Debates

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Thursday, 5 May 2016

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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.

Independent Competition and Regulatory Commission Amendment Bill 2016

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—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (10.01): I move:

> That this bill be agreed to in principle.

I present to the Assembly the Independent Competition and Regulatory Commission Amendment Bill 2016. In October of 2015, the government tabled in the Assembly its formal response to the review of the water and sewerage pricing framework undertaken by Mr Peter Grant. The Grant review was commissioned by the government to action its commitment to review the water and sewerage pricing framework, made as part of its formal response to the Auditor-General's report, *The* w*ater and sewerage pricing process,* report No 2 of 2014.

The Grant review incorporated a comprehensive review of the legislative framework in which regulated prices are set in the territory by the Independent Competition and Regulatory Commission. Within his considerations, Mr Grant made a number of recommendations that outlined reforms to improve the legislative framework. Within its formal response to the Grant review, the government committed to introduce in 2016 a bill to implement agreed amendments to the Independent Competition and Regulatory Commission Act 1997—the ICRC act.

Madam Speaker, the Independent Competition and Regulatory Commission Amendment Bill 2016 represents the key mechanism for implementing these reforms. While the ICRC act has provided a strong basis for the operation of the regulatory system since its introduction in 1997, as identified by Mr Grant in his review, there is opportunity to clarify its provisions and improve the overall operation of the act.

The bill incorporates a number of significant changes to the legislative framework for the provision of regulated pricing services in the territory. One area of the framework where substantial reforms are proposed is the provisions for review of a price direction handed down by the commission.

The bill includes amendments that would make substantial revisions to the regime for review of price directions. These amendments would shift the review mechanism away from the broad basis upon which applications can currently be lodged to one in which applications for review can only be made on the basis of demonstrated grounds for review.

Complementary to this revised review regime, the bill also includes provisions that would create a preliminary assessment stage within a review process in which an industry panel would be required to make an initial decision about the merits of the case for review, on the basis of the evidence provided within the application.

If, and I stress "if", at this early stage of the review process, the industry panel is not satisfied that the applicant has provided sufficient evidence to support a preliminary conclusion that there are serious matters to be heard, and that there is at least one valid ground for review, then the industry panel would be required to dismiss the application for review.

These changes to the review provisions of the ICRC act will help improve the overall proportionality of the review mechanism for price directions handed down by the commission. This will ensure that an appropriate balance is achieved between ensuring applications are only advanced where they relate to serious matters that affect a price review, while allowing comprehensive review of a price direction, should such an approach be deemed necessary by an industry panel.

Another important change to the ICRC act proposed by this bill is the introduction of an overarching objective clause for the commission in relation to pricing regulation. In his review, Mr Grant identified that such a clause would be beneficial to the overall operation of the ICRC act and that it should establish the promotion of economic efficiency as the primary objective of the pricing regulatory framework.

The proposed objective clause has been drafted to capture Mr Grant's intent and make clear that the promotion of economic efficiency represents the key objective of the commission when undertaking price regulation activities under the ICRC act. The inclusion of this objective clause for pricing regulation will further guide the commission, in particular as it seeks to successfully balance and prioritise the broad range of matters that it must take into account when undertaking a pricing investigation.

The bill also contains a range of other amendments that would implement incremental improvements to the ICRC act. These amendments are also associated with the pricing investigation process. For example, Madam Speaker, the bill includes provisions that would clarify the process for determining the regulatory period for which a price direction is to apply and provisions that would increase clarity around the steps the commission must undertake as part of its pricing investigation process. While individually these amendments represent only relatively minor changes to the ICRC act, in combination they will help improve the operation of the regulatory framework for pricing investigations.

The bill also contains amendments to implement minor additional changes to the ICRC act that have been identified during consultation undertaken in developing the bill. These changes are complementary to the amendments directly responding to the Grant review and are consistent with the overarching aim of improving the legislative framework in which regulated pricing services are delivered in the territory.

The proposed amendments contained within this bill will help to improve the operation and the effectiveness of the ICRC act in advance of the upcoming pricing investigations to be undertaken by the commission for retail electricity prices for small customers and for regulated water and sewerage prices.

The government is committed to the ongoing process of implementing the recommendations of the Grant review for changes to the broader framework for the provision of regulated pricing services in the territory. The presentation of this bill today to the Assembly represents the next step within this process. I commend the Independent Competition and Regulatory Commission Amendment Bill 2016 to the Assembly.

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

Lifetime Care and Support (Catastrophic Injuries) Amendment Bill 2016 (No 2)

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—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (10.09): I move:

> That this bill be agreed to in principle.

Today I am pleased to present the Lifetime Care and Support (Catastrophic Injuries) Amendment Bill 2016 (No 2). The purpose of the bill is to amend the Lifetime Care and Support (Catastrophic Injuries) Act 2014 to address an anomaly that arose during the drafting of that act that left some ACT government-owned vehicles not covered by the lifetime care and support scheme. The bill also seeks to address various inefficiencies that have come to light since the LTCS scheme commenced operation on 1 July 2014 relating to the delivery of scheme benefits to overseas participants.

As all members are I am sure aware, the act introduced a no-fault indemnity insurance scheme to provide lifetime treatment and care support for those catastrophically injured in a motor accident in the ACT from 1 July 2014. The announcement of the scheme fulfilled the first stage of the government's commitment to introduce in the ACT a national injury insurance scheme for motor accidents, consistent with the nationally agreed minimum benchmarks.

Following the first year of operation of the scheme, an anomaly was identified in relation to the application of the act to ACT government-owned vehicles. As a result of the way the act is drafted, persons catastrophically injured in a single vehicle accident with an ACT government-owned vehicle that is self-insured by the government—so, principally, buses, fire trucks and ambulances—are inadvertently not covered by the existing scheme.

This is because under the act eligibility for the scheme is linked to a vehicle involved in an accident either having a compulsory third-party insurance policy, a nominal defendant claim or being in a commonwealth vehicle. Whilst the CTP insurance scheme is applicable to those ACT government-owned vehicles, CTP is, as we well know, a fault-based scheme.

As a result, injured persons at fault in a single vehicle accident involving ACT government-owned vehicles have no access to treatment and care compensation through the CTP insurance scheme. This means that there is a gap in treatment and care coverage for catastrophically injured persons in motor vehicle accidents in the territory. This situation is both inequitable and contrary to the agreed minimum benchmarks for the NIIS.

If the ACT does not include these ACT government-owned vehicles in the scheme, then under the agreement with the commonwealth, the ACT will be liable to cover the cost of those injured individuals accessing the NDIS. Further, the NDIS does not cover all medical expenses and some of these costs would fall on to the public health system.

To address this issue, the bill proposes to amend the act to extend the scheme to cover all ACT government-owned vehicles. The cost of extending the scheme to cover those catastrophically injured in the ACT as a result of an accident with these ACT government vehicles will be managed through the ACT government's usual insurance arrangements and hence will not affect the determination of the LTCS levy for motor vehicles.

I turn now to the amendments involving international participants. Based on the scheme's experience to date, the management of overseas participants for their lifetime raises inherent difficulties both from a participant health outcomes perspective and an administration perspective. The differences in health infrastructure and the lack of knowledge about suitable healthcare professionals in various overseas countries means that it is difficult to provide timely treatment and care for participants in their home country. In addition, arranging ongoing overseas treatment and care increases the administrative costs of the scheme.

To address this, the bill proposes amendments to streamline the delivery of LTCS benefits to participants living overseas through the use of flexible payment options that may be offered to participants who live overseas either permanently or for extended periods.

The flexible payment options proposed by this bill include the ability to offer a lump sum payout to foreign national participants living overseas in lieu of receiving ongoing benefits. This allows participants to be paid out through a lump sum settlement once their condition has stabilised and a lump sum for the participant's lifetime treatment and care requirements can be reasonably determined. This will allow the participant to put in place more advantageous arrangements for their treatment and care, calibrated to their country of residence's medical infrastructure. On balance, this will provide the opportunity for better health outcomes for overseas participants, as well as providing a more efficient process.

Importantly though, Madam Speaker, an overseas participant does not have to accept an offer of a lump sum settlement and can instead choose to have their treatment and care provided over their lifetime. If the participant accepts a lump sum settlement they will no longer be a participant of the scheme.

The offer of a lump sum payout is not available to Australian citizens or permanent residents who are living overseas. This is because these participants could well return home to Australia and the NIIS minimum benchmarks preclude the payment of a lump sum commutation for lifetime treatment and care needs of participants living in Australia.

To address the difficulties of overseas treatment and care provision for Australian citizens or permanent resident participants living overseas, either permanently or for extended periods, the bill provides an option to offer periodic lump sum payments to cover the participant's approved care needs for an agreed specified period. If a participant chooses to accept a periodic lump sum payment, at the end of the specified period they can choose to revert to receiving ongoing provision of treatment and care whilst overseas.

The adjustments proposed to the scheme in this bill are necessary to enhance the effectiveness and efficiency of the scheme. The proposed overseas payment options strike the right balance between the goals of providing lifetime treatment and care and the challenges of providing services in a foreign country.

The proposed amendment to cover ACT government-owned vehicles will rectify an unintentional gap in scheme coverage and thereby correct an inequity that currently exists. I commend the bill to the Assembly.

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

Supreme Court Amendment Bill 2016

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—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (10.17): I move:

That this bill be agreed to in principle.

Today I am presenting the Supreme Court Amendment Bill 2016. This bill provides three exceptions to the rule against double jeopardy in the ACT. The rule of double jeopardy provides that no-one may be tried or punished again for an offence for which he or she has already been finally convicted or acquitted. This law is enshrined in the ACT Human Rights Act and operates to recognise the value of finality, encourage investigative and prosecutorial diligence and limit the possible abuse of state power.

This bill provides exceptions to the rule of double jeopardy in three clearly defined cases where upholding the rule would bring the law into disrepute and be against the interests of the community. The exceptions have been developed in a considerate and proportionate way that ensures they only go as far as is absolutely necessary and no further.

Firstly, the rule against double jeopardy will not apply where fresh and compelling evidence of guilt arises after a person has been acquitted of a very serious offence. This may be in the form of DNA evidence that did not exist at the time of the original trial but which now exists due to advances in DNA technology. Secondly, there will be an exception where a trial has been tainted by, for example, witnesses or jurors being threatened and so an acquittal in that case cannot be seen to be fair or just.

Lastly, the bill will address a decision of the High Court in the case of Carroll in 2002 in which the rule against double jeopardy prevented the prosecution of an acquitted person for allegedly committing perjury during their trial for murder. After the decision in Carroll there was national concern that such a strict operation of the double jeopardy rule meant that court processes could be compromised at the cost to the community and the victims of crime.

In July 2006 the Council of Australian Governments agreed that reform of the rule against double jeopardy was an important criminal law policy reform that merited nationally consistent treatment. In April 2007 COAG agreed to implement a number of double jeopardy law reform working group recommendations, including those in the bill I present today.

The United Kingdom has allowed retrials to be ordered for "tainted acquittals" since 1996 and introduced further exceptions to the rule against double jeopardy in 2003. New Zealand also has a range of exceptions to the rule against double jeopardy enacted in 2008.

Following extensive consultation over a number of years which considered the approaches taken in other jurisdictions and the views of stakeholders in the ACT, I have taken the view that limited reforms to the rule against double jeopardy are clearly in the public interest and otherwise warranted. While cases falling within these

exceptions are expected to be extremely rare in the ACT, it is important to have a mechanism to address such an injustice if it does occur. The bill, therefore, will allow a retrial where a person has been acquitted and, after the acquittal, fresh and compelling evidence comes to light that indicates the person has, in fact, committed the offence.

Such cases would be rare. However where such evidence arises it undermines the integrity and therefore the legitimacy of the acquittal. This, in turn, undermines the validity of the criminal justice system and public confidence in it. For example, currently in the ACT an acquitted person could publicly state that they had committed the crime for which they had been acquitted and yet the acquittal could not be challenged despite that statement. Similarly, new forensic evidence could come to light which points clearly to the acquitted person as the offender, yet such evidence could not be used to challenge the acquittal and seek a retrial.

The bill ensures the rule against double jeopardy is affected only as far as absolutely necessary. In particular, the only offences that can be retried under the fresh and compelling evidence exception are the most serious, punishable by imprisonment for life. This includes only murder and serious drug offences involving large commercial quantities. Further, evidence must be fresh and compelling to meet the threshold for a retrial.

Evidence is fresh where it is not tendered in the original trial and could not have been tendered in the course of an exercise of reasonable diligence. In other words, the amendments do not allow a second bite for the prosecution because it did not get the first prosecution right. To meet the compelling test, the fresh evidence must be reliable, substantial and highly probative of the guilt of the acquitted person.

The bill provides other safeguards for this exception. Firstly, the court must be satisfied it is in the interests of justice to order a retrial. Secondly, the Director of Public Prosecutions must give approval to ACT Policing for any reinvestigation. Thirdly, there would be a restriction on publication of information about the court ordering a retrial to address the risk of a jury being prejudiced by that information.

With respect to the tainted trial exception to the rule against double jeopardy, the court can only order a retrial where a serious administration of justice offence was committed, such as perjury, corruption of jurors or witnesses or the destruction of evidence. Furthermore, a retrial can only occur where it is more likely than not that, but for the commission of the administration of justice offences, the acquitted person would have been convicted of the original offence. This exception only applies to serious offences—those punishable by 15 years imprisonment or more.

The bill also provides very similar additional safeguards to those for the fresh and compelling evidence exception around the interests of justice, DPP approval for reinvestigation and restriction on publication of information. Despite the fact that these circumstances arise very rarely, the tainted trial exception is important as public confidence in the justice system would be seriously undermined if it became clear that a person had been acquitted of a serious offence because of a trial that has been marred by a serious administration of justice offence.

The third and final exception to the rule against double jeopardy arises from the Carroll case, which I mentioned earlier. The decision in that case was that a person could not be tried for an administration of justice offence, such as perjury, allegedly committed during the trial for the original offence where that prosecution would directly contradict the acquittal.

In the Carroll case the prosecution sought to prove that the accused lied when he said, "I did not kill the victim." The prosecution wanted to introduce evidence showing that the accused had, in fact, killed the victim in order to prove perjury. This evidence would directly contradict the finding of not guilty and the acquittal in the original trial and so was held to be effectively retrying the accused.

Again, this issue would arise very rarely. However the amendment is important as it is unjust for a person to avoid prosecution only because the evidence to be tendered for that prosecution is contrary to evidence relied on by that person for acquittal in another trial.

In conclusion, the right to not be tried or punished again for an offence for which a person has already been finally convicted or acquitted is enshrined in our human rights law. That right is explicitly engaged and limited by this bill. However the government is confident it has taken the least restrictive approach necessary to ensure that the validity of criminal trials and public confidence in the justice system are balanced with the rights of the accused.

The safeguards in the bill ensure it is only in the most serious of cases that exceptions to the rule against double jeopardy will be allowed and only where there is very good reason. I expect the provisions in this bill would be rarely used. Indeed, I hope the circumstances which warrant their use do not arise. But where such circumstances do arise this bill will provide a means of rectifying serious and unacceptable justices and so strengthen the integrity of our criminal justice system. I commend the bill to the Assembly.

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

ACT Civil and Administrative Tribunal Amendment Bill 2016 (No 2)

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—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (10.28): I move:

> That this bill be agreed to in principle.

Madam Speaker, this bill makes amendments to the legislation governing the ACT Civil and Administrative Tribunal, or the ACAT, to give effect to the outcomes of the 2015 restructure of ACAT presidential positions and the recent government review into the civil dispute jurisdiction and appointment requirements for the head of ACAT.

As members are aware the ACAT is a statutory independent tribunal that provides an accessible forum in which individuals, businesses, community groups, and agencies can access justice. The ACAT performs an invaluable role within our justice system. It provides a timely, efficient and flexible point of access for citizens seeking to resolve disputes or have executive action reviewed. It is also cheaper, faster and less formal than court proceedings. The ACAT is independent, transparent and accountable.

The amendments contained in this bill are designed to enhance the objectives and characteristics of the tribunal. The amendments relate principally to three areas of reform: reform to the presidential structure, reform to the civil dispute jurisdiction, and reform to the requirements of appointment for the head of tribunal.

Turning first to the reform to the presidential structure, with the expiry of a number of presidential member appointments at the end of 2015 the government evaluated the existing member structure of the ACAT in order to determine whether the tribunal was appropriately structured to undertake its functions into the future.

As a result of this work, the presidential member structure changed to provide additional full-time resources to the tribunal. This change included appointing one person to the positions of general president and appeal president using the current section 94(4) of the act. This appointment was made temporarily for 12 months while the government undertook a review into the appropriate appointment requirements for the head of ACAT.

The appointment of one person to these two roles follows similar approaches to upper management of tribunals in other Australian jurisdictions and also the practice in the ACT Supreme Court. The government has decided to formalise this decision by amending the act to combine the positions of general president and appeal president. As a result, the bill contains amendments to combine the functions of these two roles and to change the title of the head of ACAT simply to "President".

The bill also makes consequential amendments to other acts to effect these changes. Transitional amendments are contained in the bill to provide that once the act has commenced, the current general president is taken to be appointed as the president of the tribunal until the end of their term on the same conditions as currently provided.

Turning to the results of the discussion paper, this bill gives effect to the outcomes of the discussion paper released by the Justice and Community Safety Directorate earlier this year. That paper sought comments from the community and key justice system stakeholders about proposals to reform the civil dispute jurisdiction and membership structure of the tribunal.

Seventeen submissions were received during the public consultation period. The submissions showed a high degree of support for an increase to the civil dispute jurisdiction of the tribunal, and general support for amendment to the requirements of appointment as president of ACAT. Some stakeholders were keen to ensure, however, that any reform to ACAT supports the key objectives of that institution: that it be an informal, accessible, and low cost alternative to the courts. These concerns were key considerations for the government in the development of this bill.

The bill proposes to make two key amendments in response to the review: to increase the ACAT's civil dispute jurisdiction from $10,000 to $25,000, and require the president of the ACAT to be either a magistrate or eligible for appointment as a magistrate.

Firstly, in relation to the increase to the civil dispute jurisdiction, currently, the ACAT's civil dispute jurisdiction provides an alternative forum to the courts in which the community can resolve civil disputes, such as claims relating to the supply of goods and services, debt recovery and the recovery of damages caused by negligence or tort. Section 18 of the ACAT act gives the ACAT power to hear and determine civil disputes for claims of $10,000 or less. This jurisdiction has not changed since the inception of the tribunal in 2009. Prior to that, a $10,000 jurisdiction had been in place at the ACT Small Claims Court since 1997. As the jurisdictional limit in real terms decreases over time, the ability of Canberrans to seek redress through the ACAT has been affected.

After careful consideration of the responses to the discussion paper, this bill contains amendments to increase the exclusive jurisdiction of ACAT to hear and determine civil disputes for claims of $25,000 or less. These amendments will ensure that the civil dispute jurisdiction of the tribunal is appropriate to address the needs of our community.

The ACAT already hears a range of matters, including residential tenancy disputes, discrimination matters, and matters relating to the provision of utilities. The increase to the civil dispute jurisdiction does not affect any other jurisdiction of the tribunal.

As I outlined above, the vast majority of respondents to the government's discussion paper indicated strong support for an increase to the civil dispute jurisdiction, with a number advocating for a far larger increase to $50,000. The ACAT has one of the widest civil jurisdictions of the state and territory super tribunals and, as a result, it is difficult to predict with certainty the impact that an increase in jurisdiction would have on the number of matters that would come before it under these changes. While it is clear that the ACAT is able to manage a higher jurisdiction, the government considers it prudent to have an incremental increase to $25,000 in order to monitor any impacts on the culture or resourcing needs of the tribunal.

The bill will also make consequential amendments to the Magistrates Court Act to reflect this increase in jurisdiction. Specifically, section 266A is being amended to provide exclusive jurisdiction to the ACAT for civil disputes of no more than $25,000.

Transitional provisions in the bill will provide that where a civil application for amounts between $10,000 and $25,000 is already in the Magistrates Court, the parties may apply to have their matter moved to the ACAT, provided the matter has not already proceeded to hearing. This will ensure that those participating in the court system at the time the amendments commence are able to access the ACAT to settle their matter.

Finally, turning to the amendment to requirements for appointment as president, the bill amends the act to require the ACAT president to be either an existing magistrate or a legal practitioner who is eligible for appointment as a magistrate. This amendment mirrors provisions contained in the Northern Territory Civil and Administrative Tribunal Act 2014.

These amendments appropriately balance the need to keep ACAT accessible and informal while reflecting the standing of the position of president as a head of jurisdiction in the ACT. They will bring the ACT into line with arrangements in other jurisdictions and are aimed at increasing the independence of the tribunal as well as increasing the role and status of ACAT decision-making,

Under the provisions in the bill, the executive will not be able to appoint an existing magistrate unless the person has agreed to the appointment and the Chief Magistrate has been consulted about it. Should a magistrate be appointed, the bill preserves the independence and jurisdiction of the magistrate as well as their tenure, status, entitlements and allowances.

Further, the bill provides that the term of a magistrate appointed as the head of ACAT may be for seven years or for such shorter term as may be necessary to ensure the person's term of office extends to but not beyond the date on which the person attains 65 years of age.

The amendments will still allow the executive to appoint someone who is not a current magistrate to be president but will reflect the standing of the position as a head of jurisdiction in the ACT. If the successful applicant is not already a magistrate, they will not become a magistrate on appointment as president.

Finally, there is also an amendment in the bill relating to the conditions of appointment. The opportunity has been taken to make a minor and technical amendment to section 100 of the act, which sets out the conditions of appointment as a member to the tribunal in general. The amendment being made to this section clarifies that the conditions of appointment applicable to tribunal members include those made by the ACT Remuneration Tribunal.

Madam Speaker, the amendments in this bill will increase access to justice and ensure the ACAT is appropriately set up to undertake its functions for the benefit of our community. I commend the bill to the Assembly.

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

Justice and Community Safety Legislation Amendment Bill 2016

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—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (10.39): I move:

> That this bill be agreed to in principle.

I am pleased to present this bill today. The bill includes amendments that are designed to improve the operation of legislation within the Justice and Community Safety portfolio. The bill makes changes to 17 acts and three regulations.

The amendments to the Associations Incorporation Act 1991 and the Cooperatives Regulation 2003 make minor technical changes to allow ACT associations to transfer registration to the Corporations (Aboriginal and Torres Strait Islander) Act 2006. This change will be of benefit to Aboriginal and Torres Strait Islander associations and cooperatives as registration under the commonwealth act is a prerequisite for certain commonwealth funding arrangements.

Two amendments are made to the Civil Law (Sale of Residential Property) Act 2003 to give certainty about the rights of buyers where additional inspection reports must be disclosed in a residential property's contract of sale. This bill includes amendments to the Civil Law (Wrongs) Act 2002 and the Civil Law (Wrongs) Regulation 2003 to remove the requirement for ACT insurers to provide annual reports to the minister for tabling in the Assembly. This requirement was implemented nationally during the public liability insurance crisis in 2002, but does not exist in other Australian jurisdictions. This amendment reduces unnecessary red tape for insurers operating in the territory.

An amendment to the Confiscation of Criminal Assets Act 2003 recognises confiscation orders that are not based on criminal convictions, such as unexplained wealth and civil forfeiture orders in Western Australia and Victoria. This amendment responds to requests by other jurisdictions and ensures that criminal assets cannot be transferred to the ACT to frustrate enforcement of valid interstate orders. Recognition of these orders is important to ensure the integrity of unexplained wealth regimes across Australia and allow for enforcement of valid interstate orders within the ACT.

Three amendments in this bill revise procedures regarding the government's response to certain coronial reports. Amendments to the Coroners Act 1997 will, firstly, allocate responsibility for tabling the coroner's report and government response to the responsible minister rather than the Attorney-General. Secondly, that responsible minister will be required to present the coroner's report and their response to it to this

Assembly not later than the first sitting week after six months from the date the responsible minister receives the report. Thirdly, in some circumstances the Coroners Act requires separate responses to a coronial report where that report concerns a death in custody that also raises a public safety issue. The two responses are currently subject to different time frames. The amendment provides discretion in these circumstances for the responses to be provided together.

The bill makes a minor change to the provision in the Court Procedures Act 2004 that prescribes the main objectives of the civil procedure provisions, which include the Court Procedures Rules 2006. Under this act, judges and magistrates must interpret and apply civil procedure provisions in a way that promotes the act's main objectives. The amendment in this bill clarifies the intention of the section that the just resolution of disputes is according to the law and with consideration of the efficient use of all court resources.

The bill includes a new offence in the Crimes Act 1900 to specifically outlaw the intentional throwing, dropping or placing of an object in the path of a vehicle where that conduct risks a person's safety. While these behaviours are currently prosecuted under other offences, such prosecutions can be problematic and may be frustrated where the conduct does not result in injury or death. This new offence will enhance community safety and provides a clearer means by which to deter or prosecute people who recklessly place others at risk.

Amendments to the Firearms Act 1996 and the Prohibited Weapons Act 1996 confirm that the Registrar of Firearms has a general power to delegate any of their functions under the Prohibited Weapons Act to a deputy registrar.

The bill also amends the Land Titles Act 1925 for two purposes. First, an amendment removes the requirement that all signatures on documents that must be attested or signed must be in ink. The amendment supports the government's land titles business systems modernisation initiative that was announced last year. Second, an amendment to the Land Titles Act authorises the ACT to collect and provide information to the Australian Commissioner for Taxation in accordance with the new obligations under the commonwealth Taxation Administration Act 1953.

The bill corrects a recently identified anomaly in the operation of the Legal Profession Act 2006. Presently, where a complaint is made to the ACT Law Society about a costs dispute between lawyer and client, the ACT Supreme Court is required to stay any ongoing costs assessment relating to those costs. However, if the client's complaint is withdrawn or never resolved, the legislation does not allow the stayed costs assessment to be revived unless the complaint is referred to the Supreme Court by the Law Society. The bill corrects this unintended consequence by clarifying that a withdrawn or unresolved complaint relating to costs will not stop a costs assessment being revived.

The bill includes an amendment that relates to the Chief Magistrate's exercise of the Industrial Court jurisdiction. When this jurisdiction was established in November 2013, the Chief Magistrate determined, following consultation with other magistrates, that she would perform the functions of the Industrial Court magistrate. However, the

instrument declaring the arrangement was not notified on the ACT legislation register. An instrument declaring the Industrial Court magistrate was made on 29 March this year and notified on the register, but cannot apply retrospectively. While the government considers that the powers vested in the court were validly exercised, the bill amends the Magistrates Court Act 1930 to confirm and put beyond doubt the validity of the Chief Magistrate's exercise of jurisdiction as the Industrial Court magistrate.

The bill also amends one act related to the Justice and Community Safety portfolio rather than within it—the Medicines, Poisons and Therapeutic Goods Act 2008. Two new exemptions from penalties in this act will permit the distribution of clean injecting equipment insofar as this occurs as part of an otherwise lawful peer distribution scheme. These exemptions apply to the offence of supplying clean injecting equipment and the offence of aiding and abetting self-administration of a declared substance.

The bill contains three amendments to the Security Industry Act 2003 and corresponding regulation that will generate efficiencies and reduce red tape in that industry. The first exempts licensing requirements for monitoring centre operators that are licensed and based in another Australian state or territory and for those people or companies who sell security equipment by wholesale directly to retailers. These exemptions align with reforms in other states and reflect the relatively low risk of deregulating certain security activities that involve no interaction with members of the public or their personal information.

The second also exempts a person from having to obtain a statement of attainment in security operations before being granted an employee licence to act as a monitoring centre operator. As monitoring centre operators functionally act as intermediaries, this exemption recognises that the existing training requirement is disproportionate to the risk involved in their particular security activity.

The bill provides a timely opportunity to update the definition of "security equipment" in that act. While some products are specifically designed to provide or enhance security, other products, such as normal doors, do so as a by-product of their normal use. For this reason the bill stipulates security products that require a licence to sell as those being made for the dominant purpose of providing or enhancing security.

An amendment to the Supreme Court Act 1933 will transfer my statutory authority to appoint a sheriff of the ACT Supreme Court to the Director-General of the Justice and Community Safety Directorate. This amendment reflects an existing practical arrangement and acknowledges that, despite being an officer of the court, a sheriff does not exercise judicial functions.

The bill amends the Territory Records Act 2002 and the ACT Civil and Administrative Tribunal Act 2008 to centralise responsibility for the records of ACT courts and the ACAT. Presently, the Chief Justice, Chief Magistrate and Tribunal Registrar are each required to ensure their respective jurisdiction complies with records management requirements under the act. Under the amendment acts, this role will be performed for all three bodies by the Principal Registrar of the ACT Law Courts and Tribunal.

Finally, an amendment has been prepared following the passage of the Workplace Privacy Amendment Act 2016, which was adopted by the Assembly earlier this year. Both Minister Rattenbury and I consider that public surveillance is an area that should be considered holistically. To accommodate a broad review of civil surveillance, the bill defers for two years commencement of provisions in the Workplace Privacy Amendment Bill 2016 which regulate covert surveillance of an employee outside the workplace. I commend the bill to the Assembly.

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

Mental Health (Secure Facilities) Bill 2016

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—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (10.50): I move:

> That this bill be agreed to in principle.

I am pleased to present this bill to the Assembly today. In introducing the bill, it should be clear to all that the reason for its presentation is the physical development of the new secure mental health unit for the ACT. The secure mental health unit is due for building completion in late 2016 and represents a $40 million capital investment in the ACT's health infrastructure. It will be a 25-bed facility that provides secure mental health care for people who cannot be safely cared for in any less restrictive environment. It is worth emphasising this point: the secure mental health unit will be a necessarily restrictive environment and no-one who can be safely and appropriately cared for elsewhere will be admitted.

The development of a secure mental health facility has been discussed in the ACT for more than a decade and its building represents a clear addition to the configuration of health services in our community. The absence of a secure mental health unit has, over recent years, been identified as a clear gap in the ACT mental healthcare system.

The secure mental health unit's development supports a very important principle which is of central importance to the ACT as a human rights jurisdiction; that is, people who may have offended, or be at risk of offending, with severe mental illness should be cared for in a facility with a therapeutic framework at its core. The secure mental health unit will provide us with the best opportunity to provide appropriate evidence-based, multidisciplinary care to the very small number of people who cannot be cared for safely in any less restrictive environment.

The development of the unit, with its unique mission, is an important and positive development for our health services and for the community as a whole. Legal advice

provided to the Health Directorate has been clear that a restrictive environment such as the secure mental health unit should have legislation to support and guide its operation and that the day-to-day management of the unit should not rely on existing law and common law constructs. This is the purpose of this bill.

The bill has been developed through an extensive policy development process which has involved desktop-based research of interstate and international practice, detailed conversations with colleagues in Tasmania and Victoria and discussions with current mental health clinicians in the ACT. Officials of my directorate have also visited comparable, albeit bigger, facilities in New South Wales and Queensland to understand their operation and have discussed with clinical staff in those jurisdictions their experiences in the operation of such facilities.

Draft iterations of the bill have been discussed at length with senior mental health clinicians in ACT Health and other relevant government agencies such as the Justice and Community Safety Directorate. The bill has also been considered by statutory officials such as the human rights commissioner, the Health Services Commissioner and the Public Advocate. Earlier drafts of the bill have also been discussed with organisations with specific expertise in this field, such as the ACT Mental Health Community Coalition and Mental Health Consumers ACT. These contributions have been of significant assistance to the drafters of this bill. I would like to place on record my thanks to those who have assisted in this work.

Preparing a bill of this nature has been a complex task. People who are considered to be clinically appropriate for the secure mental health unit are already subject to legal mechanisms that facilitate their detention and they will have severe mental illness. They are amongst the most vulnerable in our community and this legislation, amongst other things, seeks to protect their rights and ensure that any restrictions that they face on their liberty have a clear utility, are not punitive and are proportionate to the risks that are presented.

The bill addresses subject matter which involves competing rights and engages the liberal philosophical tradition about the protection of the individual from excessive use of power on behalf of the state and balancing the rights of the individual against the interests and rights of the wider community. As such this bill attempts to strike a balance between these competing priorities and ensures that any restriction placed on the individual at the unit are proportionate to the issues and risks faced. Striking that balance is as much about exercising judgement as about being able to apply any hard-and-fast rules, and it is around these issues of balance that comments on the bill have been particularly useful.

These issues of balance of rights and proportionate restrictions are addressed in such matters as powers of search and the management of contraband. Considering this balance, it is noted that, as the manager of the secure mental health unit, ACT Health has a responsibility to protect the people who receive care in the facility as well as the people who work there and visit there. It is against this backdrop that the balance of rights and interests is considered.

As a government and as custodians, we clearly have responsibilities to protect individuals who are patients in the unit from harm, whether that be harm from others or harm that they may seek to do to themselves. In addition, as employers, government has a clear legal responsibility to staff to ensure that they are kept safe at work. That is also important for those who come to the unit and go about their lawful business as visitors, whether they be accredited visitors performing statutory duties or people visiting loved ones.

I also bring to the attention of members provisions in this bill that advance the physical health care of people admitted to the unit. Inpatient mental health services all over the world have historically been criticised for neglecting the physical health of the people they care for, thinking only of their mental illness. The Assembly has received multiple reports over recent years about how people with severe mental illness have lower life expectancy, higher rates of morbidity and less healthy years of life. This bill strongly builds on the government's desire to improve the health of the entire person, obligating those responsible for the operation of the unit to ensure access to wider physical health services for people which is comparable to what people in the broader community would expect.

The government's view is that this bill is necessary for the operation of a facility like the secure mental health unit. Being the first of its kind in the ACT and Australia, the bill articulates a dedicated legislative framework of how secure mental health facilities should operate and the legal standards that will drive their operation.

The bill performs a number of vital functions. The bill provides clarity for all who have an interest in the operation of the unit and constitutes a clear statement of powers, rights and responsibilities. It will provide a greater degree of guidance to clinical staff on the extent of their powers, what actions they can take to protect the safety of facilities and the checks and balances on those powers that they are subject to. It also provides a clear legislative structure for patients, carers and their advocates to base their experiences in secure mental health facilities against and to challenge their experiences if felt necessary.

The bill has been drafted in a manner that authorises the Director-General, ACT Health, to produce directions, which are subordinate instruments that will be notifiable. This is a model that is in use to support the Corrections Management Act 2007 and allows ACT Health to have the ability to outline matters of operational detail in directions, as opposed to the primary legislation. This will allow for rapid change to directions if that becomes necessary, which would not be possible by relying on the primary legislation alone. All directions, unless there are significant security concerns in making their content public, will be placed on the legislation register.

Facilities such as the new secure mental health unit will deal with challenging situations on most days of their operation and the scenarios that engage competing human rights will occur regardless of whether we adopt this bill or not. This bill will provide a firm backdrop to guide the handling of those scenarios in a manner in which we would wish to see them approached.

The development of this bill, to guide the safe and proportionate operation of a restrictive environment like the secure mental health unit, is an innovation that the ACT can be proud of, and I commend the bill to the Assembly.

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

Mental Health Amendment Bill 2016

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—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (11.00): I move:

> That this bill be agreed to in principle.

I am pleased to introduce this bill to the Assembly today. The bill proposes amendments to the Mental Health Act 2015. The act is the legislation that commenced on 1 March this year and provides for the statutory options, entitlements and protections of people who use ACT mental health services.

The act provides for involuntary treatment of mental illnesses and mental disorders where needed. It aims to ensure that where possible people make their own treatment decisions, or participate in decisions to the extent that they can. It also imposes certain obligations on mental health service providers and provides for certain offences.

The act resulted from a comprehensive public review that the ACT conducted of the Mental Health (Treatment and Care) Act 1994 between 2006 and 2013.

Since the act was enacted in September last year, there have been some additional elements that have been identified that would assist in the functioning of it. The bill I introduce today is an outcome of recommendations to clarify and expand on some elements of the act. It will also assist with the arrangements for the secure mental health unit which is scheduled to open later this year. The management of that facility will come under the Mental Health (Secure Facilities) Act, the bill for which I have just introduced.

The primary purpose of this bill is to provide for smooth transitions when lawful custody is required to transfer from the director-general under the Corrections Management Act 2007 or the Children and Young People Act 2008, to ACT Health. Such transfers will occur when people have a clinical need to be transferred to the secure mental health unit. The new unit, as I previously outlined, represents a significant investment in the ACT's health infrastructure.

