



# Debates

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**Thursday, 26 March 2009**

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

## **Roads and Public Places Amendment Bill 2009**

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

Title read by Clerk.

**MR STANHOPE** (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (10.01): I move:

That this bill be agreed to in principle.

Mr Speaker, this bill is to amend the Roads and Public Places Act 1937 to modify existing provisions to expedite the removal of abandoned vehicles in the ACT. The purpose of the bill is to address in a more timely manner how notification can be delivered to the owner of a potentially abandoned vehicle.

As members will be aware, any unattended vehicle that is left for a period of time can attract unwanted attention from vandals or thieves. There were approximately 1,300 potentially abandoned vehicles reported to the Department of Territory and Municipal Services last financial year. Of the vehicles not retrieved by their owners, around eight per cent received additional damage after they came to the attention of the department but before they could be legally removed. This vandalism can then spread like decay, with graffiti occurring and additional damage to private property in the vicinity. This is not acceptable, and it needs to be addressed.

At present, city rangers assess what they consider to be abandoned vehicles closely, and they do not make the assessment lightly. Evidence such as being unregistered, rubbish and debris as evidence of the vehicle being left in the one place for a considerable time and the condition of the vehicle are all considered. Depending on the situation, rangers may also seek to contact the registered operator of the vehicle by phone before issuing a notice. Only when rangers have sufficient grounds to consider a vehicle abandoned do they act.

The registration details of suspected abandoned vehicles are also provided to the police so that a check can be made against vehicles that have been reported as stolen. Under the current provisions of the Roads and Public Places Act, a potentially abandoned but validly registered vehicle cannot be moved by the city rangers until they take additional certain steps. They need to send a notice to the registered operator of the vehicle. The registered operator then has two days from the time they received the notice to remove the vehicle before the department can step in and remove it instead.

It has been drawn to my attention that the city rangers are in a quandary when it comes to working out precisely when the two-day period commences. Knowing when the registered operator of a vehicle has actually received notification that the vehicle will be removed requires certain assumptions that lead officers to err on the side of caution in calculating when the two days starts running. During this waiting period, there may be a number of phone calls to the department from various members of the public about the abandoned vehicle. I commend these calls placed by the civic-minded members of our community. It is unfortunate that, until now, there was no visible mechanism in place to reassure them that action was already underway regarding the vehicle.

So not only are city rangers unable to remove the vehicle until they feel confident that the operator has had time to receive the notice, there is also no outward visible sign that lets members of the public know that the abandoned vehicle has been reported to the department. The end result can see some abandoned vehicles remaining in place for a week or longer. This was not the purpose of the amendments that were passed by the Assembly in 2004 to tighten the processes for dealing with abandoned vehicles by reducing the time frame for notification from seven to two days.

This bill proposes a new notification regime, which will allow for a more rapid warning process to fast track the removal of abandoned vehicles from public land. It has the added benefit of letting passers-by know that the vehicle has already been recorded for the city rangers. This will permit the rangers to serve the notice to remove the vehicle by placing a notice on the vehicle itself. This system will work like the current effective vehicle notice arrangements or parking ticket arrangements.

The two-day period for removal starts as soon as the ranger puts the notice on the car. Efforts will also be made to contact the registered operator of the vehicle by telephoning during this period. The Legislation Act provides for an extension of time limits if they fall on weekdays or public holidays. This bill does not alter those provisions. So if the two-day period expires on a weekend, the time limit is extended to the next working day.

Once the notice period has expired, and assuming there has been no action by the person responsible for the vehicle, it can be removed to a government retention area. At that point, a further letter will be issued to the registered operator of the vehicle to advise them what will happen with their vehicle if they do not collect it from the retention area in accordance with time frames given under the Uncollected Goods Act.

Sometimes the registered operator is not the owner of the vehicle. In those circumstances, the registered operator is required to let the department know who the owner is, if they have that information. The department will then make efforts to contact the owner to let them know what has happened to their car. After the holding period if the vehicle is not claimed by its owner, it will either be scrapped if it is valued at less than \$500 or sent to auction should its value exceed this amount.

Abandoned cars blight our neighbourhoods and public spaces. They can be potentially hazardous in some cases, especially for children, and they can be arson incidents

waiting to happen in other cases. They diminish the quality of people's local environment and can act as a magnet for more serious antisocial behaviour. This bill will see abandoned vehicles, once reported to the department, dealt with more quickly than at present. I believe that this bill will complement other reforms in relation to littering and dumping that were recently passed by the Assembly, and I commend the bill to the Assembly.

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

## **Animal Diseases Amendment Bill 2009**

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

Title read by Clerk.

**MR STANHOPE** (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (10.07): I move:

That this bill be agreed to in principle.

Mr Speaker, this bill amends the Animal Diseases Act 2005 to clarify the operation of aspects of the act and to facilitate the control of future outbreaks of animal diseases in the territory. Members will recall the equine influenza outbreak in 2007. As part of an agreed interstate approach, the territory imposed quarantine restrictions under the Animal Diseases Act to control the outbreak at the time. As a result of those restrictions and the willing cooperation of the horse owners of the ACT, the disease did not spread to the territory from New South Wales. Ultimately, the disease was brought under control across the entire affected area of Australia. Subsequently, Australia was declared EI disease free.

Those quarantine measures were in place for just under a year. It was a distressing time for horse owners, and the local horse industry was placed under enormous pressure from the restriction. Members may also recall the \$150,000 package that the ACT government provided to assist the local racing industry, equestrian clubs and Pegasus to help compensate for the costs of complying with precautionary measures against equine influenza.

Following the lifting of these quarantine measures, the Department of Territory and Municipal Services conducted an internal review of processes undertaken during the disease outbreak. That review concluded that, while the Animal Diseases Act contained a sufficient legislative basis for the actions taken to manage the outbreak, its operation would benefit from clarification in a number of areas to provide greater certainty and to simplify steps that may need to be taken to manage future animal disease outbreaks.

Animal diseases do not respect state borders. That is why the ACT is a signatory of the cross-jurisdictional emergency animal disease response agreement. So while the

territory has its own legislative framework for dealing with disease outbreaks, its response to an outbreak has to be integrated into an agreed national response as outlined in the emergency animal disease response agreement. The amendments contained in this bill will enhance the ACT's capacity to do its part in managing outbreaks.

To begin with, the bill amends the current object of the Animal Diseases Act to make it clear that the purpose of the act is to protect the health and welfare of humans and animals as well as protecting all animal-related industries. The object of the act is also clarified by specifically referring to the detection of animal diseases as well as the prevention and control of animal diseases.

The bill also amends the title of the Director of Veterinary Hygiene to the Chief Veterinary Officer. The existing title is a carryover from when the ACT was administered by the commonwealth. The proposed title is consistent with the terminology used in all other jurisdictions and will facilitate better communication with these jurisdictions.

It was realised during the equine influenza outbreak when officers from the ACT referred to the director when talking to their interstate counterparts that there was some initial confusion about his role until it was explained that what was really meant was the chief vet. In emergencies, it is important that lines of responsibility and communication are as simple and clear as possible. Inconsistency in approach can lead to confusion or delay in response. Not only is the new title consistent with other jurisdictions, but the change of title for this position more appropriately reflects the function of that office.

A further change relates to the ability to delegate powers to qualified staff from other jurisdictions in the event of a major outbreak. Presently, when dealing with an animal disease outbreak, the Animal Diseases Act allows for the chief executive to appoint public servants to be authorised under the act. The act also allows the Chief Veterinary Officer, as that office is currently known, to delegate his functions to public servants. The phrase "public servant" is defined under the Legislation Act 2001 to mean an ACT public servant. Due to this definition in the Legislation Act, which affects all legislation, there exists no ability to appoint any commonwealth or other state or territory employees to be authorised under the act. This naturally also precludes the delegation of powers to non-territory public servants. If a serious animal disease outbreak occurred in the territory, we may need to call on interstate counterparts to help combat the disease, just as we would lend a helping hand to them.

The bill allows the chief executive to appoint not only ACT public servants and the police to be authorised under the act but also appropriate public servants from other jurisdictions with responsibility for administering similar legislation. Likewise, the bill will allow the Chief Veterinary Officer to delegate powers not only to ACT public servants and the police but also to appropriate public servants from other jurisdictions with similar responsibilities. The act currently allows the Chief Veterinary Officer to issue directions to control the spread of exotic diseases to endemic diseases. These powers are broad ranging. The most important ones are explicitly set out in the act, but there is a catch-all power, too.

However, as members would appreciate, a very important aspect of controlling the spread of animal disease is to require a person to prevent possible contamination or infection. I am sure you will see the sense in providing for a clear source of power for such an important direction in order to minimise the risk of the spread of an exotic or endemic disease. An example of a possible direction to prevent a disease spreading might be to require a farmer to move their animals away from the farm's boundaries or to temporarily keep their animals stabled.

The bill makes clear that directions can now be given to people to not only decontaminate their premises, products or things in relation to exotic or endemic disease but also to prevent them from contaminating or infecting anything else. Currently, the act contains a power to declare a quarantine area and, through that declaration, to impose restrictions on movements in the quarantine area.

The bill clarifies that the making of movement restrictions in a quarantine area can also include the authorisation of the movements or activities to occur within the quarantined area. It was recognised during the equine influenza outbreak that a complete lockdown would not always be required under the emergency animal disease response agreement and various disease response plans under that agreement.

The bill also provides further clarity concerning the searching of vehicles. As vehicles are the main means by which infected animals or contaminated things may be brought into a quarantine area, the ability to enter a vehicle on a public road at any time to detect infected animals or contaminated things is vital for ensuring diseases and contamination and infection cannot occur. This is particularly important for larger vehicles such as semitrailers and horse floats.

The outbreak of equine influenza in 2007 also highlighted the need to exchange information on the movement of animals across state borders about the owners of possibly infected animals. As members would be aware, the use and dissemination of personal information is regulated by the commonwealth Privacy Act. This information exchange may involve the passing of personal information concerning owners of animals or other people involved in moving animals. The bill provides clear legislative authority for this information to be shared with interstate agencies involved with fighting the disease outbreak elsewhere in Australia.

The Animal Diseases Act provides for the making of regulations to require declarations from sellers of animals and animal products. These declarations deal with the health of the animals or about any chemicals or biological products used on the animals. It is proposed that the act be amended to encompass that broader range of vendor declarations that can be made under regulations.

