

I would like to put on the record that Zed has suffered many small and large attacks during his tenure in the Assembly; none seemed more ridiculous than an attack for mispronunciation of a name. As a migrant boy who no doubt had a tough time at school, I would like to record that Zed's full name is Zdenko Seselja and he would never, ever purposefully victimise anyone regarding their name. If the measure of your success is the zeal of your detractors then you have succeeded indeed.

I have seen how Zed has brought the party along with him, building up our courage and our strength, and offering hope to Liberals all over Canberra. The Canberra Liberals and the Liberal supporters in our community are prouder and stronger because of Zed's leadership and the leadership of those he has brought alongside.

Zed has achieved two very significant feats. He has remained true to our traditional Liberal values without compromise, thus strengthening rather than confusing our voter base. This has led to stronger candidates, stronger campaigning and stronger electoral results. He has also promoted the strength of the Assembly party room, bringing unity to a Hare-Clark elected team, allowing those around him to reach their potential without being threatened by their strengths. This is a most unusual method in a political arena usually marked by a much more callous approach.

I congratulate Zed and Ros on their beautiful family and the way in which they place their children at the centre of their lives, and especially Zed's commitment to carving out time for family so that his children will know how central they are to him.

Whilst I personally will greatly miss Zed Seselja in this chamber, I congratulate him on his decision to continue to serve the citizens of the ACT in another forum and I am confident that he will continue to champion the same traditional Liberal values there which he strongly represented here in the Assembly.

Up on the hill, the halls may be longer and the committee rooms may be bigger, but the fight is the same—that Canberrans be allowed to live their lives in freedom, succeed at building families, getting ahead, and that governments keep to their core business alone.

Once I was describing to Tony Abbott the achievements of Zed in uniting the Canberra Liberals over the last few years, and he said to me a Latin phrase which I will not try and pronounce, but it means "but for a few good men, the world would not be so well".

Thank you for your service to the party as a good man, and I am sure you will serve Canberra well in his team.

Planning—west Belconnen land release

MS BERRY (Ginninderra) (5.04): Tonight I rise to speak on a topical issue of importance to my friends and neighbours in west Belconnen. Yesterday Minister Barr announced a large greenfields development in western Belconnen that is going to see

significant growth in the region. Riverview is a big development that is going to mean some changes for west Belconnen. It is exciting to imagine the potential this development will bring for infrastructure renewal and increased services for the west Belconnen community—new schools, shops, buses and childcare places are just some of the potential benefits.

I would like to take this opportunity to say to my friends and neighbours in west Belconnen that it is okay to be concerned about the stress that a larger population could place on our community. No-one wants it to be harder to park at Kippax shops or spend longer on Drake Brockman Drive getting to work each morning. It is for this reason I believe it is important that everybody contributes to the planning for this development.

It is people who live in west Belconnen who know which roads will bottleneck on the school run, which bus routes will need to be extended and which of our local shops are already experiencing parking pressure. It is also these people who know what makes west Belconnen a great place to live. I have lived in west Belconnen all my life and it is the laid-back community spirit and the quiet parks that allow me to be as confident sending my kids off for a walk with the dog or a ride down to the creek as my parents were 30 years ago.

It is a place where everyone shops locally because we will see people we know and support workers who are part of our community. Most of all, west Belconnen is a diverse community that values people for the contributions they make to our schools, sporting societies and clubs and not on their income or background. I believe everyone deserves not only to own a home but to be part of a thriving community. It is active participation in the planning process by all current residents that will allow decisions to be made that both maintain our quality of life and open up the opportunity for more people to enjoy the same privilege. I look forward to talking with everybody in my community about how we can make west Belconnen both bigger and better over the coming years.

Dr Peggy Brown—Margaret Tobin award

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (5.07): It is with great pleasure that I inform the Assembly of a very prestigious award awarded last week to the Director-General of ACT Health—the 2013 Margaret Tobin award. This award was established in 2003 as a tribute to the memory of Dr Margaret Tobin, and it is awarded by the Royal Australian and New Zealand College of Psychiatrists. The award is made to a college fellow who has made the most significant contribution to administrative psychiatry in Australia and New Zealand over the preceding five years.

Dr Brown was nominated for this award by her peers. The selection process included consideration of Dr Brown's involvement in administrative psychiatry, her contributions of international repute, as well as the importance of her work to the field of study. This award is a significant achievement, and it is designed to honour special achievement in administrative psychiatry. Dr Brown is the first ACT recipient and received her award last week at the college's congress in Sydney.

Prior to coming to the ACT Health Directorate, Dr Brown was the Chief Psychiatrist in Queensland and has also held the role of Chief Psychiatrist and Director of Mental Health in the ACT. She is also a National Health Service international fellow in the United Kingdom.