The main clauses in this bill I present today are designed to provide for the transfer of legal custody of the following people from ACT Corrective Services and ACT Child and Youth Protection Services to ACT Health: firstly, people on mental health orders and forensic mental health orders who are in the custody of ACT Corrective Services or ACT Child and Youth Protection Services, "Forensic mental health"; secondly, people in the custody of ACT Corrective Services or ACT Child and Youth Protection Services who require treatment for mental illness or mental disorder and who voluntarily request it. It also provides for consequential powers for the apprehension, entry, search and seizure required to re-detain people who have escaped from custody.

The transfer provisions will affect people detained, as well as corrections and children and youth protection staff who are working with them, corrections and children and youth protection managers, senior management of ACT Health, the Chief Psychiatrist and the Care Coordinator.

This bill, building on existing law, operates in an area of public policy and law which consistently requires the balancing of priorities. On one hand, there is a clear requirement to ensure the integrity and security of the lawful custody of someone detained by the government following due process. On the other, the government has a legal and moral obligation to ensure that people who are held in its custody have access to appropriate health care, equitable with that enjoyed by the broader community. It is this goal that this bill tries, in part, to address by providing for the safe and legal transfer of custody to ensure that people can access the care they need in a more suitable location.

In addition, when considering the subject of leave, the bill attempts to strike an appropriate balance in ensuring that, where appropriate, people can access the important therapeutic benefits of leave, as well as compassionate or emergency medical leave, and that the government maintains an appropriate degree of oversight of custody.

The development of the act had wide-ranging input from people with mental illness and/or disorders and their supporters. This was through the mental health review advisory group and a series of extensive public consultations.

The particular changes contained in this bill are changes that need to be made for the full operation of the act, especially around the establishment of the secure mental health unit. These changes align with the recommendations of the ACT Health Services Commissioner, following the investigation of the issue of detention in an approved mental health facility.

Finally, there are additional technical amendments proposed in the bill. These amendments affect a wider range of people involved in the ACT mental health system, including people living with mental illness or disorders, and their carers, close friends and relatives, as well as professionals providing treatment, care and support to them.

The technical amendments are designed to better support the treatment, care and support of people living with mental illness or disorder by providing information to people close to people living with mental illness or disorder to be involved in supporting them, particularly in relation to healthcare decisions.

I commend the bill to the Assembly.

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

Emergencies Amendment Bill 2016

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—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (11.06): I move:

> That this bill be agreed to in principle.

As members would be aware, the Emergencies Act was introduced following the 2003 Canberra bushfires and consolidated all previous emergency legislation in the ACT. Section 203 of the act requires that its operation is reviewed at five-yearly intervals to ensure it reflects contemporary practice. In line with this requirement, you, Madam Deputy Speaker, as the previous minister for police and emergency services, announced in July last year that a review of the act would be undertaken.

In support of the review, the minister released a discussion paper to facilitate more detailed feedback on certain issues. An extensive consultation process was undertaken, and public submissions were open for a period of 5½ weeks. Stakeholders such as volunteer representatives, unions, the ACT Bushfire Council and the Conservation Council ACT Region were specifically invited to contribute to the review. Submissions were also received from members of the public. I would like to thank all persons and organisations that contributed to the review. I appreciate their commitment to ensuring that the ACT's emergency management arrangements are of the highest order.

In October last year the minister presented the report of the review of the operation of the Emergencies Act to the Assembly. The report's overall conclusion was that the ACT's emergency management and response arrangements are of high quality and reflect best practice. The report did, however, identify a number of areas where the operation of the act could be improved. The majority of the recommendations require legislative amendment, primarily to this act as well as other ACT law. These amendments are now outlined in this bill.

I turn first to ACT Bushfire Council amendments. The bill makes a number of amendments to the membership and role of the ACT Bushfire Council, a statutory body with the function of advising the minister and commissioner about bushfires. The amendment strengthens the membership of the council by requiring the minister to appoint representatives of the interests of rural lessees, the community and the community's interests in relation to the environment to the council. Term limits for members will also be introduced, in line with ACT government practice for advisory bodies.

The bill also amends the consultation role of the council in relation to ESA appointments. These changes remove any potential for conflicts of interests among council members, and better reflect the council's role as an advisory body.

In relation to restricting high-risk activities during total fire bans, the bill creates a new offence of undertaking a high-risk activity in the open during a total fire ban period. It is already an offence to light a fire during a total fire ban, but the act does not specifically address activities that do not themselves necessarily involve the use of fire but which may cause a fire to ignite when undertaken in an open area. This is in contrast to the position adopted in most other jurisdictions.

High-risk activities have been defined to include welding, grinding, soldering and gas cutting. These activities have regularly been responsible for grass and bushfire ignitions and have been assessed to be of the highest risk for the ACT. The bill also creates the power for additional high-risk activities to be prescribed by regulation.

I turn to the proposal to increase penalties for lighting a fire during a total fire ban. Given that the risks associated with lighting a fire during a total fire ban may be considerably higher than lighting a fire during other periods, it is appropriate that the penalty for lighting a fire during a total fire ban be at the higher end of the range of penalties applying to bushfire-related offences. Increasing the maximum penalty will assist ongoing ACT government deterrence efforts against people who jeopardise community safety by deliberately lighting fires to threaten life, property or the environment.

I go to the provisions proposing to give the Chief Officer of the Rural Fire Service, RFS, powers in relation to fire prevention of premises. The act defines premises very broadly and includes any land, structure or vehicle or any part of any area of land, a structure or a vehicle. Currently the Chief Officer of the RFS has no power to act to address a risk to public safety or to the safety of people who are or are likely to be at the premises, even in the rural area, where the Chief Officer of the RFS is responsible for fire preparedness and fire response. This amendment ensures that the Chief Officer of the RFS is able to fulfil their statutory responsibilities for ensuring fire preparedness and response in the rural area by acting to address a risk to public safety in premises.

I turn to permissions to interfere with fire appliances. Section 190 of the act creates a number of offences relating to interfering with fire appliances, hydrants or alarms. The offences reflect the significant danger posed by persons interfering with these devices so as to prevent their effective operation. However, it is sometimes necessary for people to interfere with these appliances, such as for maintenance work on the appliances themselves. The act currently allows member of ACT Fire & Rescue, a member of the RFS or a police officer to give permission to interfere with an appliance. This amendment extends the power to give permission to do other acts that would otherwise be an offence under the section, such as isolating a fire alarm to prevent maintenance works triggering the alarm.

I turn to ensuring an all-hazards approach to emergency planning and response. This amendment ensures that ACT fire agencies can better protect our city from the threat posed by fire whether the threat is fire from the fire itself or the consequences of it. Currently these fire agencies can only use those powers in response to the actual fire itself.

The bill also provides for consistent immunities for all members of the emergency services, including the SES and the Ambulance Service, under all ACT law. Emergency service members, when acting to protect and preserve life, property and the environment, may commit an offence under other ACT law. This could include, for example, felling a protected tree or damaging a protected heritage building. For this reason, relevant law contains an exemption for actions undertaken by certain members of an emergency service in an emergency.

I turn to the issue of simplifying responsibility for fire control. The responsibility for fire control in the bushfire abatement zone was one of the matters raised in the review. The review proposed that a single service be given specific responsibility for fire control and planning in the bushfire abatement zone, noting that this will not alter the existing response arrangements, which are that the first response to all grass fires and bushfires in the ACT will be by the nearest available, most appropriate resource, irrespective of jurisdiction or service. These amendments clarify and only relate to initial command and control arrangements.

I turn to clarifying responsibility for operational planning. The act currently assigns responsibility for advice on fire-related planning and development issues to either the Chief Officer of the RFS or the Chief Officer of ACT Fire & Rescue on a geographic basis. This approach created the risk that, by having two separate entities providing formal advice depending on where the building is located, any advice provided by the two chief officers may be inconsistent. While the obligation on each chief officer to consult with their counterpart in relation to the bushfire abatement zone and the rural area reduced this risk, it did not eliminate it.

It is of vital importance from a public safety perspective that there is a coordinated and consistent approach to emergency planning and advice. To achieve this, and to ensure that the ACT community receives the highest quality and consistent advice, this bill amends the functions of ACT Fire & Rescue and the Rural Fire Service in relation to operational planning for fire so that the commissioner is given explicit responsibility for planning and development advice functions.

The preparation of planning and development advice will continue to be undertaken by members of ACT Fire & Rescue and the Rural Fire Service with the applicable skills, qualifications and expertise. The commissioner would act upon this advice and the recommendation from the respective chief officer in providing a planning and development approval.

I turn to the power of the Chief Officer of the ACT Ambulance Service to establish, amend, suspend or withdraw an ambulance officer's scope of practice. An officer's scope of practice may be amended or suspended where a member of the Ambulance

Service returns from a period of extended leave. During their clinical revalidation, the authority to practise for that member may be amended from independent to supervised practice for a period of three months to ensure that the member's clinical skills and knowledge are up to date.

An officer's scope of practice may also be suspended or amended where an adverse clinical incident, patient death, has occurred and the Ambulance Service needs to undertake a robust quality review of the case. During this period, the member's authority to practise may, with due consideration, be amended or withdrawn. Amending or suspending a member's scope of practice is not a disciplinary measure, and is solely concerned with enhancing public safety by ensuring that the Chief Officer is satisfied that a member of the Ambulance Service has the necessary skills and abilities to safely and properly provide clinical care to the community.

Finally, I turn to establishing the ACT Ambulance Service quality assurance committee. The amendments in the bill allow ambulance officers to freely discuss the circumstances surrounding a negative patient outcome without fear that admissions made to the committee will be disclosed to a court or other investigating body, systemic weaknesses will be able to be identified and protocols developed to avoid reoccurrences. This will benefit the broader community by supporting the provision of the highest quality ambulance services.

In presenting this bill, I would like to take the opportunity to thank all the members of the Emergency Services Agency, including our firefighters, our paramedics, the Rural Fire Service, SES volunteers and support staff, for their input. Their sustained efforts to help protect and serve the people of Canberra are highly valued by the government. The government is committed to ensuring that these members have the resources and the legal authority available to best do their job effectively. This bill forms an important part of meeting that commitment.

I commend the bill to the Assembly.

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

Public Accounts—Standing Committee
Printing, publication and circulation of reports

MR SMYTH (Brindabella) (11.19): I move:

> That, in relation to reports of the Standing Committee on Public Accounts to be tabled in the Assembly, if the Assembly is not sitting when the committee has completed its inquiry into a referred Auditor-General report or any other inquiry, the Committee may send its report to the Speaker, or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publication and circulation.

Madam Deputy Speaker, as you would know, given you are on the committee, the committee is very busy. We are also aware that the Auditor-General is very busy and she intends to table some four reports, I think it is, by the end of this financial year. Of

course, there may be others early in July and August. The committee is progressing a number of inquiries now and, given the work that we do is valuable and the issues are important to the people of the ACT, it would be a shame that a report that we want to deliver might get sandwiched into the last sitting weeks or indeed become available after the sitting weeks and then not be tabled or made public.

With that in mind, the committee has decided to seek the permission of the Assembly that as soon as we finish a report, if the Assembly is not sitting, we are able to send it to the Speaker so that it may be circulated. That may also have the bonus that if we finish deliberations on reports before the August sitting they can be released in July so that at least they can be commented on and the government may choose to respond if they are in a position to do so. It is a very simple motion, and I would seek the support of the Assembly.

Motion agreed to.

Trade unions—memorandum of understanding
Proposed select committee

MR WALL (Brindabella) (11.21), by leave: I move:

> That this Assembly:
>
> (1) notes:
>
> (a) the existence of an agreed Memorandum of Understanding (MOU) between Unions ACT and the ACT Government which applies to all procurement for works and services by the ACT Government;
>
> (b) the public concern expressed by stakeholders and peak bodies relating to the fairness of the existence of the MOU; and
>
> (c) the lack of measurable positive impact on procurement by the ACT Government as a result of the MOU; and
>
> (2) calls for:
>
> (a) a select committee to be established to inquire and report on the impact of the MOU on ACT procurement practices for government and services;
>
> (b) this select committee to consist of one member nominated by the Government, one member nominated by the Opposition and one member to be nominated by the cross-bench to be appointed by the Speaker by 4 pm this sitting day; and
>
> (c) this select committee to report back to the Assembly by no later than the last sitting week of August 2016.

It is with delight that we bring this motion here today. It calls on the Assembly to establish a select committee to inquire into the use, the extent and the conception of a memorandum of understanding that exists between the ACT government and

UnionsACT. There have been significant questions and concerns about, and even some condemnation of, the existence of this agreement, and I believe that it is appropriate that this is examined by a committee of the Assembly and that proper scrutiny is applied to outline and understand exactly what the purpose of the agreement was, why it was introduced and to what extent its application has influenced procurement decisions within the ACT.

There has been widespread discussion on the issue of this MOU since it was made public a couple of months ago and significant bodies have made statements and weighed into the debate as to whether or not this is, in fact, an appropriate delegation of power by the ACT government.

On 16 March this year the Canberra Business Chamber put out a press statement that said:

> Additional, unnecessary and undisclosed hurdles in the ACT Government procurement process, such as reviews by a non-government entity, seem to add little to the process, while potentially compromising it.

They went on to say:

> Analysis of the MOU between the ACT Government and UnionsACT suggests they are both parties in the decision-making process and preference is given to union-friendly provisions.
>
> For example, the MOU seems to indicate successful tenders will be obliged to provide access to union officials in excess of their statutory rights under the Fair Work Act 2009.
>
> Of equal concern is the fact the role of UnionsACT has not clearly been disclosed to tenderers.

The Property Council raised concerns and stated that while they have every confidence in the integrity of government officials making decisions about tenders they do not share the same confidence in external parties. The Property Council of Australia also said that they were after assurances from the Chief Minister that at no point in time were commercial terms revealed to UnionsACT for any procurement projects. Substantial questions need to be raised about whether or not commercial-in-confidence information was provided to any union on any procurement decision and, if so, what influence that may have had on the outcome.

At the beginning of this week Peter Strong, the CEO of the Council of Small Business Australia, had an op ed published in the *Canberra Times* in which he also raised some significant concerns and raised some substantial questions. He said:

> This recent version of the MOU was unknown to the public and industry for well over 12 months.

He described this as deceitful and dishonest. He said:

> By signing this MOU the government has shown that they have no faith in their own public servants. The government also has no faith in Safe Work Australia or in the Fair Work Ombudsman.

He went on and said:

> This MOU shows that ACT's procurement is ruled not by an elected body but by the unions.

He also raised some significant questions in his article:

> So why is there an MOU between the ACT government and UnionsACT that was kept secret, or at best hidden from view? Why does the government and the unions have no trust in the government agencies, and what do they intend to do? We need answers to those questions.
>
> The people that will suffer from this include small businesses who tender for government work. This does not just affect the construction sector where this appears to be targeted. This also means that an unknown, unaccountable third party will be involved in assessing tenders from businesses providing: stationary, training services, transport, consulting advice, legal services, cleaning, real estate services, technology hardware and software, newspapers, catering, and the list goes on.

The questions are broad in regard to what impact this MOU signed by the Chief Minister and UnionsACT has had on procurement decisions in the ACT. In the answers given by those opposite to the questions and the inquiries in this chamber to date there have been inconsistencies as to how much prominence this agreement was given, how effective it was, how often it was used.

Mr Rattenbury, the Greens crossbench cabinet minister, an obscure position to be in, described the agreement as more of an agreement between the ACT Labor Party and the unions rather than an agreement between the ACT government and the unions. Yet just yesterday in question time Dr Bourke answered that he was first made aware of the memorandum of understanding between UnionsACT and the government in his incoming ministerial brief. I quote from Mr Rattenbury's statement:

> For the record, I would like to be clear that I have not had any role in contributing to, signing off or even viewing the document before it was publicly released.

Mr Rattenbury was completely unaware of it; yet three seats down on the frontbench Dr Bourke was made aware of it on being given the job. So it seems that there are questions to be asked as to how many cabinet ministers were aware of it, were aware of its function and were aware of the implications that it had.

To put it into the current context, we are on the eve, I would imagine, of the signing of light rail contracts in the ACT. This will be the biggest single procurement project that the ACT will enter into since self-government. Besides all the controversy or the differing of opinion on whether or not this is the right project, the question remains: has the MOU between UnionsACT and the government had any influence or effect on the decision to proceed with one of the two consortia?

In an op ed in the *Canberra Times* the chair of the Master Builders said:

> The next huge issue for Canberra taxpayers is light rail and the impact the ACT government's MOU with UnionsACT has had on Canberra's largest ever construction contract. We know that the shortlisted consortia were provided with a copy of the MOU and told that it was current government policy. We understand that both consortia raised eyebrows, if not formal objections. There could be no clearer message that the winning tenderer will require union support.

That is the sentiment within the construction industry in the ACT at the moment. I think it is appropriate, it is prudent and it is the only step forward that further consideration, further scrutiny be applied to this government decision.

Those opposite continue to claim that it has been public for quite some time, but it has not. There was a very vague mention of an agreement with the unions back in 2009. There was no further discussion of it. There was no publication of the document, to the extent that even ministers in cabinet were unaware of the existence of this document until it was made public earlier this year.

I would urge all members of this place to find it within themselves to open themselves up to scrutiny. If there is nothing to hide then there is no reason why this committee should not go ahead. There is a long and proud history that this Assembly has had since self-government of initiating select committees into a broad range of inquiries. Just this term we have had an inquiry into regional development and also into the Electoral Act, but in the past select committees have looked at supermarket policy, campaign advertising, working families, public housing, workers compensation, territory superannuation, government procurement policy, competition policy, petrol pricing and the establishment of a private hospital, just to name a few.

I would commend to the Assembly my motion that seeks to establish this committee. I understand that it is a busy time for everyone in the Assembly with estimates being on the horizon and the dissolution of this parliament come August for the pending October election. But I think everyone can find the resources—I am only calling for one member from each party to be involved in this committee hearing—to properly analyse the extent to which this agreement has had any impact or any influence on procurement decisions in the ACT.

This goes more broadly to any of the political arguments about these issues, and it goes to instilling confidence back into the procurement process in the ACT. It means business has confidence to do business with this city. It means business has got confidence to put their best foot forward and know that what they supply confidentially in their tender proposal, their intellectual property, their commercial-in-confidence, stays with government and is not shared with a third party outside government.

I think that is a very proper thing to do. Confidence needs to be maintained in the processes in which business procures services and goods. With that, I commend this motion to the Assembly.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (11.31): The government will not be supporting this motion. Pursuant to a resolution passed in the Assembly on 6 April regarding the memorandum of understanding, earlier this week I tabled documents that included a copy of the current MOU and a copy of the previous MOU signed by the then Chief Minister Jon Stanhope in 2005.

I also provided members with the following ACT government policy documents relating to the MOU: the ethical suppliers declaration; the pre-qualification guidelines for consultants and contractors; the industrial relations and employment obligations strategy for the ACT government for capital works projects, known as the IRE strategy; and the government's active certification policy.

As members would be aware, employment legislation is administered at the federal level; so the ACT has no capacity legislatively in this regard. For this reason, the MOU was introduced to ensure that the ACT government contracts only with employers who treat their workers fairly and in accordance with the law.

As part of our public commitments prior to the 2004 election, the ACT Labor Party promised to pursue fair and safe workplace measures, including a continuation of reform of the ACT's industrial relations system and improved procurement policies to ensure all work that is carried out on behalf of the ACT government maintained high workplace standards. As part of implementing this commitment, the ACT government then instituted a range of new procurement principles on ethical suppliers. We introduced the MOU on the procurement of works and services to provide a framework for consultation between the government and UnionsACT.

Consultation for the purposes of section 4.1 of the memorandum of understanding is conducted, as has been publicly discussed on numerous occasions, including before an Assembly committee in 2009, through a number of avenues. This includes providing lists of tenderers for ACT contracts and applicants for pre-qualification with UnionsACT, establishing contact officer functions in relation to matters covered by the MOU and through meetings with UnionsACT on particular issues.

It is worth noting in this context that there are regular consultation meetings under the MOU and that Procurement and Capital Works also holds regular scheduled meetings with industry stakeholders such as the Master Builders Association. As a consequence of the MOU, we formalised our government's commitment, including enabling reasonable consultation to protect the rights of workers.

Existing compliance measures were strengthened and a more rigorous approach to protecting workers was adopted. This included the establishment of a tripartite committee comprising the ACT government, industry and unions, referred to as the procurement consultative committee, to ensure that the intentions of the MOU were properly embedded into procurement practices across government.

Since the first MOU in 2005, government procurement has been centralised and it has matured so that the approach and contracts are now standardised. The current MOU recognises the single procurement agency, as evidenced by dedicated union contact officers, and changes to consolidate annual reporting.

The ethical suppliers declaration is a mandatory undertaking for relevant contracts that were developed as part of the MOU. Tenderers for contracts where labour is exerted are required to complete and sign an ethical suppliers declaration to confirm that they comply with the relevant workplace legislation, such as paying the correct wages and the correct workers compensation, and making provisions for leave and other such entitlements.

These contracts also allow for an updated ethical suppliers declaration to be sought during the term of a contract. Where they have a finding against them under relevant legislation in the previous two years, tenderers must advise the territory in the ethical suppliers declaration and describe the remedial actions taken to ensure compliance into the future.

The ACT government has operated a pre-qualification scheme for construction industry suppliers since 1993. Under the MOU, the territory has reviewed the pre-qualification arrangements to strengthen the operation of the scheme. Where a pre-qualification category exists for a given contract, tenderers must be pre-qualified with the ACT government in order to tender for work. Pre-qualification enables the territory to manage risks by ensuring tenderers meet minimum standards in relation to specified criteria.

Pre-qualification also provides for more efficient tender processes, as tenderers have already submitted some of the required documentation in their pre-qualification application. This allows tender evaluation teams to work more quickly and easily. It also saves industry time and money by giving business organisations a clear indication of which categories of tender they are able to apply for, knowing that they already meet a range of key government criteria.

The MOU includes a consultation provision for new applicants to the pre-qualification scheme. Whilst the MOU permits UnionsACT to advise government of its views as to whether or not an applicant for pre-qualification meets its employee and industrial relations obligations, each matter is considered by territory officials on a case-by-case basis, informed by the individual factual situation, with the ultimate decision resting with the government.

There is no doubt that the pre-qualification scheme has served the ACT well. While it is difficult to go into specifics because of the commercial and legal implications, it is worth noting that a number of companies that have gone into liquidation in recent years have fallen into financial difficulties after signing contracts with others for much larger volumes than the ACT would have been prepared to agree with with that company. So in this instance, our system of checks protects the territory.

The compliance with the industrial relations and employment obligations strategy for the ACT government capital works projects, the IRE strategy, was introduced on 1 July 2011. One of the objectives was to eliminate sham contracting on ACT government construction sites. This is one of the industrial relations matters that the MOU is intended to address. The IRE strategy involves a review of the record of contractors and subcontractors seeking to be engaged on territory construction projects for compliance with industrial relations obligations as a precursor to any engagement as well as an ongoing audit mechanism for industrial relations compliance on active projects. Feedback about the IRE strategy indicated that it has had a positive impact on the industry. A review of IRE certification is being progressed and consultative meetings have been held with unions and industry, including the Master Builders Association, the CFMEU and the Long Service Leave Authority as well as other organisations.

I turn to active certification. Of course, the MOU covers work health and safety matters as well as industrial relations. The active certification program was developed in line with recommendation 25 of the *Getting home safely* report, which we have discussed at length in this place, with the ultimate objective of improving the safety culture on ACT government work sites. Work sites are subject to regular audit by independent auditors. Contractors found to be non-compliant with work health and safety requirements have a points penalty applied, with accrual of sufficient points resulting in the loss of pre-qualification status.

Since July of 2013 the ACT government has also been promoting work health and safety through the tender selection process for government construction projects by introducing a comparative assessment of contractors' safety records and capacities. This is in line with recommendation 26 of the *Getting home safely* report.

It pleases me to note, Madam Deputy Speaker, that there has been a marked improvement in overall safety compliance as well as a reduction in notifications by WorkSafe ACT on government sites since those two measures were introduced. In fact, WorkSafe has advised that since the policy was introduced there has been a 27 per cent reduction in the accident rate per million dollars of construction and more than a 50 per cent reduction in formal notices issued by its inspectors in the 2014-15 financial year compared to the previous year.

The MOU also provides for consultation between the government and UnionsACT. In practice what this means is the government sends UnionsACT a list of respondents at the tender stage as well as a list of applicants for pre-qualification. This gives unions the opportunity to provide feedback on contractors' industrial relations performance.

It should be noted that the same list of respondents—the very same list of respondents to tenders—has also been provided to the Long Service Leave Authority and the Environment Protection Authority and is made publicly available on the procurement website. Since the introduction of electronic tendering from July 2015, the list is available on the Tenders ACT website.

Stakeholder consultation occurs on a range of issues covered by the MOU. The parties are able to provide their views and their supporting evidence. But, again, the final decision rests with government. For example, as the result of a request from industry to see if there are ways for local industry to compete for larger projects, the number of pre-qualification categories was expanded and an annual expenditure consideration was included.

Complaints or alleged breaches to contracts raised by third parties are handled administratively with internal review to ensure that supporting material is provided and that they are forwarded to the appropriate regulator or contract manager for consideration and action.

It is worth noting, Madam Deputy Speaker, that the appointment of Kate Lundy as the local industry advocate also assists in ensuring that the local industry sector and other stakeholders are consulted on procurement matters or for issues of concern affecting procurement. They have the opportunity to raise those issues.

The 2005 MOU required agency annual reports to include specific information about government contracts. The 2015 MOU, recognising the operation of a centralised procurement agency, seeks a single report. Procurement and Capital Works is currently working on the form that this report will take. All reports to which the MOU gives rise will be made public when completed. There are two nominated contact officers, both located in Procurement and Capital Works within the Chief Minister, Treasury and Economic Development Directorate.

The MOU and the processes that have been developed from it have to a great extent ensured that the ACT government contracts only with employers who treat their workers fairly and in accordance with the law; that where failures occur, remedial action is taken to ensure compliance in the future; that ACT government work sites are considerably safer; that there are fewer businesses going into liquidation as the result of contracting with the ACT than might otherwise have been the case; and that local ACT businesses get every opportunity to bid on and be considered for ACT government contracts.

These are important principles that underpin our approach to procurement. I think it is worth noting that there have been 388 lists of tenderers for contracts provided to UnionsACT. These lists were provided by Procurement and Capital Works within the Chief Minister, Treasury and Economic Development Directorate.

It is also worth noting that no tenderers—not one tenderer for a contract—have been removed from consideration based on advice from UnionsACT or other unions. So all of the allegations, all of the insinuation, have proven to be absolute rubbish. Absolute rubbish! It is the sort of gross politicisation that you would expect from the Liberal Party in this place. Procurement decisions are made consistent with the requirements of the Government Procurement Act.

Mr Hanson interjecting—

MR BARR: Unions or any other stakeholder have no right of veto or undue influence over any procurement decision.

DR BOURKE: Point of order, Madam Deputy Speaker.

MR BARR: Can you stop the clock, please?

MADAM DEPUTY SPEAKER: Mr Barr, can you please sit down? Point of order, Mr Bourke?

DR BOURKE: Madam Deputy Speaker, Mr Hanson has been interjecting with the word "dodgy" across the chamber. That is unparliamentary.

Mr Hanson interjecting—

MADAM DEPUTY SPEAKER: Sorry, I do apologise, Dr Bourke. Can you repeat that?

DR BOURKE: Mr Hanson has been interjecting across the chamber "dodgy, dodgy". It is clearly unparliamentary and I ask that you suggest he withdraw.

Mr Hanson: That is not unparliamentary.

MADAM DEPUTY SPEAKER: I ask people to be respectful in the debate. Interjections should be limited and I just ask that people have some respect and regard in the chamber. Thank you. Mr Barr.

MR BARR: Thank you, Madam Deputy Speaker. The MOU operates entirely within the law and provides the government with important feedback on potential contractors' industrial relations performance. We value workplace safety and ethical sourcing of labour for government services and works. We know that the Canberra community rightly expects us to uphold those standards in our procurement processes. We will have no part of this tawdry political stunt from the Liberals today.

Mrs Jones interjecting—

MADAM DEPUTY SPEAKER: Before I go to the next speaker, Mrs Jones, I have just asked for people to have some respect and regard in the chamber.

MR RATTENBURY (Molonglo) (11.47): Members will, of course, recall that we already had a debate about this MOU in the last sitting period. My view was that some of the wording in the MOU was ripe for being twisted and manipulated for political gains, and that is exactly what I think is happening. Some of that language is probably what has caused some stakeholders to worry about how the MOU worked in practice. Nevertheless, we have got to the bottom of that.

Last time we debated this I detailed why I believed the MOU was a benign document, why it was not sinister and why, in fact, I believe it probably achieves better outcomes

on procurement. Mr Barr has since tabled information about the MOU—how it was created and how it is used. This was all tabled in the Assembly, and members can go through all of that information if they are interested.

Opposition members interjecting—

Mr Gentleman: Point of order, Madam Deputy Speaker. During Mr Rattenbury's speech we have had interjections again from Mr Doszpot and Mrs Jones, even after your warning.

Mrs Jones: Well, we weren't told not to interject. We were asked to be respectful.

MADAM DEPUTY SPEAKER: Mrs Jones, add interjection to that instruction to yourself, thank you. Mr Barr.

Mr Barr: Madam Deputy Speaker, the interjection from Mr Doszpot implied corruption on the part of Mr Rattenbury, and he should withdraw.

MADAM DEPUTY SPEAKER: Without hearing it, if there was any reference to corrupt activity, Mr Doszpot, I ask that you withdraw.

Mr Doszpot: I withdraw the comment, "How much did you get, Shane?"

MADAM DEPUTY SPEAKER: There is no explanation; you just withdraw, thank you, Mr Doszpot. Mr Rattenbury.

MR RATTENBURY: I invite members to reflect on what are the suspicious parts in that tabled information, and everybody can see that there are not any. It is plain from reading the MOU that its intent is to ensure that government procurement appropriately emphasises workers' rights and workers' safety. Probably about 90 per cent of the MOU reiterates the existing laws and procurement requirements that already operate in the ACT.

The government also has MOUs with other entities. Its MOU with ACT clubs has been discussed quite a lot recently, and I suspect it will get a run again this afternoon. There is an MOU with the Canberra Airport. There is nothing inherently wrong with having an MOU with an important stakeholder, and unions are an important stakeholder. They represent workers, and their close involvement with both employers and employees makes them a knowledgeable and useful stakeholder in procurement assessments.

It is clear that the Canberra Liberals have some kind of obsession with anything to do with unions. They see it as a vehicle for gaining political mileage. So even though we have a benign document her e in this MOU, they have to play it up as much as they can. One can make all the implications they wish or dream up all the sinister scenarios they wish, but that is not what this MOU is and it is not how it operates. No amount of bluster or political chicanery changes that.

As I said last time, not only have we been through the MOU in detail, but we have been through the process in detail with the ACT's procurement officials.

Opposition members interjecting—

Mr Gentleman: Point of order, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: Mr Rattenbury, please take a seat. Stop the clock, and I will take the point of order.

Mr Gentleman: Thank you, Madam Deputy Speaker. Again Mrs Jones interjects across the chamber.

MADAM DEPUTY SPEAKER: Yes. Mr Wall was heard in silence and—

Mrs Jones: I don't—

MADAM DEPUTY SPEAKER: Do not make a comment when I am seeking to allow Mr Rattenbury to make his speech in the silence that was afforded to Mr Wall. Mr Rattenbury.

MR RATTENBURY: Thank you. As I said last time, not only have we been through the MOU in detail, but we have been through the process in detail with the ACT's procurement officials. They have told us how this MOU works in practice. These are professional public servants who are subject to the Procurement Act as well as a range of other professional and ethical obligations.

I know Mr Wall is trying to make a political attack, but I think he should be careful that in his quest to score political points he does not smear these public servants and imply they are doing something dodgy. They literally administer procurement in the ACT. They follow the Procurement Act and they take their role seriously.

Mr Wall's media release yesterday said that the MOU gives unions veto power and influence over government contracts. He and Mr Hanson and others have made various other assertions of the same nature. I think Mr Wall and Mr Hanson should think more carefully about what they are saying. Are they suggesting our procurement officials do not follow the Procurement Act, that they ignore their obligations, that they break the law and let unions decide contracts?

As I said last time, ACT procurement officials do not just say, "Oh, a union asked us to do something, so we'll do it." In reality, if a union provides procurement officials with information, they will assess it. If it is valid and useful it will contribute to the procurement process. If not, then it will not be used. This is all in clauses 4.2 and 4.3, and that is all those clauses allow: they formalise a process for receiving information from unions. In practice, the process works by providing unions a list of tenderers, information that is already publicly available and is also available to other stakeholders. It is published on the contracts website. Nothing in the MOU holds up the standard procurement time lines or incurs extra costs. No inappropriate or commercial-in-confidence material is provided.

Other stakeholders also provide procurement officials with information. The business community provides procurement officials with information as well. You would not know that from listening to Mr Wall, but that is, in fact, the case. No MOU supersedes the usual procurement obligations. In fact, the MOU itself states this clearly several times. Clause 1.3 of the MOU, for example, says:

> Nothing in this MOU is intended to oblige the ACT Government to act in any way in breach of any law or trade agreement.

Clause 1.4 says the agreement applies subject to the government Procurement Act 2001. It is quite frustrating and, frankly, disingenuous that the Liberal Party just ignores all of these facts. If you were making a procurement decision and you wanted to make sure that your decision appropriately took into account the safety and rights of employees, it makes sense that you would want to receive information from any entities that had useful information on these topics.

I was particularly struck by the remarks that Mr Wall made towards the end of his speech where he talked about the necessity of business confidence and the necessity of commercial in confidence. This is, of course, coming from a party in this place who are threatening to tear up a contract that the government validly signs and who moved a bill in this place yesterday to actually remove a range of commercial in-confidence provisions. It is worth reflecting on the irony and, in fact, the hypocrisy of that stance, particularly if Mr Wall is going to stand up in here and use those as key arguments in the proposition he is putting today.

I want to emphasise what I think is a very relevant point to this debate, that is, that neither Mr Wall nor any of his colleagues in the Liberal Party have even bothered to meet with ACT procurement to ask about the MOU and to ask them how it works or if it affects the usual procurement process in any way. I really think they should do that. Why have they not met with procurement when this is apparently such an important issue? It is because that would get in the way of them fanning the flames for a political issue.

That would get in the way of them making sinister implications, like the one in Mr Wall's media release where he says the MOU gives unions veto power. It is one of those issues where they do not want to know the truth because it does not suit their political agenda. How about before you drag government officials to an inquiry and create a lot of fanfare, you actually try to have a briefing with them?

This motion and the suggestion of setting up a committee is one of the clearest examples I have seen of the Liberal Party wanting to use the committee process as part of a political crusade. Read the actual MOU. Talk to the procurement officials in government. Try to stop being wilfully blind so that you can bluster about unions and corruption and other such insinuations. It is hard to stomach the idea of setting up a committee and committing the time and resources that requires because the Liberal Party wants to ignore the facts for a chance to play politics with their favourite topics.

The Greens sometimes meet with unions and I often consult with them, especially on legislation that might relate to industrial relations or workplace health and safety. They are an important stakeholder. Should we hold an inquiry into that as well? Of course we should not. The view of unions is important and useful. They frequently provide useful information and context. This consultation helps us make better decisions.

I note Mr Wall's motion says the MOU does not contribute to procurement outcomes, and I believe that is wrong. In fact, when I met with officials about this they said that unions can provide information that is of assistance in making good procurement decisions. As I have said, through their work, unions are intimately involved with companies, their projects, their records and their interactions with the law, such as through Fair Work Australia. Giving unions a ready avenue to provide this information to procurement officials is useful. The officials then use it in their decision-making, if it is relevant. The information is, of course, viewed carefully and critically as the officials view any information that they receive. This is all useful information when it comes to making decisions that properly take into account worker health and safety. That is an outcome that all of us should want. We should all want the safest workplaces and for our workers' rights to be protected and respected.

To conclude, as I said last time we discussed this topic, despite the obvious attempts at politics, and the innuendo and accusations, this is just an MOU that emphasises the importance of worker rights, health and safety and the role that unions play. It essentially offers an easy avenue for unions to provide information on these matters which procurement officials use as appropriate subject to their existing obligations.

There is no need to hold an Assembly inquiry; it will clearly be another Liberal Party theatre piece. The Liberals have never bothered to look at this document properly and objectively and have never made inquiries to the procurement arm of government that actually administers the contracts. Instead, they are being wilfully blind, making inappropriate assertions and innuendo and trying to twist the truth for base political purposes. I cannot support that.