This clarification recognises that animal diseases and their prevention may be caused not only by the use of chemicals or biological products but also by the adoption or non-adoption of farming practices. This includes potential genetic modification or other practices involved in breeding. It could also include declarations concerning organic or green farming methods. I consider this finetuning necessary in order to accommodate forecast changes within interstate and international developments.



Regulations could then be drafted when these international and interstate negotiations have been finalised.

Mr Speaker, I believe that this bill will strengthen the Animal Diseases Act through clarifying the intent of existing provisions and further providing the successful facilitation of any future animal disease outbreaks. Mr Speaker, I commend the bill to the Assembly.

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

## **Financial Management Amendment Bill 2009**

**Ms Gallagher**, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (10.17): I move:

That this bill be agreed to in principle.

Mr Speaker, today I am tabling the Financial Management Amendment Bill 2009. This bill provides an amendment to the Financial Management Act 1996 to allow the netting of GST administration costs from the territory's GST revenue.

On 29 November 2008, the intergovernmental agreement—IGA—was agreed which implements a new framework for federal financial relations. As well as improving the quality and responsiveness of government services by reducing commonwealth prescriptions on service delivery, the agreement streamlines the administration of grant payments.

As part of the streamlining, the commonwealth government will net GST administration costs payable by the territory from the territory's GST revenue. The amount of GST administrative costs that the territory pays is decided at the interjurisdictional level and uses a per capita methodology. Even though this netting will occur, the gross GST revenue and expenditure will still be separately reflected in financial statements.

The FMA requires all territorial expenditure to be made in accordance with an appropriation. Given the nature of the GST administration cost expenditure and that funding is no longer required to make the payments, it would be administratively efficient if the government no longer has to provide appropriation in order to authorise this expenditure under the FMA. This FMA amendment is required to allow GST administration costs to be netted from GST revenue without an appropriation being required.

This proposed amendment will not erode financial management controls or transparency, and does not impact the territory's net operating result or cash position.

I hope that members will support this bill which forms part of the introduction of the IGA and its new model of cooperative federalism. I commend the bill to the Assembly.

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

## **Exhibition Park Corporation Repeal Bill 2009**

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

Title read by Clerk.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (10.19): I move:

That this bill be agreed to in principle.

This bill will repeal the Exhibition Park Corporation Act 1976 to transfer the roles and responsibilities of the corporation to the Department of Territory and Municipal Services.

The Exhibition Park Corporation was established to manage the national exhibition centre as well as to conduct events at the showgrounds. Under the administrative arrangements made in November last year, the Department of Territory and Municipal Services, through the Territory Venues and Events group, was given administrative oversight of the Exhibition Park Corporation.

This provides an excellent opportunity to merge the administration of the Exhibition Park Corporation with other territory venues operated by Territory and Municipal Services. This is the same process the government went through previously with Canberra Stadium and Manuka Oval.

This move will see all of our major venues—Canberra Stadium, Manuka Oval and Stromlo Forest Park—managed by the same professional team. It will also allow for greater coordination of events and improved long-term strategy for the management of all venues.

As members will be aware, among this government's high priorities are the strengthening of the territory's economy and the delivery of high-quality services to the community. By integrating the management of EPIC with other venues we will reduce overheads by around \$50,000 per year. It will also reduce duplicated administrative structures and therefore help us to achieve a much more efficient economic outcome for all territory-owned venues.

It is intended that the provisions of this bill, together with the consequential amendments to the Financial Management Act and subordinate legislation, will come into operation on 1 July 2009.

The bill also contains amendments to the Financial Management Act to allow for the transfer of assets, liabilities and functions back to the territory. The Financial Management Act already contains a range of provisions about governance of statutory entities, including where a statutory entity is to be abolished or to have its functions transferred. Transitional provisions are included in the bill to ensure that unforeseen matters can be subsequently prescribed under the Financial Management Act should the need arise. The transitional provisions will be in place for a period of two years after the commencement of the act.

Before I conclude I would like to make it clear that the cash reserve built up by the corporation over recent years will remain attached to EPIC for future investment in the facility. Indeed, as members may be aware, some projects to improve EPIC have already been earmarked and will be the subject of further debate today in the appropriation bill, including the upgrade of the Terrace Restaurant. Members may also be aware of the government's intention to move on tourist accommodation facilities at EPIC. Some of the funds in EPIC's reserve may also go towards a project to provide improved tourist accommodation at the facility.

This bill is designed to consolidate and streamline the delivery of services at EPIC and to give the Canberra community the best return on the asset. Mr Speaker, it is not often in this place that we get to abolish a piece of legislation and to save money for the taxpayers, so I am very pleased to be in a position to present this legislation today. I have the utmost confidence in the Territory Venues and Events group, under the management of Mr Neale Guthrie, to effectively manage this facility. It will be a golden era for Exhibition Park on the successful passage of this legislation. I thank members.

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

## **Assembly business—postponement**

*Ordered that notices Nos 1 and 2 be postponed to the next sitting.*

## **Planning and Development Amendment Regulation 2009 (No 2)**

### **Motion to disallow**

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (10.24): I move:

That Subordinate Law SL2009-8, being the Planning and Development Amendment Regulation 2009 (No 2), be disallowed.

I bring on this disallowance motion today to bring certainty to schools, parents and teachers, I bring on this disallowance motion today in order to bring certainty to Canberrans working in the building trades, and I bring on this disallowance motion today in order to bring certainty to our local economy.

Mr Speaker, since I announced plans to slash red tape by ensuring all schools can get their share of the \$230 million under federal Labor's stimulus package, we have seen a range of responses. Initially, the Liberals welcomed the package and then shunned it. At the same time they call for red tape to be cut for major commercial developments but refuse to back my plan to cut red tape for schools. The Greens initially rejected the idea of cutting red tape to allow investment in schools but, happily, more recently have indicated their support.

With all the confusing messages, we do need to bring about certainty. We need to give construction businesses in Canberra the confidence that will see them keep their apprentices and continue to invest in their businesses. The only way to do this is to assure them that the \$230 million worth of funding in ACT schools is in the pipeline and that the work will be able to commence. The only way to do this is to support ACT Labor's plan to cut red tape at schools. I look forward, from the public statements, to the unanimous support of the Assembly today.

The Greens have indicated their support for this regulation, but they and the Liberals have six sitting days to knock it off. This regulation is now in effect, and schools are able to take advantage of it. We hope, of course, that there will be support for this regulation today by not voting for a disallowance. It is the only way to bring certainty to schools.

**Mr Seselja:** You're asking us to not support your motion?

**MR BARR:** I am seeking support, Mr Seselja, for Labor's plan to cut red tape. So in order to bring certainty, I am taking the unusual step of bringing on this disallowance motion in order to allow the Liberals and Greens to join with Labor in voting it down. Voting this disallowance motion down will send a clear signal that the Liberals and Greens will now join with Labor in supporting this investment in education. And maybe they can now give a genuine commitment. Can they walk the talk, Mr Speaker? That will be the question.

Since this election all we have seen from the opposition is opposition for opposition's sake—their opposition to our plan to allow investment in education. They have reported their support for the government's plan, but it was a whimper in the *Canberra Times*. There was not a particularly warm statement of support, it would be fair to say. But today they can do something positive. They can join with Labor and vote for a plan, in rejecting this matter, to ensure that \$230 million worth of investment can occur.

The need to bring on this disallowance motion is worth noting. With respect to round 1 of the commonwealth's funding under the national school pride program—investment in schools—applications closed early this week, on 24 March. The ACT government has now signed a bilateral agreement with the commonwealth and the first money will flow, we understand, from the commonwealth on 7 April. Sixty per cent of ACT schools will benefit in this opening round.

Round 2 applications close on 8 May. On 10 April, round 1 of the primary schools for the 21st century program kicks off, with 20 per cent of ACT schools being able to

apply in that first round. There are further deadlines on 15 and 31 May, and then finally, for round 3 of the primary schools program, applications must be submitted by 10 July. All in all, \$16.3 million will be available for the territory across government and non-government schools in the 2008-09 year, rising to \$125.4 million in 2009-10 and \$87.5 million in 2010-11, giving a total of \$229.3 million.

Turning to the regulation itself, members will note that it is available on the legislation register, but I will go through it briefly. It puts in place exemptions for schools around new buildings or alterations to buildings—for example, halls, auditoriums, gymnasiums, libraries and classrooms—provided that the height of the building, if the building is within 30 metres of the boundary of a residential zone, is not more than six metres above existing ground level. There are setbacks, so as not to be within six metres of the boundary of a residential zone.

There is a range of other provisions around minor alterations that do not increase the gross floor area of the building by more than five per cent. There are measures around school entrances—for example, porticoes, awnings, canopies, landing and access ramps—school verandahs, including balconies, awnings and porticoes, school signs, playground and exercise equipment, and fences. There is a range of practical measures—shade structures, covered external walkways, flagpoles, water tanks, landscape gardening, car parks, bicycle enclosures, toilet and change room facilities, driveways, security cameras, external lighting and demountable and transportable buildings, and also some provisions around class 10B structures.

All of these measures have been extensively discussed in a range of briefings with other parties and, as I understand it, have been supported. I welcome that support. This is a very practical way that this Assembly can assist our schools. It is an example of how the new planning system can respond effectively through the creation of codes and exemption tracks to enable these sorts of developments to occur quickly.

It was the subject of a question yesterday in question time in relation to extending these sorts of provisions into the private sector. I would make the point, obviously, that the majority of these issues are already largely dealt with in exemptions within residential construction. Of course, the removal of third-party appeal rights is consistent with what occurs for major commercial developments in the town centres. It is also worth noting that this means that potentially hundreds of development applications are removed from the system, thereby freeing up the time of the Planning and Land Authority to concentrate on those more significant private sector applications that will be in the merit track in particular, thereby unclogging the system. That is another important element in terms of the flexibility that the planning system now has to respond to these sorts of issues.

So the clear message here is that, by ensuring that these regulations are not disallowed, by sending a clear message to all stakeholders in the education sector and the building and construction sector, we will be able to get on with the delivery of \$230 million worth of investment in our schools. We note the very tight timetable that the commonwealth have provided, but we are certainly very pleased at the speed with which they have been able to respond, most notably to the signing of a bilateral agreement. We have been able to submit all of our applications in round 1 of this

particular grants program, and the anticipated date for the commonwealth injection of money for the first round is 7 April.

We are getting on with this job, Mr Speaker. It is another example of federal and territory Labor working together to benefit our education system, and I urge members not to support this disallowance motion.