I have had the great privilege of working very closely with Dr Brown, particularly since she took over as the Director-General of the Health Directorate. I see how hard she works, I see how committed she is to the public health system, and I see her love of working in the area most specifically of mental health. This prestigious award, being recognised by her peers as being one of the leading psychiatrists in Australia, reflects on her huge contribution in the area of mental health, leading the way particularly in the area of seclusion and restraint. She has led the work of reducing seclusion and restraint in the ACT and she is leading it nationally and delivering amazing results.

I also say it shows us how lucky we are to have people like Dr Brown working in the public sector when their lives would often be easier and probably more lucrative in the private sector. We are lucky to have international leaders in the field of medicine working here, dedicated to the people of the ACT and to the ACT Health Directorate.

I have already passed on my congratulations to Dr Brown privately, but I think it is very appropriate to publicly acknowledge this very prestigious award and thank Dr Brown for all she has contributed to the ACT health system.

National TAFE Day

MR DOSZPOT (Molonglo) (5.10): Monday of this week was National TAFE Day, and I had the pleasure of attending a barbecue function hosted by Glenn Fowler and the AEU at CIT's Bruce campus to celebrate this occasion. As a former member of the CIT Advisory Council and the board of CIT Solutions, my involvement with and fondness for CIT is very strong. Here in Canberra we have much to be proud of in our own TAFE, the Canberra Institute of Technology. As the CIT says on its website, it is the region's premier vocational education and training provider, and we know that its reputation as a quality training provider extends well beyond the region, both in Australia and overseas.

The range of courses that CIT offers—over 400, ranging from automotive to hairdressing, graphic design and animal health studies—is impressive, with options for certificates, traineeships and apprenticeships through to diplomas and degrees. Through CIT Solutions, CIT has been providing training programs in more than 80 disciplines, and customised training, education and consultancy services, here in the ACT, Australia and internationally since 1988.

It is this wide range of options, long history of delivery and quality learning that the Canberra Liberals fought so hard to retain when there was active discussion at ministerial level to merge CIT with the University of Canberra. In our view, that merger could have been the death of CIT and removed vocational education

opportunities for many people in Canberra. It was a merger that needed to be defeated, and I think the result has left both institutions better placed to meet the challenges facing the tertiary education sector.

We now have CIT located across six campuses, each unique in their speciality and training, offering around 23,000 students an opportunity to achieve a qualification irrespective of how far they have advanced in their secondary schooling. For many, CIT offers a second chance at education that otherwise would not be there, and that is very important if we are to address economic disadvantage in this city.

In recent weeks, the versatility and quality of CIT students has come to the fore with the hugely successful Fashfest, Canberra's first-ever fashion week event, which highlighted the very impressive talent among CIT design students. Last year I was impressed to see work by final-year cabinet-making apprentices on display in the Canberra Centre. The CIT advanced diploma of international and hotel resort management, I am told, is a unique course that provides opportunities for hotel internships around the world. I know that clubs and hotels in Canberra and their patrons, including me, are the beneficiaries of trainees from the hospitality school. And of course, Canberra's love of gardening is aided by opportunities provided through access to horticultural studies.

I salute the students of CIT and also the dedicated staff that deliver this wide range of courses and inspire young men and women to be the best they can be. Yes, we need TAFEs in Australia, and here in Canberra we certainly need our CIT.

Question resolved in the affirmative.

The Assembly adjourned at 5.13 pm until Tuesday, 6 August, at 10 am.

Schedule of amendments

Schedule 1

Official Visitor Amendment Bill 2013

Amendments moved by Mr Rattenbury

1

Proposed new clause 7A

Page 3, line 23—

insert

7A Declaration by Minister—inspection of visitable places
New section 15A

insert

15A Declaration by Minister—inspection of visitable places

- (1) The Minister must, after consulting the operational Minister for an operational Act, make a declaration that sets out how often an official visitor for the operational Act must inspect a visitable place under that Act.
- (2) A declaration is a disallowable instrument.

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

2

Clause 8

Page 4, line 1—

omit clause 8, substitute

8 Official visitor must report non-compliant visitable places
New section 16 (2) (b) (iii) and (iv)

insert

- (iii) the official visitors board; and
- (iv) a commissioner under the Human Rights Commission Act 2005.

3

Clause 9

Page 4, line 5—

omit clause 9, substitute

9 Reporting of complaints
New section 17 (2) (c) and (d)

insert

- (c) the official visitors board; and
- (d) a commissioner under the Human Rights Commission Act 2005.

4

Proposed new clause 10A

Page 4, line 22—

*insert***10A New section 18 (1A)***insert*

- (1A) If asked by an official visitor for an operational Act, the public advocate or a commissioner under the Human Rights Commission Act 2005 may provide reasonable assistance to the official visitor in the exercise of the official visitor's functions.