MR HANSON (Molonglo—Leader of the Opposition) (11.58): I thank Mr Wall for bringing this matter before the Assembly today. It is very important with any government that they can be trusted to behave fairly and that business in this town can believe they are playing on a level field. Sadly, the community and business in this town do not believe that. Industry representatives have spoken out publicly to say that something is badly wrong, that the arrangement between the ACT government and UnionsACT does not create a level playing field. What it does is provide the CFMEU particularly with a tool to basically allow the CFMEU to bully, to coerce and to intimidate in the workplace.

We have seen evidence of this through the trade union royal commission. What this Labor government is doing, supported by the Greens minister, is giving the CFMEU greater power to intimidate, coerce and behave illegally in the workplace. It is absolutely outrageous. As a result of the power this government is handing over to the unions, the CMFEU in particular are able to reap literally millions of dollars out of industry through inflated contracts, demanding that business sign up to EBAs and other intimidatory behaviour.

The CFMEU are direct beneficiaries of this document; of that there is no doubt. Industry has said that very clearly. That is well understood. Even Jon Stanhope has railed against the conduct of the unions. But what is in it for the Labor Party and the Greens? I will tell you what is in it: money and power. What we are seeing is the CFMEU directly bankrolling the Greens and the Labor Party. The CFMEU are able to make millions of dollars because they are supported in their thuggery by the Greens and the Labor Party, and they then donate tens of thousands of dollars to Mr Rattenbury's party and Mr Barr's party.

And they give power, because out there in our community the unions are campaigning on behalf of their benefactors: the Labor Party and the Greens. If you doubt what I am saying, just have a look through the media where they will proudly say it. We know the unions have been campaigning in my electorate, deliberately trying to target me with robocalls. We know UnionsACT have put advertising on buses to try to prop up the Labor Party's support and the Greens' agenda for light rail. They are literally out there campaigning on buses with a political campaign to try to prop up the Labor Party.

If you think that this "I pledge" campaign where the unions are out there knocking on doors dressed up as firies and nurses is anything about fairness in the workplace for some of them, let us see what they are pledging. Have a look at the Unions ACT Twitter account and see what they are saying. There are a lot of tweets re-tweeting the CFMEU. But let us see what the pledge says. It says to put the Liberals last. That is the pledge. So UnionsACT and the CFMEU, who are the beneficiaries of the MOU who donate to the Labor Party and the Greens, are then out there saying with their pledge to put the Liberals last. And well they would because they want this MOU to continue because it supports their thuggery, their intimidation and their coercive behaviour. There is a whole pretence that this is some sort of campaign to explore what people are thinking. But have a look at it. "I pledge at this election to stand up for a bunch of things. Put the Liberals last."

Let's have a look at some of the tweets they have put. UnionsACT, what have they said? "Let's make sure Peter Hendy gets out and stays out." So they are actively out there campaigning on behalf of the Labor Party and the Greens. They are the beneficiaries of the MOU and they donate to the Labor Party and the Greens. Here is another one: a picture of two unionists, "What cuties! Union members standing together to put the Liberals last." UnionsACT is a signatory of the MOU with the Chief Minister—both Labor Party acolytes—and is out their campaigning against—

It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77. Ordered that the time allotted to Assembly business be extended by 30 minutes.

MR HANSON: Here is another one from Unions ACT. There is a party at the Wig & Pen with unionists from around the country, "We're ready to take Hendy down." This is from a signatory to this supposed government document—or is it a Labor Party document? Who knows? Mr Rattenbury did not even know of the existence of this document. He supports it because he has been told to. His cheques to the party possibly rely on it.

Here is some media reporting, "The peak trade union body is increasing pressure on opposition leader Jeremy Hanson." Here is a tweet tweeting the CFMEU. Here is another one, "On July 2 we need to put the Liberals last." Here is another one, Unions ACT, "Big thanks to Mick Gentleman." He is out there with UnionsACT. He was at a dinner together with UnionsACT. Here is another one—Yvette Berry. There they are. They sign the UnionsACT MOU. They get lots of money from unions through their donations. They allow the unions to go out there and campaign for them and they get a lot of money signing the MOU. And who gets to pay for this? Ultimately it is the ACT taxpayer and it is Canberra businesses that will suffer.

The CFMEU are out there tweeting as well. Alex White, what does he say? He is the signatory on the MOU. There is a picture of me on his Twitter page saying that I get donations from the mafia and gangland lawyers. This is a person that the Chief Minister is signing documents with to allow the unions to intimidate in the workplace. The person the Chief Minister has signed that document with saying this is all just about workplace safety is the same person tweeting these outrageous comments.

Mr Rattenbury: Have you listened to your own interjections in this place? They're in exactly the same vein.

MR HANSON: There is an interjection.

Mr Rattenbury: Your interjections are just like that, Mr Hanson, and you know it.

MR HANSON: There is an interjection. These are extraordinary tweets. I invite you all to have a look at them to confirm that this is not about workplace safety. This is not in any sense trying to help workers; this is about trying to create a money-go-round and supporting power in this town—union power, Labor Party power, Greens Party power—to enable them to continue on in this circular arrangement where the government signs the MOU, the unions get out there and make a lot of money, they then prop up the Greens and the Labor Party, and it goes around and it goes around.

The fact that today the Greens and the Labor Party have said they are not going to support an inquiry to have a look at this issue in more detail is illustrative of the fact that these two parties want to keep this little cosy power arrangement with the CFMEU and UnionsACT going. They are the mutual beneficiaries of it. They get invited along to dinners together. They are beneficiaries of all the money that comes in from the donations. They are the beneficiaries of this group out there polling for them and putting adverts out for them. They can use the union movement—the CFMEU and UnionsACT—to put out attacks on their political opponents, and we have seen that directly. They have accused the Liberal Party of some pretty scurrilous things I would have to say.

Madam Deputy Speaker, I am disappointed but I am not overly surprised. What we are going to see in the lead-up the election is a lot more money coming out of the union movement into the Labor Party and the Greens. We will see a lot more activity out there campaigning because they both know that it is to their benefit, both financially and in terms of power, for this cosy little MOU to continue.

Mr Barr: Madam Deputy Speaker, under standing order 213 the Assembly can order a member to present a document they have quoted from. The Leader of the Opposition appeared to be quoting extensively from a mobile phone. I am interested, Madam Deputy Speaker, in seeking either you or the Speaker to make a ruling in relation to quoting from electronic devices and whether standing order 213 applies in that context.

Mr Hanson: On the—

MADAM DEPUTY SPEAKER: Thank you, Chief Minister. Mr Hanson, on a point of order.

Mr Hanson: Yes, on your ruling on the standing order. I probably recall a dozen or two dozen occasions of ministers quoting from their iPads. Indeed, I recall the Chief Minister regularly quoting from his iPad, and Mr Gentleman. I see them all with their iPads here—and Mr Rattenbury with his computer. I think that the standing order is about documents. If we are in a situation where we are asking people if they have quoted from electronic devices, Mr Barr has regularly—

MADAM DEPUTY SPEAKER: Just stop, Mr Hanson.

Mr Hanson: To hand them over—then I would equally say that we are in a position where we will be securing every single minister's laptop.

MADAM DEPUTY SPEAKER: Mr Hanson, I think you have made your point on that point of order. It does raise the interesting concept of electronic devices and access to other material. I will not be asking Mr Hanson to hand his phone over, but I may have a discussion with the Speaker and raise this matter in admin and procedure for future reference. We will move to the question at hand, which is that the motion be agreed to. Mr Wall.

MR WALL (Brindabella) (12.10), in reply: It is a sad day, Madam Deputy Speaker. It seems that the Greens are there and Mr Rattenbury has transferred from the crossbench well and truly firmly into the Labor Party. He is a beneficiary of the unions' largesse in its political donations, he toes the union line, and it seems that any independence or any ethical standing that he stood to have any credit left for as a genuine crossbench member has gone. He has walked away from his Latimer House principles. The call for more scrutiny, more open and transparent government; those calls are gone.

Mr Rattenbury stood up before, as did Mr Barr, and said that our claims are unsubstantiated and are incorrect, that this agreement has perverted the honest and integral system of procurement in the ACT. If that is the case, you should not be ashamed or scared of allowing a committee to be established to examine that agreement. If the agreement is what you say it is and is the bastion of good governance, a committee inquiry would show that. A select committee would examine it, and that would be its findings. Instead, you are using the cover of the numbers, the protection racket that is being run by Mr Rattenbury, to hide from that additional scrutiny. That is shameful, Madam Speaker. It is absolutely shameful.

I think the ACT at the border needs a big red sign that says: "Closed for business. No ticket, no start. This is an absolute closed shop. This is a closed shop. Unless you are on the payroll of the union or in the pocket of the union—or, more correctly, filling the pocket of the union—you will not get a fair go in this place."

Ms Burch: Madam Speaker, I think there is an inference in there—

MADAM SPEAKER: Have you got a point of order?

Ms Burch: Yes. I think there was an inference in there from that language that there was some unsavoury, if not corrupt, behaviour between the union and members of this chamber. I refer to "filling the pockets" thereof.

Mr Hanson: Madam Speaker, on the point of order—

MADAM SPEAKER: On the point of order.

Mr Hanson: I think the point that the unions fund the Labor Party, who are signatories to the MOU, was a debating point that both Mr Wall and I made repeatedly. I do not think that it is in doubt, Madam Speaker.

MR WALL: If I may clarify, Madam Speaker?

MADAM SPEAKER: Yes, on the point of order.

MR WALL: I was referring to the ACT being a closed shop, there being no ticket, no start, and that unless you are a friend of the union or in fact filling the union's pocket you are not eligible—

MADAM SPEAKER: I think I got that, Mr Wall.

MR WALL: It was not a reflection on any member of this place.

Mr Gentleman: On the point of order, Madam Speaker, if I—

MADAM SPEAKER: On the point of order, Mr Gentleman.

Mr Gentleman: Standing order 55 says:

> All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

MADAM SPEAKER: I understand, Mr Gentleman, what the standing order is.

Mr Coe: May we stop the clock, Madam Speaker.

MADAM SPEAKER: No, it is all right. I understand what the standing order is. The question is whether it is an imputation against a member of this place. I think it was a

general debating point. I believe it was a general comment. Mr Wall did not, in any way, say that anyone in this place was filling the pockets of the union. Therefore, I have to remind Mr Wall and others to be mindful of the standing order, but I think in this case he did not transgress. On the question that the motion be agreed to, Mr Wall.

MR WALL: Thank you, Madam Speaker. It seems that this is well and truly a closed shop in the ACT, that only those who deal with the unions are going to get favourable consideration during the government procurement process. Those opposite are willing to hide and run from that scrutiny. We are about to sign a contract which is going to be tying the government, tying the ACT taxpayer, to funding the dud project of the century, the ACT light rail project, capital metro, and they are not even willing to subject the unions' MOU with the government and the impact it may have had on that project to scrutiny.

Just this week Mr Corbell said that the Capital Metro Agency provided a copy of the MOU to both consortia in May last year. So clearly this agreement is on the table, clearly this agreement is in action, and clearly this agreement has an influence over the decisions that are being made by procurement authorities in this city.

The light rail is the most interesting one, because it was not decided by public servants within Procurement ACT. This project was in fact decided by cabinet. Those members opposite were the ones responsible for making this decision. You have a questionable deal with the agreement with the unions in place. You have the agreement being given to both consortia. Obviously the unions have provided some level of feedback—obviously not enough to ultimately change the decision that is made, but I dare say that at some level, on many occasions, the feedback that unions have provided to Procurement ACT has in fact had an influence on the outcome of the decision. It is impossible to imagine a scenario where that would not have occurred.

But here we have light rail. The consortium is provided with the MOU, ministers in this place are making the decision, and their union masters inevitably are in their ear telling them which horse to back. That stinks. It absolutely stinks—particularly their inability to stand up, accept their actions and allow some scrutiny.

We are a unique parliament. We are a unicameral system here. There is only this chamber. The review of decisions of government and decisions of this place can only happen in the committee system. They are not willing to subject themselves to that. Fifteen years is too long. They are out of touch and out of line with expectations of the community, ratepayers and, most importantly, industry.

Mr Barr continually tries to attract new business, new industry, here. He is spending thousands of dollars on his sojourns over in Singapore and China. But we are running a closed shop here. Businesses from those parts of the world will not have the confidence to come here, release their intellectual property and put it before government knowing that an extension of government, the union movement, is being given that information.

It has been raised that during the procurement process IRE certificates and the like are checked with other agencies of government. That is fine. In house, do your due

diligence. Do not go giving it to a third party. That is inappropriate and, I dare say, is bordering on an illegal delegation of powers. It is definitely improper. It is not what the people of the ACT elected that government over there to do. You could probably even question whether they were properly elected, given that they are in there by the sole vote of one crossbench member. The majority of votes did not go to those parties that formed government at the last election. They are clinging on by their fingernails and they are doing everything they can to use their numbers to hide from any scrutiny. That should be absolutely deplored.

Question put:

> That the motion be agreed to.

The Assembly voted—

Ayes 7		Noes 8	
Mr Coe	Mrs Jones	Mr Barr	Mr Corbell
Mr Doszpot	Mr Smyth	Ms Berry	Mr Gentleman
Mrs Dunne	Mr Wall	Dr Bourke	Mr Hinder
Mr Hanson		Ms Burch	Mr Rattenbury

Question so resolved in the negative.

Sitting suspended from 12.21 to 2.30 pm.

Visitors

MADAM SPEAKER: Before I call the Leader of the Opposition, I acknowledge the presence in the chamber this afternoon of members of the University of the Third Age, who have been at the Assembly for one of the education programs today. Welcome to your Assembly.

Questions without notice

University of Canberra—Brumbies relationship

MR HANSON: My question is to the Chief Minister. Chief Minister, in relation to the Brumbies and the University of Canberra development saga, when did you become aware that Mr David Lamont was an adviser to the University of Canberra, the Brumbies and the property developer simultaneously?

MR BARR: I do not believe that is the case.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: What due diligence did your government exercise when you became aware of the conflicting roles of the lobbyist representing at least two of the parties, possibly three?

MR BARR: I do not believe that is a statement of fact. As such, it is difficult to respond to hypothetical assertions from the Leader of the Opposition.

MADAM SPEAKER: Supplementary question, Mr Wall.

MR WALL: Chief Minister, what involvement did Mr Lamont have with each of the entities as far as you are aware? To your knowledge, what involvement did Mr Lamont have with each of the entities involved in the UC deal?

MR BARR: I understand that Mr Lamont had a role with the University of Canberra.

MADAM SPEAKER: Supplementary question, Mr Wall.

MR WALL: Chief Minister, what did you do to satisfy yourself that there was no conflict of interest given the multiple roles that Mr Lamont was playing, and other lobbyists in his employ?

MR BARR: Mr Lamont had no role in the government decision-making process associated with providing a budget allocation, a budget grant, a capital grant, of $5 million towards the Brumbies headquarters, nor did Mr Lamont have any role in the ACT government's decision to also provide additional support towards that project by way of a lease variation charge waiver. The ACT government sought to support the ACT Brumbies and the University of Canberra through the establishment of that new high performance sports facility that hosts, amongst others, the ACT Brumbies. It also hosts a number of other community sport programs and sports research associated with the University of Canberra.

That is the purpose of that particular development: to strengthen the University of Canberra, particularly in its sports science research. As I understand, the University of Canberra is also working with the Australian Institute of Sport in its sports science research programs.

Planning—Brumbies lease variation

MR COE: Madam Speaker, my question is to the Treasurer. Treasurer, on Wednesday, when I asked who handled the negotiations for the Brumbies lease variation charge waiver, you said:

> Those are matters that the Treasury has policy responsibility for.

Who was the Treasurer at the time, and what involvement did you or your office have in the decision to waive the LVC for the sale of the Brumbies land in Griffith?

MR BARR: I was the Treasurer at that time, and the Treasury advised the Treasurer, as you would expect.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: What due diligence was done before the decision was made to waive the $7.5 million lease variation charge for the Griffith site?

MR BARR: Full due diligence.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Chief Minister, what advice did Treasury provide to you about whether the lease variation clause should be granted? What advice was given by other directorates about that matter?

MR BARR: The Treasury provided advice to me that the lease variation charge waiver was supportable and I supported such a lease variation charge waiver for the purposes that I have outline previously.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Chief Minister, who was the leaseholder at the time of the LVC waiver?

MR BARR: The ACT and Southern NSW Rugby Union Inc. That is my understanding.

Planning—Brumbies lease variation

MR WALL: My question is to the Chief Minister regarding the Brumbies' move to the University of Canberra. Chief Minister, have you personally held any discussions with Mr Lamont about the waiver of the lease variation charge for the Brumbies?

MR BARR: I believe I would have discussed the matter with Mr Lamont once I had made a public announcement in relation to the government's intention. I wrote to Mr Fagan, the then CEO of the Brumbies, in September of 2012, indicating that the government was prepared to consider a waiver up to a certain value. And then subsequently, once the value was assessed by the ACT Planning and Land Authority through the usual processes, I approved a waiver of the value of just a little over $7.5 million with the specific purpose of that being allocated towards the new project at the University of Canberra which, I note, is completed. The Brumbies and other organisations now operate from that facility.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Chief Minister, will you now table all documents regarding the lease variation charge waiver to the Brumbies?

MR BARR: Yes, I am happy to provide the lease variation charge waiver documents.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Chief Minister, what was your role in negotiating or facilitating the federal Labor 2013 election promise to fund the sports hub at the University of Canberra?

MR BARR: I supported that policy announcement. I did attend the announcement of that policy position, but I understand the former member for Eden-Monaro, Mike Kelly, was also an advocate for that outcome. It was a particular commitment that was made at the 2013 election, and political parties are entitled to make election commitments prior to elections.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Chief Minister, when did you first become aware that Mr Lamont was to be awarded an adjunct associate professorship from the University of Canberra for none other than contracts, construction and project management?

MR BARR: About three seconds ago, Madam Speaker.

Energy—battery storage

MR HINDER: My question is to the Deputy Chief Minister, in his capacity as the Minister for the Environment and Climate Change. Minister, can you update the Assembly on the next generation renewable energy storage pilot that you announced last December?

MR CORBELL: I thank Mr Hinder for his question. I am very pleased to advise members that the government continues to push forward with its strong agenda supporting the rollout of new technologies in the energy supply sector that lead to a more sustainable Canberra and also lead to greater diversity of energy security and supply, and critically are helping to create jobs and investment in our city.

Last December, as members may recall, I announced that the government would be supporting a next generation energy storage pilot worth $600,000. The purpose of that was to provide for grants to a range of businesses through a competitive process to support the development of distributed battery storage in households and businesses across the ACT, building our capacity as a centre for renewable energy excellence, supporting the growth of start-up businesses in this sector and helping to strengthen the government's commitment to and our community's strong support for the 100 per cent renewable energy target.

I am very pleased to inform members that last month I announced that three companies, all based here in the ACT, were successful in each being awarded approximately $200,000 to install battery storage in Canberra homes and businesses. Those three businesses are SolarHub, ActewAGL Retail and ITP Renewables. They are the first winners of the next generation energy storage pilot, which is helping to make battery storage more affordable for Canberrans and will be the first step in the rollout of what will be the largest trial of household batteries in an urban environment in any country around the world, with the exception of Germany.

We received 12 very highly competitive bids from a broad range of local and nationally based businesses. Each of the companies will receive $900 for each kilowatt of sustained peak output that their batteries provide. For home owners, this means a discount of around $2,700 on a battery that can provide three kilowatts of sustained peak output. This means we will be supporting battery storage in around 200 Canberra homes as part of the pilot.

Overall, of course, this is just the first step towards the rollout of a program over the next three to four years that will see the development of 36 megawatts of storage capacity in households and businesses. It links the very high level of PV installation, solar cell installation, that we see in households and businesses across the ACT with the capacity for those households and businesses to store that electricity and then to use it at times when they need it most, when the cost of electricity is the highest, or potentially to sell it back into the grid and get a return on that sale.

This is a very important shift in the energy sector, and I am very pleased that the ACT and Canberra are leading Australia in the rollout of battery storage. Not only are we doing it in a way that will identify the regulatory and technical barriers that are there for the uptake of this new technology, but it is supporting Canberra industries and Canberra jobs. We are supporting smart start-up companies here in the ACT as well as well-established Canberra-based commercial firms that want to make this transition with us, and I look forward to their ongoing participation. *(Time expired.)*

MADAM SPEAKER: Before I call Mr Hinder, during the minister's answer there was a lot of conversation on the opposition benches. I do not mind conversation, but can you keep it down, please. It was hard for me to hear, and I am sure it was distracting for Mr Corbell. Mr Hinder.

MR HINDER: Minister, can you outline for the Assembly how the renewable energy reverse auction currently underway will contribute to the rollout of battery storage in the ACT?

MR CORBELL: I thank Mr Hinder for his supplementary. As members would be aware, the government is also conducting a large-scale reverse auction for what is now—as of the debate this afternoon where I trust we will see support—200 megawatts of large-scale renewable energy generation, which could be either solar or wind generation, at large commercial scale. This auction is not only going to deliver us the extra renewable energy we need to reach our 100 per cent renewable energy target by the year 2020—a commitment that has been welcomed very warmly in the local community and nationally—but it will also see those winning bidders making a contribution to support the grants program that will assist us to roll out the next generation battery storage initiative.

Those bidders will be required to make a commitment as part of their bid to fund that next generation battery storage initiative. This is not taxpayers' money that is being used to provide grants; instead we are leveraging the strong interest and the strong level of investment that private solar and wind developers are prepared to make to roll out battery storage here in the ACT.

Obviously the issue with renewables has always been intermittency: the ons and offs of generation associated with wind and solar. Of course, batteries address that problem because they provide for that energy to be stored and then to be deployed as needed either to meet demand or, indeed, to sell back into the grid past the meter. These are very important shifts. Already we have seen this approach draw real success for our city with over $400 million worth of investment so far in our economy. *(Time expired.)*

MADAM SPEAKER: Supplementary question, Ms Burch.

MS BURCH: Minister, can you outline to the Assembly the benefits to the ACT economy available from the rollout of battery storage and other renewable energy projects?

MR CORBELL: I thank Ms Burch for her supplementary. There are two key benefits. The first is that we are avoiding costs that would otherwise be passed on to consumers by the need to upgrade and expand the electricity network. The government has identified that by supporting 36 megawatts of battery storage in homes and businesses across the ACT, we are avoiding the need to upgrade our electricity network to the tune of somewhere between $62 million and $220 million.

The costs associated with expanding the electricity network in a conventional way are, of course, passed through to electricity consumers. To the extent that we can avoid those costs, we are helping to reduce costs to electricity consumers. So that is a real benefit to consumers and to the ACT economy.

But the other benefit that comes from this initiative is the investment we are making in growing innovation and growing businesses right here in Canberra. There is a broad range of Canberra-based companies engaged in this space already. ITP Renewables, SolarHub and ActewAGL are all Canberra-based companies, all of whom were successful in the first round. But there are others that are also partnered with some of those winning bidders. For example, Reposit Power is a very important Canberra-based start up selling proprietary software in the battery storage and renewable energy space. They are also benefiting from this investment.

If we talk about diversifying the economy, if we talk about supporting start up and innovation, the renewable energy sector is critically important. This has been recognised not just by the government but by organisations like the Canberra Business Chamber who now have it as one of their key priority areas for industry support and development. Those are the benefits that accrue from these policies. They are not just environmental but also economic.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, what impact will paying an additional $300 per year per household as a result of your government's energy renewable target have on Canberrans struggling to make ends meet?

MR CORBELL: Of course, the impact of moving to 100 per cent renewable is largely offset by reducing demand and therefore reducing costs for households in their use of electricity. The government has, of course, enacted important energy saving legislation that requires energy retailers to provide energy saving devices and measures into customers' homes. The benefits that accrue to those households are around $5 per household per week in reduced energy use. When you look at reducing energy use and the very modest transition cost that is required to go to renewable energy generation of $5 to $5.50 per household per week, you can see that this is an entirely affordable, fair and credible policy.

Indeed, if you look at the overall benefits to the ACT economy of the government's energy efficiency savings scheme, which is on the public record, tabled in this place in debates previously, you can see that the overall benefit to the ACT economy and to households participating in those energy saving schemes is over $100 million ongoing.

That is the policy setting this government has: reducing demand, reducing costs, to help us make a just transition to a clean energy future. There are environmental benefits in doing this and there are economic benefits in doing this. The only ones in this town who do not want to get on board with these important shifts and important transitions are those opposite.

Calvary Heath Care—data integrity

MR SMYTH: Madam Speaker, my question is to the Minister for Health. Minister, an Auditor-General's report found that at Calvary Health Care there was a manipulation of health reports in order to mislead. After the falsifications at Canberra Hospital in 2012, how could this happen again?

MR CORBELL: It is very disappointing that this occurred, and the Auditor-General has rightly identified a number of issues that need to be addressed, both in terms of the management of Calvary public, which is, of course, the responsibility of Calvary Health Care and its parent company, the Little Company of Mary, and also on the part of ACT Health in terms of our oversight of those contractual arrangements.

I am very pleased to say that since the auditor commenced her investigation—and it is worth reminding the Assembly that the auditor commenced her investigation on a referral from ACT Health itself—significant steps have been taken to strengthen governance and oversight. I am confident that those arrangements are giving us the level of scrutiny, oversight and appropriate governance that is needed.

MADAM SPEAKER: Supplementary question, Mr Smyth.

MR SMYTH: Minister, why did the government not insert control mechanisms to ensure that such manipulations could not occur following the 2012 data doctoring?

MR CORBELL: As I have said in my earlier answer, we have strengthened the governance and oversight arrangements as a result of these matters coming to our attention.

MADAM SPEAKER: Supplementary question, Mr Hanson.

MR HANSON: Minister, do you maintain that the published data around Canberra Hospital and Calvary hospital performance is correct, in particular, emergency department data?

MR CORBELL: I do not accept the position of those opposite, which is that all data and all reporting must be questionable because of this incident. This incident occurred in the context of the actions of a small number of people in management at Calvary Health Care who are now no longer employed by Calvary Health Care. Their motivations and their reasons are things people will have to speculate on—

Mr Hanson: A point of order.

MADAM SPEAKER: A point of order. Stop the clocks, please.

Mr Hanson: On a point of order of relevance, the question was whether the minister maintained that the published data about Canberra Hospital and Calvary hospital performance is correct and complete, particularly relating to ED data. I want to get that confirmation that it is correct and complete, not a dissertation about the particular aspects of who referred whom to what in this latest investigation.

Mr Corbell: I don't accept the premise of the question.

MADAM SPEAKER: Sorry, it is not up to you to accept the premise of the question; it is up to me to rule on the point of order. I remind the minister that the standing orders require him to be directly relevant. Mr Hanson's question was: do you maintain that the published data is correct. Mr Corbell.

MR CORBELL: I do not accept the premise or the insinuation in the question, which is that the data was not correct. At all times ACT Health work to provide accurate and correct and concise data. That has been our position throughout.

MADAM SPEAKER: A supplementary question, Ms Burch.

MS BURCH: Can the minister outline the government and ACT Health's response to the Auditor-General's report?

MR CORBELL: I thank Ms Burch for her supplementary. The government has already put in place a range of mechanisms to strengthen governance and oversight with Calvary Health Care. The delivery of services at Calvary Public Hospital is not undertaken by management of ACT Health; it is delivered by the contract partner: Calvary Health Care and the Little Company of Mary. Calvary Health Care and the Little Company of Mary have set out their response to these matters quite clearly, and they cooperated fully with the Auditor-General throughout the investigation of this matter.

It is worth reminding members opposite and those who are listening to these questions today that at no time was there any loss to the territory of funds, and at no time was there any suggestion that the funds provided to Calvary Public Hospital for the delivery of healthcare services were not spent on the delivery of healthcare services. They clearly were. These were irregularities in the financial record keeping of the accounts of Calvary Public Hospital by the executives responsible at Calvary Health Care. Those executives are no longer responsible for these matters and are no longer employed by Calvary Health Care.

Housing ACT—asbestos

MS LAWDER: My question is to the Minister for Housing, Community Services and Social Inclusion. Minister, I have been contacted by a constituent who bought a property from Housing ACT in 2009 and then discovered that it contained asbestos. From the constituent I understand that an engineering assessment found the property to be uninhabitable. It is my understanding that the constituent tried to access records from prior to 2003 about the former Housing ACT property through an FOI request and they were told that those records could not be found. Minister, does Housing ACT keep records of the condition of all of its properties, including for all approvals of work done on its properties? If so, how far back do the records go? What is the usual process for the community to access those records?

MS BERRY: I will have to take some advice and bring that information back for the member.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, does Housing ACT have records of which Housing ACT properties contain or contained asbestos, and does it notify potential buyers of this? And if so, what form does that notification take?

MS BERRY: Thank you for the question, Ms Lawder. If the member is referring to loose-fill asbestos, which was identified in some of the homes across the ACT through the Mr Fluffy task force, the Mr Fluffy task force has information on homes that contain loose-fill asbestos, and that might be the appropriate place for the member to ask those questions.

Housing ACT had five houses that contained Mr Fluffy asbestos. Four of those homes have been emptied, and I think one of those homes has actually been demolished as part of the work of the asbestos task force.

Specifically on other homes in the ACT that have asbestos in them, many homes that were built around the 1970s and 1980s have bonded asbestos in the homes. It is not an unusual thing for homes in the ACT to have bonded asbestos. I will get some advice, but I am not sure that there would be a detailed list of every home that had bonded asbestos, nor do I think there is a detailed list of homes that have bonded asbestos that are not Housing ACT properties.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, how many records for Housing ACT properties have disappeared in this manner, and does Housing provide a building report for properties that it sells?

MS BERRY: I will have to take some advice on that question and come back to the Assembly with some information for the member. Thanks for the question.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, how many homes have been sold by Housing ACT that building reports have found to be uninhabitable?

MS BERRY: I will have to take question on notice as well.

Asbestos—property sales

MRS JONES: My question is to the Chief Minister: in April the first of the cleared Mr Fluffy blocks of land were offered for sale at public auction. It has been reported that one block sold for more than 61 per cent above the unimproved value and that others sold for well in excess of unimproved value. The government estimated anticipated sales only at 25 per cent above unimproved value. How many previous Mr Fluffy block owners have purchased back their blocks of land?

MR BARR: I think there was just one question and it was a preamble at the beginning?

MADAM SPEAKER: Yes, a preamble is allowable.

MR BARR: Only 10 blocks have been sold at this point.

Mrs Jones: A point of order on relevance.

MADAM SPEAKER: Yes.

Mrs Jones: The question was: how many owners have bought back their blocks? Even if only 10 have been sold, the question was: how many have bought them back?

MADAM SPEAKER: The question was clearly how many people had bought back their blocks.

MR BARR: Those were auctioned, so those were properties where the owners had not exercised a right to purchase back the property.

MADAM SPEAKER: Supplementary question, Mrs Jones.

MRS JONES: Minister, are the auction results pricing the previous owners out of being able to return to their blocks?

MR BARR: No.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, what is the government's revised estimate of the cost of the Mr Fluffy buyback scheme based upon the auction results?

MR BARR: Ten blocks are not a sufficient sample to make significant adjustments, but the advice I have at this stage is that there is no change as a result of the results of those first 10. As more data becomes available, the government will, of course, update those expectations.

If the imputation in the question is that the government will make any money at all out of the Mr Fluffy process, that is patently wrong and will never be the case. The issue is whether the community will be out of pocket $400 million or something slightly less than that.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, will the prices realised so far now mean that the government could make a profit from the scheme, and what is your revised estimate of the outcomes?

MR BARR: No, definitely not. There is no way that the government can make a profit given the costs associated with the buyback, the demolition, the remediation and all of the assistance that has been provided. So let me be absolutely clear: the government and, through the government, the broader community will be making a significant contribution in the several hundreds of millions of dollars to the eradication of the Mr Fluffy legacy. This suggestion that there is a profit to be made by anyone is fundamentally wrong.

Schools—Black Mountain School

MR DOSZPOT: My question is to the Minister for Education. Minister, what is the current status of the Black Mountain special school swimming pool? Is it currently functional and operational?

MR RATTENBURY: I have not received any advice or any concerns on that matter, but I will happily look into it for Mr Doszpot and provide him with some information.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, could you also look into when the government or the directorate first became aware of the leak at the pool and what damage the water loss has caused?

MR RATTENBURY: Yes, I will seek that information and provide it to the chamber.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, are all swimming facilities at special schools across the ACT currently operating?

MR RATTENBURY: Again, I have not received any advice that there are any problems, nor have I received any complaints. But I will check that matter and report back to the Assembly.

Community services—human services blueprint

MS BURCH: My question is to the Minister for Housing, Community Services and Social Inclusion. Minister, can you provide the Assembly with an update on the implementation of the better services reform program?

MS BERRY: I thank Ms Burch for her question on better services, which was launched by Ms Burch and the Chief Minister in west Belconnen when she was the Minister for Community Services. The $3.2 million investment in three better services initiatives is seeing an improvement in the support for Canberrans and, ultimately, the quality of life of a vast number of Canberrans. We are seeing Canberrans benefit from the right service at the right time—a service that is right for them.

Better services considers the person within the context of their circumstances and their community. Better services strives to assist one person on a journey through the community services system and in their community rather than one person up against a set of problems and a number of different service providers that may fix some but not all of the problems. The three initiatives are showing us a new way of working so we can work together, collaboratively, and make a real difference in the challenging lives of diverse Canberrans.

Each initiative has its own stories of success: the human services gateway is helping clients to connect to the services they need. For example, in February, a young mum entered the gateway. She had recently left a domestic violence situation and was facing homelessness. The gateway was able to support her to submit rental applications and access domestic violence support services, emergency relief providers and employment coaching. She has now secured private rental accommodation and is being supported to maintain her new job.

The strengthening families initiative is working with families to coordinate their services and supports whilst also building the confidence, capability and strengths of the family. A single father involved in the strengthening families initiative recently reported:

> My Lead Worker helps me see that I'm worthwhile doing what I'm doing. So, I am making the right decisions. Even though I'm taking 3 steps forward, 2 steps back, she points out that there's progress. "This is where you were, and this is where you are. And you are doing that" … She's been a rock, she gives me hope.

The local services network in west Belconnen is moving into an exciting phase. I was pleased to launch the west Belconnen local services network youth employment hub last month. This hub is a partnership between the Riverview Group, Belconnen Community Service and the Education and Training Directorate. The hub will provide drop-in support and case management to young people who would benefit from local training and employment opportunities. The hub will also connect disengaged young people to the Riverview SPARK project, which will provide them with on-site training and employment.

As to the better services evaluation, at the end of the current financial year, the trial phase of the three initiatives will come to an end. An external evaluation is currently being undertaken by the Nous Group, and I look forward to seeing the results of this evaluation.

MADAM SPEAKER: Supplementary question, Ms Burch.

MS BURCH: Minister, can you advise the Assembly about the tendering and the company design process underway for the one human service gateway, which is a central part of the better services model of service delivery and what this means for people accessing the services?

MS BERRY: The human services gateway commenced on 1 July 2014. Implementation has been an incremental process that began with the collocation and collaboration of existing gateways. In June 2015 a decision was made with key stakeholders that if we were to best realise the aims of better services, we should integrate the services under one lead provider model.

This led to the current procurement process that, when finalised, will result in a lead provider to deliver gateway services as of 1 July 2016. In keeping with the gateway's principles, the procurement process has been jointly developed by the government and the sector. Staff engaged with the gateway have been actively responding to the feedback clients have given them again and again, namely, that they want to tell their story once.

The one human service gateway takes us further towards achieving this goal. The next development of the gateway will build on the success of the past three years and operate as a multi-service partnership under the umbrella of a lead provider that will span government and community services. The lead provider will focus on linking individuals and families to information and services following a holistic needs assessment process from the very first moment that an individual and/or their family enters the gateway.

The lead provider will also develop and maintain partnerships with key service partners. The gateway will be an exciting way of linking clients to all of the services that they may need on their way forward. The human services gateway already provides direct allocation of homelessness accommodation and referrals to other support services funded by the homelessness program and the children, youth and family support program, as well as the three child and family centres.

This sits within Housing ACT and provides links into public and community housing. We are hopeful and ambitious for what the gateway can do for the Canberra community. This is an exciting step on the journey that we have been through in the human services blueprint.

MADAM SPEAKER: A supplementary question, Mr Hinder.

MR HINDER: Minister, how are partnerships between the private sector, the community sector and the government contributing to the reform program at west Belconnen local services network?

MS BERRY: The local services network in west Belconnen challenges the way that human services are being delivered. It recognises that we have a part to play in creating better outcomes for people in the community, local businesses, service providers and government. A lot of work has taken place over the past 18 months and the network has been through the vital phases of design and establishment to now be at the stage of implementation.