**MR SESELJA** (Molonglo—Leader of the Opposition) (10.33): This is quite an extraordinary motion from the planning minister. We will not be supporting it—as he will not be. It is quite an odd situation really. He is asking us not to support the motion that he is putting forward, and we certainly will not be. We are happy to take the free advice we get from the minister.

We need to look firstly at why this stunt has been brought on by the minister. My advice from the Clerk is that this does not actually provide any certainty. The certainty is provided by the fact that all parties have said that they are not going to disallow it. Bringing this on simply makes no difference.

**Mr Barr:** You can put your vote on the record, can't you?

**MR SESELJA:** We have said that we will not disallow it and we will vote against the minister's motion today, so there is the simple answer. It does not settle the situation, because the Legislation Act still allows six days, but, as I understand it, no-one is going to be moving disallowance in those six days. We knew that before this and we still know that. If someone wanted to, they could. We certainly will not be doing it—we would not support a disallowance motion if it were moved—as we are not today.

But going to some of the substance, the first point about these regs is that it is important that we see a streamlining of the planning system. We are the first to argue that the planning system often does not serve the needs of the territory in the way that it should, and this regulation is a recognition. It is certainly a recognition that, if you want to get things done in a timely manner, it appears that you have to find ways of exempting developers from going through the development application process. That is the clear precedent that is being set here by the minister: if you want to get something done quickly in the territory, don't go through the usual processes; we need to exempt you. We know that that is the case.

It is an acknowledgement by the minister that what we have been saying is actually true. Many developments are being unreasonably delayed—often quite minor developments. We are not talking about major commercial developments, although they often have delays that are unreasonable; we are talking about far more simple developments, whether they be at the household level, whether they be extensions and the like or whether they be other minor developments. Many of these are being clogged in the system.

The minister talks about unclogging the system. We know why he did it just before Christmas, in December. It was because he was embarrassed to have to copy more of our policies. This is a minister who, after having slammed our education policy and our lower class size plan—saying that it was a poor use of resources, that it really was

not worth pursuing after grade 3, that it was bad policy, that it was unaffordable—copied it. He was forced to copy it. I do not think he made the decision. I think that the government, the Labor Party, made the decision to copy.

It is no surprise then that he had to copy part of our planning policy. We saw it on the day when he announced it; parts of it could have just been lifted from ours. Unfortunately, he did not lift as much as he should have; it would have been a far better policy if he had just lifted the whole thing. We were flattered, nonetheless, that he did copy some of it.

It is about unclogging the planning system. It is what we have been saying—that you can get the legislation in place. The legislative framework we have is now not a bad one. It may well need some amendment going forward, but it is not a bad framework. How you then implement that through the planning authority is still critical. We did not see the kind of cultural change that we have called for. We did not see the kind of shifting of resources and reallocation of resources to recognise that development applications need the resources behind them in order to get through the system. Before Christmas we saw some movement on that, and we are very pleased.

We are very pleased always to welcome good policy. We will support good policy when it is put forward by the government, whether it is copied from us or brought from elsewhere. If we see it as good policy in the interests of the territory, we will support it. When the minister announced it just before Christmas, we were happy to support it because it is the right thing to do. It is the right thing to do to try to unclog some of the backlog of DAs.

There are mixed reports coming from industry. We do hear about some of the turnover of development applications now, but there is a suspicion, certainly in large parts of industry, that what they are doing is simply dealing with some of the easy and simple ones, which is fine—but as to the actual value of development applications going through, and how much is getting through in terms of economic activity, that remains to be seen. That is something the minister is going to have to let the community know. What is the value of development applications going through and how much is that increasing with any of the changes that have been put in place?

Whilst it is important that we get through some of the minor stuff—that is important—we also need to see the things that really create jobs, with major developments not being unreasonably delayed. That is up to the planning authority—to do the work and have the resources to get that through. We have not seen evidence of that yet. If the minister wants to present us with evidence, we would be very pleased to see it, but that is the suspicion in industry and that is the feedback from industry that we are getting. Yes, things have improved somewhat, but there is still a long way to go. Indeed, there is a concern that, in order to artificially prop up the numbers, some of the minor stuff is being pushed through. That is good, but are the major developments and the value of development in the territory that is clogged in the system being cleared. Is that being approved so that we can see some of these developments?

Let us get back to the rationale that has been put for this, and it is a rationale that we support. The rationale is that we need to push this stuff through quickly—because of

economic activity, primarily. That is the number one reason that it has been put through—that this money can be spent, and spent quickly, so that jobs can be created, so that there can be economic activity in a slowing economy. That is a principle that we support.

The question is how much other potential economic activity is being delayed in the system as a result of flaws in the system. For that reason, as I said on the first day that the minister announced this, we should look at reasonable areas where this can be extended. That is an ongoing process and we will be pleased to continue to have that debate, perhaps over the coming days. It is not major developments, because I think major developments cannot be exempted in the way that these are, but minor developments that are not necessarily funded by the federal government.

You cannot tell me that the precedent here—which is that we need to get this through, and we need to get it through quickly for economic activity so these things can get done and not unreasonably delay—cannot also apply to other parts of the private sector, particularly where the developments are virtually identical. They simply are not happening on school sites and they are not funded by the stimulus package.

That will be the question for the minister. If it is reasonable—which we believe it is—for these developments to be exempt so that we can get them through the system, get the economic activity happening and get the jobs creation, why is it different when we see identical developments or virtually identical developments simply not on school sites?

That is a question that the minister is going to have to answer. Will he block moves to improve the system in other ways and to allow other developments which are basically the same developments in nature, but are simply not on school sites and are not funded by the stimulus package? Will he support that? If he will not, the question is: why does private sector investment not deserve the attention of our government and why does private sector investment not deserve some sort of reasonable passage through our planning system? That is going to be the fundamental question for the Labor Party to answer now as we move forward.

We have tripartisan agreement, as I understand it, on this regulation, against this motion to disallow it. The question going forward is: if it is reasonable that we do it for relatively minor developments in schools, is it not reasonable that we extend it for minor developments that are not in schools and that are not funded by the stimulus package? That is a debate we will be having.

Now it is up to particularly the media to be putting it to the minister. Will you support moves to do that? If it is reasonable in this case, is it reasonable in other cases? And if not, why are those jobs not as important? Why is that economic activity not important? There is no reasonable answer to it. And if the answer is no, if the Labor Party do not support these kind of moves, then what they are saying is that there are two classes of spending: there is Kevin Rudd's spending in schools which need special treatment and there is all of the other spending in the economy, all of the other potential developments, and they get treated differently: they are not worthy of any special assistance to ensure that that kind of economic activity can happen.



This will be the fundamental philosophical question for the minister to answer, but it is a fundamental economic question. It is this: you cannot stand up and make the argument that on the one hand this needs to go through—we agree with that; we agree that it should go through—but say that any other moves to assist other types of developments or the same types of developments in a different context, funded from a different source, should not be in any way assisted.

This is the challenge for the Labor Party. If they do oppose it, they will have to say to industry, “No, we don’t support those jobs; we do support these jobs. We don’t support that economic activity; we do support this economic activity.” The only difference appears to be that it is because it is Kevin Rudd’s money and it is being funded as a result of the stimulus package coming from the federal government. That is not a reasonable argument. That does not make any economic sense.

We need to be encouraging private sector investment. At a time of a slowing economy, we should be encouraging investment in our territory. We should be encouraging both public sector and private sector investment in our territory. We should be encouraging this economic activity. We should be encouraging jobs. This will be the question.

There will be a lot more said about this. We will, no doubt, be having further debates on this very issue in coming days and weeks in the Assembly. That is the fundamental question that Andrew Barr will have to answer. Is this only good for Kevin Rudd’s money? Is it only good to open up the system when Kevin Rudd funds it and it is done because he is told to by the Prime Minister? Or, if the principle is reasonable that relatively minor developments should not be unreasonably delayed—because, clearly, this planning minister does not have a lot of confidence in the system that has been set up; he does not have confidence that this will be able to get through without it being exempted—is it not also good for private sector development? That is the fundamental question.

Just to summarise, Mr Speaker, I think it is odd. I do repeat that I do not think there is any reason for this, but we are very happy to vote against the minister’s motion. We are always happy to vote against the minister’s motion if we think it is a dud one. And this is a dud motion, particularly because he tells us that he does not want it to be supported, for a start. He knows the Greens are not going to support it and he knows we are not going to support it.

We will make it clear: we will not be voting for this disallowance motion. But let us have the further debate. If it is reasonable here, where else is it reasonable to extend it? Where else can we underpin the productive capacity of the ACT economy? Where else can we help confidence in the sector? Where else can we encourage further private sector development to underpin jobs and underpin our economy? We will not be supporting this disallowance motion.

**MS LE COUTEUR** (Molonglo) (10.46): I would like to start by agreeing with quite a few of the sentiments of Mr Seselja. The Greens also find this a very interesting methodology, particularly given the advice that Mr Seselja has repeated from the Clerk—that, even if this motion is not passed today, the Assembly still has six days in

which it could, if it was so minded, disallow it. This really just seems like a theatrical event and I am not really quite—

**Mrs Dunne:** So he could say “get out of my way” just once more.

**MS LE COUTEUR:** Yes. Moving along again, let me talk on some of the issues that Mr Seselja raised. The Greens think it is very important in planning issues to get balance. Mr Seselja spoke quite eloquently about the need for jobs, which we do not have any problem with. We also think, though, that there is a need to make sure that what the jobs do is a productive thing to do. So we do not support the wholesale disassembling of our planning system. We must—

**Mr Seselja:** Nor would we.

**MS LE COUTEUR:** I am glad to hear that you do not either. We must be sure that we have the appropriate safeguards to make sure that what we build is not just moving sand—moving things from one place to another—but something that would be a lasting legacy of good planning in this territory.

Also on some of the issues that Mr Seselja raised, I might point out that the initial Greens response to this package from Mr Barr was that primarily there seems to be a problem with resources in ACTPLA. The obvious response to this was to employ some more people in ACTPLA, to second them from the private sector or whatever. I still stand by those comments as being one of the things that ACTPLA should seriously consider doing. I think we are all in agreement that DAs are not being processed fast enough, and that would seem to be one of the more obvious ways of solving this problem.

Getting back to the regulations themselves, negotiating these regulations has been a very interesting process over the last month. I do not want to talk too long about it but I will make a few comments. The Greens have always supported the federal government’s national building and jobs plan and the subsequent—

**Mr Barr:** That is true; you certainly have. The Liberals have not, but you certainly have.

**MS LE COUTEUR:** We have—and the subsequent funding that is going to come to the ACT through it. And, as has been made abundantly clear, the Greens will be supporting these regulations as tabled by the minister because we understand that the national time frames which the ACT government have to meet are very tight. More importantly, in the commonwealth government there is a requirement that the states and territories need to ensure that the design application and assessment processes are fast-tracked with minimal red tape. I see this activity as being at least partly to ensure that the government has ticked off on that requirement.