5

Proposed new clause 16A

Page 6, line 8—

*insert***16A Section 23 (2)***omit*

6

Clause 17**Proposed new section 23C (ca) and (cb)**

Page 7, line 10—

insert

- (ca) to monitor the effectiveness of the official visitors scheme;
- (cb) to promote and enhance community awareness of the role of official visitors;

7

Proposed new clause 17A

Page 7, line 22—

*insert***17A Register of visitable places****New section 23E***in part 6, insert***23E Register of visitable places**

- (1) The Minister must keep a register of visitable places.
- (2) The Minister must make information on the register available for inspection by—
- (a) the official visitors board; and
 - (b) official visitors.
- (3) The Minister must not make information on the register available for public inspection.

8

Schedule 1, part 1.3**Amendment 1.13****Proposed new section 8A**

Page 12, line 21—

omit

, wholly or partly funded by the Territory

9

Schedule 1, part 1.4

Amendment 1.24

Proposed new section 25V, definition of visitable place

Page 15, line 19—

omit

, provided by an entity funded by the Territory

10

Schedule 1, part 1.5

Amendment 1.35

Page 19, line 1—

omit amendment 1.35, substitute

[1.35] Section 122C (1) (a)

omit

Answers to questions

Aboriginal and Torres Strait Islander Affairs—government expenditure (Question No 110)

Mr Wall asked the Minister for Aboriginal and Torres Strait Islander Affairs, upon notice, on 8 May 2013:

- (1) In relation to Output Class 3.2 Community Affairs, what is the estimated Government Payment for Outputs of Aboriginal and Torres Strait Islander Affairs in 2012-13, excluding cost of aging, women and multicultural affairs.
- (2) What is the estimated cost of Aboriginal and Torres Strait Islander Affairs in 2012-13.

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

- (1) Estimated Government Payment for Outputs of Aboriginal and Torres Strait Islander Affairs in 2012-13, excluding cost of ageing, women and multicultural affairs is \$1.199m.
- (2) Estimated cost of Aboriginal and Torres Strait Islander Affairs in 2012-13 is \$1.469m, this amount includes estimated depreciation (non cash) expense of \$0.270m.

Disability services—funding (Question No 112)

Mr Hanson asked the Minister for Disability, Children and Young People, upon notice, on 15 May 2013:

- (1) What will be the cost of DisabilityCare Australia in the ACT for the 2015-16 year (full rollout) and for each year after, until 2019-20.
- (2) What is the breakdown between ACT Government funding and Commonwealth funding for each year referred to in part (1).

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

Based on the Bilateral Agreement and the Heads of Agreement, indicative funding from the ACT and the Commonwealth for the implementation of DisabilityCare in the ACT is shown in the table below.

	Launch	Launch	Transition to full scheme		Full scheme
	2015-16 (\$m)	2016-17 (\$m)	2017-18 (\$m)	2018-19 (\$m)	2019-20 (\$m)
ACT	86.5	122.1	130	137	167
Commonwealth	59.1	83.4	89	93	175
Total	145.6	205.5	219	230	342

**Child care—Teddy Bears Childcare Centre
(Question No 113)**

Mr Hanson asked the Minister for Disability, Children and Young People, upon notice, on 15 May 2013 (*redirected to the Minister for Economic Development*):

- (1) For how long has the Teddy Bears Childcare Centre operated under its past and present leases of the government-owned site at Curtin.
- (2) When does its current lease expire.
- (3) Has the centre made any approaches to Government in relation to developing a new centre at a different location; if so, when did the centre first begin making those approaches.
- (4) Has the centre proposed any specific sites for consideration; if so, what was the Government's response in relation to those proposals.
- (5) What studies were undertaken either by Government or the centre in relation to those sites and what recommendations were made to Government.
- (6) What was the Government's response and the reasons for that response.
- (7) Did negotiations for occupation of any proposed sites advance beyond an initial proposal; if so (a) for what proposed sites and (b) how far did negotiations for each proposal advance.
- (8) If negotiations for any sites failed to conclude, what was the reason for that failure.
- (9) Has the Government offered the centre any alternatives; if so, what negotiations took place in relation to each of those alternatives.
- (10) If negotiations for any sites offered by the Government failed to conclude, what was the reason for that failure.
- (11) Has the centre made an approach to Government for an extension to its current lease or for a new lease; if so, what was the Government's response and the reasons for that response.
- (12) What assurances has the Government offered the centre for continuity of their operations beyond the expiry of their current lease.
- (13) If no assurances have been offered, why not.
- (14) What assessment has the Government made as to the impact on the community and employment opportunities of a potential closure of the centre when its lease expires.

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

- (1) The Teddy Bears Childcare Centre (TBCC) has operated under its past and present leases of the government owned site in Curtin since 1992.