The achievements that we have realised through the network are based on successful local partnerships. For example, the commitment to community engages residents, service providers and government to work on areas that west Belconnen residents have told us are important to them. The network's governance structure also demonstrates the strong partnership between local services, providers and businesses and their passion to work collaboratively together. For example, the network leader group recently recruited three new members: Ms Emma Sckrabei from the Riverview Group, Ms Penny Dakin from the Australian Research Alliance for Children and Youth and Ms Shona Chapman from the West Belconnen Child and Family Centre.

MADAM SPEAKER: A supplementary question, Mr Hinder.

MR HINDER: Minister, is there any learning or exchange of information taking place around this approach to service delivery with other jurisdictions?

MS BERRY: The great thing about this project is that we are not alone in delivering this one human service gateway. The ongoing exchange of information and learning is an important part of the West Belconnen Local Services Network's continued growth.

I had the pleasure of meeting more than 30 members of the network for a collective impact workshop held at the Flynn community hub in February. The half-day workshop was a chance for the network leadership group and network partners to gain a shared understanding of the collective impact framework—an approach to achieving social change at a population level, and how it may be practically applied in the west Belconnen community.

The first guest presenter was the National Program Director of the Australian Research Alliance for Children and Youth, Ms Penny Dakin, who spoke about how the five key elements of collective impact differentiate it from other types of collaboration. The second guest presenter was the director of the Logan Together project, Mr Matthew Cox, who shared the journey, successes and challenges of the

Queensland collective impact project that commenced in 2014. When I visited Brisbane only a few weeks ago, I had the opportunity to meet with Mr Cox in Logan and see firsthand the lasting benefits that service delivery blueprints such as better services can have on communities like ours in the ACT.

These presentations and insights have provided new national perspectives on the work we are doing locally. These insights have confirmed that we are certainly progressing well here in the ACT. These insights have been important catalysts for ongoing conversations to the benefit of the community services sector and, ultimately, the ACT community.

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

Supplementary answer to question without notice
Asbestos—property sales

MR BARR: I have been advised by the asbestos task force that in addition to the sales that occurred in the auction process that Mrs Jones alluded to, there have also been two sales under the first right of refusal process.

Climate Change and Greenhouse Gas Reduction Act 2010—review
Paper and statement by minister

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change): For the information of members I present the following paper:

> Climate Change and Greenhouse Gas Reduction Act, pursuant to section 26—Review of Act, dated February 2016.

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

Leave granted.

MR CORBELL: I am pleased to table the first review of the operations of the Climate Change and Greenhouse Gas Reduction Act 2010. As Minister for the Environment and Climate Change I am responsible for overseeing a review of the act as soon as practicable after its fifth year of operation. November 2015 marked the fifth year of operations of the act and triggered the commencement of the first review.

When this act commenced in November 2010, Canberra was one of the few jurisdictions in the world to set such ambitious targets for our greenhouse gas reductions. In September 2015 the ACT's target of carbon neutrality—a 100 per cent reduction in greenhouse gas emissions—by 2060 was ranked number one in the world. The ACT was the only Australian state or region to be included by three leading international climate change organisations on the states and regions list, which included other places such as California, New York, Scotland, British Columbia and Ontario.

However, a successful meeting of the United Nations Framework Convention on Climate Change Conference of the Parties in Paris last year saw an agreement on stronger action on climate change. Shortly before Paris, South Australia announced a target of carbon neutrality by 2050. Our previously world leading achievements as stated in our legislation will need to be updated to meet new global expectations and best practice.

The review details each section of the act against the stated objectives, and with regard to the purpose outlined for each section. It also identifies options for improving the act in reference to the current national and international climate change policy context.

I am pleased to advise members that this operational review showed that the act is successful in meeting its objectives of reduced emissions in the ACT and fostering investment in renewable energy technologies. It has also achieved the creation of a strong reporting and monitoring framework and seen the facilitation of the development of policies and programs to meet the targets and adapt to climate change as a community. Finally, the act has encouraged private entities to take actions. These cover all of the core objectives of the act.

The ACT was projected in July 2015 to be on track to meet its first legislated emissions target of 40 per cent below 1990 levels by the year 2020, largely through major investments in renewable energy, and energy efficiency schemes. The ACT emissions profile for the financial year 2014-15 is approximately 12 per cent lower than in 2010-11, the year from which the targets were implemented.

It is worth noting to members, however, that changes made in the international greenhouse gas accounting of land use and forestry emissions have had some impacts. These numbers, modelled at the national level, have been fluctuating as they improve data analysis. This continues to affect the ACT 1990 baseline year in the upcoming 2015-16 inventory. This is an issue that is addressed within the review.

The principal target in the act is for net zero emissions by 2060. I present considerations for moving the principal target year forward to 2050 to meet emerging international standards and to ensure the ACT remains in a leadership position of states and regions acting on climate change.

Between 2020 and 2050 there are no set targets. This leaves three decades without a measurable emissions goal to monitor against. Therefore the act, which allows for the determination of interim targets, could benefit from such targets being set. This determination can be made by the Minister for the Environment and Climate Change and should be a consideration for 2017.

The act's peaking per person emissions target for 2013 has been achieved and demonstrated through the 2013 ACT greenhouse gas inventory. ACT per person emissions in 2014-15 were 9.97 tonnes of CO_2 equivalent, well below the 12.12 tonnes per capita in 2010-11. This section has been useful in meeting objectives for rigorous monitoring and reporting and providing the first target to track against. I

would like the Assembly to take into consideration new per person emissions targets to be created before the next review of the act. These will provide useful reporting and monitoring measures between principal and interim targets.

A key recommendation of the review is that the 100 per cent renewable energy target first announced as policy by the Chief Minister in September last year not only be legislated but also brought forward from 2025 to 2020. A RET is set through a disallowable instrument under the Climate Change and Greenhouse Gas Reduction Act. On Monday, 2 May this year the disallowable instrument setting the 100 per cent RET by 2020 was notified. The achievements of the RET to date are many. The 2014-15 financial year marked the start of electricity generated by the 20 megawatt Royalla solar farm constructed by Fotowatio Renewable Ventures. The solar farm was opened in September 2014 and this financial year produced 34 megawatt hours of clean electricity.

Twenty megawatts from two additional solar farms, Maoneng Australia, formerly known as Zhenfa, and OneSun plan to be generating in November this year. Two hundred megawatts of large-scale wind generating capacity was released for grants for feed-in tariff entitlement in February last year, with one of these auction winners, Coonooer Bridge Wind Farm, being officially opened on 15 April this year. In December 2015 the first of two winners from the wind 2 auction was announced; 100 megawatts for Hornsdale stage 2. The other is 100 megawatts for Sapphire Wind Farm 1 in northern New South Wales.

Also underway is an additional 109 megawatt next generation renewables auction, which commenced on 1 April this year. This is a direct result of the targets in the act, and its interconnectedness with the Electricity Feed-In (Large-scale Renewable Energy Generation) Act 2011.

While I have detailed some of the significant successes of the operations of the act, one aspect of the act is not in operation. Section 10 details the setting of per person energy efficiency targets. At the act's conception the energy efficiency improvement scheme and supporting legislation had not commenced and this section was placed to be the primary maker for energy efficiency.

However, two years into the act's operation, the Energy Efficiency (Cost Of Living) Improvement Act came into effect, setting energy efficiency goals. The subsequent EEIS programs have seen the rapid rollout of energy saving measures across the ACT. The development of the energy efficiency act supersedes the need for an energy efficiency target to be set within the climate change act, and as such I recommend that this section of the act be removed in the future.

Fulfilling the objective of monitoring and reporting, the territory has engaged the services of greenhouse gas accountants pitt&sherry to produce a methodology and greenhouse gas inventory report annually. The requirements for reporting within the act are currently aligned with the federal government's reporting time lines of producing an inventory two years in arrears. However, for accurate annual reporting, the territory has now received an inventory for the most recent financial year through contractual arrangements with pitt&sherry and we plan to continue this agreement each year.

The act states the due date of an inventory of three months after the end of the reporting period. Changing the reporting period to the most recent financial year should be done in 2017. To assist with adequate timing for pitt&sherry to receive necessary data, this part of the act should be amended to allow the inventory providers until the end of the calendar year or until December to produce their final report.

I am pleased to report to members that to date I have fulfilled the functions of the minister as set out under the act. Annual reports on these functions have been produced since 2011. This aspect of the act is effectively achieving its aims and the broader objectives of the act.

Also operating effectively is the section on the Climate Change Council. The council has provided valuable advice regarding policy best practice. It comprises a mix of representatives from industry and academia, a number of whom are internationally renowned for their work in climate change. The council has fulfilled its requirement to produce annual reports, the latest being tabled in November last year.

Finally, the act gives provision for the use of sector agreements. To date no sector agreements have been entered into. This is not to say we are not engaged with private entities. Programs like the renewable energy industry development strategy and the EEIS use private entities to assist in reaching the targets of the act. However, there is further opportunity to pursue agreements with entities in our industrial precincts, along with the industry that is Australian government operations within the ACT. The transport sector could also be a focus for voluntary agreements. This aspect of the act will remain unchanged, with more focus placed on developing sector agreements to be part of future directorate work.

Members should be pleased with the achievements made between 2010 and 2015 which demonstrate the effective operations of the Climate Change and Greenhouse Gas Reduction Act, and should be proud to see this legislation reducing the ACT's greenhouse gas emissions. I look forward to implementing the changes suggested in this review to see a progressive and world-leading ACT continuing to demonstrate how action to address climate change is affordable, achievable and of real meaning to our community. I commend the review to the Assembly.

Paper

Ms Fitzharris presented the following paper:

> Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2015—Canberra Institute of Technology, dated 7 April 2016.

Planning—Brumbies lease variation

MR HANSON (Molonglo—Leader of the Opposition) (3.25): Madam Speaker, this is a reasonably simple motion—

MADAM SPEAKER: Mr Hanson, you need to move the motion first.

MR HANSON: Do I need to move it first?

MADAM SPEAKER: Yes.

Mr Corbell: Madam Speaker, we do not have a copy of that motion.

MADAM SPEAKER: I think the attendants are running around with it. Sorry, I got ahead of myself because I had a copy of the motion. Sorry—IAW?

MR HANSON: In accordance with.

MADAM SPEAKER: Okay; shorthand.

Mr Barr: We are into acronyms, are we? What a joke!

MADAM SPEAKER: Has everyone got a copy of the motion? I call Mr Hanson.

Mr Corbell: Point of order, Madam Speaker.

MADAM SPEAKER: Yes, what is the point of order?

Mr Corbell: Madam Speaker, I seek your guidance on what "IAW" means. The motion has to be in a proper form, as you would appreciate, Madam Speaker. I do not know what IAW means at the beginning of this but it would appear that—

MADAM SPEAKER: First of all, there is not a motion that has been moved. So you cannot take a point of order.

Mr Corbell: I am asking you to rule, Madam Speaker, whether the motion—

MADAM SPEAKER: I have nothing to rule on because there is nothing moved. If you would like to sit down, Mr Corbell, Mr Hanson can move it. Then you can take your point of order but, at this stage, I have nothing before me except something which is a piece of paper. It does not have standing at the moment.

Mr Corbell: Madam Speaker, can I seek your guidance once Mr Hanson moves the motion?

MADAM SPEAKER: Yes.

Mr Corbell: Thank you, Madam Speaker.

MADAM SPEAKER: Mr Hanson.

MR HANSON: On a point of clarification, Madam Speaker—

MADAM SPEAKER: Please, would you like to move the motion?

MR HANSON: In accordance with standing order 213A, I move:

> That the Assembly order the production of all documents relating to the lease variation charge waiver at the former Brumbies site at Griffith.

MADAM SPEAKER: At Griffith? Is that "at Griffith"? I am sorry; I took off my glasses.

Mr Barr: What a farce!

MADAM SPEAKER: It is not a farce. And because I took my glasses off, Mr Barr—

Mr Barr: You are kidding, Madam Speaker.

MADAM SPEAKER: I warn you.

Mr Corbell: Point of order, Madam Speaker.

MADAM SPEAKER: Mr Corbell on a point of order?

Mr Corbell: Is this motion in order? It does not use any commonly recognised acronym in relation to this matter. Motions have to be in proper form, Madam Speaker. That is the standard form of this place—

MADAM SPEAKER: Yes, I can—

Mr Corbell: and I seek your ruling, Madam Speaker, on whether or not—

MADAM SPEAKER: Yes, okay. If you stop speaking, I can give you a ruling.

Mr Corbell: I am just asking you for a ruling, Madam Speaker, and you allowed me to take a point of order; so I am taking it.

MADAM SPEAKER: Okay.

Mr Corbell: Madam Speaker, is this motion in order?

MADAM SPEAKER: Yes. This motion is in order. Mr Hanson has moved the motion. The question is that the motion be agreed to. Mr Hanson.

MR HANSON: Thank you, Madam Speaker. "In accordance with" is an acronym well in use. I am sure you have heard it before. There is another acronym there which is LVC which stands for lease variation charge. I have also got MLA, which is member of the Legislative Assembly. Acronyms are used quite regularly in this place. ACT is the acronym for Australian Capital Territory.

Mr Barr: You are a j-o-k-e.

MR HANSON: What are you feeling so precious about? What are you feeling so precious about?

MADAM SPEAKER: Remember that you are on a warning, Mr Barr.

MR HANSON: What are we so tetchy about over there? What is it that you are trying to hide? I wonder. I am sorry that I had to bring this on, Madam Speaker. But during question time Mr Wall asked a question without notice regarding the former Brumbies site, about the discussions around the waiver of the LVC, the lease variation charge. He asked for all the documents regarding the lease variation charge waiver to the Brumbies to be tabled. Mr Barr was a little sneaky, I think, in his answer. He said, "I will table the waiver." I want to make it very clear that the waiver is simply one of the documents.

What we need to see I think, given the stench around this issue, are all of the documents that relate to that particular decision—in the lead up to the decision and post the decision—if there are any documents: the email correspondence that might relate to it, the record of any meetings, any other correspondence; so all documents. That is what Mr Wall asked for. If the minister is happy to provide those, this will be the shortest debate on a motion in history because the answer will be just, "Yes." If Mr Barr was being sneaky, then we will see; let the battle ensue.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (3.30): I have no problems at all, in fact, with supporting the motion. My answer in question time was not the way the Leader of the Opposition characterised it. What has just transpired is amateur hour, Madam Speaker. We have rushed, handwritten motions with acronyms. You cannot read them. Most people would not be able to read it—

Mr Coe: You are the king of shonky deals, Andrew.

Mr Corbell: Point of order, Madam Speaker.

MADAM SPEAKER: You are right. Mr Coe, would you withdraw, please?

Mr Coe: I withdraw, Madam Speaker.

MR BARR: I know the Leader of the Opposition is somewhat excitable, particularly when he has got an audience to perform to. But in this instance in relation to standing order 213 the Assembly can indeed order documents to be tabled. There is a process under which that order is then assessed. There is a 14-day period. I will take that 14-day period, seek advice in relation to the nature of the documents and their ability to be released. I imagine that most of them will be able to be released, but those that may relate to cabinet deliberations and may have cabinet-in-confidence requirements or commercial-in-confidence requirements obviously would be the subject potentially of seeking privilege, as I would be entitled to do under standing order 213A.

But in order to assure the Leader of the Opposition and the questioner in question time, I have no problems particularly in tabling the documentation as it relates to the waiver, to the assessment of the particular site and, indeed, the letter of comfort that I provided to the Brumbies in September of 2012, as I indicated in my answer to the earlier questions in question time.

Mr Hanson is right on one thing today. This will be a relatively short motion debate. It could have been even shorter if it was not for the farce that has just transpired before us in relation to the motion itself.

MR RATTENBURY (Molonglo) (3.33): In the spirit of keeping a short debate, I simply indicate that on behalf of the Greens I am happy to support this motion today. I look forward to the return of the documents.

MR HANSON (Molonglo—Leader of the Opposition) (3.34), in reply: I thank both the Chief Minister and Mr Rattenbury for their support. I look forward to the delivery of those documents in full.

Motion agreed to.

Papers

Ms Fitzharris presented the following paper:

> University of Canberra Act, pursuant to section 36—University of Canberra—Annual Report 2015 (2 volumes), dated April 2016.

USA and Canada—study tour
Paper and statement by minister

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations): For the information of members, I present the following paper:

> Canberra Urban Renewal Delegation—United States of America and Canada—

I have prepared a speech. I understand that there is an audience here waiting for the MPI. It is quite a lengthy speech. I will table that speech for the Assembly.

MADAM SPEAKER: You can table it but it does not appear in *Hansard.* Thank you, Mr Gentleman.

Community gaming model
Discussion of matter of public importance

MADAM SPEAKER: I have received letters from Ms Burch, Mr Coe, Mr Doszpot, Mr Hanson, Mr Hinder and Mr Smyth proposing that matters of public importance be submitted to the Assembly. I have ruled that the matters proposed by Ms Burch and

Mr Hinder are out of order as they do not fall within the scope of ministerial action within the ACT. In accordance with standing order 79, I have determined that the matter proposed by Mr Smyth be submitted to the Assembly, namely:

> The importance of the community gaming model in the ACT.

MR SMYTH (Brindabella) (3.35): This is a very important matter of public importance because it goes to the heart of the future of our club system in the ACT. I acknowledge those in the gallery today—some of the staff, the workers, the bosses, the volunteers, the board directors who are with us today. They understand that at the very heart of what they do with their club is service to the community.

That is the difference between a community club gaming model and gaming in other jurisdictions. There are a number of models that operate around Australia. You have WA, where only the casino has poker machines. You have the New South Wales model, where every man and his dog can get a licence for a poker machine they are so widespread. Or you have the ACT model—a model that I believe is contributing to the ACT being the jurisdiction with the lowest prevalence of problem gaming in the country, where they are held by the community for the benefit of the community. They are not held by big businesses.

Although our clubs are big business in the ACT, they are not big businesses like corporations. Corporations come and go. We saw it with Casinos Austria. In the good times they were here; when it went downhill, they left. Clubs do not leave. The people who work in clubs do not leave. The directors of the clubs do not leave when things get tough. They live here; they work here; they want to recreate here; they want to raise their families here.

That is the difference, and that is why the community gaming model in the ACT is so important. It is that connection to the community. And that connection to the community is the basis of their success. That is what we must protect. It is owned and operated by the community for the community. The dividend goes to the community and, in the main, it is spent locally. That is something worth protecting.

In the past couple of days we have had some pretty pejorative language from the Chief Minister, who I note has left the chamber. He said that clubs acted in a predatory manner and it was the big clubs that were driving the little clubs out of business. There is absolutely no evidence of that, and there is no evidence he can present that would confirm that, because it is not occurring and it has not occurred.

In the main, the little clubs or the clubs that are in financial trouble have gone to the big clubs and said, "Can you help us out?" Where would the community be without the Southern Cross Club, who looked after the yacht club and Wests? Those clubs would be gone. Or, indeed, the Labor club, which picked up the Stirling Bowling Club, which still operates in that suburb and is one of the few community facilities in Stirling? Where would we be without the Labor club? There you go—some rare praise from me for the Labor club. The RSL was assisted by the Hellenic Club. The list goes on and on.

There is no evidence of what the Chief Minister said, and what he said was not worthy of the Chief Minister of the ACT. When he got called out on them being predatory, he said they were just like fast food chains and that what he did not want was little clubs—little clubs that were there for a specific purpose—disappearing in the fast food chain look of the large clubs. You can take that up with the large club groups, which include the Tradies, and the Labor club, the Southern Cross Club, the Vikings, the Hellenic Club and all of those large groups, the Ainslie club—all of the groups that in their way do a great job for us.

We have to have a fundamental decision as to whether or not we want to support our local community in the best way that we can and how we do that. The way that we do that is not to allow a foreign-owned company that bought a casino knowing that it did not have poker machines now seeking to change the rules and change the entire model.

What does the club system do for the ACT? It has more than 200,000 members. Clubs spend, for instance, $1.2 million every year on music royalties. They are probably the largest sponsor of music, particularly live music, in the ACT. They donate over $11 million every year to the community. Let us go down to the local shops. If you are the local butcher, there is $1.8 million spent on purchasing meat. One of the quirky facts that have come out is that the clubs serve 1.1 million chicken schnitzels every year in the ACT. That is local; that is families; that is ordinary people going out to a venue where they feel safe, where they feel welcome, where, given the rising cost of living courtesy of this government through the rates, they can actually afford a meal. And it is quick and convenient because it is in their neighbourhood. It is their community.

Canberra clubs support over 1,000 community groups every year, and 50 of those are cultural or religious groups supported in addition to the non-ethnic clubs. Something like 2,300 people are employed by clubs in the ACT.

And it is not just that; it is what they provide. Canberra clubs have given $131.6 million to local sporting teams and sporting infrastructure since the year 2000. In fact, Canberra clubs maintain two-thirds of sport and recreational infrastructure in the ACT. They maintain over 400 hectares of urban green space for sporting use. The ACT government maintains only 300 hectares. This is what the government wants to put at risk, whether it be a racecourse, a hockey field, a yacht club or a BMX track. Three cricket fields, six golf courses, 20 bowling greens, five football fields, tennis courts and a basketball stadium are maintained by the not-for-profit ACT club sector. That is the difference.

On their own website some of the words about the club ethos summarise it beautifully:

> Canberra's clubs are not-for-profit organisations. The management and operations of clubs reflect their social, not-for-profit aims and the spirit of mutual benefit and community service for which they were established.
>
> Clubs provide low cost facilities and fund various local community activities in part because of the involvement of volunteers. Using volunteer labour in the form of directors, and for trading, sporting and other purposes enables clubs to reduce labour costs and pass on savings to club members and the community.

That is the difference. Casinos do not do that. Casinos' number one objective is to maximise the profit for the owner. And you have to say that when they do that the way they do that carves a swathe through local communities. We know that from the Sydney experiment. We know that in Sydney the casino catchment area impacts about a 10-kilometre radius. In Canberra, if you had a 10-kilometre radius from the current casino, that is as far as Palmerston in the north to the bottom suburbs of Woden in the south. It gets out to the mid-range in Belconnen and includes Molonglo and parts of Weston Creek. What is clear is that people will travel to a casino in that way. Indeed, the casinos will often provide shuttle services. Star city gives a $10 shuttle bus service for up to 24 kilometres away. Twenty-four kilometres away: a shuttle would go from Amaroo to Banks without too much difficulty.

When Star city opened in Sydney, 47 per cent of the clubs in the area shut within that 10-kilometre radius. Forty-eight clubs, 47 per cent of the clubs that were there, shut. And we know from all the studies on problem gaming that, when comparing casinos and clubs, people will travel further to go to a casino and they play for longer. An electronic gaming machine in the ACT averages $33,000 a year. In a casino, it is $110,000 a year. They travel further, they play longer and they lose three times the amount of money.

Forty per cent of people play poker machines at a casino. That is double the number of people who play at a club. All venues associated with casinos are those that are most associated with harm to moderate to high-risk gamers. For instance, there are issues with crime. Crown casino has a violent assault every three days and Star city casino has more violent assaults than Sydney's most violent night club. And, of course, we know that casino profits flow offshore. That is what you are at risk of.

What we have to have here is an affirmation of our belief as an Assembly that we believe in protecting the community. The best way to protect the community is through the community club gaming model. Why? Because it provides employment; it provides investment; it provides opportunity for training; it provides safe venues for people to go to; it provides most of Canberra's live music scene; it provides support to community groups, including sporting, ethnic, religious, women's, children's, military and veterans groups; and it does so on a not-for-profit basis and it does so in our community. That is what we must do. We must ensure that we take into account the benefits of having the community club gaming model against the effects of having a casino.

It is well known that there is an MOU between the ACT government and ClubsACT. Indeed, Ms Burch features in it. Ms Burch says:

> The Government recognises the benefits that the club industry provides to the ACT community and economy, and we will continue to support it. Take clubs out of the equation, and we lose a lot as a community.

Casino went into Sydney and 48 per cent of the clubs went broke. "Take the clubs out of the community and we lose a lot as a community." Why are we putting that at risk?

The other thing is this. Can you believe the government in this regard? Clauses 7 and 8 of the MOU are very definite in what they say. Clause 8 comes under the heading of the section called "Contribution to the community". It says:

> The ACT government will continue to support the community based gaming model.

I look forward to the Chief Minister standing up and saying that today. Clause 7 talks about gaming reform and about making sure that we do no more harm than machines perhaps have already done. In clause 7 it says that the government agrees to the introduction of a scheme that allows the transfer of pokies between clubs. It says:

> This scheme must be transparent, fair and open to all clubs in the ACT, consider social impacts and not increase the incidence of problem gambling or the concentration of EGMs—

electronic gaming machines—

> in particular locations …

What do casinos do? They, in this case, want a concentration of some 500 machines. We know from the results in Sydney that they increase the incidence of problem gambling. Why would we go there? Why would we even consider this?

Aquis purchased the club knowing that they had no poker machines, that they had never had poker machines. It is about time we took that into account and say, "Enough is enough. Finish this farce. Say no to poker machines in the casino."

We have had some argument this week about the clubs. It is worth knowing that, rather than buying more facilities, most large clubs—any clubs, I suspect—would be very wary of taking on new investments. Over recent years, we have seen, as I have said, the Southern Cross Club take over Wests rugby, which went into administration. The Labor club took over the Weston Creek bowlo. The Labor club took over the Canberra RSL. The Raiders took over Royals at Weston. Raiders Belconnen was formerly the west Belconnen leagues club. But we have seen some of the clubs getting rid of assets. Vikings Group sold off the capital golf club. Ainslie Group has plans to get rid of the Canberra City Bowling Club, which was taken over in an effort to assist the community but in fact has been a financial drain on the club. None of the big corporations are picking up these locations. Why? Because they know that it does not meet their profit model.

It has been only greenfield sites, so no open sites in the past 10 years. Calwell club, I think, was 2004, and Raiders Gungahlin was 1999. Clubs were closed or rebranded since 2006: the tennis association was bought by Eastlake, then closed; Southern Cross Club Kaleen, formerly Wests rugby, closed; the Canberra Club and Canberra Services Club merged and now operate out of the old RUC site; Braddon Club has closed permanently; Tuggeranong Valley Leagues Club has closed; Kaleen Sports Club is now part of the Eastlake group; Southern Cross Club Turner is now the RUC; Yamba club has closed permanently; Magpies City Club has closed permanently; the Serbian Club has closed permanently.

Do we want that to continue? Do you want the spectre of what happened in Sydney to visit Gungahlin and Belconnen, north Canberra and south Canberra, and Woden and Weston? That is the area that this will impact on.

We have a different model here. We have the community gaming model. It has worked. It will continue to work if we give it the assistance that it requires, that the tripartisan report from the public accounts committee suggested. It will not survive if the casino gets poker machines. It will not survive if we go to the for-profit model in this case.

Let us have that connection to community which is the basis of success. Let it continue to be community owned and community operated and let the dividend stay in our community.

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (3.50): I am very pleased to speak today on this matter of public importance, the importance of the community gaming model, the model in the ACT which has long been recognised by this government. In broad terms the model requires community clubs to be not for profit. In recognition of the potential harm gaming machines can have, community clubs are also required to contribute a prescribed percentage of their gaming machine revenue to the community.

The Gaming Machine Act 2004 outlines broad purposes that contributions must meet to be approved as community contributions. The act provides that these contributions need to have the effect of contributing to or supporting the development of the community or raising the standard of living of the community or part of the community, and contributions can be made in the following areas: charitable or social welfare, problem gambling, sport and recreation, non-profit activities and community infrastructure.

Mandatory reporting of community contributions made by licensees was introduced in 1997. The ACT Gambling and Racing Commission, which is now part of Access Canberra, is required to report to me as Minister for Racing and Gaming, within four months of the end of the financial year, on community contributions made by gaming machine licensees. The report provides a summary of the extent of compliance by licensees and provides analysis of the extent to which revenue received by licensees has been used to make community contributions during the prior financial year.

For the 2014-15 financial year clubs were required to make a minimum level of community contribution equal to eight per cent of the club's net gaming machine revenue. In 2014-15, 49 clubs, six hotel and three tavern gaming machine licensees made community contributions to the value of $18,879,162, which was 12.62 per cent of the net gaming machine revenue. Of this total figure in 2014-15, licensees contributed $1,065,000 to charitable and social welfare, $84,103 to problem gambling, $1,001,525 to the problem gambling assistance fund, which includes research undertaken by the ANU, $7,490,535 to sport and recreation, $445,057 to women's sport, $1,738,284 to non-profit activities, and $65,628 to community infrastructure. You can see that clubs do make quite a contribution to the community.

From the previous five years average, contributions have been distributed as follows: sport and recreation averaged 64.5 per cent of total contributions, non-profit averaged 14 per cent of total contributions, problem gambling averaged 10 per cent of total contributions, women's sport averaged 3.5 per cent of total contributions, and community infrastructure averaged 0.5 per cent of total contributions. This equates to a significant range in contributions with sport and recreation receiving an average of $8,059,985 per year to $259,706 for community infrastructure.

It is important to note that community contributions may consist of a monetary contribution or an in-kind contribution. In 2014-15 community contributions of $3,092,392 were in kind and $8,786,770 were monetary contributions.

What these figures and prescribed reporting categories represent is the tangible assistance provided to actual sporting and community clubs. For example, in the 2014-15 period Australian Capital Taekwondo received $3,950 in the form of an annual grant from the Vikings Club, Belconnen west little athletics benefited from using facilities at the Canberra Southern Cross Club to the value of $590, and the Billiards and Snooker Association of the ACT Inc. received $1,917 in community support from the Canberra Southern Cross Club. There are numerous other examples of the benefits that many sporting and recreation activities receive.

Clubs also support charitable and social welfare organisations such as Lifeline Canberra, St Vincent de Paul and the Salvation Army. Clubs provide significant support for events in our city, such as Anzac Day, Canberra Day, Australia Day and Skyfire, as well as the Multicultural Festival.

As this government has long acknowledged, Canberra's community clubs make a unique contribution to the economic and social fabric of our city. Additionally, the government has committed to helping community clubs divest themselves of unwanted gaming machines and to diversify their revenue streams away from the gaming revenue, thereby improving their long-term viability.

In July 2015 the government introduced the most comprehensive and wideranging reforms to the clubs sector since self-government through the introduction of the gaming machine reform package. Striking the right balance has been at the forefront of reform and supporting clubs, while maintaining a strong focus on harm minimisation from problem gambling is also a part of that.

The package established the trading scheme which allows clubs to manage their gaming machine numbers in line with business need. Amendments made to the tax regime for gaming revenue included an increase to the tax-free threshold from $180,000 to $300,000; all clubs, especially the small ones, benefit from this. Clubs can quarantine gaming machines from operational use, and there has been a raft of red tape reduction measures enacted.

The trading scheme continues to provide an effective mechanism for gaming machine licensees to divest themselves of unwanted or underutilised machines and allows clubs to raise funds for redevelopment proposals through the sale of authorisations.

The scheme's forfeiture provisions also mean that the territory has seen a significant reduction in the number of machines operating in the community. The scheme retains a strong focus on harm minimisation while providing the right balance in supporting the ongoing viability of the territory's clubs.

The government has also agreed to progress a number of recommendations put forward by the recent public accounts committee inquiry into the future of clubs. The government is working to implement the agreed recommendations in consultation with relevant stakeholders, with a particular emphasis on providing assistance to clubs seeking to diversify their revenue streams away from the gaming machine revenue.

The community clubs task force was specifically established to assist clubs who are seeking to diversify their business models and decrease their reliance on gaming machine revenue and secure long-term viability. The task force is a collaborative effort between government, the clubs and ClubsACT to deliver better redevelopment outcomes for the clubs.

The task force has met with several clubs to discuss their redevelopment proposals and to provide assistance in navigating their way through government processes. A number of clubs have had their concerns resolved as a result of presenting to the task force, and several others are now progressing with redevelopment opportunities.

One example of diversification I would like to highlight today is the Canberra Southern Cross Club. The club removed all gaming machines from the yacht club and is now focused on delivering a waterfront dining and hospitality experience. The club is also looking to diversify its Woden site to incorporate a health and wellness centre and early learning centre. The government has supported this proposal through the task force. I understand it is currently progressing well.

The government also continues to provide lease variation charge remissions for eligible applicants. These remissions were introduced as part of the government's economic stimulus package and provide important support measures for clubs seeking to diversify their operations. Recognising that these remissions provide an important support measure for clubs looking to redevelop, the government has extended the remissions for eligible applicants from March 2016 for a further two years. Clubs seeking to redevelop their sites may apply for remission, with the applications being assessed on a case-by-case basis.

Another example of a practical support provided by this government to help diversification was the waiving of the land variation charge of over $700,000 to the Burns Club. The broader community in the Kambah area will benefit from this support through the increased availability of child care, which is planned to be built on the club's subdivided site.

The government continues to provide support to community clubs through the progression of key red tape reduction reforms and, in the past two years, in addition to the reform package, the government passed two red tape reduction bills. *(Time expired.)*

MR RATTENBURY (Molonglo) (4.00): I thank Mr Smyth for bringing forward this matter of public importance today. It is an excellent opportunity to reflect on the importance of clubs in the ACT community, and there is no doubt that the clubs play an important role. Mr Smyth has touched on some of those elements, as has Mr Gentleman. They provide a social hub and they provide a place where, certainly with many of the ethnically based clubs, culture has continued for people who have come from other parts of the world. They have also been, in other cases, important sports hubs, a place where people who celebrate AFL or soccer or the various sports have come together at a central place. There is no doubt that clubs are valuable in our community.

But Mr Smyth's topic is actually the importance of the community gaming model. And that is an interesting distinction that is worth reflecting on, because that is the very dilemma that is raised by the role of clubs in our community. There is a romantic image of clubs in our town, and it is all the things that Mr Smyth talked about and it is all the things that appear in advertising campaigns. But that romantic image is built on the grim reality of an overwhelming reliance on nearly 5,000 poker machines in those clubs providing the revenue that they largely sustain themselves on. And that is the very challenging dilemma that we as a community need to be honest enough to have a discussion about: what is the future of clubs under that model?

That, as members of the Assembly will be aware, is what the public accounts committee held an inquiry into, with the report arriving in the Assembly last October. The inquiry covered a lot of ground that this debate will undoubtedly cover again today. Certainly recommendation No 1 in the report was for the Assembly to formally acknowledge the role that ACT clubs play and the contribution they make to the wellbeing of the people of the ACT. And I think that has been reasonably well canvassed in this afternoon's discussion.

Certainly the inquiry received dozens of pro forma submissions from sporting clubs and community groups singing the praises of support they receive from various clubs. And that is certainly something important to mention in this debate, the fact that a central role of community clubs is to support the development of the community or raise the standard of living of the community. There is no doubt that many people involved in clubs in the ACT do see that as an important function of the clubs, and they have done that, and we can all come in here and cite the many generous donations that we have seen over the years from the clubs, the events we have attended that have supported charity organisations. Just last Friday night I was at the Karinya ball at the Southern Cross Club in Woden. I know that the Southern Cross Club has supported that charity for many years, and they are very grateful for it.

We know that clubs are also, of course, required by law to make community contributions at a minimum rate of eight per cent of net gaming machine revenue. The most recent report from the Gambling and Racing Commission detailing clubs' community contributions during the 2014-15 financial year shows that clubs in fact made 12.62 per cent of net gaming machine revenue as contributions. Again, for a long time it has been well above the minimum legislated requirements, and those, of course, are welcome contributions. But it is quite an explicit relationship that a percentage of money put into pokies will end up supporting the local football team or the choir or the community service provider.

What is less often mentioned is that 40 per cent of the money funding these contributions comes from problem gamblers, according to the Productivity Commission. The 2014 ANU prevalence study tells us that 1.5 per cent of the ACT adult population are problem gamblers or moderate-risk problem gamblers. The ANU estimates that that equates to about 4,100 people in our city. Of the $94 million dollars of net gaming machine revenue in 2014-15, if you use that 40 per cent figure, that equates to around $38 million of net gaming machine revenue coming from problem gamblers in our city. These people have families and responsibilities, and they are being driven to a point of desperation by a legal and highly addictive product.

The public accounts inquiry heard evidence from UnitingCare Kippax that for every person with a gambling problem at least seven other people are adversely affected. There is a net gaming machine revenue of $94 million dollars a year. Give or take, $38 million of that comes from problem gamblers, on those Productivity Commission's figures, and the community gaming model put $11.8 million into community contributions last year. I think that is quite an inefficient redistribution program when one reflects on it that way, and certainly NATSEM research has indicated that gambling taxes are overwhelmingly the most regressive form of taxation.