From the onset, the Greens have also been very clear that we do not think that the ACT government should throw out all the relevant regulations just to look as though we are fast-tracking. As a result of that, we have carefully examined each and every one of the regulations which will be changed. Since the first announcement was made

a month ago, we have worked positively and constructively with the government to propose amendments which we feel look after the community's interests while still allowing the government to meet the commonwealth's requirements and the requirements for an expeditious development approval process. The results that we have today are not exactly as we would have proposed them. However, this is subordinate legislation; it is not legislation which can be amended. It is legislation which we as a whole support.

The changes that have been made to the regulations which we suggested—and we are very pleased to say that the government took on board in a cooperative process—included things like clarification of the definition of a preschool and including a review mechanism to apply to the many minor exemptions to development applications such as school signs, shade structures, water tanks et cetera. We had thought these were already exempt from the DA requirements, so we are very pleased to have the legislation clarified. And that is an area we might build on to work further; as the belief was that most of this was exempt, this might be an area where further work could be done.

The regulations now say that, instead of having a sunset clause at the end of the commonwealth funding period, ACTPLA must review the use and effectiveness of each type of exemption in four years time. We have proposed that the infrastructure coordinator-general's office should coordinate feedback on the projects which ACTPLA should then use to do the review. ACTPLA will then make a summary of the comments from the community to provide to the minister before he decides whether or not to continue the exemptions.

We have proposed this because we understand that there are many frustrations with the current planning process and we support streamlining the planning process where it is non-contentious in the community. For developments which are more sizeable, such as new buildings and extensions, we have proposed that the Assembly can resolve to continue the exemption in four years time if the Assembly is so minded, which I assume it would be if the Assembly found that the exemptions were not contentious. We have also proposed that the exemption for developments which can increase the gross floor area by up to five per cent will expire in 2013.

We would have preferred to link this regulation more closely to the commonwealth funding package, but the government thought it would be easier to apply it broadly to all schools in the ACT for four years. We have some concerns about this, but we will not be blocking it. As I have said before, we are not going to be blocking the regulation over this.

Finally, I would like to say that in the past month there has been a lot of discussion about the flaws in our planning system. The Greens are very happy to participate in these discussions. But we do not want to see piecemeal changes to the planning system—bit by bit—which amount to basically amending the planning legislation by stealth. Next week is going to be the first anniversary of this new system. I understand that ACTPLA and ACAT are still dealing with DAs from the old system. Let us see the new system settle in and then have a major overview of it rather than piecemeal changes on the floor of the Assembly.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (10.53), in reply: I make the unusual statement that I thank members for their opposition to my motion today. I too will be voting against it. A number of interesting points have been raised by members in their contributions this morning and I will respond to each of those.

Firstly, if we were to set a new test in this place that business must not be theatrical, probably three-quarters of business in this place would fail that test. There are times when I think it is important that parties put their vote on the record and today provides such an opportunity. It will provide a degree of certainty that, whilst it is still possible for someone to move a motion for disallowance for a few more sitting days—I think the final opportunity is on the first day of budget week—nonetheless it would be a remarkable about-face having had a vote recorded today. So that will provide some measure of further certainty for stakeholders in relation to these matters.

If the criticism is that this motion for disallowance is theatrical, again, I would draw members' attention to the majority of motions that are moved on private members' day, the nature of questions in question time and the subject of matters of public importance. All of them contain an element of theatrics. That is the nature of parliamentary debate. It would be a very boring place if there were no theatrics and if that were the nature of parliamentary debate.

Mr Seselja raised a number of issues in his contribution. Some went to fundamental philosophical issues. I am very happy to respond to him, as I have put it on the record in this place on a number of occasions. Broadly speaking, on these matters the Labor Party positions itself to the left of the Liberals and to the right of the Greens. We occupy the political centre when it comes to planning matters. In fact, in most debates we find that the Liberal Party is positioned to the right of us and the Greens to the left of us. Since I have been a member of this place that has broadly been the position on planning matters. If you were to peel another layer off that, the Liberal Party appears to be more captured by the development lobby and more pro-development than the Labor Party. The Greens adopt a more anti-development position than does either Labor or Liberal.

There are different variations on that and, depending on the nature of the planning debate before the Assembly, there are nuances to each of those positions. But if you were to make a broad, general statement about philosophy in approaching matters in the planning and development area, that would be how it sits. I imagine if you were to ask the average Canberran where they see each of the parties positioned on those matters that would be their response as well. I must say I am very comfortable with that position. It is a very happy time for the Labor Party in public policy debate when you have the Liberals out on the far right and the Greens out on the far left. It does not always happen, but for those of us who occupy the sensible middle ground in territory and Australian politics, long may that continue.

Mr Seselja made a number of observations on the provisions of the planning and development regulations that are before us today and the application of these

provisions for commonwealth-funded projects as opposed to projects that might be privately funded. Ms Le Couteur picked up on this point in her final remarks. There was a point of difference between the government and the Greens on this matter in that the Greens sought to limit these regulations to commonwealth-funded projects.

Our view is that if government and non-government schools are able to access and raise funds through private sources, either through their own fundraising or other means, the money that is brought into the education system for projects, regardless of its source—whether it comes from the commonwealth government, the territory government or from the fundraising efforts of parents—should be treated equally under these regulations. We have no problem at all with private sources of funding being invested in education around projects that would meet the exemption criteria.

To go on further to Mr Seselja's point, in relation to those private sector developments that wish to put in place flagpoles and bicycle enclosures and all of the other things that are covered by these regulations, which I reiterate are largely brought into the school sector from existing provisions and exemptions within the residential sector and also in the commercial sector, particularly in relation to third-party appeals, this regulation is about bringing already existing exemptions and provisions into the schools sector and, as I said in question time yesterday, effectively creating a schools code to enable the new planning system to be able to respond effectively. The new planning system then enables us to be able to respond effectively in these ways.

It is interesting to contrast the responses in other jurisdictions. The Tasmanian premier, for example, has to bring in special legislation to fast-track all of these programs because the Tasmanian planning system is not able to respond as effectively as the ACT system. New South Wales, South Australia and a range of other states and territories have had to enact very special legislation in order to meet these time lines. Our planning system enables this to be achieved by regulation. As Mr Seselja has noted, and in fact most industry groups now agree, the structure of our Planning and Development Act is right.

The government have always indicated that in the change from the old to the new system it would be policy neutral and that further work would be required. I take on board Ms Le Couteur's point that we do not just want piecemeal adjustments from time to time. There is a consistent and steady work program in the Planning and Land Authority. They are working to a particular timetable around different areas of code that will be developed. Of course, there is opportunity for input from other parties. In fact, it will be absolutely essential in order to achieve a consensus on the forward direction.

As is characterised in these planning debates, I imagine that the Labor Party middle ground will end up being the outcome that I hope will be implemented. Obviously we will be able to take elements of what is proposed by the Liberals and the Greens into consideration. A sensible middle ground will no doubt be the outcome, as it should be. We would not want the planning system to lurch off in extremes in either direction.

**Mr Hanson:** I wonder what his left wing colleagues in the Labor Party think about that.

**MR BARR:** Madam Deputy Speaker, given the level of interjection from behind me and from those opposite I have obviously touched on a sensitive point. The level of sensitivity to these comments is clear. In closing, I again note the willingness of both the Liberals and the Greens to work with the government on the further development of planning regulations and I again thank members for their opposition to this disallowance motion.

Question resolved in the negative.

## **Climate Change, Environment and Water—Standing Committee**

### **Statement by chair**

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Climate Change, Environment and Water relating to a site visit to the Bruce campus of the Canberra Institute of Technology for the ACT greenhouse gas reduction targets inquiry by the committee.

The Standing Committee on Climate Change, Environment and Water visited the Bruce campus of the Canberra Institute of Technology on 18 March 2009, having been pleased to accept an invitation from the CIT chief executive, Dr Colin Adrian. The aim of the visit was to learn how the CIT is integrating sustainability principles into its operations and education and training programs, and to inform the committee's inquiry into greenhouse gas reduction targets.

The CIT has a new diploma in ecology and environmental management and diploma of sustainability, which complement its existing courses in renewable energy. Training options are also being developed to provide plumbing apprentices with the skills to install solar hot water and photovoltaic systems. The CIT has strong links with industry. It is pursuing market opportunities flowing from the growth in green jobs, and from the need to up-skill the trade skills sector to work with new, more sustainable technologies. The committee discussed with the CIT the possible need for accrediting green tradespeople and for community education about quality assurance in sustainability improvements. This may be pursued further during the inquiry.

The committee also learnt about the CIT's interaction with government agencies and other research institutions and the building of student pathways across organisations and work areas. Partnerships exist, for example, with Charles Sturt University, the University of Canberra, the Australian Federal Police, the CSIRO, New South Wales parks and wildlife, Ecowise, the ACT Department of Territory and Municipal Services, the ACT Department of Education and Training, Greening Australia, Landcare Australia, New South Wales Fisheries and the Industry Skills Council, amongst others.

The CIT is also developing relationships with its neighbours in Bruce to expand the opportunities open to its horticultural research and training. The committee also learnt how the CIT is incorporating sustainability into its daily operations. CIT Green has been established and is contributing to the implementation of the ACT government's

climate change and sustainability policies. It reduces greenhouse gas emissions through energy, paper, waste and water savings and recycling, for example, by providing strategic advice on reducing CIT's environmental impact and through training programs. The committee inspected the CIT's energy and water efficiency reduction improvements, including the rooftop solar array and interior electricity meters for power supply monitoring and student training.

The committee toured the emerging horticultural facility which is due to open in 2010 and learnt how it will have the latest in water efficient plantings and water harvesting and recycling processes and may even be carbon neutral. The facility will have large water tanks and will also collect stormwater run-off from car parks and divert it to a large retention pond within the grounds. It will use low energy lighting and will have buildings oriented to enable them to take advantage of solar power collection in future. The CIT also plans to have fruit and vegetable plantings for use in both its horticultural and hospitality training, and possibly the student canteen.