- (2) The current lease expires on 30 April 2014. There are two one year options that can be exercised at the Territory's discretion to extend the tenancy. If both are exercised this would extend the tenancy term to 30 April 2016. The discretion by the Territory will ensure that the tenancy does not delay the redevelopment of the site.
- (3) TBCC first approached the Government about developing on another site after it failed to purchase land in Yarralumla in 2006, on which it was outbid.

Most recently TBCC has suggested that a rear portion of the current site could be redeveloped for the child care centre. The excision of a portion of the site may affect the development potential of the whole site.

In addition to this proposal TBCC has previously negotiated with the St James Uniting Church in Curtin about the potential to develop a child care centre on its underutilised site. The St James site is an old concessional lease which has not been developed fully. St James wanted to deconcessionalise its lease which would enable it to negotiate a sale to TBCC.

- (4) As above. The suggestion made by the centre would require a parcel of land to be directly sold to TBCC. The direct sale process is the mechanism whereby a lease of land can be granted to an organisation without the need for a competitive process. This process is most often used to facilitate access to land to support community based organisations or commercial projects which provide significant public benefits. As a commercial for-profit entity it is expected that TBCC will purchase land and/or a premises on the open market. TBCC has been advised on numerous occasions that the Territory is unable to assist it in securing vacant unleased land for profit entities.
- (5) The proposal to purchase an unused portion of the St James site was not supported as it was considered that as St James was granted its lease for less than market value, any unwanted land should be returned to the Territory.
- (6) As a commercial for-profit business it is expected that TBCC will purchase land and/or buildings through a competitive process. There exists no mechanism for the Territory to assist a commercial entity with a direct sale unless it can satisfy the Executive that it provides a benefit (economic, employment etc) not available in the ACT as a competitive process.
- (7) No, there were no advanced negotiations.
- (8) Refer point 5.
- (9) The Government suggested that TBCC seek to purchase land competitively. In response, in April 2012 TBCC entered into a contract to purchase land in Hume for the purpose of establishing a childcare centre. The Crown lease permitted the land for that purpose, however, subsequent discussions with the Environment and Sustainable Development Directorate found that a child care centre could not be supported in that location. As a result the cost of the land and legal fees were reimbursed to the purchaser. EDD did draw the forthcoming auction at Macarthur to TBCC's attention, at which it was the successful bidder.
- (10) The Government has not negotiated the offer of an alternate site to TBCC.
- (11) The Government is not aware of a request from the operators for an extension to its current lease.

- (12) TBCC has not been given any assurances, beyond those extensions provided for in the lease, for the continuity of its operations beyond the expiry of its current lease at the current location. TBCC have been aware since 2007 that the Curtin site is to be redeveloped which will involve the demolition of its premises.
- (13) The Government has given TBCC ample time to find suitable alternate premises, since 2007. The Government fully intends to redevelop the Curtin site for community purposes and for this reason it cannot provide any assurances to TBCC in relation to the existing Curtin site.

As a commercial business, TBCC is responsible for finding its own premises. As with any landlord and tenant relationship, at the end of the term of a tenancy it does not become the landlord's responsibility to find alternate premises for its departing commercial tenant.

- (14) The Government is aware that TBCC, or its owners, have purchased the old Macarthur preschool site for the purposes of developing a child care centre. TBCC is best placed to comment on jobs and opportunities.

**Canberra centenary—Skywhale
(Question No 114)**

Mr Smyth asked the Chief Minister, upon notice, on 15 May 2013:

- (1) Was the Skywhale balloon manufactured and purchased from Cameron Balloons; if so, what was the cost in UK pounds and actual Australian Dollar (AUD) paid.
- (2) What was included in that cost, as per the original Cameron Balloon purchase invoice.
- (3) Did Global Ballooning act as agent for Cameron Balloons; if so, (a) did they receive a commission and (b) how much was that commission.
- (4) Will the Chief Minister list all ancillary equipment and associated values in UK pounds and actual AUD paid.

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

- (1) Yes, the Skywhale was produced by Cameron Balloons and purchased at a cost of £110,389.6 (pound sterling), which converted to \$172,000AUD based on the exchange rate of 0.6418 at 4 September 2012.
 - (2) That cost included the 3D design, manufacture and testing and UK certification
 - (3) No.
 - (4) The other equipment required was a basket (inclusive of flooring and sidewall cushions), fire extinguisher bag, pilot restraint anchor and drop and handling lines. The cost of these items was £3,121 that converted to \$4,789.75AUD.
-

**Canberra centenary—Skywhale
(Question No 115)**

Mr Smyth asked the Chief Minister, upon notice, on 15 May 2013:

- (1) Please list the respective roles of the crew on the Skywhale's maiden flight on 11 May 2013.
- (2) Were all crew on the day employed by Global Ballooning.
- (3) Were all crew on the day suitably licensed for their respective roles.
- (4) Will this be the same crew for the duration of Global Ballooning's agreement with the Territory.
- (5) What other commissioned ballooning work has Global Ballooning had referred to it or engaged by Events ACT.