The existing gambling landscape in the ACT causes a great deal of gambling harm, and the Greens want to see that harm reduced. Members may recall my dissenting report to the PAC clubs inquiry last year which called for a range of improved gambling harm minimisation measures to be introduced into the community gaming model. Both Liberal and Labor members of the inquiry chose not to support those proposals.

For the record, my recommendations called for the introduction of $1 maximum bets on pokies, a maximum loss rate of $120 per hour, an increase to the problem gambling assistance fund levy, a $250 withdrawal limit for EFTPOS machines, a cash load-up limit and an increase to community contributions. These measures would have significantly enhanced the ACT's gambling harm minimisation framework and would have helped deliver a community gaming model that did not prey on a small section of the community.

The PAC inquiry also heard that many ACT community clubs are almost entirely dependent on gambling revenue for their continued viability. This is not a new problem but it is a problem brought into sharp focus when we consider that poker machine revenue has entered what can arguably be called a terminal decline. A combination of factors such as the rise of online sports betting and the decline of cigarette smoking means that it is only a matter of time before pokie revenue will not be able to financially underpin many ACT club venues.

It is a stark reality of our time that the community gaming model is becoming less important in the ACT. In fact, that was the fundamental purpose of the public accounts committee inquiry, to investigate elements impacting on the future of the ACT clubs sector. All parties here participated in that inquiry and we know that

income diversification for clubs was the main game. The PAC inquiry was public recognition of the fact that ACT clubs will not be able to rely on pokie revenue into the future.

It is a difficult issue. There is no silver bullet. The PAC inquiry recommended several things, and the government has responded to that inquiry. The PAC recommendation that I did agree with was that entertainment precincts should be established around clusters of multiple clubs to ensure that they are able to host events such as live music, and this is the kind of practical measure that I believe will help clubs diversify their income streams. Certainly the inquiry heard some very positive examples of initiatives that have been taken to diversify income streams.

I think one of the other dilemmas we face is that community clubs present themselves as family friendly environments, and then they expose children to banks of flashing lights and computer game-like pokie machines when they are taken to the club for dinner. We know that this exposure helps to normalise gambling in impressionable young minds the same way as saturation coverage of betting odds during televised football games does.

Members may be aware of the insidious way that the gambling industry has converged with the videogame industry in recent years. Simulated gambling-like experiences are being inserted into free phone apps and games using hooks like random reward schedules, the illusion of skill, and audio-visual stimulation. Practising gambling through these apps makes it look fun and harmless and a normal part of everyday life.

We have a generation of children who cannot watch their favourite sports on TV or play a computer game on their parents' phone without being groomed to gamble. It is in this environment that the community gaming model is in fact becoming less important because it is being, to some extent, overwhelmed.

I have spoken in recent days about the distribution of gaming machines in the ACT. Woden town centre alone has 689 poker machines. Mr Reeves of ClubsACT has contacted me this morning to remind me that in fact I should consider a three-kilometre radius, because that is what the Gambling and Racing Commission considers. If I did that I am sure the numbers would only increase.

Yes, I think we must acknowledge and celebrate the importance of clubs in our community, but let us also be honest enough to reflect on the fact that the generosity of clubs is fuelled by revenue channelled through poker machines. That is the honest debate we need to have. Maybe as a community we can decide that that is okay and maybe we can and we probably should do more to enhance harm minimisation. But let us have those discussions. Let us not sugar coat the grim reality that affects some of the most vulnerable in our community, and the fact that our clubs are propped up, to a very large extent, by revenue from poker machines.

MR HANSON (Molonglo—Leader of the Opposition) (4.10): I have been accused by Mr Barr of playing up to an audience, so I will try to entertain the guests that we have here today. I welcome them. I note that Mr Barr has departed, and that is a little

disappointing, given that the clubs sector are here in force to listen to what we as MLAs have to say. What we have to say here affects them very much and their future, I think, is at stake to some degree.

I thank Mr Smyth for bringing this matter of public importance before us today. If there has ever been a supporter of the clubs sector, it is Brendan Smyth. I thank him for that, as I am sure many in our community do. As has been identified, this is not just about clubs; it is about the community gaming model. They are intrinsically linked, however.

My local club is the Raiders club. I was there on Saturday night with my family. I note that it is the club that took over Royals. I did not see any predatory behaviour there. I do not see that as a predatory club. It is a good place. I was there getting my lamb's fry and bacon on a Saturday night; they have that as a special dish. It is a unique taste; I accept that, but it is very good and I recommend it. Robbie loves it too. There is a steak that you can cook yourself. If you say, "Where do you want to go to dinner?" it is always to the Raiders club in Weston or to the Mawson club. I mean no offence to the other clubs. They all offer very good fare, and I think that is reflective of the fact that a lot of people choose to go to clubs because they offer very high quality food and beverages.

I bumped into some old friends there. Warwick and Brenda were there, as were some others. I took the opportunity to watch some of the footy that was on. The service that was provided to me by Lucas was fantastic, as it always is. The rest of the staff there are equally good, behind the bar and around the whole club. I noticed a number of people playing pokies, and that is a night's entertainment as well.

I go to that club a bit; I have been there many times in a more official capacity, as a member of Rotary. My Rotary club met there; they have now moved to the Irish Club in Weston. The Weston Creek Community Council meets at the Raiders club, as do many other community organisations. This is just a story about a Saturday night at a club. It is reflective of all the work that our clubs do in our community. They are supporting footy, supporting charities, supporting local community clubs, providing entertainment and providing high quality food and drinks. That is what our clubs do.

Mr Doszpot may not get a chance to speak, but I know he holds his annual Doszpot fundraiser—this year it is for Bosom Buddies—at the Southern Cross Club.

Mr Doszpot: The Hellenic.

MR HANSON: It is the Hellenic. It has been at the Southern Cross Club previously; this year it is at the Hellenic. Again we see the clubs, be they big or small, pitching in and supporting local community organisations.

We have had a lot to say in this place about the Labor clubs and their support of the Labor Party. I want to make it very clear that our concern is not with clubs, or, indeed, as Mr Smyth said, with the Labor club per se. Our concern is about the conflict of interest that that generates. That is a concern, and it is a concern that remains. But I want to make it very clear that that is not a concern with the Labor club or with any other club. I have expressed that to Tony Luchetti and other members of that club.

Our clubs sector is under threat, and it is under threat on a number of fronts. Firstly, there is hostility from the Chief Minister towards clubs. I do not quite get it. I am not sure whether it is a cultural thing or whatever it might be—whether he prefers inner-city dining or he does not like pokies. Whatever it is, it is quite clear that under Andrew Barr there is a hostility towards clubs. Quite clearly, there is hostility from the Greens—and that has been long felt by the clubs—towards the clubs sector. It is ironic because both organisations are funded in their election campaigns by the CFMEU through the Tradies. So they are prepared to take the Tradies' money but they do not like clubs. That may have some bearing on certain deals that are afoot with the casino. I am not sure; there are wheels within wheels on this one.

The clubs are under threat with the casino; there is no doubt about it. Mr Smyth has made it clear that there is concern that is quite legitimate from the clubs that the community gaming model is under threat. If the casino gets poker machines, as is their desire, in the number that they want then it will put a number of clubs, I think, under threat. The case has been well made that, for a lot of clubs, if they do not go under, their ability to support the organisations that they currently support in our community will be severely and savagely compromised.

We have a decision to make. Is that the outcome that we want, so that a foreign-owned casino that have never had pokies are gifted them by this government and they can then squeeze out the clubs? That is the reality of what will happen.

We have a particular concern with this deal because of some of the statements that have been made to me about where the pokies will come from and where the money will be going. It has been put to me quite clearly that the Tradies club, the CFMEU-owned Tradies club, will be making a deal whereby, if the casino gets the approval, they will be providing hundreds of poker machines to the casino at a value in the order of hundreds of thousands of dollars and will be walking away with tens of millions of dollars.

That gives me real cause for concern on a whole number of levels, particularly given the very close linkages between the Labor Party and the CFMEU, the intermingling of the membership, the funding by the CFMEU to the Labor Party to conduct its political activities and the funding by the CFMEU to the Greens to conduct their political dealings. I do not see how any deal like that could be made without not just a perceived but a real conflict of interest. There are a lot of things at stake, not least the ethical conduct of this government.

The opposition has tried to navigate this whole package. Mr Barr said that if we could get a bipartisan or tripartisan way forward then he would go with that. In good faith, we believed that—naively, probably, as did the clubs—and Mr Smyth led a select committee that provided a way forward. There were a number of recommendations, 11 from memory, which provided a way forward, supported by clubs. It was a good piece of work. It is not easy to navigate that sort of result in a tripartisan environment.

The result was that those recommendations were largely dismissed by the government. It became apparent to all of us that Mr Barr never had any intention whatsoever of

moving forward with that sort of package for clubs. He expected that there would be no tripartisan agreement. He never expected that that would happen, and when it did, instead of accepting it, he dismissed it.

Let me be very clear about this. I will put it on the record, so that it is in *Hansard* and so that people can hear it. They have heard about it previously but let me be very clear about it. We support the community gaming model as it is now, but we are open to improvements, enhancements and ongoing discussions with clubs to make sure that it is not just a static document but something that can evolve as the need occurs. But we support the community gaming model.

We fully support the recommendations of the committee inquiry led by Mr Smyth. If we are in government, we will implement them. We will not support pokies in the casino. Let me be very clear and put it on the record: we do not support pokies in the casino. If we form government in October, the clubs will prosper; the clubs will do well. We are not going to agree on everything, but we support the clubs because of the work they do in the community. We will not give pokies to the casino and we will implement the full recommendations of the committee inquiry.

Discussion concluded.

Executive business—precedence

Ordered that executive business be called on.

Freedom of Information Bill 2016

Mr Rattenbury, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR RATTENBURY (Molonglo) (4.21): I move:

> That this bill be agreed to in principle.

I am pleased to be tabling this legislation to establish a new system of freedom of information for the ACT. It is a bill that, when passed, will ensure the ACT is one of the most open jurisdictions in the country in regards to government information.

The nature of governments across western democracies is that while they often espouse values of openness and transparency, and a desire to govern in the public interest, they have a long-held culture of protectiveness and secrecy.

Former High Court judge Michael Kirby described the origins of the problem that this bill is designed to overcome when he wrote:

> Australian public administration inherited a culture of secrecy traceable to the traditions of the counsellors of the Crown dating to the Norman Kings of England. Those traditions were reinforced in later dangerous Tudor times by

> officials such as Sir Francis Walsingham. They were then strengthened by the enactment throughout the British Empire of official secrets legislation. A pervasive attitude developed "that government 'owned' official information". This found reflection in a strong public service convention of secrecy.

Government secrecy did not evolve out of a desire to protect the public interest. Secrecy was compelled in order to protect the interests of the governing. However, we now know better. We know that mere assertions that certain government information should remain confidential should never be accepted. Governments elected or otherwise do not innately know best and there should always be a critical and independent assessment of what government information should be publicly released.

Governments are generally relaxed about giving access to information that they believe reflects well on themselves. The problem is that the current FOI act leaves the government in control of the most significant government information and ignores the obvious conflict of interest that exists in having the government itself decide what will and will not be available to the community.

In any other circumstance this basic conflict of interest would not be accepted. Access to government information should be based on an objective assessment of the best interests of the community and not the subjective interests of the individuals or party forming the government of the day.

If one looks across the different FOI laws in Australia, it is often the case that what is exempt in one jurisdiction is not exempt in another. For example, in relation to police and law enforcement information, both South Australia and New South Wales apply a public interest test to these documents and the Australian Law Reform Commission has recommended that a similar test should be applied in commonwealth law.

Yet in other jurisdictions, including the ACT, they continue to maintain an exemption for this information despite the fact that it is plainly detrimental to the public good to deny the public access to much of this information.

Sir Anthony Mason, former Chief Justice of the High Court, once said that:

> It is unacceptable in our democratic society that there should be a restraint on the publication of information relating to government when the only vice of that information is that it enables the public to discuss, review and criticize government action.

Yet this is exactly the outcome permitted under the ACT's current FOI act. Jack Waterford recently observed in the *Canberra Times* that "the ACT has the weakest FOI act in Australia, possibly the world". Freedom of information is most often in the news for exposing misconduct or deception. However, FOI should also be about promoting engagement with the community and facilitating better public policy outcomes. When a government provides only selected information to the community, it inhibits, rather than enhances, government's ability to govern in the community's best interests.

The Freedom of Information Bill 2016 will not only assist Canberrans to assess whether the government has done its job; it will also assist governments in governing in the best interests of the community. The bill is intended to be a means for the community not just to judge us on the ideas that we put forward but to actually promote participation in the development of those ideas.

Marie Shroff, who was New Zealand cabinet secretary for 16 years and then became the New Zealand Privacy Commissioner, said of their journey to a now quite open FOI scheme:

> Open government is now deeply ingrained. Normal policy development processes continue but most, and certainly the best, policy advisers now start thinking at any early stage how to consult interest groups and the public … Very few major policies now come as a surprise to the public as they will have been signalled well in advance through these various means. … Wherever possible conflicting views will be exposed, opponents on both sides brought together so that they understand each other's point of view, and bureaucrats will diagnose and report on potentially unpleasant reactions to government policy.

Before turning to the details of the bill, there is one underlying issue in the FOI debate that needs to be considered and which has been the subject of public attention recently in Canberra: the impact public accessibility of government information has on the quality and candour of the advice provided by the public service.

When considering this issue it is important to consider two underlying principles. Firstly, we should have an apolitical public service and, secondly, every public servant has an obligation to act with integrity and to be accountable for her or his conduct. It is an affront to the values that we expect of the public service to argue that frank and fearless advice can only be provided where it is certain the advice will remain confidential.

Dr Allan Hawke, the former secretary of the Department of Defence in his report on the operation of the commonwealth FOI act, said:

> Officials should be happy to publicly defend any advice given to a minister and if they are not happy to do so then they should rethink the advice.

Public servants who provide good advice that they are confident in having nothing to fear from the public analysis of that advice and neither does the government. In truth, public servants simply should not be put in the position of having to consider whether the advice may be made public. Their job is to focus on the merits of the advice itself. The rest is simply out of their hands. I am confident that public servants who are instructed to simply give the best advice they can, irrespective of whether the information could become public, would be professional enough to do so. To imply otherwise I think is disrespectful to them.

I turn to an overview of the bill. The bill repeals the existing Freedom of Information Act 1989, which was modelled on the original commonwealth Freedom of Information Act 1982, and creates a new modern FOI scheme based on the Queensland Right to Information Act 2009.

The bill does two key things. Firstly, it introduces an open access scheme to establish processes for the regular disclosure of government reports and information. Secondly, it makes the public interest the test for what information is released to the community. The bill is broadly modelled on the Queensland Right to Information Act. However, there are some important differences and new additions to the scheme have been adapted for our local circumstances to improve the availability of government information.

The objects of the bill can be summarised as to provide a public right of access to government information; to promote a culture of openness and transparency in government and increase government accountability; and finally to improve public understanding of government decisions and processes and promote public participation in government decision-making.

The default position created by the bill is that government information should be publicly released and decision-makers are required to approach the question of whether, on balance, information is contrary to the public interest to disclose with a pro disclosure bias. Decision-makers will be required to disclose information whenever that option is reasonably open to them.

An important new feature of the bill is the creation of what is to be known as open access information. This is the information that the government will be required to publish without the need for FOI applications to be made by individuals. Unlike other jurisdictions that have attempted to implement what is referred to as the "push model", this bill contains a detailed list of the information that must be proactively released. This list includes greater detail about the expenditure of public money, the existence and output of various government advisory bodies, as well as greater detail about cabinet decisions.

The bill further imposes an obligation on government agencies to consider on an ongoing basis what additional information they can proactively make available. It authorises agencies to provide information in response to informal requests to avoid the need to go through the formal FOI process. The intention is that formal FOI requests will become a last resort as the community will have access to a much larger range of government information without the need for formal requests.

Importantly, the bill creates a public interest test that is designed to achieve a balance between protecting private rights and certain government processes and the public right to government information. Schedule 2 of the bill outlines the factors in the test favouring disclosure in the public interest and factors favouring nondisclosure in the public interest. Factors favouring nondisclosure include items such as issues that may prejudice privacy, security, administration of justice, intergovernmental relations, the ability to obtain confidential information and so on.

The bill will apply to every government entity and all government information—from ministers to directorates and the Office of the Legislative Assembly and every entity created by this place or by the executive. All information that a public entity can access is subject to the provisions of the bill.

In addition to capturing every public entity, the bill also extends to cover information held by private entities that have been contracted by the government to provide public services, such as technical or scientific reports. This is consistent with a number of reviews of FOI laws, including by the Australian Law Reform Commission, which made reference in their review of the commonwealth FOI act to the need to:

> prevent loss of accountability because information relating to the provision of a service is in the possession of a private sector body and not a government agency. This issue needs to be addressed to ensure that all information necessary for government accountability purposes is available to the public.

The bill will also apply to all information irrespective of any government reorganisation or ministerial reshuffle. The bill contains a mechanism to ensure that where agencies are dissolved or amalgamated, or ministers leave the ministry or particular portfolios, the information that was held by the agency or the minister remains available to the public.

The bill will also create the new position of information officer. This will be the person or people appointed by each agency to be responsible for ensuring that the agency meets its new FOI obligations. Information officers will play a vital role in the administration of the new scheme. There is a guarantee of independence in their decision-making and they will be tasked with deciding FOI applications as well as ensuring the publication of open access information.

Information officers will be able to work together and assist each other as the need arises. The intention is that this will improve the government's capacity to respond to applications to access information and the consistency of decision-making.

A further very significant change proposed in the bill is the independent oversight and review role given to the Ombudsman. The Ombudsman will be the equivalent of the information commissioner in other jurisdictions, such as the commonwealth and in Queensland. The Ombudsman will be responsible for reviewing decisions made by agencies and ministers, for investigating complaints and general oversight of the act. All decisions not to disclose government information will be subject to Ombudsman review, which can be sought by anyone.

The new information officer role and the review role of the Ombudsman negate the need for internal review of FOI decisions. The information officer position is intended to ensure that it is the senior officer that makes the first decision and avoids the need for internal review. Administrative errors can still be corrected without the need for the current process of internal review. For the most part, the current internal review process simply delays the process and encourages conservative decisions to be made in the knowledge that if the applicant is unhappy they can seek internal review from a more senior officer.

If a person is dissatisfied with an Ombudsman review decision, they may seek review of that decision in the ACAT. In such a review, ACAT will effectively operate as a review tribunal and must be constituted by three members who are presidential or senior members.

There will also be greater accountability for the administration of the FOI scheme. The Chief Minister and the Ombudsman will be required to prepare a report to the Assembly each year on the operation of the act. Information about the operation of the FOI act must be included in ministers' annual reports to the Assembly. The relevant minister will also be required to notify the Assembly each time that an access application is not decided within the permitted time frame.

Exemptions or exclusions from the public right of access to government information are ultimately what dictate the effectiveness of any FOI scheme. Consequently they are also the most contentious part of any FOI act. Information that the Assembly has deemed to be contrary to the public interest, and therefore which is not subject to the public interest test, is set out in schedule 1 to the bill.

The categories of information deemed to be contrary to the public interest to disclose are intended to be cast as narrowly as possible and relate only to specific and defined information rather than to broad classes of information. The exemptions include information that would be in contempt of court, cabinet information, protected information, identities of people making disclosures, security documents and various private records.

For the most part the reasons for the inclusion of each item in the schedule are self-explanatory. They protect vulnerable members of the community and essential public interests that necessitate non-disclosure.

In some cases there are alternative methods of access to the information. For example, information relating to audit reports of the Auditor-General is deemed to be contrary to the public interest but the information provided by agencies to the Auditor-General will remain available directly from the agency itself. There is already a process within the Auditor-General Act for the Auditor-General to release information to the community where it is in the public interest to do so.

The Greens do not believe that the intelligence services should be above scrutiny. National security is an amorphous term that while, of course, at its core is an important pursuit is also often used by governments to hide behind and as a means to inappropriately intrude on the private rights of their citizens.

A significant addition to the schedule from the exposure draft of the bill released for public comment some time ago is cabinet information where the release of the information would prejudice cabinet solidarity. The purpose of exempting cabinet information is to promote frankness and the capacity of the cabinet to consider the full range of issues and options before it without having to be concerned about a public perception that may be generated from merely considering an idea or option.

It is this underlying purpose that the exemption is designed to cover and no more; it is not a blanket exemption for anything that has been considered by the cabinet. For example, where a decision is made and acted upon and the release of information relating to that decision would have no consequence for cabinet solidarity, then it will be subject to the public interest test. It is worth noting that triple bottom line

assessments, which are undertaken for cabinet decision-making, will become open-access information under the bill, and thus will be subject to the public interest test.

Nicky Hagar, a writer and researcher who has worked hard to obtain information on a range of issues in New Zealand, noted that:

> Secrecy seems as if it makes life easier for governments and officials. But countries with FOI laws have learned that presumption of availability and orderly release of information actually causes few problems. Interestingly, when governments are secretive the important information still gets out, but in the form of embarrassing leaks.

Let me conclude by simply stating that government practices and the means for the public to actively participate in their government should always be evolving. This bill represents a significant step forward. It will take us from the back of the pack to right up the front. It will improve government accountability to the community and community participation in government. It is universally true that the more effective the accountability mechanisms in place for the conduct of the executive, the better the quality of that conduct will be.

The bill is consistent with the majority of submissions received by all public inquiries into freedom of information laws across Australia. There is no doubt that communities want governments to be more open and accountable for their conduct and that is exactly what this bill will deliver.

I realise that this is a significant bill for members to digest. I do hope that members appreciate that, as a crossbencher, as a Greens member with our commitment to openness and transparency and now also having been a government minister for three and a half years, I have a unique perspective to understand the need to balance the multiple requirements of the community, the members in this place and the government.

I look forward to discussing the scheme in greater detail with members of this place in the coming weeks and, of course, when it comes back for debate in the chamber. Just as with any piece of legislation or government initiative, I hope that the community will participate in the debate. I commend the bill to the Assembly.

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

Manuka Oval—proposed redevelopment

MR RATTENBURY (Molonglo) (4.39): I move:

> That this Assembly:
>
> (1) notes that:
>
> (a) there has been considerable community reaction to the GWS-Grocon unsolicited bid proposal to redevelop and upgrade facilities at Manuka Oval precinct;

(b) the precinct includes the Manuka Pool and grounds and other buildings with heritage value;

(c) there are a number of existing and proposed developments in the Manuka area which will change the dynamic of the area and have potential impacts on traffic and parking demand;

(d) the Economic Development Directorate completed a plan for development on the Manuka Oval precinct in 2013;

(e) the unsolicited bid process is currently underway and Government will determine whether the proposal meets the threshold public interest test and is able to progress in coming months; and

(f) for any unsolicited bid to proceed to development will require usual planning approvals such as Territory Plan Variations, development applications and Assembly Committees; and

(2) calls on the Government to:

(a) if the proposal progresses to the next stage of the unsolicited bid process, establish a Community Reference Group to define the broad objectives for the Manuka Oval precinct. This would include sporting interests, heritage experts, local traders and relevant community groups; and

(b) develop a Master Plan for the Manuka Precinct that includes Manuka Oval and the surrounding retail and commercial trading areas. This would include assessment of impacts of surrounding developments and consider issues including, but not limited to, traffic and parking and protection of heritage values, and define parameters for future development options in the area.

Since the GWS Giants and Grocon announced their proposal for Manuka Oval, there has been a significant amount of community discussion and media coverage. I, as I am sure other members have, have heard a range of views from the community. I am moving this motion today as a proposal to build a mechanism to improve the community discussion and ensure we get the best possible outcomes for our community: for residents, for businesses, for sport fans and for Canberra.

The proposal has come forward through the relatively new unsolicited bids framework. As one of the first proposals through that mechanism, and being such a large proposal, it is testing the effectiveness and limits of that process very thoroughly. The notion of an unsolicited bid itself is an interesting one. I have long held the view that government cannot be the only source of bright ideas. I think there should be scope for entrepreneurs to put innovative proposals to the government and the community for consideration. This framework aims to provide a mechanism whereby others can come forward with such ideas.

The process needs to allow for the so-called first mover to retain some advantage, but it also needs to be robust enough to ensure the community is getting a good project—a project that is good value for money and that meets community expectations.

As I am sure all members have, I have closely followed the public discussion on this proposal, and last week I attended a public meeting on the issue hosted by the Inner South Community Council. It is evident there is a high level of concern about both the proposal itself and the process involved in the unsolicited bid.

In principle, I am open to the concept of developer contributions to upgrade the facilities at Manuka Oval. However, there are significant issues that need to be addressed, such as the scale of development; potential traffic and parking impacts in the surrounding areas; and ensuring the heritage values of Manuka Pool and its grounds, other buildings in the precinct, and Telopea Park are respected and maintained.

I have also spoken with representatives of the Giants. They are passionate about this project and convey a commitment to Canberra. They have stressed to me they are keen to work with the community, to take feedback on board and to develop an idea this city can embrace. This motion seeks to take on board both the community concern and the spirit presented by the Giants to see if we can build common ground.

The Greens support quality urban renewal, particularly in contrast to continued urban sprawl on the city's fringe. As our city continues to grow, inner areas will see more development pressure, but it is essential these developments are of high quality and that the community is engaged in the process. The strong views I am receiving from the community, whether it is from people who are supportive of development of the precinct or not, is that the unsolicited bid process should see a stronger role from government in consultation with the community to define the parameters of any project.

Following concerns raised by residents in response to an unsolicited bid to develop Manuka Oval, I am calling for greater community involvement in planning for the Manuka precinct and for a comprehensive community consultation process. Of course there are many steps to go—and I have noted this in the motion—if the proposal is to proceed through the territory plan variation, any development applications that might be proceeding and the like, but now is a good time to undertake further community consultation.

Ideally any development proposal should be consistent with the outcomes of a master planning process within the context of the wider Manuka precinct. I acknowledge that previous plans have been developed for the Manuka Oval in 2009 and 2013, and they are available on the ACT government website. However, I think it is fair to observe that there is a feeling in parts of the community that these plans do not adequately consider the context within which the Manuka Oval sits, they do not demonstrate a depth of analysis that would be expected in a comprehensive master plan, and they do not adequately acknowledge or protect the heritage values in the precinct. I think it is fair to say that many in the community do not feel a sense of ownership of these plans. That is not to diminish the work that went in to them but to simply reflect that that is clearly an opinion out there in our community.

Moving to the Grocon-Giants proposal, it is important to note that any proposal still needs to be assessed by government against a threshold public interest test. That was clear; it was laid out by Gary Rake from the directorate to the public meeting last week the range of steps involved for the government to make decisions before a project proceeds through the unsolicited bids process.

If a proposal does proceed to the next stage of the unsolicited bid process, I would like to propose a process for the Manuka Oval site and precinct similar to that which was recently undertaken in relation to the Yarralumla brickworks, where the community was engaged in a consultative process to define the broad objectives for the precinct. This would involve establishment of a community reference group to define the broad objectives for the Manuka Oval precinct. It would include but not be limited to relevant community groups, local sporting interests, heritage experts and local businesses.

This would then set the framework to help potential proponents to develop their proposals for the oval and the precinct. It could then also be used by the government to judge whether a proposal meets community expectations. For me this is the real nub of this proposal. If we have a process where those expectations can be spelt out, as has been the case with the Yarralumla project, developers can look at that. They can get a sense of what the community can accept and government can use that as a benchmark for decision-making within government processes.

We have seen recently at Yarralumla that we can achieve positive outcomes both for the community and for the government when we involve key stakeholders and residents in the process. I think many people were sceptical that Yarralumla could get to this place because of the long history, the false starts and the level of concern in the community. But the strength of the approach ultimately adopted for the Yarralumla brickworks was the deliberative nature of discussions and the range of community views represented.

In the case of Manuka, views of residents from the area as well as broader city-wide views would need to be represented in a consultative process to ensure that the full spectrum of community views is canvassed. I note that while there has been strong community reaction against the proposal, I have also heard some positive support for the proposal with people saying some development in the area may well have merit. That is where the need for a master plan comes in. A master plan would consider not only the oval and pool area, but also the Manuka retail and commercial area and the adjacent residential and recreational areas.

It is important to note a number of individual developments are already occurring that will change the dynamic of the area, including redevelopment around St Christopher's church and the redevelopment of the Stuart flats site. I believe many of these changes will be positive, providing opportunities for downsizers to stay in their community and hopefully for first home owners to move into this highly sought after area with access to the range of services that are available. It will continue to add to economic and social vitality of the area. But these developments will also have potential impacts on traffic and parking demand.

A master plan should include a comprehensive and transparent analysis of the future needs in the area for demographic trends; transport, including public transport, traffic and parking; housing; residential amenity and liveability; access for first home owners as well as opportunities to age in place; the need for schools and child care; sports and recreation facilities, not only big events but the needs for the local community; open space and environmental quality; arts and culture; heritage protection; and retail and commercial space. These are the sorts of issues that a master plan would address.

I appreciate that master planning done in full consultation with the community takes time and that the world cannot stand still while master planning takes place. However, given that the Chief Minister has stated that no work would commence at Manuka Oval until after the test cricket match in 2018-19, there is now an opportunity to embark on a more comprehensive planning process between government and the community. I would be pleased to further develop these ideas with members to provide a pathway forward. Given the level of concern that has been raised, it is vital that we involve the community in the process to ensure we achieve the best outcome for the entire ACT community.

I commend to the Assembly my motion today and the ideas contained within it, which seek to provide a positive way forward on this proposal that has been put forward; a way that maximises community engagement and the chance for a good discussion to be had so that this project can be judged on its merits.

MR COE (Ginninderra) (4.49): The Canberra Liberals welcome this discussion about the Manuka green unsolicited proposal. It is good to be chatting about this in the open. I think much of the heightened interest about this proposal has come about due to an actual or perceived idea that too much is happening in the back room rather than in public.

However, it has to be said that the actual proponents have been public with a lot of information about their ideas, primarily via their website. Members of the opposition were briefed on the proposal in February, the week the proposal went live. A huge amount of high quality design and conceptual work had obviously gone into the proposal.

The opposition believes that there is a role for unsolicited proposals in Canberra. There is a need to gather thoughts, ideas and investments that are outside the square. Many governments around the world use unsolicited proposal processes to help foster such ideas. The purpose is to get worthwhile ideas whilst respecting the intellectual property of the owner or proposer of the project.

The government's framework states:

> The ACT Government recognises the valuable ideas and innovations that the private sector can generate and the real and tangible benefits that can flow to the ACT economy. By having a process to manage Unsolicited Proposals, the Government can ensure that value to the community can be delivered from genuinely unique ideas.

> Where a mutually beneficial outcome between a Proponent, ACT Government and the Territory can be demonstrated, the ACT Government intends that successful bidders receive a fair return for their efforts, particularly for genuinely unique ideas.
>
> This would require a Proponent to bring one or more of the following:
>
> 1. A unique proposition not currently under ACT Government consideration;
>
> 2. A unique technology;
>
> 3. A unique service offering; and/or
>
> 4. A considered innovation or entrepreneurship with benefits to the Territory.

I would note that I think it is unfortunate that the first line of the March 2015 guidelines for unsolicited proposals, which are in the background section, states:

> The ACT Government is committed to improving the facilitation of infrastructure delivery within the Territory.

Whilst that is, of course, a statement with which all would agree, the suggestion is that unsolicited proposals are primarily about infrastructure delivery. This should not be the case. Whilst infrastructure can be part of the framework, other proposals, such as software and system improvements, are obvious examples where IP can and should be protected for unsolicited proposals. Whilst these are not excluded in the current framework, they should not necessarily come across as being secondary to physical infrastructure.

Whilst we frequently hear in the media and in public discourse that there is a need for new ideas and more imagination, sometimes when such ideas are presented they can be too big or too unsettling, for various reasons. The Manuka green proposal has certainly brought to the public attention the unsolicited proposals process in Canberra. To my knowledge, and I think to public knowledge, this is the biggest proposal brought forward under the framework.

As part of the process, the Manuka green project group have undertaken a number of consultation sessions. Their website states:

> This has included over 30 meetings with key members of the Inner South Canberra Community Council and key stakeholders and associations in the area including Telopea Park School, Manuka Traders and Kingston Traders.

I also understand that there is a consultation session planned for Monday, 11 May in the Bradman Room at the Manuka Oval from 4 pm to 7 pm.

There have been some concerns raised about the details of this project. Some of these include the scale of the development; others include parking and traffic. However, there are some concerns about the integrity of the process, too.

The opposition has supported and will support sensible and affordable improvements to Manuka Oval at the right time. Manuka Oval is iconic for Canberra and we support its continual improvement. Of course, the detail of any upgrade, the cost and how it is to be paid for are all questions that need answering.

Manuka green has proposed residential and commercial development around parts of the oval. Parts of the proposal have been controversial whilst others have been welcomed. One way or another, there are certainly ideas on the table that need assessment.

One of the key issues has been the silence of the government. Whilst commentary on the proposal may not be consistent with the framework, the government could at least give Canberrans a clearer picture of the way forward. The lack of confidence about the path forward or even the options for paths forward is regrettable. Whilst the government may say that commentary is not part of the process, why did the Chief Minister, on 21 April, give a rolling commentary on the height of the buildings on 666 AM radio? In that interview he flagged that a height limit of about three to five storeys would be appropriate. Why has he also not given a rolling commentary on the number of car parks, the traffic, the seating capacity, the procurement method or any other issue? Why did he simply choose the height?

There are issues with this process that are of the government's making. It is well known that this government has its problems at the moment. It is a government that goes from announcement to announcement with no long-term plan. It is a government that no longer operates like a cabinet government but operates as a one-man, one-directorate show. We all know how the Chief Minister's directorate meddles in everything and is a big vacuum where policies, initiatives and information from other agencies and other directorates go in and quite often nothing comes out.

The problems are not limited just to the internal systems. What about underlying integrity issues with the government? We all know about the Ms Fitzharris issues. We all know about this government's very cosy relationship with certain lobbyists and consultants, as they are seen as the only way to get things done. We all know that this government is embroiled in various issues surrounding the Brumbies. And, of course, we all know about the dodgy deal with UnionsACT. Of course, there is much more to come.

This is a government that has integrity issues. The commonality for all these issues is a government which is complacent, a government with integrity issues, a government which is conducive to lobbyists and lobbying, a government which has had its day.

The Manuka green proposal depends on an unsolicited proposal framework which is administered properly and features impartial adjudication. Labor is not capable of this. Unfortunately, there is little to no confidence in the community that this Greens-backed Labor government can actually run this process through. Therefore, regardless of the merits or attributes of the Manuka green proposal, I have grave doubts that this government can fairly assess it.

I move:

After paragraph (1)(f), insert:

"(g) notes that new ideas and opportunities can arise out of unsolicited proposals;

(h) the Manuka Green proposal has included some ideas about how to improve the facilities at Manuka Oval for Canberra's benefit;

(i) the Manuka Green proposal has elements which have been welcomed and others which have been controversial;

(j) the unsolicited proposals process requires an assessment by a government with integrity;

(k) the current ACT Labor Government is embroiled in a number of probity and integrity issues; and

(l) there is a lack of confidence that this Government will be able to fairly adjudicate any unsolicited proposal.".

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (4.57): The government will not be supporting Mr Coe's amendment. Having said that, I can say that there are some points in his amendment that I can agree with. Had he moved the first three points and resisted the temptation for yet another tedious politically motivated attack, he might have found agreement for his amendment. I think it would be fair to say that this Assembly would agree with the principle that new ideas and opportunities can arise out of unsolicited proposals. The Manuka green proposal has included some ideas about how to improve facilities at Manuka Oval for Canberra's benefit, and it has elements which have been welcomed and others which have been controversial. I would not disagree with those three points.

The suggestion, however, that the government lacks integrity is something that I simply cannot support. The assertions, including the assertions in question time today, that have been made by the opposition are very disappointing. As things will transpire, they will show an appalling character assassination of an individual who happens to share a name with someone who happens to be an associate professor at the University of Canberra. There can be more than one person who shares a name; there is more than one Paul Kelly in the world. It would appear that in a gratuitous overreach, those opposite have slandered someone who happens to share a name with someone else; an own goal if ever you have seen one, but there we go.

Let me go to the issues of substance this afternoon. I support Minister Rattenbury's motion. I think it contains a sensible path forward should the government agree to proceed to the next stage of this unsolicited proposal. That, I need to stress, is "should"; the government has not yet made a decision in relation to these matters.

What I can do this afternoon is give the Assembly some background on the master plan work that has occurred at Manuka Oval going back to 2009.