On behalf of the committee I would like to thank the staff at the CIT who participated in the visit and particularly Dr Colin Adrian, Ms Tracey Hayne, Mr Peter Kowald, Mr Geoff Bell, Ms Jane Cottee, Mr Ivan Radic, Mr Bill Martin, Mr Lee Madden, Dr Nicole Stenlake, Mr Glenn Carter and Mr Rod Brightman. We also thank the student representative, Ms Alexi Williams, who met with the committee.

## **Public Accounts—Standing Committee Report 1—government response**

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (11.07): Madam Deputy Speaker, for the information of members, I present the following paper:

Public Accounts—Standing Committee—Report 1—*Appropriation Bill 2008-2009 (No. 3)*—Government response.

The report was presented to the Assembly on 24 March 2009. I move:

That the Assembly takes note of the paper.

I present the government's response to the report of the Standing Committee on Public Account on the Appropriation Bill 2008-2009 (No 3). I would like to take this opportunity to thank the committee and, of course, the committee staff for the report that has been produced.

At the time of presenting the local initiatives package in the Assembly on 24 February, I spoke of a level of concern within the building and construction industry. These concerns arose from a series of roundtable meetings and discussions that government held with industry in late 2008 and early 2009. The local initiatives package provided a positive response to some of those concerns through the delivery of a modest package of work.

I note that industry has responded positively to the package and I thank them for their support. I will not take up the Assembly's time by addressing each of the committee's

recommendations in turn, as I understand there is agreement to manage the debate that will follow cognately. The details are contained in the government's response to the standing committee's report.

Broadly speaking, the committee's support for this package of work is welcomed. However, I note that concerns were raised in the report about the level and focus of infrastructure expenditure included in the package. It should be noted that this package was developed to deliver a focused and immediate response to an emerging issue primarily facing the building and construction industry. The response focuses on a limited number of small projects that could be delivered quickly with the aim of extending the useful life of the territory's asset base.

The projects were "shovel ready", as the committee describes it, and in a mature stage of design and procurement. These works are generally not new projects. These are projects that were profiled for delivery at some time in future budgets and identified within agencies' usual asset management planning process. However, it is work that has to be done. Rather, we have chosen to accelerate the process and undertake the projects sooner rather than later.

The committee recommended that the government consider detailed statistics in framing its budget. I think it is important to note that the government already undertakes wide-ranging analysis on a range of economic and financial indicators available to it. The government also takes into account business, industry and community feedback in its broader fiscal and policy objectives.

The committee sought specific details on the breakdown of labour, plant and materials for each project included in the bill, which was also subject to a series of questions throughout the committee hearings. As I have outlined in the report, capital works are not tendered or contracted in a way that would enable this information to be extracted prior to the receipt of detailed quotations for these works. The range of projects in the local initiatives package varies considerably in the amount of labour, plant and materials that are likely to be required.

The committee also made reference to how spending proposals may be evaluated. In framing an appropriation bill we undertake a rigorous analysis and assessment process, including the development and consideration of detailed business cases which establish the means for evaluating the efficiency and effectiveness of our spending. As with all new projects, rigorous planning and procurement processes are also undertaken as a means of assessing delivery against the original proposals.

Finally, the committee recommended that a formal update on the estimated outcome for the 2008-09 budget be provided. The government agrees and this update will be included in the 2009-10 budget to be presented on 5 May.

Madam Deputy Speaker, I have kept the community informed of major impacts to the territory's finances as they occur and I will continue to do so in the lead-up to the delivery of the budget in May. I commend the government's response to the Assembly.

Debate (on motion by **Ms Burch**) adjourned to a later hour.



## Paper

**Madam Deputy Speaker** presented the following paper:

Public Accounts—Standing Committee—Report 1—*Appropriation Bill 2008-2009 (No 3)*—Speaker’s response, dated March 2009.

### **Appropriation Bill 2008-2009 (No 3)**

[Cognate paper:

Public Accounts—Standing Committee report 1—government response]

Debate resumed from 26 February 2009, on motion by **Ms Gallagher**:

That this bill be agreed to in principle.

**MADAM DEPUTY SPEAKER:** I understand that it is the wish of the Assembly to debate this bill cognately with the government’s response to report 1 of the Standing Committee on Public Accounts. That being the case, I remind members that in debating order of the day No 1, executive business, they may also address their remarks to the government response to the committee report.

**MR SMYTH** (Brindabella) (11.12): Madam Deputy Speaker, the government’s response to the report of the public accounts committee will come as no surprise. I refer pretty much to the contemptuous way that it is being delivered and framed. There are 16 recommendations in the actual report. I note that three are agreed to, 12 are noted and one is not accepted. I guess that in a polite way this is the standard “up yours” type of response that we expect from this government.

The committee worked very hard to put this report together. The committee and the secretariat considered this over a long period of time within the short time frame that we had. Just to have things noted in the way that the government does with single one-line responses—noted, noted, noted, noted—I think is dreadfully contemptuous of the work that the members did. It is also contemptuous of the committee that was set up by this place to scrutinise what the government is doing.

Instead of answering the issues, instead of coming to grips with what was proposed, we have been shrugged off by a Treasurer who cannot even tell us what she will do. I note that the one recommendation that is not agreed to is recommendation 4. I will read the recommendation:

The committee recommends that the Treasurer provides to the Legislative Assembly a breakdown of the proportion of spending that is proposed in the Appropriation Bill (No. 3) that will be directed towards labour, plant and materials.

That is the fundamental of this bill. This bill is to save jobs. That is the fundamental premise. This bill is to save jobs. So you must know when you put these projects forward what percentage goes towards labour, otherwise you have got no idea. It is

quite clear that the Treasurer has no idea. She has herself said, “Don’t get your hopes up on this bill and its effect.” But if you look at this, it simply says we are not even going to try to find out what proportion is labour, what is going to plant and what is going to materials. That is the nub of the bill, and the nub of the bill is not agreed to by the government. The response says:

Capital works projects are not tendered or contracted in a way that would enable this information to be extracted prior to the receipt of detailed quotations for these works.

I think I asked every department to take on notice what percentage of the projects would be dedicated towards capital, towards labour and towards plant and equipment. It is interesting to note my questions and the responses:

**MR SMYTH:** How many jobs will it create, enhance or retain and what percentage of that money will be spent on labour and what percentage will be spent on materials and equipment?

The head of the department, Mr Byles, responded:

Can I take that on notice?

**MR SMYTH:** Sure. And will you take the jobs on notice as well?

**Mr Byles:** Yes, absolutely.

“Yes, absolutely.” The response was that we would be told how many jobs this is going to create. And the answer? When you look through the answer, you cannot find the number for the number of jobs. It just simply says that this work will go out to businesses that employ people to do the work. As Ms Gallagher stated, it will be difficult to give a number of how many jobs are saved or how we measure the impact of this bill.

I think the response just continues the government’s contempt for this place and for the committee system in particular where they just blanket refuse to answer reasonable questions. We are asked to pass a bill that supports the retention of jobs in the ACT. But we cannot be told how many jobs it will retain. I think it is just absolutely amazing that we have got a Treasurer who has such disregard for this place and such an inability to actually answer the questions.

There are 16 recommendations. Recommendation 3 is agreed. It is great to see that it is agreed, and I put this point in the committee hearing. Recommendation 3 states:

The Committee recommends that the Treasurer provides to the Assembly an update of the estimated outcome of the ACT Budget for 2008-09 and the out years.

It was agreed; we will do that in the 2009-10 budget. So this place and the people of the ACT will now have to wait five months. We got up late in December. Now we have got to wait January, February, March, April, May before we find out again what is the state of the budget.

The Treasurer and the Under-Treasurer said in the hearings that based on the latest update, in fact we are in surplus. If we are just going to have that sort of silliness go on at what is an important time and a very distressing time for many people, I think it behoves the Treasurer to update the Assembly regularly on the state of the ACT budget. It used to be done monthly in this place. I do not see that it cannot be done monthly again given the circumstances. I turn to the other recommendations. Recommendation 9 states:

The committee recommends that the Treasurer provide ... an update by the last sitting day in June—

That is agreed to; so we look forward to the update. Maybe then we will find out how many jobs have been saved. But it is just typical of this Treasurer who is clueless on the job. It is so typical of this Treasurer who cannot answer the questions and has struggled since she took the office of Treasurer. It is so typical of this government to treat the committee system, and through the committee system this place, with the contempt that it does. It would appear that they have not at this stage learnt the lesson that they are no longer a majority government.

Madam Deputy Speaker, that being said, there is \$12.5 million, as the Treasurer said, to get out the door this year. I think we all know that there is a slowdown. I think we all know that the building industry would welcome additional funding, and with that in mind we will be supporting the appropriation.

But I do make the point again, as the committee made the point, that there are more sectors out there than just the building industry and the fact is that the government has not been able to come to grips with that. Here we have the federal government and, indeed, this government in December saying that we need a stimulus package; we need mini-budgets; we need more approp bills. But apart from the building sector, every other part of the economy and every other person that is employed in a job in a sector that is under stress has to wait until the budget has dropped in May, the estimates occur and the budget is in theory then passed in June. Everyone will have to wait that long before they see some effect of the budget. We are talking six, seven, eight months. I think what it shows absolutely quite clearly is that the Treasurer is clueless.

Just to show how clueless the Treasurer is, it was quite clear in her answers on Tuesday when she said she was not aware of anyone who is affected by the downturn—business or household; no impacts. I just want to read from the ACTCOSS submission:

The financial crisis has and will continue to have disproportionate impacts on people in the ACT experiencing disadvantage. ACTCOSS research shows that one in ten ACT residents are already suffering multiple deprivations and missing out on essential items for living. Financial counselling services are already reporting an increase in demand on their services, as more people fall behind on their mortgages or rental payments and experience financial stress. Financial stress can lead to a range of other health and mental health related conditions.

I am quoting from the submission to the public accounts committee. It goes on to state:

As a result of the financial crisis, people and families who have not previously sought support in financial counselling, housing or crisis services are turning to community organizations as they find it more difficult to cope.

These are households, Treasurer. These are the households that you said on Tuesday are not experiencing the impacts. The submission goes on to state:

However many community organisations are reporting they are unable to meet the needs of their current clients, and have little capacity to increase service delivery to people feeling the effects of the economic crisis.

ACTCOSS goes on to say:

Steps taken in the second appropriation of 2008-09 to assist community organisations to provide crisis support were welcome. However, organisations who received funding are reporting far higher demand than the funds can provide for. Additional funding needs to be allocated to organisations to assist them to meet the increasing demands on their services in the current economic climate.