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

- (1) Kiff Saunders (pilot), Steve Ireland (second pilot), John Sanderson (ground crew).
- (2) Yes.
- (3) Yes.
- (4) This is a decision of Global Ballooning, and may vary depending on staff availability.
- (5) Global Ballooning were engaged by Events ACT to provide ballooning related services to support the *Spectacular by Night* show involving trapeze artists suspended under balloons, presented at Enlighten through a collaboration between the trapeze artists and Global Ballooning, at a value of \$9,800. Events ACT is part of the Economic Development Directorate.

**Canberra centenary—Skywhale
(Question No 116)**

Mr Smyth asked the Chief Minister, upon notice, on 15 May 2013:

- (1) Why did the Government choose to seek tenders from five companies and not through an open tender process for the Skywhale procurement.
- (2) What were the criteria used in selecting the five companies approached for the Skywhale procurement.
- (3) When did the Government receive advice from the Government Solicitor that the balloon should not be owned by the Territory.
- (4) What reason was provided.

- (5) What advice did Procurement Solutions provide in relation to the Government's decision to build the Skywhale and gift it to the operator.
- (6) What advice did Procurement Solutions provide in relation to identifying the five companies approached for a tender.

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

- (1) The procurement process for all stages of the balloon project followed the requirements of the relevant Act and Regulations. The balloon project was designed in three stages and given the highly specialised nature of this market, it wasn't envisaged that one company would tender for, or provide, all three stages:
 - a) The first stage, Design, was well below the tender threshold of \$25,000 and as such only one quote for services is required.
 - b) The second stage, Manufacture, was below the \$200,000 threshold and as such only three quotes were required. Given that balloon manufacture is a complex and technical field, consultation and research was undertaken to determine the best balloon production companies across the world and the top five companies identified were approached to tender for this stage.
 - c) The third stage, Commission and Operation was also below the \$200,000 threshold and as such only three quotes were required. Research on balloon operators in southeast Australia yielded three names and these were approached to tender for the work.
 - (2) Based on consultation and research, the five (5) companies were chosen for their capacity and experience as world leaders in the manufacture of hot air balloons.
 - (3) Legal advice from the ACT Government Solicitor's Office was received in August 2011.
 - (4) After consideration of the various options for the ownership and management of a hot air balloon, and conducting a risk and value for money assessment it was agreed to use the methodology chosen to procure and assign the custodial/ownership rights for the hot air balloon.
 - (5) Up to three staff from Procurement Shared Services have been embedded in the Centenary of Canberra team to assist and manage its procurement activities, since November 2010. Informed by ACT Government Solicitor's Office advice, Procurement staff assisted in the development of a procurement plan that was endorsed and approved by all relevant delegates.
 - (6) Procurement staff endorsed the rigour and criteria of the approach to the five (5) companies.
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**Canberra centenary—Skywhale
(Question No 117)**

Mr Smyth asked the Chief Minister, upon notice, on 15 May 2013:

- (1) Under what procurement process was the artist for the Skywhale engaged.
- (2) What is the value of the agreement.
- (3) When did the agreement commence and for what duration.
- (4) What are the intellectual property agreements with the artist.
- (5) Were other artists approached; if so, how many.
- (6) What were the criteria used in engaging with prospective artists

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

- (1) A single select tender, endorsed by appropriate Territory delegates.
- (2) The value of the Agreement is \$10,000 inclusive of up to \$2,000 travel (GST exclusive).
- (3) The Agreement commenced on 13 March 2012 with a term ending 30 April 2013.
- (4) All intellectual property remains with the artist, with the requirement for the artist to acknowledge the Centenary of Canberra as commissioning the work.
- (5) No.
- (6) The artist was selected due to her international reputation as Australia's most successful and recognisable contemporary sculptor, as well as her connection to Canberra, having her childhood in Canberra, being educated at Red Hill Primary, Telopea Park High, Narrabundah College and Australian National University. Importantly it was noted that the artist's work, which focuses on organic forms, was particularly suited to a work of the scale and form required for a functional hot air balloon.

**Canberra centenary—Skywhale
(Question No 118)**

Mr Smyth asked the Chief Minister, upon notice, on 15 May 2013:

- (1) When was the Skywhale project embarked upon.
- (2) Why wasn't the Skywhale flown at this year's Balloon Spectacular.
- (3) Has the operator guaranteed to fly the Skywhale at future Canberra autumn balloon events; if so, for how many years. If not, why not.

- (4) Having been commissioned as a Centenary initiative, how will it continue to be associated with Canberra and the Centenary.