The master plan for Manuka Oval has been developed paying very close attention to community views from the beginning. The government's first version of the Manuka Oval master plan that was released in 2009 was the subject of a very wide public consultation. There was a series of information sessions held, including one at the oval itself on 10 June 2009. A community survey of 1,000 people ran over three weeks in June 2009. There were a series of focus groups as well as a range of promotions and surveys during an AFL game day on 28 May. Information sessions were published in the *Canberra Times* and newsletters were distributed to businesses and residents in Barton, Kingston, Forrest and Griffith.

The 2009 master plan is available on the Manuka Oval website. The plan included a range of upgrades to be delivered over time, including traffic plans. As members would be aware, parts of that master plan have already been delivered, including increased seating at the venue, upgrades to the oval and expansion of the facility. The new lights were installed for Canberra's centenary.

Following that first stage of work, the government released an update on the 2009 master plan in 2012-13. Like the original master plan, the government took this update out to the community for consultation, including presenting it at a meeting of the Inner South Canberra Community Council and the Kingston and Barton Residents Association in July of 2013.

Like the original master plan, this update is available on the Manuka Oval website. This master plan, the 2013 piece of work, outlines various upgrades required at the oval in terms of stadium infrastructure, if you like—stands, seating capacity and other venue enhancements—but also identifies a series of potential sites outside the immediate Manuka Oval footprint but within the Manuka circle that could possibly be developed for non-oval-related purposes, non-stadium-related purposes. They are very limited sites.

I need to stress—as I have said to the *Canberra Times* now more than 100 times, it seems—that I have never, and the government has never, supported any development on the Manuka pool site or any of the Manuka pool grounds. I said that when the unsolicited proposal was released, and that is consistent with my position in relation to the 2013 master plan for Manuka Oval and the 2009 master plan for Manuka Oval. Over seven years, I have made it very clear that the government does not support any development on the Manuka pool site.

To answer the question of where to now, I made a public statement at the announcement of the Manuka Oval test match, a historic first for Canberra—the first time our city will host a test match—that what will occur at Manuka Oval between now and the 2018-19 cricket season and that test match is a series of upgrades to Manuka Oval that will be funded by the territory government as part of our contractual commitment with Cricket Australia to host the test match. Those facility upgrades include, but are not limited to, improving player facilities, installing large replay screens for the test match, and providing enhanced media facilities to enable the broadcast of an international test match. That work will occur progressively over the next 2½ years to ensure that the venue is ready for that first, historic test match.

If the government is to proceed with any further development outside of what has been outlined in the 2013 master plan, particularly anything that would require territory plan variations, clearly that triggers another process. I have said publicly, and I repeat again, that that process would involve the Assembly planning committee. In the context of this motion today, I think it would also be useful, picking up on the points that Mr Rattenbury has raised, to establish a community reference group—if there is to be any development beyond what has been outlined in the 2013 master plan. I think that is a good way forward, but I need to be clear again that no decision has been made yet to accept all or part—or, in fact, any part—of the unsolicited proposal from the Giants and Grocon.

The government's position remains supporting the 2013 master plan. But we are open, as we have indicated through the unsolicited proposals process and as has been discussed in this place by Mr Coe and Mr Rattenbury, to new ideas and opportunities that could arise. We are open to hearing those, but if we are to move beyond the 2013 master plan, it requires a process, and that process will involve a community reference group and that process will involve the Assembly planning committee. That process would not necessarily involve a territory plan variation, and all that is entailed with that, in other words, as Mr Rattenbury has identified, years of work.

I want to ensure that the public record accurately reflects that from 2009 to 2013 there was extensive community engagement, including a community survey of 1,000 people, a series of focus groups, presentations, information sessions, further presentations to the Inner South Canberra Community Council and the Kingston and Barton Residents Association, and work done over a period of four years. It is important to acknowledge all of those who have contributed to that work over that time, and that that remains the starting point for government consideration of anything further at Manuka Oval.

I oppose Mr Coe's amendment and support Mr Rattenbury's original motion.

MR COE (Ginninderra): Madam Deputy Speaker, in light of the Chief Minister's comments I would like to make a personal explanation. I seek leave under standing order 46.

MADAM DEPUTY SPEAKER: Is leave granted?

Mr Barr: Yes.

MADAM DEPUTY SPEAKER: Mr Coe.

MR COE: Thank you, Madam Deputy Speaker. I would like to apologise to the Assembly and to Adjunct Associate Professor David Lamont as well as Mr Lamont for a mistaken identity in a question that I asked at question time today. The question I asked was:

> … when did you first become aware that Mr Lamont was to be awarded an adjunct associate professorship from the University of Canberra for none other than contracts, construction and project management?

Whilst the question in and of itself was not necessarily incorrect, the context was certainly incorrect. To that end, I am apologetic, of course. The original question was:

> … have you personally held any discussions with Mr Lamont about the waiver of the lease variation charge for the Brumbies?

Supplementary 1 was:

> … will you now table all the documents regarding the lease variation charge waiver to the Brumbies?

Supplementary 2 was:

> … what was your role in negotiating … the federal Labor 2013 election promise …

And supplementary 3 was as I said.

At no point in the questions was there a reflection on any character, but it certainly was a mistaken identity. To that end, I do apologise to all concerned.

Question put:

> That **Mr Coe's** amendment be agreed to.

The Assembly voted—

Ayes 7		Noes 8	
Mr Coe	Ms Lawder	Mr Barr	Ms Fitzharris
Mr Doszpot	Mr Smyth	Dr Bourke	Mr Gentleman
Mrs Dunne	Mr Wall	Ms Burch	Mr Hinder
Mr Hanson		Mr Corbell	Mr Rattenbury

Question so resolved in the negative.

MR RATTENBURY (Molonglo) (5.12): I will close the debate. Thank you, members, for the discussion today. It has been a useful discussion. I think the recognition by all members of the Assembly that there is scope for an unsolicited bids process—because we do want a space for people to come forward and be able to bring ideas and not solely rely on government going out to tender—is a useful discussion to have had.

I want to pick up on a point made by Mr Coe, which I think was a very important one, to reflect the fact that the GWS Giants are actively seeking to engage the community. I should have made more of this in my own speech.

For example, I am aware of the Telopea school, both the P&C and the board, having discussion with the Giants. The feedback, and some of it was reported in the

Canberra Times, has been quite positive about those discussions. That is the spirit that I am seeking to capture in this discussion: that there are people out there who want to have these conversations, who are open to working together. I trust that that is the sort of spirit that, if this project goes forward under the unsolicited bid process, we can embrace. Certainly in a master planning process, that opportunity arises as well.

I welcome the comments from the Chief Minister, and reinforce them, about the importance of sites like the Manuka pool. It has been very clear from community feedback how passionate Canberrans are about that site: how much it is a part of our heritage; how much people have grown up there; and how much they value it.

I also want to acknowledge the Chief Minister's comments about the fact there is no decision yet. That is something that, in my discussions with the community, there has been a bit of lack of clarity about. It is something I have tried to explain to people, but the purpose in bringing this matter forward today is also to provide some clarity to the community—and the Assembly will now agree to this—that if the process does proceed, there are a range of points at which the community will have an opportunity to engage.

I thank the Labor Party for the support of this motion. I am not clear where the Liberal Party stand on it, because they only moved their own amendment. Mr Doszpot did not speak, which I anticipated he would, so I am a little unclear. Nonetheless, this will get up and I think it will provide a useful mechanism for the community to continue with discussions. I will be following it very closely myself, and I look forward to seeing those details play out over time.

Motion agreed to.

Public Accounts—Standing Committee
Report 25

MR SMYTH (Brindabella) (5.15): I present the following report:

> Public Accounts—Standing Committee—Report 25—*Review of Auditor-General's Report No. 9 of 2015: Public Transport: The Frequent Network,* dated 21 April 2016, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

Report No 9 of 2015 by the Auditor-General was a review of public transport—the frequent network. In that report the auditor came up with seven recommendations, looking at strengthening governance and administration, how the transport for Canberra monitoring and reporting framework was working, household travel surveys, a periodic performance review of the frequent network, embedding transport corridors in urban planning documents, addressing ACTION's operational risks, and a cost-benefit analysis of the frequent network. Of those, four of the recommendations were listed as high priority.

The committee had a briefing from the Auditor-General on this issue and has determined one recommendation. The recommendation acknowledges some of the changes that are going to happen on 1 July. Rather than bring the government in, have a discussion and call for submissions when the whole structure was to change and transport and municipal services were to be set from 1 July, the committee recommended:

> … that the Minister for Transport Canberra and City Services report to the Assembly, by Thursday 4 August 2016, on the progress of the Government's implementation of the recommendations made in Auditor-General's Report No. 9 of 2015: *Public Transport: The Frequent Network*, that have been accepted either in-whole or in-part. This should include: (i) a summary of action to date, either completed or in progress (including milestones completed); and (ii) the proposed action (including timetable), for implementing recommendations (or parts thereof), where action has not yet commenced.

It seemed sensible, given the changes that were coming, to ask the government to update us on the action there.

Madam Deputy Speaker, I thank, as always, the members of the committee, which included you, Ms Lawder and Mr Hinder; at various times Ms Porter and Ms Fitzharris were also members. Ms Fitzharris may have started as a committee member looking at a report but she has ended up with the portfolio. That is the nature of the way things go. I thank all of those who assisted—Dr Cullen, Greg Hall and Lydia Chung—and commend the report to the Assembly.

Question resolved in the affirmative.

Public Accounts—Standing Committee
Report 26

MR SMYTH (Brindabella) (5.18): I present the following report:

> Public Accounts—Standing Committee—Report 26—*Review of Auditor-General's Report No. 10 of 2015: 2014-15 Financial Audits,* dated 21 April 2016, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

The 2014-15 financial audit report from the Auditor-General contained six recommendations. The recommendations seemed to particularly focus on the IT systems and how well prepared the government was, for instance, regarding the security of their data, and business continuity and disaster recovery arrangements.

Some of these recommendations have been made before. I think we are all aware of the nature of IT systems, but it is important that where, for instance, previous public accounts reports, and indeed previous Auditor-General's reports, have made these sorts of recommendations, they are acted upon.

The committee again took the approach that, having been briefed by the Auditor-General, they had sufficient information to write a report, which we have done. There are four recommendations. The first one looks at the budgeted deficit and the timetable for the return to surplus. The financial report made some commentary on the state of the budget. Recommendations 2, 3 and 4 look mainly at computer systems. For instance, in recommendation 2 the committee recommended:

> … that ACT Government directorates and agencies should ensure the provision of complete statements of performance and full disclosure as required by the *Financial Management Act 1996*.

Recommendation 3 was:

> … that ACT Government directorates and agencies should ensure complete reporting with all compliance requirements as specified in the Annual Report Directions.

There were some deficiencies there. Recommendation 4 was:

> … that the ACT Government utilise the one-ACT Public Service framework to ensure that unresolved audit findings (relating to environmental controls for information technology) that require a whole-of-government approach are promptly and appropriately addressed.

As I said, these are issues that have been reported on before over a number of years. It is important to get it right. We had questions today about data in government systems, so the problem is not going away.

Madam Deputy Speaker, again I thank members for their participation—you, Ms Lawder and Mr Hinder, and at some stages Ms Porter, and possibly Ms Fitzharris was also on the committee. There have been a few changes. I thank Dr Cullen, Greg Hall and Lydia for their support in delivering the report.

Question resolved in the affirmative.

Executive business—precedence

Ordered that executive business be called on.

Lifetime Care and Support (Catastrophic Injuries) Amendment Bill 2016

Debate resumed from 7 April 2016, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (5.22): The Lifetime Care and Support (Catastrophic Injuries) Act 2014 looked to put in place lifetime treatment and care for those catastrophically injured at work, covered by the Workers Compensation Act

1951. The bill relates to injuries suffered after 30 June 2016 or the passing of the bill, whichever is the later. So 30 June is looking good at this stage.

This is the second part of the establishment of the lifetime care and support system in the ACT. That grows out of the heads of agreement between the commonwealth and the ACT government on the national disability insurance scheme signed on 19 April 2013. The first, as we know, to be dealt with was compulsory third-party victims of motor accidents who are injured in such a way that, whether it be paraplegia, quadriplegia, brain damage or blindness, it limits their lives, and this will now be extended to those injured at work. The third, which we expect some time soon or in process, will be medical injuries, and the fourth will be general.

It is important that those who are catastrophically injured receive the treatment that they need and deserve as quickly as they can. As such, if they are not returning to work or their life is impaired in such a way that they will not return to work or life in the way that they enjoyed it, they should not get caught up in a system that may take years in which to deliver a solution. That is not to say that people should not have to surrender their rights, but it is important, first and foremost—and something I have always said is that prevention is better than cure—that rehabilitation is better than compensation, and compensation should be given as appropriate and as required. When catastrophically injured, those people need to be in a system that cares for them for all time.

While we agree with the general principle, there are some issues that need to be addressed and watched over time. There is a review clause in the original act. Perhaps one should have asked: before we extend the act, should we not have used that review to look at it? The number of people already in the scheme is so very small that to review the operation of the act may prove problematic, simply because we have such a small number of this sort of motor vehicle accident in the ACT. Hopefully, we will have a very small number of accidents—ideally none—at work that would lead somebody to need to access this system.

There is a cost that will come to it. From the briefing—and I thank the minister for the briefing—it would appear to be $3.8 million or in that vicinity. That will be levied against the insurance providers. I suspect the insurance providers will then levy that on to the holders of the workers compensation premiums. So it does come at a cost. Again, one would have thought that, given that often the most catastrophic injuries lead to the highest payouts, by removing some of the volatility by having a scheme that allows people immediate access to care in this way it should lead over time to a lowering of the premium. With the compulsory third party, we saw a $34 levy placed on all CTP. It will be interesting to see what the flow-on effect through the scheme to the cost of premiums is in this case.

There are some concerns about the ability to opt out of the scheme. Apparently, there is no choice once accepted into the scheme. Insurers or employers always seek to nominate people for the lifetime care and support, thereby eliminating their own liability to pay for future treatment and care expenses, so I think we need to watch that.

The need to preserve common-law rights should be preserved in any of these schemes. This only applies to medical, so it will be interesting to see how that division takes effect. Again, the need for review after a two-year period and a mechanism to address operational issues will become important in this case. The question is whether or not we should have reviewed the scheme before extending the cover to work-related injuries, but I suspect the lack of information or data may make it hard to review something that is still relatively new.

One of the concerns that has been raised is that the lifetime care and support act seems to unduly limit the ability of a catastrophically injured person to seek external review of the commissioner's decisions, including reasonable advice on entitlements. Again, with the small number of people in the scheme as it stands, it may take some time. It is certainly something that we will keep an eye on, and I would be very pleased if the minister in his closing address would tell us what they expect from a review, when that review will occur and what it will cover.

There are issues around the employer ceasing to be obliged to be involved in a personal injury plan, which does seem to be contrary to ensuring the best possible care. I suspect it is the case that the personal injury plan under the workers comp is with a view to a return to work, and these are cases where the return to work is most unlikely.

We are leading on this in terms of timing. I understand Queensland has not yet done motor vehicle accidents lifetime care and support, yet we are moving on. I do not believe any other jurisdiction has extended their lifetime care and support to cover work-related catastrophic injuries at this stage. So it will be interesting to see, as the smallest jurisdiction in regard to numbers, what effect that may have.

The Western Australian government, I notice, has recently established a scheme which allows an injured person to choose whether or not to enter the scheme. So there are questions as to whether ACT workers deserve that same right, and whether they should be able to choose to opt out and receive damages through an appropriate mechanism to ensure that the workers comp scheme is refunded.

So there are issues here. We will support it today, but we do put in place the caveat that we will watch what happens into the future. Part of the justification for doing this is that somehow those who are catastrophically injured seem to fritter away their money and end up on the public purse. My understanding is that there is no evidence to support that. Indeed I have been given this quote:

> In the deep experience of the ALA membership, the vast majority of claimants, not only in a workers' compensation context, use their lump sums wisely for the benefit of themselves and their families. The common law provides mechanisms by which vulnerable claimants are protected, such as court sanction of settlements.

In that regard there are claims that sometimes lump sums fall short. The ALA noted:

> … that common law claims have been inappropriately capped and limited by legislation so that true assessment of loss cannot occur.

They further stated:

> The application of the discount rate, capping, the imposition of thresholds upon access to common law remedies and other legislative measures have reduced the adequacy of payments for injured people.

There is a slightly differing view across the chamber on access to common law, and whether or not it should be the case. As the new system that is being put in place evolves, we will need to keep an eye on it. We certainly need to make sure that people do receive appropriate compensation where it is appropriate. We also need to make sure that the processes work properly.

We will support it today. We will keep a watching brief. We think it should be reviewed as quickly as is appropriate when we have adequate data to be collected which can give us some indication of whether or not it is going in the right direction. With that we will support the bill today.

MR RATTENBURY (Molonglo) (5.31): In April 2014 the Assembly supported the lifetime care and support act, which established the first element of a national injury insurance scheme or NIIS. The act established a scheme of no-fault minimum care and support arrangements for people suffering catastrophic injuries received through a motor vehicle accident. The arrangements are funded by a fee as compulsory third-party premiums. The scheme is administered by a commissioner who assesses applicants' eligibility and treatment and care needs.

The bill before us today proposes to extend the lifetime care and support scheme. As well as covering catastrophic injuries received through motor vehicle accidents, the scheme will extend to cover catastrophic injuries acquired through work accidents. On behalf of the Greens, I am happy to say that I support this bill and its extension to work accidents.

Establishing the NIIS was a recommendation of the landmark 2011 Productivity Commission report on disability care and support. That report recommended establishing the national disability insurance scheme, or the NDIS, as well as the NIIS. The Greens have supported both the NDIS and the NIIS. We believe these schemes establish a good system for providing long-term, high quality care and support for people with significant disabilities and for people who have acquired catastrophic injuries. Our society should be set up in a way that helps people who have suffered these tragic injuries, whose lives have been irreversibly changed, so that they can at least get care and support that will help them to live as best they can.

This week is Road Safety Awareness Week, and we have been reflecting on the deaths that have occurred on ACT roads. Many of us have been wearing yellow ribbons to signify that this week. One thing that we sometimes do not think about as much as we should is that as well as deaths there are catastrophic life-changing injuries that occur on our roads and in our workplaces.

Since the lifetime care and support fund was commenced in the ACT on 1 July 2014, five people have entered the scheme. These are people that have been catastrophically injured due to motor vehicle accidents and require lifetime care and support. Two participants were pedestrians, two were motorcycle riders, and one was a motor vehicle passenger. Four of the people suffered traumatic brain injury, and one suffered spinal cord injury. Two of the people were less than 10 years old when the accident occurred. These catastrophic injuries are often invisible, and it is worth reflecting on how tragic they can be for the people involved and their families.

The extension of the scheme to cover work injuries stems from heads of agreement on the NDIS which the ACT signed and under which we committed to implementing the NIIS for workers by 1 July 2016. The Productivity Commission recommended that ultimately the NIIS should cover almost all causes of catastrophic injuries, including medical treatment, criminal injury and general accidents occurring within the community or at home.

I understand that this is being introduced in a staged fashion and that there are degrees of difficulties. Motor vehicle accidents are the easiest to cover, followed by workplace injuries. You can see how it becomes more challenging to introduce a scheme that covers all accidents.

There is a strong rationale for migrating the management of workplace injuries from the Workers Compensation Act to the new NIIS. COAG's regulation impact statement on work injuries points out that the act does not meet the NIIS minimum benchmarks for workers due to common law access and lump sum conversion of treatment and care benefits. The Productivity Commission also found that work cover schemes are not suited to providing coordinated lifetime care and support for catastrophic injuries. The rationale and the intent is to get better treatment, care and support for people who are catastrophically injured.

This lifetime care and support scheme is specifically suited to providing specialised services to people whose injuries are very serious and complex. People who have acquired catastrophic injuries at work will have their care and treatment managed by the same body that is already managing those with motor vehicle injuries. It has expertise, it will ensure consistency and continuity and it is set up to specifically manage this kind of lifelong care. The support does not change when a person returns to work. It continues for as long as the injured worker needs it.

The Law Society has raised a question, as it did with the first lifetime care and support bill, as to why a person cannot opt out of the scheme and instead pursue care and support through regular common law means. I remain satisfied with the approach in this bill and that the NIIS is a better way overall to achieve appropriate outcomes for catastrophically injured people. It is the approach recommended by the Productivity Commission.

The common law right to sue for future care and support needs is replaced with this lifetime care and support scheme. The Productivity Commission report gave several cogent reasons for this. It noted that processes for securing compensation for support

through litigation are drawn out and costly. The report said that the creation of the national injury scheme will avoid many of the deficiencies of common law compensation schemes and improve outcomes for people with catastrophic injuries.

The commission said the scheme will reduce the legal and frictional costs associated with the current fault-based adversarial arrangements. It said that the NIIS will promote rehabilitation, adjustment and employment. It also determined that lump sum payments can delay early access to medical treatment, lead to poorer health outcomes and are subject to the uncertainty of predicting an injured person's lifetime care needs.

I find these arguments persuasive, and I also think it is appropriate that we implement the NIIS as recommended, not in some kind of hybrid opt-in, opt-out system. This is also the system agreed to by states and territories. It would be administratively difficult to operate a dual system where people could opt in or out.

I also note that the Productivity Commission recommended that jurisdictions with a small client base such as the ACT essentially piggyback off a larger jurisdiction's scheme, and that is what the ACT is doing by using the New South Wales scheme. This of course also provides an incentive to mirror the New South Wales scheme. It should be noted that injured workers in the lifetime care and support scheme can still take a common law action in relation to economic loss and non-economic loss, but obviously their treatment and care will now be covered by the LTS scheme.

The Law Society have also raised with me an issue about dispute resolution arrangements. Like other issues they have raised, I want to say that while I do understand where they are coming from and I have considered their concerns closely, I do not actually agree. I think the dispute resolution mechanisms in the scheme are appropriate. Two stages of review are available and involve a panel of health professionals who are experts in relevant fields. There is also an appropriate opportunity for legal experts to be involved when legal-technical issues are part of the dispute.

Lastly, I will just mention that a requirement already exists to review the lifetime care and support act after five years. If we discover in some way that the scheme is not working well or not meeting the needs of those who are participating in it, then that review will give us a useful mechanism for addressing it. To conclude, I welcome the introduction of this second stage of the scheme, just as I welcomed the first stage. I am confident it will serve well the people and families who suffer tragic catastrophic injuries in the workplace, just as the first stage has done for people suffering catastrophic injuries from motor vehicle accidents.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (5.39), in reply: I thank the shadow treasurer in his absence and Minister Rattenbury for their contributions to the debate. This bill extends the lifetime care and support scheme to cover private sector work accidents and is part of ongoing national developments in response to the Productivity Commission's report into disability care and support which was published in 2011.

The statutory indemnity scheme established by this bill will provide lifetime treatment and care and support to persons who are catastrophically injured as a result of a private sector work accident occurring from 1 July in the ACT. It will deliver on the second stage of the ACT's commitment under the heads of agreement signed with the commonwealth to establish a national injury insurance scheme as a companion scheme to the NDIS.

The shadow treasurer asked for some information in relation to governance and feedback arrangements for the scheme. I can advise that the existing governance arrangements in place to monitor and report on the operation of the scheme on a regular basis will be extended to encompass the NIIS for work injuries. These arrangements include the preparation of yearly budgets and audited financial statements based on independent actuarial advice, which is obtained annually, as well as annual reporting. The scheme is a separate reporting entity. It is also subject to scrutiny under the estimates and public accounts committee processes.

Regular, six-monthly meetings with our administration partners, the New South Wales LTCS authority, will occur to ensure that the scheme is operating as intended and will cover the interaction with the workers compensation scheme.

An internal audit of governance arrangements will be conducted in the second half of 2017. Further, a review of participant feedback will be conducted annually and included as an accountability indicator of the scheme. I can advise that the first survey of the LTCS scheme's participants who were catastrophically injured in motor vehicle accidents has just been undertaken, and I am pleased to advise that the scheme is overall operating effectively in responding to participants' needs.

In the interests of time, I will conclude there and thank members again for their support and 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.

Standing and temporary orders—suspension

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (5.42): I move:

> That so much of the standing orders be suspended as would prevent order of the day No. 2, Executive business—Renewable Energy Legislation Amendment Bill 2016 being called on and debated forthwith.

Madam Deputy Speaker, members would be aware that I have written to representatives of the opposition and the crossbench last week advising them of the government's intention to bring forward this bill in this sitting week. I have outlined the reasons for that in my correspondence to members, and I simply reiterate that the government is keen to pursue debate on this bill this week to take advantage of the timing available to procure a further 91 megawatts of large-scale wind or solar generation so as to be able to secure sufficient generation to achieve 100 per cent renewable energy target by the year 2020.

Question resolved in the affirmative, with the concurrence of an absolute majority.

Renewable Energy Legislation Amendment Bill 2016

Debate resumed from 3 May 2016, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MS LAWDER (Brindabella) (5.43): This bill increases the total capacity of the generating systems of large-scale renewable energy generators in relation to which feed-in entitlements may be held under the Electricity Feed-in (Large-Scale Renewable Energy Generation) Act 2011, and it amends the Climate Change and Greenhouse Gas Reduction Act 2010 to give effect to the ACT government's greenhouse gas emissions reduction and renewable energy targets.

The aim of the climate change act is to promote the development of policies and practices to address climate change and set targets to reduce greenhouse gas emissions in the ACT. The purpose of the feed-in tariff act is to establish a scheme to support the development of large-scale renewable energy generation.

It is worth noting that the Canberra Liberals have a long, proud history in renewable energy. For example, in 1997 the then minister for the environment Gary Humphries announced that the ACT government would work towards reducing the territory's emissions of greenhouse gases relative to 1990 levels by 2008 and would reduce emissions by 20 per cent below that level by 2018—at the time quite a bold step. At around the same time in 1997 the Howard government at the federal level introduced renewable energy targets.

We support a sustainable renewable energy target, but we are concerned about the costs imposed on Canberra ratepayers that may result from the ACT government's target. I would also like to make the point that the ACT government introduced this bill on Tuesday and is debating it today—only two days later—which is not enough time for proper review and scrutiny of this bill. The ACT government has also asked the scrutiny committee to dispense with its review of this bill, and this is the fourth time this year the ACT government has done so.

Disallowable instruments are usually subject to Legislative Assembly disallowance procedures. Section 11(3) of the feed-in tariff act prohibits the minister from granting a feed-in tariff entitlement under the feed-in tariff capacity release until after the

disallowance period has passed. The disallowance period is six sitting days, and this bill removes the prohibition on the minister granting deeds of entitlement until after the six-sitting-day disallowance period has passed. The ACT government are not adhering to proper process. They are dispensing with the usual six-sitting-day disallowance period and dispensing with scrutiny of this bill by the scrutiny committee.

Earlier today I happened to hear Mr Rattenbury talking about the FOI bill. One of the things he said was that he wanted to foster a culture of openness and transparency and improve government accountability. So on the one hand we are talking about openness, transparency and accountability while on the other hand we are taking away that very openness, transparency and accountability. We are removing the role of the Legislative Assembly that has been accepted for many years.

Scrutiny plays a vital role in our system of parliamentary democracy. For example, I will quote from a paper named *Parliament and accountability: the role of parliamentary oversight committees*:

> An effective system accountability of the Executive to Parliament, backed up by rigorous processes of audit, reporting and scrutiny is fundamental to the proper operation of a Parliamentary democracy.

I am not quite sure whether this is simply that the government is so keen to progress their renewable energy targets that they feel they can dispense with any proper process or whether it is just a matter of political hubris. Our objection here is not about the renewable energy target; it is about respect for proper process. I am a bit disappointed that this has not been adhered to in this case.

In fact, when we heard that the bill was coming on on Tuesday, we asked for an urgent briefing, which took place at about 3.30 on Friday afternoon. At that time, I had not seen any copy of the bill or the explanatory statement. It is hard to ask questions in a briefing when you have not seen any of the material that you are supposedly getting briefed about. Once again, a demonstration of arrogance and lack of adherence to proper process by this government, who think they can just ride rough shod over anything and do whatever they want in the Assembly. They have no regard for our traditions of democracy.

To the content of the bill itself, the next generation renewables program will be supported by a fourth reverse auction, which opened on 1 April and closes soon on 13 May. The ACT government is pushing this bill as quickly as it can so it gives it the legislative capacity to award the licences under the auction. It did not want to wait until the standard six-sitting-day disallowance period had passed to start granting the feed-in tariff entitlements. It is a bit last minute, it is a bit rushed. I do not understand why they did not table this legislation earlier. It is not as if the auction came as a sudden surprise to the government. It is something that surely has been in train for quite some time. Maybe someone had a brainwave, "Oh, actually, our legislation doesn't allow us to do that. Perhaps we should make some changes". A bit chaotic, a bit reactive, and not the proper way to run the territory. It smacks of arrogance; it smacks of someone feeling that they can do whatever they like.

We expressed some concerns when we read in the paper about the costs imposed on Canberra ratepayers that may result from the government's target of 100 per cent renewable energy. According to a *Canberra Times* article on 29 April, the 100 per cent renewable target will add $290 to the average electricity bill at its peak in 2020. This is in addition to the already high fees and charges imposed on everyday Canberrans by the ACT Labor-Greens government, not to mention rates increases. This government is already hitting the pockets of hardworking Canberra ratepayers pretty hard. They talk about the cost of a cup of coffee a week, but when you add it all up it is far more than the cost of a cup of coffee a week.

The World Economic Forum provided a set of policy objectives which can be applied in the Australian context, and these should be considered by the ACT government to develop sound and enduring policy direction. Renewable energy policy, according to these guidelines, must complement national energy policy. Over the next generations the Australian electricity supply system will be transformed from a majority reliance on fossil fuels to a system that meets our international obligations. But the policy should first and foremost address emissions reductions.

Stimulus-specific industries could be considered to be of secondary concern as these industries will survive or fail through national and international opportunities, not ACT government opportunities. Australia contributes about 1.4 per cent of the world's carbon emissions. According to a 2013 Department of Industry report, the ACT directly generates about 0.2 per cent—that is one-fifth of one per cent—of Australia's total greenhouse gas emissions. If you adjust the ACT figure for power consumption provided to it from other states, then we are responsible for about 0.7 per cent of Australia's greenhouse gas emissions. The ACT government is therefore incurring enormous costs to reduce about 0.28 of one per cent of Australia's emissions of this nature.

It is always nice to feel that you are a leader in the field, but you are only a leader if someone follows you. At this point we have not seen all the other states and territories in Australia clamouring to follow the lead. We already had a 100 per cent target by 2025. Given the lack of opportunity for scrutiny, I am unconvinced of the need to bring that forward to 2020.

Having said that, we will not be opposing the bill today. As I said earlier, the Canberra Liberals have a strong commitment to renewable energy and have had such a commitment for many years, long before ACT or federal Labor were interested in renewable energy targets.

Mr Barr: Back in the olden days when the Liberals used to believe in something and weren't run by the conservative right, hey?

MS LAWDER: Because I interrupt you all the time when you're speaking, Mr Barr! Yes, for sure!

MADAM DEPUTY SPEAKER: Can we get back to business so we can come to the end of the day, perhaps.

MS LAWDER: Once again, whilst we have already raised some concerns about the costs of the 100 per cent by 2020 renewable energy target on everyday Canberra households, what we are most concerned about is the lack of opportunity for scrutiny by the Assembly. I think it is a shambolic way to run the territory.

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (5.54): I am pleased to speak in support of this bill today. These amendments see the ACT hold tight to its position as a global leader on action to address climate change and safeguard future ACT governments against the external influences that affect our ability to achieve our emissions reductions and renewable energy targets.

I personally hold a strong interest in continuing to make sure we reach our target of ensuring affordable renewable is available to all Canberrans. Members would be aware that it was I who introduced the first feed-in tariff legislation which allowed local businesses and residents to affordably place solar panels on their premises when of course it was a much higher cost for PV and its associated equipment on rooftops. Thankfully the costs have reduced dramatically since then.

The past five years have been among the top 10 hottest years on record, with 2014 and 2015 consecutively taking out the number one position. 2015 was almost one degree Celsius above the long-term average, an alarming figure which has triggered global concern. This year has started with the global temperature for February and March 2016 being the hottest on record. The effects of climate change are no longer a threat for the future; they are here. The urgency to slow down this warming is greater than ever.

At the Paris climate summit in December last year, 195 of the world's nations agreed to enhance their action on climate change. Here the federal environment minister, the Hon Greg Hunt MP, held up the ACT's renewable energy reverse auction scheme as a shining example of sensible economics to achieve emission reductions. Minister Hunt is reported as saying:

> … I have encouraged the states that if they want to do something extra, (they should) apply reverse auctions to the renewable energy target in the way the Australian Capital Territory has done.

The national leaders attending Paris put an emphasis on states and regions as critical actors to addressing climate change. I congratulate Minister Corbell on the work that he has been doing—the leading work and now recognised as such—at an important forum. Compared to all countries who committed to new targets for emissions reductions in Paris, Australia was ranked third last, ahead only of the oil-rich Kazakhstan and Saudi Arabia. In the face of the substandard effort of the commonwealth, there is little wonder that Australian states and territories are stepping up.

The ACT can be immensely proud that it is punching well above its weight in demonstrating to other jurisdictions within Australia and globally how to cost-effectively achieve emissions reductions and strong investment outcomes. To date the ACT has been ranked in the top 10 of over 140 nations reporting to the carbon disclosure project for our climate change policies and reporting. We are in the top three for our renewable energy targets, and we were ranked as the leader for our 80 per cent emissions reductions target by 2050.

However, the world is progressing quickly, and our targets need to be updated. Even now as we sit here South Australia is ahead of the game, announcing in November 2015 its target of zero net emissions by 2050. We are not a city to have our titles taken from us lightly, Madam Deputy Speaker, so this government has set out a framework to achieve these emissions targets, including the previous target of 90 per cent renewable energy target by 2020.

It is with immense pleasure we can say that the ACT's investment strategy is achieving the current targets, at a very modest cost, and by doing so we have opened up the opportunity to increase our renewable energy target to 100 per cent. The ACT government's renewable energy local investment framework sets out a vision of Canberra as an internationally recognised centre for renewable energy innovation and investment. The ACT will also see $400 million spent in local investment.

Significant renewable energy projects have been built or are headquartered in the ACT, seeding the potential for further development and management of other assets or operations from the ACT and bringing jobs to our city. We are developing research and skills centres, attracting industry and students to the ACT, and building strong community support.

The government's first three wind energy projects have achieved low cost and clean electricity to power over 100,000 Canberra homes, or approximately one-third of the ACT's electricity demand. Once complete, the government's suite of renewable energy projects will be the key mechanism for achieving by 2020 a 40 per cent reduction in emissions at an affordable cost.

This government's leadership, vision and commitment is positioning the ACT at the forefront of renewable energy policy developments in Australia, and, indeed, the world. Canberra is emerging as an internationally recognised centre.

At 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MR GENTLEMAN: As I was saying. Canberra is emerging as an internationally recognised centre for renewable energy innovation and investment. In the process, we are diversifying the ACT economy. The next stage of renewable energy investment is equally if not more exciting. Germany, Japan and the US are regarded as the leaders in grid level energy storage due to a combination of government mandates and the need to incorporate large amounts of built and planned solar and wind farms. It is Australia, though, that is widely considered to be an ideal testing ground for storage,

both behind the metre and on the network, and the country that could define how storage is more widely implemented. That is due to our huge rates of penetration of rooftop solar.

To illustrate the opportunities, investment bank Morgan Stanley has forecast the home battery storage market in Australia could be worth $24 million, with half of all households likely to install batteries to store the output from their solar panels. It also forecasts around 2.4 million households in the national electricity market will have solar by 2020, more than double the 1.1 million households that already have solar in the NEM.

In addition, with an ageing fleet of fossil fuel generators and excess capacity due for retirement, storage will be key to ensuring the reliability of the NEM into the future. This government is positioning the ACT to capitalise on its imminent investment boom. Already more than 10 per cent of households in the ACT have rooftop solar. That is 15,000 houses. In combination with our policy initiatives, this positions the ACT to take advantage of rapidly emerging technologies, such as electronic vehicles and low cost storage.

The ACT has taken the national lead in filling the policy vacuum left by the federal government by providing a stable political and investment environment for renewable energy technology and the supporting industry. Other states are now recognising the benefits being accrued by the ACT and are following our lead. This is why we are still in a prime position to act and act swiftly to achieve 100 per cent renewables. We have first-mover advantage on the renewables market, but for how much longer is uncertain.