So the appropriation bill will go through, Madam Deputy Speaker. We are not going to punish the building industry because the government cannot answer adequately the questions, but what it shows is that we have a clueless Treasurer, an insensitive Treasurer and an out-of-touch Treasurer who does not acknowledge that there are people in crisis out there, that there are people who need assistance and that this—

**Ms Gallagher:** That is not what I said, Brendan.

**Mr Hanson:** It sounded like it.

**MR SMYTH:** You said that there are no impacts.

**Ms Gallagher:** No.

**MR SMYTH:** You said people have not been impacted upon.

**Ms Gallagher:** No, I did not. I did not.

**Mr Hanson:** Everything is going so well in the ACT; there is no problem.

**MR SMYTH:** You said households have not been impacted upon.

**Ms Gallagher:** I did not. I did not.

**Mr Hanson:** That is what you said.

**MR SMYTH:** So with a Treasurer who does not listen—

**Ms Gallagher:** Go and have a read of the question you asked.

**MR SMYTH:** No, I have got the quotes. I have got the quotes. I have got the *Hansard*.

**Mr Hanson:** We have read the *Hansard*.

**Mr Seselja:** Your puppet master said it, did he?

**Ms Gallagher:** Yes. I bet you have, yes.

**Mr Seselja:** And you didn't say that?

**MR SMYTH:** I have got the quotes. I have got the *Hansard*.

**Ms Gallagher:** Just to see that beautiful twisting of the words.

**MADAM DEPUTY SPEAKER:** Ms Gallagher!

**MR SMYTH:** Madam Deputy Speaker, clueless!

**Mr Seselja:** And you did not say that?

**Ms Gallagher:** Just to see that beautiful little twisting of the words.

**MR SMYTH:** Clueless!

**MADAM DEPUTY SPEAKER:** Order, members! Mr Smyth has the call.

**MR SMYTH:** Clueless, insensitive and out of touch. But we will not punish the community—

**Mr Seselja:** Tell us you did not say that. Those *Hansard* people, always getting it wrong.

**MADAM DEPUTY SPEAKER:** Mr Seselja!

**MR SMYTH:** by holding this up. The bill will go through with the support, I understand, of the Greens and of the Liberal Party.

**Ms Gallagher:** Brendan, that was only nine and a half minutes.

**MADAM DEPUTY SPEAKER:** Ms Gallagher!

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (11.21): Madam Deputy Speaker, the Greens welcome this local initiatives package, which delivers a modest yet essential input into the ACT economy. The Treasurer has advised that the intention of this package is to deliver an adequate program of capital

upgrades with investment and buildings and the facilities that are used to provide services to our community.

The aim, as I understand it, is to issue support to local tradespeople by providing some certainty and confidence within the construction industry. So when businesses are projecting over the next 12 months and making decisions regarding staffing, this will allow them some room to save jobs on the front line, at least in the short term. The Greens support measures that endeavour to keep as many Canberrans in work as possible and urge the government to continue to address emerging concerns within those industries that are immediately affected by the financial crisis.

An ongoing and robust connection can be maintained with local businesses through such initiatives as item 7.2 of the parliamentary agreement, which stipulates that a small business roundtable will be established in 2009. The Greens were pleased to see some very modest progress has been made on the Labor-Greens agreement in this particular appropriation bill, as funds have been assigned for stormwater and footpath upgrades, insulation and building modifications to increase the energy efficiency of community and childcare facilities and the initiative to provide 10 blocks of land which will deliver dwellings with tailored support to enable families to sustain longer-term tenancies in mainstream public housing.

While these capital projects will deliver a short-term injection to the ACT economy, the Greens will be anticipating that the next appropriation of funds will provide services and support in addition to the construction of dwellings as a key element in any strategy to move people out of homelessness and to include funding to stormwater augmentation to address another 40 at-risk sites. Within this current climate of financial crisis, the Greens will be invoking confidence in the people of the ACT by providing solutions to building an economy in the future that is sustainable, both economically and environmentally.

There are minor capital works in this package, which are green projects that quickly create green jobs in the industry by retrofitting energy inefficient homes. However, the Greens will be advocating a much more durable approach—the building of a green-collar workforce for the future, which will lead to long-term prosperity while protecting our environment.

The UN Secretary-General, Ban Ki-moon, told world business leaders at the Davos World Economic Forum in February that the current economic crisis:

... presents us with a gilt-edged opportunity. By tackling climate change head on, we can solve many of our current problems, including the threat of global recession.

President Obama has also echoed these sentiments by promising a green jobs package to create five million jobs in green sectors, as he believes that it makes sense to use this crisis to start the long, hard process of making economies more sustainable. We can only take our cue from governments around the world that we should be carefully fostering green industries and sound infrastructure investments and also look to local advice.

A recent report from the Australian Council of Trade Unions and the Australian Conservation Foundation *Green gold rush* identified six key green industries—renewable energy, energy efficiency, sustainable water industries, biomaterials, green buildings and waste recycling—that could grow an additional 500,000 green jobs by 2030 and take on a significant proportion of global market share. Sharan Burrow, President of the ACTU, explained that by establishing a strong domestic market in these sectors, Australia will also develop the skills and expertise necessary to compete in the international green energy market, which is currently worth \$1.4 trillion. We cannot afford to miss the boat.

The call for decisive action is also supported by a recent CSIRO report, *Growing the green collar economy: skills and labour challenges in reducing our greenhouse emissions and national environmental footprint*. This report found that well-designed policies can substantially decouple economic growth from environmental pressure so that living standards continue to increase at current rates, avoiding blockages that might otherwise occur while our national environmental footprint reduces over time.

Achieving a rapid transition to sustainability would have little or no impact on national employment, with projected increases in employment of 2.5 million to 3.3 million jobs over the next two decades. Employment in sectors with high potential environmental impacts will also grow strongly, with projected increases of more than 10 per cent over 10 years. This will add 230,000 to 340,000 new jobs, in addition to normal employment turnover in transport, construction, agriculture, manufacturing and mining sectors.

The report calls for concerted action by government, business and educational institutions to develop and implement new approaches to green education, training and jobs. This will produce a triple dividend of greater wellbeing, cost saving and greater competitiveness, and reduced environmental impact, which can be earned if measures would be taken to report the skill revolution required for a low carbon, environmentally sound society.

The report by the Standing Committee on Public Accounts for this Appropriation Bill (No 3) 2008-09 has called for measures similar to the examples I have been speaking of, firstly, by recommending that the ACT government explore the feasibility of providing tax incentives or other forms of incentives in relation to education programs to encourage private landlords to make energy efficient modifications to their rental properties; and, secondly, by recommending that the Department of Treasury, as part of the asset management plan refresh, ensure that ecological sustainable development is aligned with standardised agency asset management plans.

The Greens note that the committee was concerned about the level of research that underpinned this appropriation bill and welcome the recommendations which advised that governments should consider detailed statistics, such as unemployment by industry sector, before framing further stimulus packages and that future spending plans have a clear basis on how spending proposals may be evaluated.

The opposition have called for the diversification of the economy, and the Greens would agree that expansionary fiscal measures should be diversified to develop a

green economy that would be underpinned by well-designed environmental policies that spur innovation and government measures that would contribute to creating and consolidating domestic markets or environmental technologies to succeed in global markets. With the right policy settings, we have an opportunity to secure environmental sustainability while securing jobs and industry well into the future.

The Greens believe that green jobs must be the centrepiece of a sustainable economy. As everyone now recognises, it is time for new thinking. The promotion and establishment of the new green economy will provide direction on how we can manage any future downturns while ensuring a sustainable and viable future. The Greens will be supporting the passage of this appropriation bill in order to support the local economy and provide some certainty to the residents and businesses of the ACT.

In the government's response to the public accounts committee's report, many of the recommendations have been noted, and there are a few that have been agreed. There are just a couple that I would like to bring attention to, and one of these is around the issue of the bill posting silos and the recommendation from the committee to hold off on those because the planning committee was actually having an inquiry and looking into where those bill posting silos might be located throughout the community. I note that the government has responded by saying that they will not be holding off on that particular part of the appropriation bill, and I guess it does raise a little bit of an issue around a bit of disrespect for the inquiry that is going on by the planning committee at the moment.

Another issue I note is that there were questions asked by the public accounts committee in relation to the cost of each silo. There really was not a clear response as to whether the department really knew how much each of these silos would cost and, therefore, how many there would be. So I just note my disappointment that there has not been a holding off on waiting for that inquiry to be completed by the planning committee, because I feel that that would have provided some very good information, some important information, about where those bill posting silos could have been placed. So that was one of the issues that I did want to raise.

There is another point, and that is about the recommendation that has just been referred to, in fact, by Mr Smyth around having some breakdown on some of these projects about what is being spent on materials and what is being spent on wages and so on. I note in the government's response that they say that they contract this sort of thing out and that they have no idea. I do find that a little bit hard to understand, because when you are going out for a contract, that is part of your negotiations. You get some idea of cost, because you would want to make an assessment about whether they are overcharging or whether they have the balance of that contract right or what they are offering for the amount of money that you are putting on the table.

So again, I think that that was quite a reasonable recommendation that was put forward by the public accounts committee. It would give us a greater understanding to be able to have a greater level of transparency around contracts and the negotiation of those contracts, but also, I guess, a greater idea around the jobs that may be saved.

This was never put forward as a job creation package, and so the Greens are in no way saying that this very modest local initiatives package should be about jobs creation; it



is not. It is about responding to what is expected to be a downturn in some work out there, particularly for smaller operations, and to ensure that there is ongoing work and that there is certainty. I guess that was just another disappointment in the government response that is noted, but I really do think that that was quite a reasonable recommendation that was put forward by the public accounts committee.

**MR SESELJA** (Molonglo—Leader of the Opposition) (11.33): I will just add a few comments to those of Mr Smyth because I think he has made the case very well. I welcome the contribution of the Greens to the debate as well. There is no doubt that some form of additional spending as proposed here is reasonable and that is why we will be supporting this bill. The \$12.761 million in the 2008-09 financial year will no doubt be welcome; but in the scheme of the overall ACT economy it, it must be said, is not significant.

We saw initially that the government, the Labor Party, were talking up expectations. They were initially talking about a stimulus package that they were going to introduce. We were all looking forward to a stimulus package, particularly given that we do have a slowing economy, that we are the only jurisdiction in the nation in recession, and that we have a Treasurer who went out and said, “Yes, we are going to stimulate the economy.”