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

- (1) The draft Centenary of Canberra program endorsed by Government in April 2010 described the commission of a hot air balloon from an artist, with Patricia Piccinini identified as the preferred artist. Creative conversations with Ms Piccinini and the scoping phase of the procurement process began in July 2011. Contract negotiations with Ms Piccinini began in December 2011 and the procurement process was approved by the Director-General at the same time.
- (2) It was not completed in time for this to occur.
- (3) The legal arrangement between the operator and the Territory ceases on 31 December 2013. All commitments to flights after 2013 are a matter for the artist and the operator to consider.
- (4) Any tour of the Skywhale will recognise the Territory's investment in the project by acknowledging the Centenary of Canberra for any events, talks or presentations by a line credit on all promotional materials. All marketing and promotional material, including websites and social media developed for a tour by the operator or the artist will ensure there is a strong link to the Centenary of Canberra during 2013 and beyond. After 2013, any balloon flight material or presentation is required to include the following acknowledgement: *"The Piccinini Hot Air Balloon is a Centenary of Canberra project, proudly supported by the ACT Government"*.

Canberra centenary—Skywhale (Question No 119)

Mr Smyth asked the Chief Minister, upon notice, on 15 May 2013:

- (1) What commercial terms will be entered into by Global Ballooning with parties interested in the display of Skywhale overseas.
- (2) Will Canberra bear any of these costs.
- (3) How will Canberra be associated with the Skywhale and its story when it tours.
- (4) Who will represent Canberra's interests when the balloon tours.

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

- (1) During 2013 any requests for its display will be negotiated with the Territory, in consultation with operator, the artist and the other parties. After 2013 any arrangements to fly the balloon will be the responsibility of the operator and the artist, and any flight material or presentations must include the acknowledgement: *"The Piccinini Hot Air Balloon is a Centenary of Canberra project, proudly supported by the ACT Government"*.
- (2) No.

- (3) Any tour of the Skywhale will recognise the Territory's investment in the project by acknowledging the Centenary of Canberra for any events, talks or presentations by a line credit on all promotional materials. All marketing and promotional material, including websites and social media developed for a tour by the operator or the artist will ensure there is a strong link to the Centenary of Canberra during 2013 and beyond.
 - (4) During 2013, the interests will be represented directly by the Centenary of Canberra, through marketing and promotional material developed for the project. After that time the artist and the operator will ensure there is a strong link to the Centenary of Canberra.
-

**Canberra centenary—Skywhale
(Question No 120)**

Mr Smyth asked the Chief Minister, upon notice, on 15 May 2013:

- (1) Where will the Skywhale balloon be stored.
- (2) What type of storage facility is this.
- (3) Are there unique features of the storage facility specifically to accommodate the balloon.
- (4) Will it be locked, alarmed and protected from fire and intruders.
- (5) Is the storage included in the contract; if so, (a) for what period and (b) what is the value.

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

- (1) The requirements for the storage of the balloon will be determined by the operator.
 - (2) See answer one (1) above.
 - (3) See answer one (1) above.
 - (4) See answer one (1) above.
 - (5) Yes, under the contract the operator is responsible for the safe and secure storage of the Skywhale balloon.
 - a) For the useful life of the balloon.
 - b) There is no charge for its storage.
-

**Budget—lease variation charge
(Question No 121)**

Mr Smyth asked the Treasurer, upon notice, on 15 May 2013:

- (1) Of the 82 applications in the Lease Variation Charge System valued at \$15.411 million as of 4 April 2013, including the following elements: 45 residential redevelopments with assessed revenue of \$2.344 million, 13 commercial applications with assessed revenue of \$1.570 million, 7 industrial applications with assessed revenue of \$0.443 million and 17 mixed redevelopment applications, with approximately \$11.054 million in assessed revenue, does this cover 21 months or is this from 1 July 2012?
- (2) Of the amount that has been received, how much of it relates to applications made under the previous CUC system.

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

- (1) The 82 applications in the Lease Variation Charge System valued at \$15.411 million as of 4 April 2013, relate to development application determinations effective from 25 March 2011.
- (2) The \$15.411 million revenue mentioned above has been assessed but is awaiting payment. Of this, \$8.405 million is from the CUC system.

**Budget—lease variation charge
(Question No 122)**

Mr Smyth asked the Treasurer, upon notice, on 15 May 2013:

- (1) Of the \$7.361 million in revenue from the Lease Variation Charge received to 4 April 2013 on 115 applications, including the following elements: \$1.735 million from residential redevelopments, \$0.888 million from commercial sector redevelopments, \$0.460 million from industrial redevelopments, \$4.278 million from mixed and other redevelopments, does this cover 21 months or is this from 1 July 2012.
- (2) Of the amount that has been received, how much of it relates to applications made under the previous CUC system.