The ACT leads the way in responding to this challenge, and we will continue to do so as long as we grow a sustainable, diversified and increasingly resilient economy as well as a secure energy system while combating carbon emissions and climate change.

The government is attracting significant local investment that is positioning the ACT economy as an innovation and investment hub for renewable energy in Australia. With this bill we confirm our leadership position in this field through enhanced target setting and by progressing low cost renewables for our city. I commend the bill to the Assembly.

MR RATTENBURY (Molonglo) (6.03): I intend to keep my remarks short, given the lateness of the hour, but I am very pleased to be debating the Renewable Energy Legislation Amendment Bill 2016 which seeks to increase the ACT's renewable energy target to 100 per cent by 2020 and bring forward the ACT's long-term climate change target of net zero emissions from 2060 to 2050.

The moral argument for action on climate change is just as relevant for this bill as it was for the Greens and the ALP supporting a 40 per cent target for the ACT when we first passed the climate change bill in 2010. There have been many scientific studies since that time which show an increasing rate of impacts of climate change on this planet. I could go into some detail of those studies. Many of them have been in the media in recent times. Certainly the one that particularly struck me in the last week was the extraordinary graph of the Greenland ice sheet melt happening so much earlier than it ever has before.

But in the spirit of getting on with it, I would simply like to note that here in the ACT, with the Greens strongly arguing the case, we have reached a place of some consensus around the scale of the problem and the moral imperative to be part of the solution. The ACT is one jurisdiction in Australia that has responded to the call to action that has come from scientists who are seeing the reality of what is happening, driven by human-induced climate change. There are other cities and towns around the world that are putting in place solutions and setting ambitious targets but there is no doubt that the ACT is a leader.

We, of course, have some very contrary science here in Australia. The recent approval by the ALP government in Queensland of the Adani coal mine, Australia's biggest ever mine, is very distressing in the context of our national efforts as well as the lack of action by the national government where we saw a budget delivered on Tuesday night that did not mention climate change once. Again, I will prosecute those arguments another day because the ACT Greens tonight welcome this Labor-Greens government commitment to bringing forward the long-term climate change targets and renewable energy targets.

I would like to take this opportunity to offer my support and thanks to the minister for the environment, Simon Corbell, and his team in the environment directorate for their high quality work on delivering this outcome. Many people said that it was not possible, but I think that team and the minister and this Assembly have made it a reality. I also want to acknowledge the work of my Greens colleagues over many years in undertaking the political groundwork this target has been built on. Greens MPs have often been ridiculed when talking about the possibilities associated with renewable energy over the years. Achieving this target shows how effective we can be if we embrace solutions.

This, of course, is not the end of the line. While commonly known as a renewable energy target, what we are actually changing today is the ACT's renewable electricity target, that is, the source of electricity that comes down the wire and into our homes and businesses. The ACT's energy use extends well beyond that, namely, into transport fuels and gas for home heating and hot water. These are where our next focus needs to be if we are going to reach our net zero emissions target of 2050 which is included in the climate change act and which is also brought forward from 2060 through the passing of this bill today.

Transport emissions make up around 26 per cent of the ACT's emissions, and then the next biggest sector is natural gas, which makes up around nine per cent of our emissions. I have no doubt that focusing on those sectors is what the policy brains are starting to work on right now.

In summary, the ACT Greens are pleased to be able to support this bill. It delivers our 40 per cent by 2020 climate change target. It is in, indeed, heartening to be part of something that is so clearly moving in the right direction.

I would like to finish by noting that this weekend there is going to be a massive climate change protest in Newcastle, a flotilla of peaceful protesters gathering under the banner of "Break free from fossil fuels". There will be people there from all walks

of life and all ages, people who are increasingly frustrated that political decision-makers are not moving fast enough to cut our reliance on fossil fuels. While I am proud that here today in Canberra we are delivering on climate action, I would like to offer my support to all of those who are in Newcastle on the weekend, because they are right. We need more action on reducing emissions and we need it much faster. I commend the bill to the Assembly.

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (6.08), in reply: I would like to thank all members for their contribution to this debate. I want to start by reiterating the importance of the reforms that we are debating tonight, because even though it is in the small hours, if you like, of the last sitting day this week, this is a really significant reform that we are debating and that we are going to make tonight: the formal shift for our city to establish a 100 per cent renewable energy target, to put in place the enabling legislation to procure the electricity to meet that target, to do so in a way which is affordable to consumers, which is going to create jobs and investment in our economy and, further, to align our long-term carbon neutrality target to 2050, which makes it best practice again nationally and internationally.

These are very significant changes. As my colleagues Minister Gentleman and Minister Rattenbury have outlined, the imperative to do this is so significant. The changes that we are seeing in the global environment that are hitting home here in Australia as well as around the world are frightening. Look at what is happening in Tasmania. A prolonged drought has fundamentally compromised what many of us would have regarded as an unassailable, reliable resource, the Tasmanian hydro scheme.

We have got circumstances where increases in average water temperatures in places along the Great Barrier Reef have seen in some parts of the Great Barrier Reef coral death of over 50 per cent of entire segments of the reef. We have got similar impacts on coral reefs in other parts of Australia as well.

Globally we are seeing fires of a magnitude we have never seen before like the massive fires occurring right now in Canada, destroying entire ecosystems of boreal forest in a way and in circumstances where average temperatures are 22 degrees higher than would otherwise be expected for that time of the year in Canada.

What we are seeing is ecosystem collapse, and it is occurring because of a change in global temperature. Ultimately if this continues, this ecosystem collapse is going to impact on the systems we rely upon for our own health and wellbeing. So we must act. We as a city in inland Australia, very exposed to variations in temperature, heatwave, drought, fire, water shortage, have to do our part.

I do not accept the argument from the shadow minister for the environment that we are only a small part of the picture and we are doing beyond our fair share. No, we are not. We are doing our fair share. Our fair share is what the science tells us all of us need to do per capita, which is reduce our greenhouse gas emissions, reduce them consistent with what the science tells us. These targets in our legislation are exactly consistent with what the science tells us.

The decarbonisation of the electricity supply sector is a critical measure to reduce our city's greenhouse gas emissions, and we have demonstrated it through policy measures that are well understood and applied internationally and that can deliver tremendous results locally, in our city, both in terms of environmental outcomes and also in terms of economic outcomes and jobs outcomes. And they have been endorsed from across the political spectrum.

As my colleague Minister Gentleman pointed out, the current federal environment minister, Minister Hunt, has said on the record that if states and territories want to take action to support and be complementary with national renewable energy policy, they should adopt the ACT-style reverse auction for a renewable energy target. He is on the record as saying that. For Ms Lawder to assert that we are somehow contradictory to national policy flies in the face of the comments made by her own federal colleague.

I note Ms Lawder's concerns about process and I would draw to her attention that I sent an exposure draft of this legislation to the opposition and to the Greens when I wrote to them a few weeks ago. I am sorry that Ms Lawder did not get a copy of that but it was provided to her leader, Mr Hanson. Perhaps she should take up her complaint with the Leader of the Opposition's office.

The point to be made around all of this is that now is the time to act. It is the time to act in terms of the environmental imperative but it is also the time to act when it comes to the opportunity our city has to secure investment and to secure renewable energy at an affordable price.

Let me turn to the question of price. I know that those opposite raised a concern about the impact on electricity consumers. Yes, there is a pass-through cost to consumers associated with making the transition to 90 or 100 per cent renewable electricity. But that cost is a modest one and, more importantly, is a cost that has remained constant over time and consistent with projections the government has put out going right back to 2011.

I draw members' attention to the analysis the government made in 2011 when we first established the 90 per cent renewable energy target. We estimated that the cost of making this transition would be between $5.18 and $5.87 per household per week in the year 2020 as the maximum pass-through impact. That was back in 2011. Now, with the analysis that I released as part of the government's announcement a couple of weeks ago to make the transition to 100 per cent renewables, we confirm that the cost per household would sit at around $5.50 per household per week, maximum pass-through cost in the year 2020.

We have a very clear projection that has remained constant and consistent over time, and that price impact is now sitting squarely in the middle of the range we anticipated over five years ago. That is a great outcome in terms of the consistency and the reliability of our projections.

But, more importantly, the cost of this transition is a modest one because we are helping to reduce the overall amount of electricity that Canberra households and businesses have to use. Not only are we doing that through measures like the ACTSmart sustainability scheme, which is helping and teaching Canberrans both in the business sector and in the household sector to reduce their electricity demand, but we have mandated electricity companies, required them, to provide energy efficiency services to households. We have required that of them through the energy efficiency improvement scheme.

That is a scheme that those opposite voted against. It is disappointing they did, because it delivers a net benefit to households. It delivers savings on a weekly basis of around $5 per household per week. That effectively reduces or cancels out the impact associated with the transition to 100 per cent renewables. If you are seeing that reduction, then the net impact on your bill is pretty much zero.

But that shows you how affordable this transition can be. It is not a huge impost. It is not a dramatic impost. It is a manageable impost. And when you consider further that 25 per cent of the households that are assisted through the energy efficiency improvement scheme must be low income households and that the electricity retailers have an obligation to find those households and deliver energy efficiency services to them, you can see that this government is very focused on a just transition as well, assisting the most those household who are the most vulnerable. So there cannot be any argument that we are not having due regard to these cost impacts.

But we must also have regard to the economic opportunities, and these are considerable. Through the reverse auction processes the government has administered to date, we have secured commitments from the renewable energy developers to invest in our city, and we have companies like Windlab, Neoen and CWP committing to establish operation centres here in Canberra, committing to establish wind or solar development functions here in Canberra, committing to invest in the ANU in new skills and research, to invest in the CIT over $30 million in microgrid and wind energy skills development courses and training.

We have identified, for example, that at the moment when you build a wind farm and you need to train a technician you have to send them to Europe. Why cannot they be trained here in Australia? We are addressing that right now. The CIT will be the first TAFE in Australia to offer an accredited training course in wind maintenance and other technical skills. That is directly a result of the investments we are securing from the wind energy developers. In total, we are looking at an investment of over $400 million worth of value into the ACT economy, simply from requiring strong, local economic development outcomes as part of the procurement for large-scale renewable energy generation.

The changes we are debating today will establish zero net emissions for our city by the year 2050 but they will also amend the Electricity Feed-In (Large-scale Renewable Energy Generation) Act to allow a further 91 megawatts to be procured through the current reverse auction that is underway. That will bring in total 200 megawatts to be procured in that auction, and now is the time to do it, because

prices are very competitive. We have demonstrated time and again that we can achieve low prices for large-scale renewables; indeed the lowest prices ever achieved for wind nationally over two consecutive auctions. That is in our city's best interests.

This Labor government has a vision for a city that is innovative and that is diversified in its economic footprint, and renewable energy excellence is part of that vision. Jobs and investment and innovative start-up companies and Canberra-based spin-offs like Windlab and Reposit Power, growing our research and our strengths in the university sector, in the TAFE skills sector and reducing the environmental impact of our city's greenhouse gas emissions; these are all good things for our city, and we know they are strongly supported by Canberrans.

A recent review by the Australia Institute confirmed that across the ACT 78 per cent of people polled supported a 100 per cent renewable energy target by the year 2025. Only 10 per cent of people surveyed opposed that. And over 62 per cent of people polled supported paying a little more to make that transition. These are policies that people understand. These are policies that people support because they know it makes sense and they know it is the transition that our economy must go through if we are to be sustainable, if we are to reduce the impact of our habitation on this planet and ensure that the planet itself is able to continue to sustain us.

I want to thank members for their support, albeit some of it lukewarm from those opposite. I worry about what they would do if they were in government. I worry about whether they would wind back these commitments. We need to see a much more definitive statement of support from the Liberal Party around the renewable energy agenda, because right now I do not think you can take their views as expressed this evening as in any way an endorsement of the importance of this reform agenda.

But I thank members for their support. Let us get on with the job. Let us get on with the job of achieving 100 per cent renewables, investing in jobs and economic opportunity in our city and helping make a just transition to a low carbon future. I commend the bill to the Assembly. I present a revised explanatory statement to the bill.

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 Gentleman**) proposed:

> That the Assembly do now adjourn.

International Nurses Day

MS BURCH (Brindabella) (6.23): I rise today to recognise and pay my respects and regards to the nurses across our community. On 5 May it is International Midwives Day. On 12 May it is International Nurses Day. Having been a registered nurse myself for many years, I think it is appropriate that I tip my hat, so to speak, to the nurses in our community.

12 May is International Nurses Day, in recognition of the anniversary of the birth of Florence Nightingale. That incredibly strong woman of a bygone age is still remembered by many. I want to thank the over 310,000 enrolled nurses, registered nurses and nurse practitioners that operate across our health system. The theme for International Nurses Day 2016 is "Nurses: a force for change—improving health systems' resilience". And a force for change nurses are. They have been part and parcel of our healthcare system for many years. Florence Nightingale is well regarded and recognised across many professions.

I trained as a nurse back when it was hospital-based training. Whilst I was young at the time and probably did not have a clear idea about what was to come in the nursing profession, I knew from day one, from the first day on a hospital ward, that that was where I belonged, that that was what I wanted to do, and that I wanted to care for people in their hour of need.

Mrs Bev Flint from Tuggeranong Community Council was recognised in this chamber last night. She trained at the same hospital as me. Just before Christmas last year we shared in a reunion of nurses from that hospital training. It was good to catch up with those people.

Nurses are the backbone of our health system. We find them in isolated and dangerous communities, we find them in our schools, we find them in healthcare facilities, in community health facilities and across our hospitals in many disciplines of their skills and training. We would not have the health and wellbeing of our community if it were not for nurses.

I will close by saying to all the nurses across our hospitals, particularly here in Canberra, regardless of the health setting in which they operate: thank you for what you do. We as a community and a society are far better for the work they do. I hope every nurse has a little bit of time to celebrate on International Nurses Day next week, on 12 May. I will be thinking of you. I know your work is often hard and that you often feel unappreciated, but I think I can say for all here in this Assembly that every nurse in this community is well regarded and well appreciated.

Ronald McDonald House

MS LAWDER (Brindabella) (6.26): I would like to take the opportunity today to acknowledge the hard work and dedication of the gala organising committee for the Ronald McDonald House Canberra Lexus masquerade gala ball, which took place on

2 April 2016 at the National Convention Centre. It truly was a gala ball. It was a sensational event. The entertainment, the decorations and the food were all outstanding. More importantly, the event raised in excess of $400,000.

The work of Ronald McDonald House is nothing short of admirable. Research shows that families are stronger when they are together. At a time when families of a sick child are at their most vulnerable, it is great to know that they have the support of Ronald McDonald House Canberra. Ronald McDonald House Canberra has supported over 950 families since its opening in October 2012. It is uniquely situated inside the Canberra women and children's hospital. Staying at Ronald McDonald House provides families with a place of comfort, hope and love.

I would like to congratulate and acknowledge the gala organising committee on their hard work. They included Hani Sidaros, the gala ball committee chair and Ronald McDonald House Canberra board treasurer; Michelle McCormack, the executive officer for Ronald McDonald House and ball committee treasurer; Ben Stockbridge, McDonald's ACT licensee; Mirko Milic, dealer principal of Lexus of Canberra; Eoghan O'Byrne, general manager of Canberra FM; Troy Cassell, owner of Leader Security, and Karen Cassell of Leader Security; Ivan Slavich, CEO of Parasol EMT; and Nerissa Richardson, operations assistant at Ronald McDonald House Canberra. Thank you to those committee members and to the board members of Ronald McDonald House for their ongoing work in supporting vulnerable families when they really need it, with a sick child in hospital.

Canberra Community Law—socio-legal practice clinic

MR HINDER (Ginninderra) (6.28): It was with great pleasure that this week I attended the launch of Canberra Community Law's socio-legal practice clinic. My colleague the Attorney-General, Simon Corbell, opened the clinic and rightly described it as an important step forward in improving access to justice in the ACT.

The clinic opened earlier this year and adds to the services already provided by Canberra Community Law to the ACT and its most vulnerable residents. The clinic uses a particularly effective form of model of practice. The approach combines both legal and social work advocacy, meaning that clients can access services beyond legal advice. This recognises that vulnerable people experience complex social issues which give rise to the need for legal assistance. This kind of service delivery model is particularly innovative and addresses socio-legal needs and accounts for urgency. These could include urgent access to legal services in order to prevent eviction from public housing.

The clinic is particularly focusing on preventing homelessness for women and children affected by domestic violence. A key goal of the clinic is to empower clients to overcome the difficulties they face on a daily basis and plan for a better future. All Canberrans should have supports in place to overcome hurdles. These supports are all too important for the most vulnerable in our community.

Given my legal background, I am particularly interested in ways to improve access to justice in the ACT. While this government applauds the work of NGOs in this area,

we as a government are also actively seeking to reduce court waiting times and improve the accessibility of justice services here in Canberra.

This month the sod was turned on the new courts precinct, which will mean that more courts can sit simultaneously, consequently reducing waiting periods for proceedings that must come before the courts. Minister Corbell also recently announced that the ACT government has selected a fifth justice for the Supreme Court, which will further reduce strain on the system and speed up legal hearings in the territory.

I have a strong commitment to legal equity in our community based on my decades of experience as a lawyer in the ACT. I volunteered on numerous occasions over the years for the ACT Law Society's legal advice bureau, which provides initial advice to members of the public during lunchtimes.

I have been a part of other organisations which provide legal advice and representation to people from low socioeconomic backgrounds. As chairman of Bendigo community bank, I actively sought to sponsor the local women's legal services as a means of making sure that women in difficult circumstances had access to legal services and advice that they needed.

It is because of this record that I understand how important it is that organisations like the new Canberra Community Law socio-legal practice clinic are successful. I commend Canberra Community Law on its vision to seek ways to better target the community and its needs. These actions represent an honest and determined effort to assist people in the community who need it most.

Royal Society for the Blind
Canberra Blind Society

MR COE (Ginninderra) (6.32): I rise this evening to speak about the Royal Society for the Blind and the Canberra Blind Society. The Royal Society for the Blind was founded by Andrew Whyte Hendry, who was himself blinded from the age of six. Hendry established an industrial training school in North Adelaide, the Institution for the Blind, in 1884. The goal of the institution was to assist Australians who were blind or vision impaired to live independently and improve their quality of life.

The institute employed blind and vision impaired people and produced goods such as brooms and brushes that were in high demand. Over time the institute expanded its facilities to include a braille library and accommodation for elderly people who were blind or vision impaired. The institute was renamed the Royal Society for the Blind in 1972 and continued to expand its manufacturing activities as well as providing practical assistance for blind or vision impaired people across South Australia.

The Canberra Blind Society has been a major provider of services to blind or vision impaired people in the ACT for over 50 years. Together with the Royal Society for the Blind, the Canberra Blind Society works to provide a wide range of services for more than 550 blind or vision impaired people to help them live independently. These services include occupational therapy, independent living assessments, case management, support and counselling, adaptive technology, print alternatives, training and service providers, social support programs, and workplace assessments.

Since 2014 the Royal Society for the Blind and Canberra Blind Society have been working in partnership to provide services here in the territory. The society runs a number of group activities. The Tuesday club, drop-in lunches, and discussion and excursion group provide an opportunity for clients to meet other clients. "Sense-able cooking" helps people with low vision to try new recipes, meet new people and prepare meals with confidence. The society runs classes to teach braille to blind or vision impaired people as well as their parents and carers and professionals who work in the blindness field. The audio book group gives booklovers an opportunity to explore and discuss books with other clients. The society also runs an annual recreational camp.

Like so many other organisations, the Blind Society relies heavily on community generosity to continue its work. Community donations and bequests in people's wills greatly assist the society. At the beginning of May each year the society's annual street appeal is an opportunity for volunteers and members of the community to collect donations to give to this very worthy cause.

I would like to commend the Canberra Blind Society board, including the president, Peter Granleese; the vice president, Heath Fitzpatrick; the treasurer, Len Hogg; the secretary, Graham Downie; and committee members Ken Birrer, Sharon Sobey, Scott Grimley, Beaux Guarini, Ray Clark, who is the president of the Royal Society for the Blind, and Andrew Daly, the executive director of the Royal Society for the Blind. I would also like to commend all the staff, including Debra Quinnell, Hanelle Blick, Emma Lea Sheather, Gina Baulderstone, Rebecca Jones; Trish Costantini, and Isla Smith.

As part of this year's street appeal, Mr Wall and I will be holding a fundraising morning tea tomorrow morning in the reception room. I encourage all members of the Assembly to come along between 10.30 and 11.30, make a donation and enjoy some delicious home-made baked goods. All donations will go directly towards supporting people in Canberra who are blind or vision impaired. For more information about the society I recommend members visit their website at www.canberrablindsociety.org.au.

The Assembly adjourned at 6.36 pm until Tuesday, 7 June 2017, at 10 am.

Answers to questions

Government—performance audits (Question No 662)

Mr Smyth asked the Chief Minister, upon notice, on 11 February 2016 *(redirected to the Speaker)*:

(1) What is the expected cost of undertaking and completing each of the performance audits planned for 2015-2016 in terms of (a) FTE (number of FTE), (b) consultants or contractors (number of FTE equivalent), (c) staff cost, (d) staff overheads and (e) other costs including travel and direct administrative costs and overhead costs including IT, accommodation and all other support costs.

(2) What was the cost of undertaking and completing (or expected if not yet complete) each of the performance audits listed at Attachment C, Pages 28 – 29 of the *ACT Audit Office Performance Audit Program 2015-16 and Potential Audits to Commence over 2016-17 to 2017-18* in terms of (a) FTE (number of FTE), (b) consultants or contractors (number of FTE equivalent), (c) staff cost, (d) staff overheads and (e) other costs including travel and direct administrative costs and overhead costs including IT, accommodation and all other support costs.

Mrs Dunne: The answer to the member's question is provided at Appendix A:

(A copy of the attachment is available at the Chamber Support Office).

Mugga Lane tip—development (Question No 671)

Ms Lawder asked the Chief Minister, upon notice, on 16 February 2016 *(redirected to the Minister for Transport and Municipal Services)*:

(1) What was the work proposed at the Mugga Lane tip as per the Development Application number 201528509.

(2) When is this work at the Mugga Lane tip expected to start.

(3) When is this work at the Mugga Lane tip expected to be completed.

(4) What public consultation, if any, did the ACT Government conduct on this work at the Mugga Lane tip and when did this public consultation take place.

(5) What feedback, if any, did the ACT Government take into account from any public consultation it conducted on this work at the Mugga Lane tip.

(6) Can the Minister provide both a hardcopy and softcopy of the Development Application for this work at the Mugga Lane tip, which is no longer publicly available on the Environment and Planning Directorate website.

(7) Why was the Development Application for this work at the Mugga Lane tip removed from the Environment and Planning Directorate website.

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

(1) The work proposed comprises the detailed design and modelling of the next landfill cell (known as Cell 1) which was approved under the original Environmental Impact Statement (EIS) for the whole of Stage 5. The Development Application (DA) also covers a new Leachate Pond at the Mugga Lane Resource Management Centre that will be compliant with the EPA Victoria's Best Practice Environmental Management (BPEM) Guidelines.

(2) The construction of Cell 1 is anticipated to commence by the end of April 2016.

(3) The construction works associated with Cell 1 are anticipated to be completed by June 2017. The EIS is valid for up to 30 years and a separate DA will be submitted for each of the subsequent landfill cells.

(4) The application was publically notified in accordance with the *Planning and Development Act 2007* between 26 November 2015 and 16 December 2015. The public was notified of the consultation via on site signage, letters which were sent to adjacent lessees and a notice placed in the Canberra Times on 25 November 2015.

(5) One representation was received from an adjacent landholder raising concerns about litter and odour. However, following consultation with ACT NoWaste, including clarification of how litter and odour would be managed, the representor withdrew the representation.

(6) The Development Application is available on the public register. Copies of all plans and supporting documents relating to the DA can be requested from Customer Services, Access Canberra.

(7) This Development Application was notified and displayed in the regular manner. Development Applications are made available on the Environment and Planning Directorate website during notification.

The Development Application is available on the public register. Copies of all plans and supporting documents relating to the DA can be requested from Customer Services, Access Canberra.

Land Development Agency—properties (Question No 673)

Mr Coe asked the Chief Minister, upon notice, on 18 February 2016 *(redirected to the Minister for Urban Renewal)*:

(1) For each property acquired by the LDA since 1 January 2015, what is the (a) block and section, (b) date of settlement and (c) amount paid.

(2) Was advice received, for each of the properties in part (1), from the (a) Minister for Economic Development, (b) Chief Minister and (c) Treasurer.

(3) Did the LDA provide a business case to ACT Treasury for each of the properties in part (1).

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

(1) Property acquired by the LDA since 1 January 2015 is set out in the following table. Please note that as the purchase price for individual properties is Commercial in Confidence, part (c) of the first question has not been provided.

(a) Block and Section (District)	**(b) Settlement Date**
Section 72 Dickson	19 February 2016
Block 859 Belconnen	23 January 2015
Block 858 Belconnen	11 June 2015
Block 24 Section 65 City	9 September 2015
Lot 2 Wallaroo Road	19 November 2015
Blocks 1470, 1471 and 1405 Tuggeranong	20 March 2015
Kambah 6 Block 10 Section 226 Block 12 Section 226 Block 25 Section 227 Block 26 Section 227 Block 11 Section 226 Block 27 Section 227	 9 June 2015 11 June 2015 7 July 2015 29 September 2015 19 October 2015 18 December 2015
Majura Road IKEA Slip Road	24 September 2015
Block 518 Stromlo	24 November 2015
Blocks 1591-1597 Belconnen	30 June 2015
Block 19 Stromlo	31 July 2015
Blocks 412, 413, 487, 426 and 489 Stromlo	Settlement Pending
Surrendered Land Rent Blocks	Various
Transfer of land within ACT Government	Various

(2) No. Land acquisitions made by the LDA fall into two categories; Strategic Acquisitions and Business as Usual Acquisitions. Consultation with the Minister for Economic Development, Chief Minister and Treasurer occurs for relevant Strategic land acquisitions, in accordance with the Strategic Land Acquisition framework. Please also refer to the response to Question on Notice number 1 from the inquiry by the Standing Committee on Planning, Environment and Territory and Municipal Services into 2014–15 Annual and Financial Reports (5 November 2015).

(3) No. Consistent with the response to question (2) above, a business case to Treasury is only prepared for relevant strategic land acquisitions, in accordance with the Strategic Land Acquisition framework.

Trees—maintenance (Question No 682)

Mr Coe asked the Minister for Transport and Municipal Services, upon notice, on 9 March 2016:

(1) What was the cost of street tree maintenance broken down by (a) staff, (b) equipment and (c) other.

(2) What is the number of staff involved with the street tree maintenance program for the financial years (a) 2010-2011, (b) 2011-2012, (c) 2012-2013, (d) 2013-2014, (e) 2014-2015 and (f) 2015-2016 to date.

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

(1) The breakdown of costs are shown below:

	2010-2011	**2011-2012**	**2012-2013**	**2013-2014**	**2014-2015**	**2015-2016**
	Jun YTD	**Jun YTD**	**Jun YTD**	**Jun YTD**	**Jun YTD**	**Feb YTD**
Salary and Non Payroll Contract Staff	2,560,363	2,960,558	3,710,862	3,809,947	3,921,669	2,519,182
Operational Costs*	2,568,061	2,935,548	3,242,843	3,687,926	2,823,001	1,947,467
Total Costs	**5,128,424**	**5,896,106**	**6,953,705**	**7,497,873**	**6,744,670**	**4,466,648**

* This includes:
- Equipment hire (travel towers, trucks and wood chippers, crane truck and stump cutting).
- Plant, equipment and vehicles lease costs and fuel
- Repairs and maintenance on leased and owned plant, vehicles and equipment
- Tree planting, tree watering & removal of trees
- Other operational/administrative costs such as IT, depot costs, security, stationery, storage yard management, etc.

Note: Tree maintenance includes street and park tree maintenance, tree removals, watering, planting and administration of the *Tree Protection Act 2005*. There are approx 750,000 street and park trees.

(2) Staffing numbers are shown below:

	2010-2011	**2011-2012**	**2012-2013**	**2013-2014**	**2014-2015**	**2015-2016**
	Jun YTD	**Jun YTD**	**Jun YTD**	**Jun YTD**	**Jun YTD**	**Feb YTD**
Urban Treescapes	42.83	42.89	44.93	45.44	43.96	43.91
Tree Protection Unit*	-	-	5.83	5.5	5.57	6
Total Number of Staff	42.83	42.89	50.76	50.94	49.53	49.91

* The Tree Protection Unit became part of Urban Treescapes from 2012-13 onwards.

Housing—statistics (Question No 690)

Mr Coe asked the Treasurer, upon notice, on 9 March 2016:

(1) What is the number of rateable dwellings (or dwellings/households paying rates) in the ACT as at 8 March 2016.

(2) What is the number of rateable dwellings as at 8 March 2016 for (a) standard dwellings and (b) unit dwellings.

(3) What is the projected number of rateable dwellings (or dwellings/households paying rates) in the ACT for (a) 2016 2017, (b) 2017 2018 and (c) 2018 2019.

(4) Of the projected number of rateable dwellings for the financial years in part (3), what is the number of (a) standard dwellings and (b) unit dwellings.

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

(1) The total number of rateable dwellings (residential properties) in the ACT as at 8 March 2016 is 155,523.

(2) The number of rateable dwellings (residential properties) as at 8 March 2016 for (a) standard dwellings is 111,479 and for (b) unit dwellings is 44,044.

(3) The Government does not explicitly forecast the number of rateable dwellings. General rates revenue is set in aggregate which takes into account the expected growth in overall revenue.

(4) The split between stand alone properties and units also changes from year to year.

ACTION bus service—buses (Question No 694)

Mr Coe asked the Minister for Transport and Municipal Services, upon notice, on 10 March 2016:

(1) Further to the answer to Question on Notice 591 regarding the new ACTION timetable first announced on 7 September 2015, how many buses have been (a) purchased or (b) leased.

(2) If any buses have been purchased or leased since the answer to Question on Notice 591 was finalised, what has been the cost of (a) purchasing or (b) leasing.

(3) If any buses have been purchased or leased since the answer to Question on Notice 591 was finalised, what is the age of those vehicles.

(4) How many more buses need to be purchased or leased in order to implement the timetable announced on 7 September 2015.

(5) If any buses have been purchased or leased since the answer to Question on Notice 591 was finalised, advise the European emission standard for those buses.

(6) Can the Minister provide a breakdown of the ACTION fleet by vehicle age, in five year increments, type and by compliance with the European emission standard.

(7) When will the following improvements to the ACTION bus timetable be implemented: (a) additional Red Rapid services in the evening, (b) increased Xpresso

services from North Weston and Chisholm Park & Rides, (c) introduction of a direct peak Red Rapid service for Crace, (d) introduction of a direct peak Blue Rapid service for Florey and Latham and (e) additional Xpresso services to and from the Molonglo Valley.

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

(1) (a) four replacement fleet buses have been purchased and (b) one bus has been leased.

(2) Four buses have been purchased at a total cost of $1,481,432 (inc. GST) and (b) one bus has been leased from February 2016 at a total cost of $17,600 (ongoing lease cost of $5,500 per month plus set up costs including fitting of cameras ticketing and NXTBUS of $6,600).

(3) Purchased buses are less than one year, the leased bus is 2.5 years.

(4) ACTION will not be implementing the timetable that was announced on 7 September 2015.

(5) The four replacement fleet buses purchased are Euro VI and the one leased bus is Euro V.

(6) Operational Fleet Age:

0 to 5 yrs - 140 buses (52 Euro VI and 88 Euro V)
5 to 10 yrs – 88 buses (58 Euro V and 2 Euro IV and 28 Euro III)
10 to 15 yrs – 60 buses (42 Euro III and 18 Euro II)
15 to 20 yrs – 9 buses (9 Euro I)
20 to 25 yrs - 114 buses (34 Euro I and 80 do not meet Euro emission standards)
25 to 30 yrs – 5 buses (5 do not meet Euro emission standards)
Total operational fleet: 416 buses

(7) Improvements to the ACTION timetable are being developed by services planners to be introduced during the next timetable revision, which has no scheduled date at this time.

ACTION bus service—buses (Question No 696)

Mr Coe asked the Minister for Transport and Municipal Services, upon notice, on 10 March 2016:

(1) What is the number of buses purchased for the ACTION fleet in (a) 2000 2001, (b) 2001-2002, (c) 2002-2003, (d) 2003-2004, (e) 2004-2005, (f) 2005-2006, (g) 2006-2007, (h) 2007-2008, (i) 2008-2009, (j) 2009-2010, (k) 2010-2011, (l) 2011-2012, (m) 2012-2013, (n) 2013-2014, (o) 2014-2015 and (p) 2015-2016 to date.

(2) For the financial years in part (1), (a) can the Minister list the expenditure on purchasing the buses, (b) breakdown the total number of buses purchased into new buses and used buses and (c) list the average age of the purchased buses.

(3) For the financial years in part (1), can the Minister list the (a) number of buses leased for the ACTION fleet, (b) lease costs, (c) average lease period and (d) average age of the leased buses.

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

(1) (a) 2000 2001 - Nil
(b) 2001-2002 - Nil
(c) 2002-2003 - Nil
(d) 2003-2004 - 37 buses purchased
(e) 2004-2005 - 13 buses purchased
(f) 2005-2006 - 16 buses purchased
(g) 2006-2007 - 8 buses purchased
(h) 2007-2008 - Nil
(i) 2008-2009 - 16 buses purchased
(j) 2009-2010 - 45 buses purchased
(k) 2010-2011 - 45 buses purchased
(l) 2011-2012 - 25 buses purchased
(m) 2012-2013 - 25 buses purchased
(n) 2013-2014 - 17 buses purchased
(o) 2014-2015 - 31 buses purchased
(p) 2015-2016 to date - 16 buses purchased

(2) (a) 2000 2001 - Nil
2001-2002 - Nil
2002-2003 - Nil
2003-2004 - $13.786m
2004-2005 - $5.984m
2005-2006 - $7.615m
2006-2007 - $3.924m
2007-2008 - $1.595m (part payments during production)
2008-2009 - $6.413m
2009-2010 - $30.055m
2010-2011 - $18.382m
2011-2012 - $17.079m
2012-2013 - $15.524m
2013-2014 - $9.875m
2014-2015 - $12.458m
2015-2016 to date - $8.222m

(b) all buses purchased were new buses

(c) the average age of the purchased buses is:
2000 2001 - Nil
2001-2002 - Nil
2002-2003 - Nil

2003-2004 - 0.48 yrs (Note: ACTION purchased 20 new buses that were available due to an operator going into liquidation and not being able to complete the purchase of an order. These buses, although never previously registered, were up to 20 months old at delivery.

2004-2005 - 0 years

2005-2006 - 0 years

2006-2007 - 0 years

2007-2008 - Nil

2008-2009 - 0 years

2009-2010 - 0 years

2010-2011 - 0 years

2011-2012 - 0 years

2012-2013 - 0 years

2013-2014 - 0 years

2014-2015 - 0 years

2015-2016 to date - 0 years

(3)

(a) 25 buses were leased for a period of 10 years from 1997. One bus is currently on lease to replace an older bus that was destroyed by fire.

(b) Financial details for the leasing of the 25 buses are not available. Costs for ongoing lease of the one bus are $5,500 per month. Set up costs including fitting of cameras ticketing and NXTBUS were $6,600.

(c) 10 years.

(d) The 25 leased buses were aged 0 at the time of the lease in 1997. The currently leased bus was 2.5 years of age when the lease term began.

Roads—projects (Question No 698)

Mr Coe asked the Minister for Transport and Municipal Services, upon notice, on 10 March 2016:

(1) Can the Minister list the road projects which the Government has committed to deliver.

(2) Of the projects identified in part (1), can the Minister list the (a) priority level and the expected cost of each project for (i) the remainder of 2015-2016, (ii) 2016-2017, (iii) 2017-2018, (iv) 2018-2019, (v) 2019-2020 and (vi) 2020 2021, (b) projects which are already underway and their expected completion dates and (c) proposed timing of the remainder road projects.

(3) What criteria have been used to assess proposed road projects to determine their level of priority.

(4) Will the Canberra community be given any input into the process of determining the priority of road projects before the final decision is made on which road projects have the highest level of priority.

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

(1) Please refer to list (Attachment A) of projects that have been committed to through budget appropriations.

(2)

(a)

(i) As each of these projects has been funded they are all considered a priority to deliver.

(ii) As each of these projects has been funded they are all considered a priority to deliver.

(iii) As each of these projects has been funded they are all considered a priority to deliver.