Then, as it turned out, as time went by, she got further advice and the further advice was: “Well, actually, minister, you are not going to stimulate the economy. What you are going to do is have a local initiatives package.” Then no doubt the spin doctors went to work to reshape the message of what it actually was. We are not quite sure—we have never heard from the minister—when she changed her mind about a stimulus package.

**Mr Hanson:** When Jon told her.

**MR SESELJA:** It might have been when Jon told her. It might have been when the public servants advised her. I do not know. But perhaps the minister in closing can let us know when this package went from the stimulus package that we were promised—

**Mr Smyth:** Mini-budget.

**MR SESELJA:** the mini-budget that we were going to see, that was going to take the economy forward—hopefully a roadmap for bringing the ACT out of recession. Indeed, we have not seen that. At some stage—I cannot remember the date—we saw the changed language in the newspapers and in the media reports when Ms Gallagher said: “Well, no, we are not going to do a stimulus package. We are too small to stimulate.” Then on 17 December Ms Gallagher said, “The government is considering a second stimulus package.” And then by 5 February: “We are not calling it a stimulus package. We are too small to stimulate.” And then, of course, she went on to say: “It is a very modest package. Don’t get your hopes up.”

The confusion that has been demonstrated by the Treasurer about what the government would be doing and what the government could be doing would not be filling anyone in the community with confidence. It would not be filling anyone in the

community with confidence when we have a minister who seems so confused by the role of the ACT government and what they can and cannot do. We know that they are certainly clear on whose fault it is; they are very clear on that. There is no confusion. It is everyone else but them; everyone but them is responsible. But we do think there is significant confusion about what they can actually do to respond. So they have got their lines down on whose fault it is; I think it is the GFC and I think it is the commonwealth. They are the only reasons why the ACT economy is in any trouble—nothing to do with anything done by the ACT government.

But in terms of what they will actually do to respond, they have not got their lines right and we are seeing the back and forth. It will be interesting to see whether the language changes in the budget, whether when the budget is presented we see a Treasurer who says, “We have a plan to bring the ACT economy out of recession, to guard against the economic downturn,” or whether she will also be talking down expectations and saying, “Don’t get your hopes up. Don’t expect too much.”

It is worth looking at some of the recommendations. Recommendation 1 states:

The Committee recommends that the ACT Government consider detailed statistics, such as unemployment, by industry sector before framing any further stimulus packages or the 2009-10 ACT Budget.

That to me seems an inherently reasonable recommendation, that these sorts of things should be considered. And, of course, the government’s response is to note it. They have noted that recommendation. But it is extraordinary that they did not do this. We are talking about what was originally mooted as a stimulus package and they did not actually do the work to consider the detailed statistics such as unemployment by industry sector before framing any further stimulus packages. Surely that would be a reasonable thing to do so you know where to target it. Surely that kind of basic analysis would help you target the spending. As it is, they have not done the analysis and they have spent money.

Money in the economy is always welcome, particularly at a time of slowdown. But is it targeted as well as it should be? No-one really knows because the work simply has not been done by the ACT government or by this Treasurer.

Recommendation 2 states:

The Committee recommends that the ACT Government ensure that future spending plans have a clear basis on how spending proposals may be evaluated.

That, once again, seems a very reasonable one and once again it is noted. But clearly that work was not done.

I did want to talk briefly about recommendation 4, which I think Ms Hunter has touched on:

The Committee recommends that the Treasurer provides to the Legislative Assembly a breakdown of the proportion of spending that is proposed in

Appropriation Bill 2008-09 (No. 3) that will be directed towards labour, plant and materials.

The response is weasel words. It is not agreed because they simply cannot do it. They have no idea when they tender these things what they are actually getting. This response perhaps goes to the heart of some of the problems we see with this ACT government. We hear it from industry with the problems with tendering. There is uncertainty in the way they do things. They do not give notice. They do not know what is coming. And from this response to this recommendation it would appear that they actually do not know what they are getting; that things are not tendered or contracted in a way that would enable this information to be extracted.

Surely when we have these processes put in place the ACT taxpayer—the ACT government, on behalf of the ACT taxpayer—should know, should have an understanding of, what they are buying. They should have an understanding of the breakdown of what they are buying. This response I think is quite a telling response from the government. It indicates that they do not know what they are buying. That is quite interesting—that they do not know what they are getting. And I think it is quite a reasonable recommendation made by the committee. Once again, this one is actually the one that is not agreed. The rest have been dismissed in quite a cursory way with simply “noted”—not really taking account of the work that has been done. But recommendation 4, and the response to it by the government, is quite telling. It demonstrates that they do not know what they are buying when they go to tender.

Ms Gallagher stated that the idea for a third appropriation grew out of a particular roundtable where issues were raised around the building and construction area. The Master Builders Association of the ACT has stated, “There was a degree of nervousness in the construction and building industry, more so for small businesses, about what the future holds.” We had this debate earlier, but it is worth restating it in this context. We have got a government that are going to spend \$12.76 million in this financial year; that is the response. But what we have languishing in that through our planning system are tens of millions, if not hundreds of millions, of dollars of developments that are being unreasonably delayed because this government simply cannot manage their planning system. They have acknowledged as much. They have acknowledged as much through the regulation we were debating earlier this morning. The minister has acknowledged that it is not getting done; that if you want to get something done quickly you have to find a special exemption.

What we do know is that there are tens of millions, if not hundreds of millions, of dollars of developments that are languishing. And we know that if they were able to be put through the system in a timely manner, in a way that people would expect, we would see the flow-on economic benefits, we would see the employment that comes with it and we would see the economic investment that comes with those developments going ahead.

So this goes to the crux of it. We have the Treasurer saying it came out of this roundtable, particularly around the building and construction area, yet it is the government’s own systems and it is the government’s own departments that are not getting the job done and ensuring that these developments can get through the system.

That is holding things back. That has seen tens of millions, if not hundreds of millions, of dollars of potential investment in the economy being delayed—and, at a time when we know that finance has become more difficult to get, these delays can be fatal.

In previous times, when finance was much freer, we knew that these delays cost money and added to the costs of building, but they would be less likely to result in projects falling over, whereas we know now, and we have heard from industry, that sometimes some of these projects are on the verge of falling over because the banks and financial institutions withdraw their support if they cannot get the approval in a timely way. That is where this government continue to fail and continue not to respond in the way that they should to ensure that we see these kinds of investment go ahead.

Part of it is an attitudinal thing. Part of it is simply an attitude from this government that there are certain types of developments, namely those that are funded by the public sector, that are good developments and there are certain developments that are bad developments, whereas all of them should be assessed on their merits. But we should not see the unreasonable delays that we are seeing at the moment.

We saw works proposed under the third appropriation bill that had been assessed against six criteria, should not provide any additional burden to the government's operating budget, would provide some measure of job support to local industry, would extend the useful life or approved life of the territory's asset base, utilise potential emerging capacity in the building and construction sector, are at a mature stage of design and/or procurement to enable them to begin as soon as possible, and once commenced be undertaken and completed on time and on budget. All of these criteria apply to developments that are being held back by ACTPLA.

There are some particularly good initiatives in this package that I just want to briefly highlight. The expansion of the oncology clinics and cancer services facilities will help ACT residents, and we welcome that. Upgrades to Emergency Services Agency sheds and stations are an important initiative to ensure the safety of buildings, and the removal of asbestos from schools is incredibly important.

However, in summary, whilst we certainly support this, I think this is a fairly minor response. I think it has been acknowledged as such. It is a minor response; it is a tiny part of what needs to be done at a government level. We need to see the facilitation of investment. We need to see the encouragement of business. We need to see sensible spending and sensible targeting. Importantly, as picked up by the committee, we need to see a government that actually does the analysis when it spends money. Whether it is \$12 million, whether it is \$5 million, whether it is \$100 million, when it spends money, particularly money that is designed to stimulate the economy, it needs to do the work, it needs to do the analysis, so that it knows that where it is targeting it it is getting maximum bang for taxpayers' dollars. That clearly has not happened here. That said, it is better than nothing. It is a minor package which was meant to be a stimulus package. It is clearly not a stimulus package; it is not referred to as such any more. But we will be supporting it to the extent that it will make some difference to the sectors where it has been targeted.

**MS LE COUTEUR** (Molonglo) (11.45): I would like to make a few brief comments about this process. In particular, I note the very constructive approach to the report by the public accounts committee secretariat. Contrast that with some of the responses of the government, which basically are not substantive and not constructive. The responses have been: noted, noted, noted. I would have liked to see more substantive response to the committee's recommendations.

One area in which I would have liked to see a more substantive response is recommendation 5, which states:

The committee recommends that any further stimulus packages should consider one-off service provision as well as capital expenditure.

Basically, service provision involves employing people to provide services. If the aim of the package was to stimulate jobs, service provision would seem the most obvious way to do it. Building things can be good, but the community needs services as well. We need teachers and nurses. I could go through the long, long list of services that we need. I do appreciate that the government has a concern about not committing to expenditure in further years, and I totally appreciate and support that, but it is possible to employ people on short-term contracts. Just because you are employing a person does not mean that you have got to commit to employing them forever. I am disappointed that the government has only noted the response and has not provided a more fulsome analysis of why capital is preferable to service provision in all cases.

I also note that the only submission that PAC received was from ACTCOSS. ACTCOSS was generally supportive of the package, but clearly made the point as well that in tough times economically many Canberrans require government services. That is all I have to say that has not already been said.

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (11.47), in reply: I thank members for their contributions and their support to enable this local initiatives package to pass through the Assembly today.

As other members have noted, it is very important that the government and the Assembly show a broader level of commitment to our private sector businesses during some of the downturns that we are seeing in the economy and provide them with an indication that the government is prepared, with the support of the Assembly, to bring forward early work that perhaps may have been done in years to come to indicate to business that that work is there and we are prepared to fund it. Of course, as part of another stage in giving that information and support to the private sector community, this package also pre-announced the \$45 million capital upgrades program that will be part of the next budget.

As other members have said, the third appropriation bill provides for investment in infrastructure projects of \$12.761 million in 2008-09 and an estimated \$12.214 million in 2009-10. This significant investment will provide a small impact to the general government sector net operating balance across the forward estimates

from \$400,000 in 2009-10, rising to \$762,000 in 2011-12. These costs are mainly related to depreciation expenses.

The local initiatives package was put together with the aim of boosting business confidence in the ACT, particularly in areas of uncertainty where emerging capacity was expected, such as the building and construction industry. As I have outlined, the works proposed in this package are to be delivered locally by a range of trades: builders, plumbers, roofers, painters, electricians, plasterers, landscape specialists and so on.