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

- (1) The \$7.361 million in revenue from the Lease Variation Charge received to 4 April 2013 on 115 applications, relates to the period 1 July 2012 to 4 April 2013.
 - (2) Of the \$7.361 million dollars received, \$5.575 million relates to determinations from the previous CUC system.
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Transport—motorcycles (Question No 123)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 16 May 2013 (*redirected to the Attorney General*):

- (1) How many motorcycles are registered in the ACT broken down by vehicle category.
- (2) How much revenue is received for each vehicle category referred to in part (1).
- (3) How many registered owners (or drivers) have (a) 1 motorcycle, (b) 2 motorcycles, (c) 3 motorcycles, (d) 4 motorcycles and (e) 5 or more motorcycles.

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

- | | | | |
|-----|--|---|--------------|
| (1) | Up to 300cc | = | 4014 |
| | 301 to 600cc | = | 1428 |
| | Over 600cc | = | 6050 |
| | | | |
| (2) | Up to 300cc | = | \$393,600.00 |
| | 301 to 600cc | = | \$144,700.00 |
| | Over 600cc | = | \$606,800.00 |
| | Registration fees collected during 2012 calendar year. | | |
| | | | |
| (3) | 1 | = | 9125 |
| | 2 | = | 788 |
| | 3 | = | 115 |
| | 4 | = | 29 |
| | 5 or more | = | 14 |

Roads—street signs (Question No 124)

Mr Smyth asked the Minister for Territory and Municipal Services, upon notice, on 16 May 2013:

- (1) What is the process for local organisations to have a street sign.
- (2) What are the eligibility criteria for organisations to qualify for a street sign.
- (3) What charges are there for organisations and are there different charges for for-profit and non-profit organisations.
- (4) How long does the application process take.
- (5) How many applications has the Government received.
- (6) How many were approved, unsuccessful, and pending.
- (7) What were the reasons for unsuccessful applications.

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

- (1) Applications can be lodged through Canberra Connect.
 - (2) The policy for Business and Community Service Signs is available on the Territory and Municipal Services Directorate website at http://www.tams.act.gov.au/__data/assets/pdf_file/0006/334815/Policy_for_Business_and_Community_Service_Signs.pdf.
 - (3) Signs for community services are approved and erected under the Roads ACT Minor New Works Program at no cost to the organisation. The cost of manufacturing and installation of service signs for commercial businesses are at the expense of the business.
 - (4) Once an application is received for a service sign the applicant is normally contacted within 10 days. The application process time varies, depending on whether sufficient information has been provided by the applicant and/or site inspections are required.
 - (5) In 2012 Roads ACT received 26 requests for service signs.
 - (6) In 2012, 21 were approved and 5 were declined.
 - (7) Request for service signs are declined when they do not meet the requirements of the Business and Community Service Sign Policy.
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Education—exports (Question No 126)

Mr Smyth asked the Minister for Economic Development, upon notice, on 16 May 2013:

- (1) What is the direct value of the education exports sector to the ACT economy.
- (2) What is average value that each international student contributes to the ACT economy.
- (3) For each dollar spent on education by international students, what is the multiplier value to the ACT economy.

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

- (1) The direct value of the education exports sector to the ACT economy was \$334 million in the 2012 calendar year. This excludes education services delivered directly within other countries, such as fees for correspondence courses.
 - (2) The average value of education exports per international student in the ACT was approximately \$30,400 in the 2012 calendar year. This does not include the economic contribution from students' consumption of non-education goods and services or through participation in the labour force.
 - (3) Work prepared for the Economic Development Directorate in December 2012 estimates the output multiplier for the Education and Training sector in the ACT to be 1.097.
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Questions without notice taken on notice

Crime—Tuggeranong

Mr Corbell (*in reply to a supplementary question by Mr Seselja on Thursday, 16 May 2013*): ACT Policing has confirmed the incident appears to have involved multiple groups of witnesses and offenders, some of which are yet to be identified. The incident, and those involved, was not captured on CCTV footage.

An ACT Policing media release seeking public assistance was made at 10:19pm on 1 April 2013, nine hours after the incident, however, no information of evidentiary value has been forthcoming.

Two suspects have been interviewed by police and the circumstances of this incident are subject to ongoing investigation.

Health—chronic conditions

Ms Gallagher (*in reply to a supplementary question by Mr Hanson on Thursday, 16 May 2013*): A range of community organisations are funded by ACT Health that support the self management of chronic conditions.