(iv) (v) (vi) Out years have not yet been budgeted.

(b) Please refer to Attachment A.

(c) Please refer to Attachment A.

(3) Road projects are assessed against the following criteria in determining their priority:

- Contribution to ACT Government policy outcomes;
- Improvement to public safety;
- Improvement to levels of congestion and travel times;
- Management of the condition of road infrastructure;
- Response to the growth in population and demand for services; and
- Cost effectiveness.

(4) Community consultation is a key part of the planning, design and delivery phases of a project. Typically a project will be presented to the community during the planning and design phases on a number of occasions as well as a formal consultation process associated with the development approval processes.

(A copy of the attachment is available at the Chamber Support Office).

Environment—bins and littering (Question No 699)

Ms Lawder asked the Minister for Transport and Municipal Services, upon notice, on 10 March 2016:

(1) How much revenue is raised from fines for littering in public places.

(2) How much does it cost to empty bins in public places such as parks.

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

(1) Since 1 July 2015, Territory and Municipal Services has issued fines to the value of $1,900 for littering offences in the ACT.

(2) The allocated budget in 2015-16 for emptying bins in public places such as parks and local shopping centres is $0.535 million.

Additional bin emptying is also undertaken as required at shopping centres as part of the Shopping Centre Cleaning program, which is budgeted to cost $1.48 million in 2015-16.

The cleaning program also includes services such as litter collection, leaf removal and pavement cleaning.

Capital Metro Agency—costs (Question No 702)

Mr Coe asked the Minister for Capital Metro, upon notice, on 10 March 2016:

(1) What has been spent to date on (a) staff costs, excluding superannuation, (b) superannuation costs, (c) consultant costs, (d) costs in designing, producing and distributing items which promote or advertise the Capital Metro project (including staff costs), (e) rent payments, (f) office costs, (g) entertaining costs, (h) travel costs, (i) furniture costs, (j) utilities payments and (k) any other costs by the Capital Metro Agency in the 2015-2016 financial year.

(2) For the consultants costs in part (1)(c) what is the (a) name of the contractor, (b) value of payments made to each contractor in 2015-2016 and (c) service performed by the contractor.

(3) For the promotional and advertising costs in part (1)(d), what is the nature of the promotional or advertising item produced.

(4) For the items in part (3), what is the (a) cost of designing, producing and distributing each promotional or advertising item and (b) quantity of the item produced.

(5) Can the Minister provide a breakdown of the items, and their respective costs, identified in part (1)(i).

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

(1) From 1 July 2015 to 18 March 2016, the Capital Metro Agency (CMA) has spent the following:

a) $3,007,329.00

b) $364,328.33

c) $9,873,677.99

d) $21,248.75. Note, Staffing costs are provided as part of response to part (1)a).

e) $507,091.00

f) $291,176.86

g) $1,799.04

h) $75,047.31

i) 0

j) 0

k) $470,570.93

(2) For the consultants costs in part (1)(c)*:

a) I refer you to the notifiable contracts register for contracts with a value greater than $25,000** available at: http://www.procurement.act.gov.au/contracts/contracts_register/contracts_register_functionality/contracts-search

b) I refer you the ACT Government Notifiable Invoices Register for invoices with a value greater than $25,000** available at: http://www.procurement.act.gov.au/About/act-government-notifiable-invoices-register.

c) I refer you to the notifiable contracts register for contracts with a value greater than $25,000** available at: http://www.procurement.act.gov.au/contracts/contracts_register/contracts_register_functionality/contracts-search

**Note: Contracts with values below $25,000 are not included in this response as the collation of this information is an unreasonable diversion of resources of the CMA from its other operations.*

***Note: The Territory publicly releases information deemed notifiable under the prescribed legislation.*

(3) See response for part (4).

(4) For the items in part (1)d) costs are shown below:

Events and Sponsorship total = $6,313.90
$540.00 – Stand hire Canberra Show
$20.00 – Stools for stand
$60.00 – Belconnen Christmas Markets
$106.05 – Bus Depot Markets
$400.00 – Tuggeranong Community Festival
$5,000.00 – Party at the Shops Sponsorship
$187.85 – Van hire to get to Bungendore Model Railway Expo

Print and graphic design services total = $14,934.85
$1,353.00 – Canberra Metro brochure print (x1000)
$511.00 – Design Canberra Metro brochure
$123.05 – Chalk board and event accessories
$1,045.00 –Design of ACT Government posters (x 4)
$176.00 – Print of ACT Government posters (x 4)
$1,155.00 – Light Rail Network brochure and business card design
$798.00 - Light Rail Network brochure and business card print (500 of each)
$868.00 – Design Myth buster postcards
$999.00 – Print of myth buster postcards (6 types x1000)
$173.80 – Stickers print (2,000)
$588.00 – Magnets print (3,000)
$110.00 – Design of sticker and magnet

$6,072.00 – reprint of cardboard trams (10,000)
$963.00 – reprint of DL brochures (3,000 each of timeline and benefits DL).

(5) Nil. Furniture is included in the lease for the office space.

Housing—public
(Question No 703)

Ms Lawder asked the Minister for Housing, Community Services and Social Inclusion, upon notice, on 5 April 2016:

(1) What building code applies to public housing properties on Lowanna Street, Braddon.

(2) Are the front doors and doors leading off the basement/s of public housing properties on Lowanna Street required to be fire safety doors in order to comply with the applicable building code.

(3) What impact will the ACT Government's proposed purchase of approximately 400 more public housing units, as reported in *The Canberra Times* on 7 March 2016, have on affordable housing in the ACT.

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

(1) The Building Code of Australia (BCA) applies to all properties that are constructed in the ACT.

(2) The doors leading off the basement in the Lowanna Street complex are required to be fire doors to comply with the BCA. The front doors are not required to be fire doors.

(3) It is anticipated that approximately 400 dwellings will be purchased by the Public Housing Renewal Taskforce for public housing over a period of up to three years. This translates to approximately 130 to 160 dwellings purchased per annum and is less than 4 per cent of the Land Development Agency's annual program of dwelling sites being placed on the market over the same period.

The purchase of properties for public housing is not expected to have any impact on the ability of the development industry to continue to undertake housing construction or to provide affordable housing.

The Government remains committed to its focus on housing affordability including ensuring that 20 per cent of new subdivisions meet affordability criteria.

Crime—domestic violence
(Question No 704)

Ms Lawder asked the Attorney-General, upon notice, on 5 April 2016:

(1) When did personnel attached to the Review into the System Level Responses to Family Violence in the ACT begin work.

(2) What is the (a) total number of staff, including their level/classification and (b) start date and length of secondment of staff who will be/are working on the Review.

(3) What is the total dollar amount allocated to the Review.

(4) What areas, other than staffing costs, were budgeted for the Review, and what was that total dollar amount budgeted.

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

(1) All members of the Review team commenced work on 23 February 2016.

(2) There are three staff supporting Mr Glanfield to undertake the Review. This includes:

Position	**Level**
Deputy Director-General (Justice), JACS	Deputy Director-General 3.7
Senior Manager, CSD	SOG A
Senior Legal Policy Officer, JACS	A/g SOG C

All staff members are seconded to work on the Review from 23 February to 22 April inclusive.

(3) There has been no specific Budget provided for the Review. Directorate staffing, related accommodation and administrative costs (including printing and graphic design work) have been absorbed by Justice and Community Safety Directorate (JACS) and Community Safety Directorate (CSD). The amount allocated from existing budget for the appointment of Mr Laurie Glanfield as the Chair of the Review is approximately $60,000 (excluding GST).

(4) Please see answer three above.

Access Canberra—complaints (Question No 705)

Ms Lawder asked the Chief Minister, upon notice, on 5 April 2016:

For the months of November 2015, December 2015, January 2016, February 2016 and March 2016, (a) what was the total number of complaints received by Access Canberra and (b) how many complaints received by Access Canberra were passed on to ACT Government directorates or agencies as (i) anonymous or (ii) not anonymous.

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

(a) what was the total number of complaints **received** by Access Canberra = **5158**

(b) how many complaints received by Access Canberra **were passed on** to ACT Government directorates or agencies = **3207**

(b) (i) how many complaints received by Access Canberra were passed on to ACT Government directorates or agencies **anonymously** = **1520**

(b) (ii) how many complaints received by Access Canberra were passed on to ACT Government directorates or agencies **not anonymously** = **1687**

Transport—survey (Question No 706)

Mr Coe asked the Minister for Transport and Municipal Services, upon notice, on 6 April 2016:

In relation to the survey on Canberra's public transport system foreshadowed to be undertaken in April 2016, (a) what is the objective of the survey, (b) when is the survey due to commence and to conclude, (c) will the survey be open to all members of the Canberra community or to a selection of users and/or non-users of the Canberra's public transport system, (d) if the survey will be open to all members of the Canberra community, how will the survey be publicised, (e) if the survey is limited to a selection of people, how will that selection be determined and by whom, (f) has an external provider been contracted to facilitate the survey, (g) if an external provider has been contracted, what is the name of that provider and the cost of the contract, (h) how will the questions of the survey be determined and (i) when will the findings of the survey be released publicly.

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

(a) The market research will provide:
- Baseline data on current travel characteristics, patterns and behaviours; and
- Community expectations and aspirations for public transport in Canberra.

(b) The market research will run throughout April and May 2016.

(c) The research includes a publicly available survey on the Transport Canberra Have Your Say page, and targeted samples for the focus groups, telephone survey, and onboard survey.

(d) The survey will be promoted in the Our Canberra newsletter, on ACT Government social media sites, and through existing Transport Canberra promotional channels.

(e) The publicly available survey is not limited.

(f) Yes.

(g) Taverner Research has been engaged to conduct the market research. The cost is $169,000 (GST exclusive).

(h) The market research program has been developed by the independent researcher provider, drawing upon transport research experience, the project scope and the findings from focus groups.

(i) The research will be provided to the Government to make a decision about the release in due course.

Community Services Directorate—multicultural portfolio (Question No 708)

Mrs Jones asked the Minister for Women, upon notice, on 6 April 2016:

> Further to the answer to Question No. 486 which stated that, according to Community Participation Output Class 3.1, in the Office for Women, $1.40m was spent in 2013-14, $1.10m in 2014-15 and $1.20m in 2015-16, what is the full breakdown of these costs for each financial year, including (a) grants, (b) programs, (c) related activities, (d) events, (e) promotional material, (f) scholarships and awards, (g) staffing costs and (h) anything else related to the spend for the Office for Women.

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

> The advice from the Community Services Directorate is that the full breakdown of costs for each financial year for the items nominated in the question are not in an easily retrievable form and that to collect and assemble the information sought for the purposes of answering the question would be a major task, requiring a significant diversion of resources.
>
> For example, I am advised that the full cost of the various grants programs in each of the nominated financial years would require a calculation of not only the staff costs associated with putting together the community assessment panels but also other related costs such as catering and printing of applications. This information would be difficult to source as it is not held in a discrete place and would vary from year to year depending on the level of staff undertaking the administration of the grants programs. However, reference can be made to the prior year's Hansard, Annual Reports and Budget papers to gather some of the requested information.

Community Services Directorate—multicultural portfolio (Question No 709)

Mrs Jones asked the Minister for Multicultural and Youth Affairs, upon notice, on 6 April 2016:

> Further to the answer to Question No. 486 which stated that, according to Community Participation Output Class 3.1, in the Office for Multicultural Affairs, $3.31m was spent in 2013-14, $4.20m in 2014-15 and $3.81m in 2015-16, what is the full breakdown of these costs for each financial year, including (a) grants, (b) programs, (c) related activities, (d) events, (e) promotional material, (f) scholarships and awards, (g) staffing costs and (h) anything else related to the spend for the Office for Multicultural Affairs.

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

> The advice from the Community Services Directorate is that the full breakdown of costs for each financial year for the items nominated in the question are not in an easily retrievable form and that to collect and assemble the information sought for the purposes of answering the question would be a major task, requiring a significant diversion of resources.

For example, I am advised that the full cost of the various grants programs in each of the nominated financial years would require a calculation of not only the staff costs associated with putting together the community assessment panels but also other related costs such as catering and printing of applications. This information would be difficult to source as it is not held in a discrete place and would vary from year to year depending on the level of staff undertaking the administration of the grants programs. However, reference can be made to the prior year's Hansard, Annual Reports and Budget papers to gather some of the requested information.

Multicultural Festival—costs (Question No 710)

Mrs Jones asked the Minister for Multicultural and Youth Affairs, upon notice, on 6 April 2016:

Further to the answer to Question No. 624 which advised that $391 371 was budgeted for "other costs" for the Multicultural Festival, can the Minister provide the cost of each category of expenditure determined as "other costs".

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

The items that are budgeted under the 'other items' ($391,371) category of expenditure include:

- Road Closures – $54,070
- Ambulance services, including first aid - $18,600
- Electrical and generators – $122,810
- Media and promotion - $60,100
- Professionally generated maps of festival footprint – $7,000
- Survey – evaluation - $5,000
- LED Screens - $3,291
- Backline (musical instruments on stages) - $7,500
- Hire of radios for area wardens - $1,000
- Professional headline performers and associated costs - $45,000
- Children's sanctuary - $2,000
- Hire of golf buggies - $2,000
- Signage - $3,000
- Opening Concert and Carnival cultural performers - $60,000

Housing—construction (Question No 711)

Ms Lawder asked the Chief Minister, upon notice, on 7 April 2016:

Was block 2 section 28 in East Greenway filled using material excavated in the creation of Lake Tuggeranong; if so, is that a suitable and safe base on which to build multi-storey medium density housing.

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

> Building approval for any development is required to take into consideration the conditions of the existing soil for appropriate soil classification in accordance with the National Construction Code. The relevant industry professionals must take this into consideration when designing the building and the project building certifier is also required to review the geotechnical certification received as part of the building approval application documents.

Transport—light rail (Question No 712)

Mr Coe asked the Minister for Capital Metro, upon notice, on 7 April 2016:

> In relation to the independent reviews of the light rail project's final business case, (a) what was the process to identify the people or organisations commissioned to review the business case, (b) what was the date when each review was commissioned, (c) which persons or organisations conducted the reviews, (d) what information was provided to each reviewer at the time each review was commissioned, (e) was further information sought by each reviewer and if so, what information was provided, (f) what period of time was taken for each review, (g) what was the cost for each review, (h) what was the date each completed review was received, (i) what date each review was released and (j) what was the reason why the release of the second review by Professor Roger Vickerman was delayed until 7 April 2016.

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

(1) In relation to the independent reviews of the light rail project's final business case:

a) Enquiries were made by the Capital Metro Agency to various parties to identify individuals with appropriate expertise to opine upon the business case.

b) October 2014.

c) Professors Derek Scrafton and Roger Vickerman.

d) The scope of the respective requests is set out in each of the reports.

e) The scope of the respective requests is set out in each of the reports.

f) The reports were produced during October 2014.

g) $5,400 for Professor's Scrafton's review and £2,000 (approximately $3,700) for Professor Vickerman.

h) 30 and 31 October 2014.

i) Professor Scrafton's report was publicly released on 17 April 2015 and Professor Vickerman's report was publicly released on 5 April 2016.

j) The government reserves the right to release reports commissioned by it at times of its choosing.

Transport Canberra—promotional material (Question No 713)

Mr Coe asked the Minister for Capital Metro, upon notice, on 7 April 2016:

In relation to the promotional material for Transport Canberra featuring on Capital Metro's twitter feed from 4 April 2016, (a) what material has been produced or printed featuring the ACT Transport Canberra brand, (b) what volume of the material has been produced, (c) what was the cost of (i) production and (ii) printing, (d) was the material designed by an external provider; if so, what is the name of that provider and the value of the contract with the provider and (e) aside from being published electronically, what is the distribution plan for the material.

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

(1) In relation to the promotional material for Transport Canberra featuring on Capital Metro's twitter feed from 4 April 2016:

a) The Capital Metro Agency (CMA) commissioned the design of info graphics featuring the Transport Canberra brand as part of a whole of government approach to the promotion of Transport Canberra. This material was not printed.

b) 10 info graphic tiles.

c) The cost of:

i) production was $4,500 (GST excl.)

ii) printing was nil.

d) The material was designed by Isobar as part of a contract with the CMA for material not related to Transport Canberra.

e) The distribution of promotional material related to Transport Canberra is coordinated centrally by the Chief Minister, Treasury and Economic Development Directorate.

Housing ACT—tenant evictions (Question No 714)

Ms Lawder asked the Chief Minister, upon notice, on 7 April 2016 *(redirected to the Minister for Housing, Community Services and Social Inclusion)*:

(1) What is the process to evict a Housing ACT tenant.

(2) What Housing ACT policies and procedures apply to the eviction of Housing ACT tenants and can the Minister provide copies of those policies and procedures.

(3) What Housing ACT policies and procedures apply to commencing a public housing tenancy and can the Minister provide copies of those policies and procedures.

(4) What Housing ACT policies and procedures apply to the bond payable for public housing tenancies and can the Minister provide copies of those policies and procedures.

(5) Further to Part 4 of the *Residential Tenancies Act 1997* which deals with the termination of residential tenancy agreements, including eviction, what considerations does Housing ACT take into account when handling an eviction matter and can the Minister provide copies of any policies and procedures that set out those considerations.

(6) What current Determinations, if any, apply to the eviction of Housing ACT tenants and can the Minister provide copies of those current Determinations.

(7) What Housing ACT policies and procedures apply to those Housing ACT tenants wanting to purchase their public housing property and can the Minister provide copies of those policies and procedures.

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

(1) Action to evict a public housing tenant is taken only as a last resort and is only pursued in cases where tenants are substantially behind in their rent, and have refused to take reasonable steps to address their debt, or where tenants have persistently failed to meet their tenancy obligations. The process is defined in the *Residential Tenancies Act 1997*. A copy of the legislation is available on the ACT Legislation website at http://www.legislation.act.gov.au/a/1997-84/current/pdf/1997-84.pdf. Clauses relevant to the Termination of a Residential Tenancy Agreement are contained in Part 4 of the Act (*termination of residential tenancy agreements*).

(2) See answer to question (1). In addition a Fact Sheet "Eviction" is available on the Community Services Directorate (CSD) website http://www.communityservices.act.gov.au/hcs/publications/factsheets/eviction

(3) Eligibility for Public Housing is administered by the *Public Rental Housing Assistance Program* (PRHAP). A copy of the Program is on the ACT Legislation website at http://www.legislation.act.gov.au/di/2013-52/current/pdf/2013-52.pdf. The fact sheet detailing the application process is available on the CSD website at http://www.communityservices.act.gov.au/hcs/publications/fact_sheets/registering-for-housing-assistance.

(4) Public Housing Tenants are not required to lodge a rental bond.

(5) The removal of a public housing tenancy is a serious matter and the Delegate to the Commissioner for Social Housing complies with the obligations imposed by parts 4 and 5A of the *Human Rights Act 2004* in consideration of whether an application for termination of a tenancy should be made to the ACT Civil and Administrative Tribunal.

(6) There is one relevant determination related to tenancy terminations under the *Housing Assistance Public Rental Housing Assistance Program* (Review of entitlement to housing assistance) Determination 2013 (No 1) Notifiable Instrument NI2013 – 533. This determination applies to considerations to remove housing assistance for those households where the income of the tenant and their domestic partner exceeds $94,855.70. The Notifiable instrument is available on the ACT legislation website http://www.legislation.act.gov.au/ni/2013-533/default.asp

(7) Housing ACT operates a Sale to Tenant and a Shared Equity scheme aimed at providing a home ownership opportunity to public housing tenants. Details (policy, fact sheets, steps to process etc.) of both schemes are available on the CSD website at http://www.communityservices.act.gov.au/hcs/services/buying.

Environment—public bins (Question No 715)

Ms Lawder asked the Minister for Transport and Municipal Services, upon notice, on 7 April 2016:

(1) How many bins are in public places, such as parks and reserves, in the ACT.

(2) How many bins are in (a) Pine Island Reserve, (b) Tuggeranong Town Park and (c) Tharwa.

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

(1) There are 1,113 litter bins in urban public places across the ACT.
Litter bins are primarily located at shopping centres and town and district parks. Litter bins are not provided at suburban parks, bus stops and Parks and Conservation Service's rural reserves.

(2) (a) There are no litter bins in Pine Island Reserve.
(b) There are five litter bins in Tuggeranong Town Park.
(c) There are no litter bins at Tharwa.

ACT public service—executive staff (Question No 716)

Mr Coe asked the Chief Minister, upon notice, on 7 April 2016:

(1) What is the number of Chief Executives and Executives (that is senior executive staff) across the ACT Public Service, broken down by agency.

(2) What is the number of redundancies taken in the financial year (a) to date, (b) 2013-2014 and (c) 2014-2015, broken down by (i) agency, (ii) classification and (iii) as a percentage of the total number of the ACT public service.

(3) What is the total cost of redundancy payments in the financial year (a) to date, (b) 2013-2014 and (c) 2014-2015.

(4) What is the median and average years of experience for those staff who accepted redundancies in the financial year (a) to date, (b) 2013-2014 and (c) 2014-2015.

(5) What is the number of redundancies expected in (a) the remainder of this financial year and (b) in the financial year 2016-2017, broken down by (i) agency and (ii) classification.

(6) What is the expected cost of redundancy payments expected to be paid in the (a) remainder of this financial year and (b) financial year 2016-2017.

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

1. As at 14 April 2016 there were 225 Executives across the ACTPS.

   ACT Audit Office – 2
   ACT Teacher Quality Institute – 1
   Canberra Institute of Technology – 3
   Capital Metro Agency – 9
   Chief Minister, Treasury and Economic Development – 83
   Community Services Directorate – 19
   Cultural Facilities Corporation – 1
   Education and training – 19
   Environment and planning – 8
   Health – 25
   Independent Competition and Regulatory Commission – 1
   Justice and Community Safety – 37
   Long Service Leave Authority – 1
   Territory and Municipal Services – 16

2. a) 140
   b) 33
   c) 122

   2 (i)

Directorate	**2013-14**	**2014-15**	**2015-16**
Canberra Institute of Technology		4	3
Chief Minister, Treasury and Economic Development Directorate	13	12	13
Community Services Directorate	1	75	114
Education and Training Directorate	1		
Environment and Planning Directorate	9	4	
Health Directorate		13	3
Justice and Community Safety Directorate	5	5	1
Territory and Municipal Services Directorate	4	9	6
Grand Total	**33**	**122**	**140**

   2(ii)

Classification Group	**2013-14**	**2014-15**	**2015-16**
Administrative Officers	11	24	16
Ambulance Officers	1		
Disability Officers		38	74
General Service Officers & Equivalent	2	1	
Health Professional Officers		21	19
Legal Officers	2		1
Professional Officers		4	
Senior Officers	16	27	27
Technical Officers	1	6	
VET Teacher Managers		1	
VET Teachers			3
Grand Total	**33**	**122**	**140**

2(iii)	2013-14	2014-15	2015-16
Proportion of ACTPS Headcount	0.2%	0.6%	0.6%

3. Total cost of redundancies.

Financial Year	Total
2013-14	$ 7,233,128.04
2014-15	$ 10,785,643.96
2015-16	$ 8,971,854.76

4. Average and median length of service of those who accepted voluntary redundancies.

	Average Length of Service (Years)	Median Length of Service
2013-14	16.4	12.3
2014-15	12.5	11.1
2015-16	12.3	11.1

5. There is no predetermined number at this point. To assist in shaping and realigning the workforce to support the new business model and to ensure a workforce that is affordable, Access Canberra has sought expressions of interest from its officers in relation to a voluntary redundancy.

   In undertaking this program, Access Canberra will keep the long term interests of its business at the forefront of considerations when agreeing to offer a Voluntary Redundancy (VR) to an officer ensuring critical capability and knowledge as well as workforce diversity is retained.

6. There is no predetermined number at this point. It is therefore not possible to reasonably predict forecasted costs however the average cost of redundancies over the past three years has been approximately $9,000,000.00 which provides some guidance. The full impact of the implementation of the National Disability Insurance Scheme may result in higher numbers of voluntary redundancies than previous years, however this will depend on the success of redeployment and other staff management strategies.

Trade unions—memorandum of understanding (Question No 719)

Mr Hanson asked the Chief Minister, upon notice, on 7 April 2016 *(redirected to the Minister for Economic Development)*:

(1) Concerning the MOU signed between the Chief Minister and UnionsACT on 26 March 2015 and "a commitment of Labor party at the 2004 election" to have such a document (White, UnionsACT), was the commitment public and to whom was the commitment given.

(2) What is the ACT Administration mechanism for consultation when the Government "consults".

(3) Does consultation happen centrally or with individual procurement officers of each Directorate.

(4) Are all tenderers for ACT Government projects or service provision provided copies of the MOU as part of the ACT tender process tender process.

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

(1) As part of its public commitments prior to the 2004 election, the ACT Labor Party promised to pursue Fair and Safe Workplaces measures, including continuing reform of the ACT's industrial relations system and improved procurement policies to ensure all work carried out on behalf of the ACT Government maintains high workplace standards. As part of implementing this commitment, the ACT Government instituted new procurement principles on Ethical Suppliers, and introduced the MOU on Procurement of Works and Services to provide a framework for consultation between the Government and Unions ACT.

(2) Consultation, for the purposes of section 4.1 of the Memorandum, is conducted through a number of avenues including providing lists of tenderers for ACT contracts and applicants for prequalification with UnionsACT; establishing contact officer functions in relation to matters covered by the MOU; and through meetings with UnionsACT on particular issues. Separate to the consultation under the MOU, Procurement and Capital Works holds regularly scheduled meetings with industry stakeholders such as the Master Builders Association.

(3) Consultations are conducted centrally if with regard to issues related to the MOU, but within individual Directorates if with regard to issues with the management of specific contracts.

(4) No.

Trade unions—memorandum of understanding (Question No 720)

Mr Hanson asked the Chief Minister, upon notice, on 7 April 2016 *(redirected to the Minister for Economic Development)*:

Concerning the MOU signed between the Chief Minister and UnionsACT on 26 March 2015 which requires ACT Government agencies to decline to award a tender where the tenderer does not comply with Clause 3.3 which in 3.3j includes Clause 6 which includes rights for Unions and obligations on employers which are not contained in legislation, how are the obligations contained in Clause 6d conveyed to tenderers.

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

(1) Section 6d of the MOU reflects the Commonwealth provisions for rights of entry as per Chapter 3–4 (Subdivision B) of the *Fair Work Act 2009* (Cth). The assessment

criteria for tenders for relevant ACT Government contracts includes completion of an Ethical Suppliers Declaration, in which tenderers confirm their compliance within the preceding 24 months with all Prescribed Legislation, including the *Fair Work Act 2009*.

Trade unions—memorandum of understanding (Question No 722)

Mr Hanson asked the Chief Minister, upon notice, on 7 April 2016 *(redirected to the Minister for Economic Development)*:

(1) Concerning prequalification for the MOU signed between the Chief Minister and UnionsACT on 26 March 2015, what are the appropriate criteria that were identified by UnionsACT to assess compliance and enforcement (4.2a).

(2) Who provides UnionsACT with lists of applicants for prequalification (under 4.2 bi).

(3) How many lists of applicants for prequalification have been provided to UnionsACT or relevant identified unions since March 2015 (under 4.2 bi).

(4) How many applicants failed prequalification on the basis of recommendation by UnionsACT.

(5) Were the applicants who failed prequalification on the basis of recommendation by UnionsACT specially told of the reason for their failure.

(6) Which unions, in addition to UnionsACT, were party to the processes of prequalification checking.

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

(1) Concerning prequalification conditions under the MOU signed on 26 March 2015, UnionsACT did not identify any additional criteria for assessing compliance and enforcement.

(2) Procurement and Capital Works, within the Chief Minister, Treasury and Economic Development Directorate (CMTEDD), provides UnionsACT with lists of applicants for prequalification.

(3) Twenty-seven.

(4) No applicants have failed prequalification on the basis of recommendations by UnionsACT.

(5) Not applicable – refer to the previous answer.

(6) Candidates for prequalification are identified by the ACT Government to UnionsACT. Under the terms of the MOU, UnionsACT may seek advice from additional unions at its discretion.

Trade unions—memorandum of understanding (Question No 723)

Mr Hanson asked the Chief Minister, upon notice, on 7 April 2016 *(redirected to the Minister for Economic Development)*:

(1) Concerning the MOU signed between the Chief Minister and UnionsACT on 26 March 2015, prior to contract execution, how many lists of tenderers for contract were provided to UnionsACT or relevant identified unions (under 4.3i) and by who.

(2) How many tenderers for contract were removed from consideration after advice from UnionsACT or relevant identified unions (under 4.3i).

(3) How many of these eliminated tenders were the least cost tender and what was the higher amount paid by the successful tenderer.

(4) Were the applicants who failed to be awarded a contract on the basis of recommendation by UnionsACT specially told of the reason for their failure.

(5) Which unions, in addition to UnionsACT, were party to the processes of pre-contract execution checking.

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

(1) Three hundred and eighty-eight lists of tenderers for contracts have been provided to UnionsACT. These lists are provided to UnionsACT by Procurement and Capital Works within the Chief Minister, Treasury and Economic Development Directorate (CMTEDD).

(2) No tenderers for contracts have been removed from consideration based on advice from UnionsACT or other unions.

(3) Not applicable – refer to answer to Question 2.

(4) Not applicable – refer to answer to Question 2.

(5) Tenderers for contracts are identified by the ACT Government to UnionsACT. Under the terms of the MOU, UnionsACT may seek advice from additional unions at its discretion.

Trade unions—memorandum of understanding (Question No 724)

Mr Hanson asked the Chief Minister, upon notice, on 7 April 2016 *(redirected to the Minister for Economic Development)*:

(1) Concerning the MOU signed between the Chief Minister and UnionsACT on 26 March 2015, who appoints the contact officer/s.

(2) How many contact officers are there and in which Directorates are they located.

(3) Are the contact officer identified internally within Directorates.

(4) Are the contact officers publicly identified.

(5) Is the role of contact officer under this MOU specifically identified in the duty statements of the officers performing these functions.

(6) Have officers who have been appointed to the role of contact officers under this MOU been required to breach the various ACT Service Administration codes of conduct and obligations concerning transparency of procurement.

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

(1) Contact officers are appointed by Procurement and Capital Works, within the Chief Minister, Treasury and Economic Development Directorate (CMTEDD).

(2) There are two contact officers, both located in Procurement and Capital Works, within the Chief Minister, Treasury and Economic Development Directorate (CMTEDD).

(3) No, contact officers are not identified internally within Directorates.

(4) No, contact officers are not publicly identified.

(5) For the contact officer in relation to construction projects, the role of contact officer is specifically identified in the officer's duty statement. For the contact officer in relation to goods and services procurements, the role of contact officer is not specifically identified in the officer's duty statement.

(6) No.

Trade unions—memorandum of understanding (Question No 725)

Mr Hanson asked the Chief Minister, upon notice, on 7 April 2016 *(redirected to the Minister for Economic Development)*:

(1) Concerning the reporting section of the MOU signed between the Chief Minister and UnionsACT on 26 March 2015, which requires an annual report to be provided by the relevant ACT Directorates to UnionsACT, has a 2016 annual report been prepared and will it be made public.

(2) Have previous annual reports been prepared under previous agreements and will these be made public.

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

(1) This report has not yet been prepared. It will be made public when completed.

(2) Under the terms of previous iterations of the MOU, reporting was incorporated into agency Annual Reports to the Legislative Assembly, and hence was made public.

Theo Notaras Centre—costs (Question No 726)

Mrs Jones asked the Minister for Multicultural and Youth Affairs, upon notice, on 7 April 2016:

(1) How much money was spent on maintaining the Theo Notaras Centre in the financial years (a) 2012-2013, (b) 2013-2014 and (c) 2014-2015.

(2) Have there been any renovations of the Theo Notaras Centre since October 2012; if so (a) how much money was spent and (b) what was this money spent on.

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

(1)
(a) 2012-2013 - $83,020.
(b) 2013-2014 - $78,942.
(c) 2014-2015 - $55,961.

(2)
(a) Since October 2012 $62,214 has been expended on renovations
(b) The renovations were:
- Painting the function room, corridor and reception area; and
- laying new carpet and vinyl in the function room and part of the corridor.

Multiculturalism—community groups (Question No 727)

Mrs Jones asked the Minister for Multicultural and Youth Affairs, upon notice, on 7 April 2016:

How many Multicultural Community Groups are in the ACT and what are the names of each of these community groups.

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

The number of multicultural community groups registered with the Community Participation Group in the Community Services Directorate is 398. A list of these groups is at **Attachment A**.

(A copy of the attachment is available at the Chamber Support Office).

Multiculturalism—languages (Question No 728)

Mrs Jones asked the Minister for Multicultural and Youth Affairs, upon notice, on 7 April 2016:

How many people in the ACT are known to speak as their first language (a) Arabic, (b) Mandarin, (c) Cantonese, (d) Croation, (e) Dinka, (f) Greek, (g) Hindi, (h) Italian, (i) Spanish and (j) Vietnamese.

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

The Australian Bureau of Statistics, *Census of Population and Housing 2011* would provide the last known figures based on the census collection conducted in 2011.

The 2011 Census can be found at http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/quickstat/0

Transport—Age-Friendly Suburbs Active Travel project (Question No 730)

Mrs Jones asked the Minister for Transport and Municipal Services, upon notice, on 7 April 2016:

(1) On what basis were Ainslie and Weston selected to first receive maintenance as part of the Age-Friendly Suburbs Active Travel project.

(2) When do you expect work to (a) commence and (b) be complete in Weston.

(3) What are the criteria for prioritising certain suburbs for upgrades as part of the Age-Friendly project.

(4) Which suburbs, after Kaleen and Monash, are next scheduled for upgrades as part of the Age-Friendly project.

(5) What is the (a) minimum and (b) maximum number of suburbs that can be attended to in 12 months.

(6) How much will the upgrades cost in each of Ainslie, Weston, Kaleen and Monash.

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

(1) Ainslie and Weston were chosen by Roads ACT, after consultation with the Office of Ageing and the Environment and Planning Directorate (EPD) in consultation with the Council of the Ageing (COTA), based on current and projected age demographic profiles, and differences in their respective built environments.

(2) Construction of priority one improvements in Weston is expected to commence in May 2016 and be completed by September 2016. The program will be confirmed once the construction contractor is engaged.

(3) All suburbs under consideration for age friendly suburb improvements are prioritised based on current and future demographic profiles, the location of age care facilities, and the suburb's need for additional active travel facilities.

(4) The Government will consider suburbs for upgrades in future budgets.

(5) The program for each suburb is allocated over two years. The two-year timeframe allows for investigation and community consultation before design and construction. Two suburbs per year are currently planned.

(6) Each of the suburbs was allocated $250,000 for investigations, design and construction of upgrades.

Questions without notice taken on notice

Trade unions—memorandum of understanding

Mr Rattenbury *(in reply to a supplementary question by Mrs Jones on Thursday, 7 April 2016)*: The MOU has the aim of ensuring the Government contracts only with organisations that meet their industrial relations and work health and safety obligations. Mechanisms for this include prequalification and use of the Ethical Suppliers Declaration. No tenderers have been ruled out of consideration for a tender as a result of union comments on the lists of tenderers in regard to the AMC Expansion Project.

Trade unions—memorandum of understanding

Mr Rattenbury *(in reply to a supplementary question by Mr Wall on Thursday, 7 April 2016)*: ACT Corrective Services has had no contact with union organisations in regard to the tendering companies for the AMC Expansion Project, or other projects.

Consistent with ACT Government processes, Procurement and Capital Works (PCW) provides a list of tenderers for each tender received by Tenders ACT (or the Tender Box prior to the introduction of Tenders ACT) to UnionsACT for all capital infrastructure works. This included the AMC Expansion Project. PCW also provides this list to the Environment Protection Authority and the Long Service Leave Authority, and publishes the list of tenderers on the web. Only tenderers' business names are provided and published. No private details are provided.

Sport—Brumbies rugby union club

Mr Barr *(in reply to a supplementary question by Mr Doszpot on Wednesday, 6 April 2016)*: 25 September 2015

Trade unions—memorandum of understanding

Ms Berry *(in reply to supplementary questions by Ms Lawder on Thursday, 7 April 2016)*: In response to the Member's questions, I can inform the Assembly:

> 1) Yes. On 1 March 2011, ACT Procurement Solutions provided Unions ACT an internal tender notice regarding tenders that closed on that date. Tender number 14845.111 Total Facilities Management (TFM) for DHCS was included in the notice.
>
> 2) No. Housing ACT is not aware of any subsequent information regarding the TFM contract being provided to United Voice or any other union under the MOU between the ACT Government and Unions ACT.