Service Funding Agreements (SFA)

Organisation	Funding 2012/13 (GST Exclusive)
Arthritis Foundation	\$179,635
RSI & Overuse Injury Assoc of the ACT	\$23,387
ACT Heart Support	\$7,434
Diabetes ACT Ltd	\$200,882
The Cancer Council ACT	\$185,536
ACT ME/CFS Society Inc	\$61,487
St Vincent's Hospital Sydney Ltd	\$89,644
Asthma Foundation of ACT Inc	\$137,704
University of Canberra	\$273,436
AIDS Action Council of the ACT	Approx \$482,587 for self management (total value of SFA \$965,173)
ACT Hepatitis Resource Centre	Approx \$193,690 for self management (total value of SFA \$387,379)
Haemophilia Foundation ACT	Approx \$34,331 for self management (total value of SFA \$38,146)
Winnunga Nimmityjah Aboriginal Health Service	\$146,414
Gugan Gulwan Youth Aboriginal Corporation	\$30,000
Heart Foundation	\$182,820

Community Funding Round (Grants)

Organisation	Funding 2012/13 (GST Exclusive)
Arthritis ACT incorporating Osteoporosis ACT	\$30,919
Asthma Foundation ACT	\$50,522
Canberra Environment Centre	\$30,018
Mental Health Foundation	\$28,620
Richmond Fellowship ACT (CAN)	\$1,996

Please note that this does not include the funding provided by ACT Health to community organisations for the provision of mental health prevention and support services.

Macarthur horse paddocks—fire

Mr Rattenbury (*in reply to a supplementary question by Mr Seselja on Thursday, 9 May 2013*): The Macarthur Horse paddocks are managed by a private management company Territory Agistment (the licensee).

The standard operating procedure issued to Canberra Connect is that calls relating to horse paddocks are referred to Territory Agistment.

Officers from the Territory and Municipal Services (TAMS) Directorate have undertaken a search of records and have been unable to identify any complaints relating to long grass in the vicinity of the Macarthur horse paddocks.

In April 2013 a small grass fire in Macarthur was reported as being attributable to long grass in the vicinity. Advice from the ACT Fire Brigade, who attended the fire, was that the fire started in the area behind the houses and burnt into the horse paddocks. The fire was small and was easily suppressed before causing damage.

The fuel management in the horse paddocks is managed by the licensee and overseen by TAMS. TAMS holds regular meetings with the horse paddocks licensee regarding bushfire prevention operations. A site inspection undertaken on 19 April 2013 indicated that grass heights were within the stipulated 'outer asset protection zone' fuel standards and this incident was not attributable to any inaction on behalf of the licensee who maintains the horse paddock sites within the required standards.

TAMS mows a strip along residential back fence lines in Macarthur between Coyne Street and Ebsworth Close (eastern edge) as part of regular suburban mowing. This area is mown on a four-weekly cycle during the growing season and every two to three months during the rest of the year. The fence lines were last mown in March 2013 and with the onset of cooler weather will be mown every two to three months as required.

Transport—bicycle storage

Mr Rattenbury (*in reply to a supplementary question by Mr Wall on Wednesday, 8 May 2013*): I have been advised that a cost benefit analysis was undertaken as part of the planning of the bike and ride facilities and a report was produced in 2009.

A copy of this report can be found at: http://www.environment.act.gov.au/__data/assets/pdf_file/0018/243450/AECOM,_2009,Feasibility_Study_Determining_Key_Locations_for_Bike_and_Ride_and_Kiss_and_Ride_Facilities.pdf

Transport—bicycle storage

Mr Rattenbury (*in reply to a supplementary question by Mr Coe on Wednesday, 8 May 2013*): Each bike cage has a separate security system that records event information. Recorded information is limited to 1,000 transactions and may include reading of a card, opening of a door and access denied.

The system is for security purposes only. It is not designed to report on individual entry/exit data, and is therefore not able to report on bike storage occupancy rates. There are no plans to upgrade or install new equipment.

Canberra—centenary

Ms Gallagher (*in reply to a question and a supplementary question by Mr Coe on Tuesday, 14 May 2013*): The artist was provided with a Statement of Requirements, which included the delivery of a hot air balloon design that is:

- Easily identifiable when flying at height – i.e. “that’s the Piccinini Balloon!”
- A work of art which engages a public beyond the art audience;
- A creation which inspires wonder, stimulates imagination and provokes hearty conversation in the wider public.

Canberra—centenary

Ms Gallagher (*in reply to a supplementary question by Mr Doszpot on Tuesday, 14 May 2013*): The government is paying for two interstate appearances of the Skywhale – one in Hobart and one in Melbourne – which are included in the \$166,000 operating contract.

Transport—park and ride facilities

Mr Rattenbury (*in reply to a supplementary question by Mr Coe on Thursday, 9 May 2013*): The response to your questions are outlined below:

- Claims for compensation relating to injury or loss caused as a result of the condition of an ACT Government asset are assessed on a case by case basis and in accordance with the relevant legislation.

- From January 2012 to April 2013 there has been one claim settled by the ACT Government which involved a cyclist on a footpath or community path in the ACT.

Supermarkets—Bonner

Mr Corbell (*in reply to a supplementary question by Mrs Jones on Thursday, 6 June 2013*): No.