This package has three main outcomes. Firstly, it provides assistance for the building and construction industry, which has been affected by the deteriorating national economy, by utilising its emerging capacity. Secondly, it will ensure a continued level of activity over the next two years by providing employers with confidence to retain a level of resources which may have otherwise been let go. Thirdly, it will also provide some stability to the local economy in a responsible and responsive manner to help buffer the industry against the trickle-down impacts of national economic uncertainty.

In the face of the current financial crisis it was important that the government develop a response, with strict criteria. We focused on projects that will provide some measure of job support to the local industry; that will extend the asset useful life of our own asset base; that will address or utilise the potentially emerging capacity in the building and construction sector; that will be at a mature stage of design and procurement with works that are able to commence as soon as possible; that, once those works are commenced, are able to be undertaken and completed on time and on budget; and that has a very low cost to the territory's operating budget. Those were the criteria with which the bill was put together.

There has been some good progress to date on preparing to deliver these initiatives through our own internal planning process, development of functional briefs, early engagement with community and drafting of procurement documentation. However, the next step of the process, the passage of this bill today, is obviously the most important. We will then see works begin to be delivered across the territory.

We have consulted with industry, we have listened to our procurement experts and we have responded with our means and our ability to deliver. We acknowledge that the package is modest, consisting of a range of small projects that can be actioned quickly. We acknowledge that the package did not respond to other sectors such as business, tourism, retail or IT industries, but this was with good reason. These are areas that require a greater level of consideration, and, rightly, this work will be, and is being, undertaken in the context of developing the territory's annual budget. These are areas that often require a longer term level of investment rather than the short-term focus of this package on already identified infrastructure-related work.

While it is not reflected in the bill, I would like the opportunity to highlight the second important element of the package, which was the pre-announcement of the capital upgrades program—an investment totalling \$44.3 million. While the capital upgrades program would usually be announced as part of our annual budget process, we believed it was prudent and responsible to announce the projects and funding

earlier this year so that industry can plan, resource and respond with some certainty to the package of works to be rolled out in the next financial year.

The works delivered in our annual capital upgrades program touch on many areas of government: health facilities, community services, emergency services, parks, ovals and open spaces, roads and transport infrastructure, the city centre and shopping centres, preschools, schools and colleges and the arts and major venues.

The bill provides responsible initiatives that will provide confidence in the building and construction sector and assist to support jobs in our local economy. The package was not a waste of time and has been welcomed by community representatives, including the chamber of commerce. The chief executive of the chamber of commerce, Mr Chris Peters, is on the record as saying:

The reason it—

the package—

will have a direct impact is that it brings some certainty to business at a time, particularly in the construction industry, where there's a shortage of work in the short term, so this will be a bridge between now and that larger capital expenditure—

that is, in May. He went on to state:

This will not only keep the construction industry busy, but it will also mean their staff, particularly apprentices, will continue to have jobs, and there will be flow-on—

to other industries.

These are difficult and challenging times, and the government is working hard to pull together our budget for May. The local initiatives package is an important statement of this government's commitment to the territory's asset base and to supporting jobs in the community. With this in mind we have worked hard since the bill was introduced last month to prepare ourselves to deliver the package. All we require now is the support of the Assembly for this bill for contracts to be signed and for industry to roll out the work.

I thank the Standing Committee on Public Accounts for their consideration of the appropriation bill. The response to the committee's report certainly was not meant to elicit the emotions that it has elicited from Mr Smyth or, indeed, Ms Le Couteur. In fact, we have noted committee recommendation 5, which recommends that any further stimulus package consider one-off service provision as well as capital expenditure, because we are already doing that. That is already under consideration in our budget. It certainly was not intended to be an arrogant response.

Remember that the committee's report was tabled on Tuesday. We are having this debate on Thursday. The turnaround time was fairly short. It did require a fairly short response to the report. I maintain that the government's willingness to engage with the

estimates process and with the public accounts committee in relation to the appropriation bill is an indication of the government's commitment to working with the Assembly and its respect for the committee system.

I will finish with that comment. I thank members for their support. This is a very important step in meeting our responsibility to the ACT community over what is going to be a pretty difficult time in the next 12 to 18 months. I genuinely thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

### **Public Accounts—Standing Committee Report 1—government response**

Debate resumed.

Question resolved in the affirmative.

**Sitting suspended from 11.57 am to 2.30 pm.**

### **Ministerial arrangements**

**MR STANHOPE** (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage): The Minister for Disability, Housing and Community Services, Mr Hargreaves, is at a ministerial council today and is unable to attend. I will be happy to take any questions anybody may have in relation to Corrections. If there are any questions in relation to disability and community services, the Deputy Chief Minister will be happy to seek to be of assistance. I am sure members would understand that we may have some difficulty and we may have to take questions on notice but we will seek to assist.

### **Questions without notice Planning—swimming pools**

**MR SESELJA:** My question is to the Minister for Planning. Minister, Canberra has a number of privately owned pools that are open to the public, including those at Kaleen and Macquarie. Minister, what discussions have you held with ACTPLA about each of these pools concerning proposals for redevelopment and upgrading of these facilities?



**MR BARR:** I am aware of some proposals that have been put, in the first instance I understand through the Planning and Land Authority, on applications from owners of some of those private facilities to rezone the facility, the most obvious one being the Big Splash facility at Macquarie. That has been the subject of considerable interest by the owner in seeking to change the territory plan to allow a broader range of uses on that site.

To date, from recollection, a couple of proposals have been put to government over the term of this government. I am aware of at least one whilst I have been minister. That has not proceeded to any formal territory plan variation and at this stage remains an idea from a proponent. There is really nothing further to comment on in relation to Macquarie.

Kaleen, I understand, is undergoing some work at this point in time. Again, it is a private facility; so I am not aware of the status of that work. It is not something that is advised to me. I have no statutory responsibility for a private swimming pool refurbishment.

**MR SPEAKER:** Mr Seselja, a supplementary?

**MR SESELJA:** Thank you, Mr Speaker. Minister, what directions, if any, have you given to ACTPLA in relation to these facilities?

**MR BARR:** I have discussed these matters with the Planning and Land Authority and indicated, for example, on the Big Splash site, I was not supportive of one of the proposals that were put forward most recently by the proponents there. They were seeking, from memory, a major rezoning from sport and recreation purposes to residential. That has not been something that I have supported as minister. That is really the end of the matter at this point.

### **Education—stakeholders**

**MS HUNTER:** My question is to the Minister for Education and Training. Minister, yesterday when asked why the student centred appraisal of needs, SCAN, was not included in the terms of reference for the special education review you said that the terms of reference were agreed with stakeholders. Can you inform the Assembly who the stakeholders were?

**MR BARR:** They included the special education advisory council that contains a broad membership from a variety of stakeholders. I do not have the full list in front of me but it does include a very broad group of special education stakeholders and I am happy to provide the detail of those stakeholders to Ms Hunter.

**MR SPEAKER:** A supplementary, Ms Hunter?

**MS HUNTER:** Minister, are you aware if there were parents who were considered to be key stakeholders in this process?

**MR BARR:** Of course parents are key stakeholders in this process. The special education reference group does contain parent representatives from across a range of stakeholder organisations. This of course is a challenging area and there will be times when representative bodies are not representing the views of all of their members or even all of the interests that they purport to represent, so it may well be that there are some parents who were not happy with the position that their stakeholder organisation took in relation to terms of reference.

But I still come back to the fundamental issue that we could and should be inquiring into these matters now. The Labor and Greens parliamentary agreement specifically refers to an Assembly inquiry into these matters, into issues for students with a disability, and this matter can and should be—and it is my view that it should be—considered by the Assembly committee's review. That is entirely appropriate. Labor has signed on to that. We are part of that review. We have a member on that committee and we will be part of that process, and I look forward to that review, considering those issues and reporting as per the deadline in the Labor-Greens agreement, which is November of this year.

### **Planning—swimming pools**

**MR COE:** My question is to the Minister for Planning. Minister, Canberra has a number of privately owned pools that are open to the public, including those at Kaleen and Macquarie. What discussions have you had with the owners of each of these pools concerning proposals for redevelopment and upgrading these facilities?

**MR BARR:** I have had no direct discussions with those owners. I understand that representatives or consultants on their behalf have certainly presented to the ACT Planning and Land Authority, and on at least one occasion that I recall have come into my office for a meeting to present a proposal—not necessarily the actual owners but consultants on their behalf.

**MR SPEAKER:** Mr Coe, a supplementary question?

**MR COE:** Yes. Minister, what action is being implemented by you and by ACTPLA to prevent these pools from becoming as bad as Deakin?

**MR BARR:** There is no action that the government can take in relation to the condition of private assets, other than what is provided for through various public health ordinances and other areas of government regulation. But the planning authority has the responsibility for administering the territory plan, and there are, of course, a range of public health compliance measures that are undertaken by agencies outside the Planning and Land Authority. If any issues are present in those facilities then they can be appropriately raised with the relevant government agencies.

### **Water—supply**

**MS BURCH:** My question is to the Minister for the Environment, Climate Change and Water. Can the minister please inform the Assembly of the benefits of storing and

releasing water from the Tantangara reservoir in the context of providing water security to the ACT?

**Mrs Dunne:** First of all we have to find the water.

**MR CORBELL:** Listen very closely. I thank Ms Burch for the question and for her genuine interest in the issue of providing water security for the territory.

There has been a lot said over the last 24 hours about the Tantangara transfer option that the government has agreed to in the last few days, including the claim that actual water is not available from the Tantangara reservoir. I would like to reassure members that this is not the case. Tantangara was designed to divert the annual snow melt from the Snowy plains to Eucumbene Dam. In summer the dam falls to less than 10 per cent of its total capacity. In spring its capacity increases sufficiently to allow it to divert, on average, over 250 gigalitres, subject to snow and rainfall. By comparison, this is more than double the total capacity of Googong Dam.

Let me turn to some of the detail of this transfer option. In October 2007 the government agreed to recommendations from Actew in regard to securing the ACT's future water supply. These recommendations include enlarging the Cotter Dam; working on increasing the volume of water that could be transferred from the Murrumbidgee River to Googong reservoir and providing further advice on two options that do not rely on rainfall in our catchments—the design of a demonstration water purification plant and the Tantangara transfer option.

Under the Tantangara transfer option water would be transferred from the Tantangara reservoir in the Snowy Mountains Scheme to the ACT. This project would involve purchasing water entitlements from downstream irrigators; storing the water in Tantangara reservoir, which is situated on the upper Murrumbidgee River and, when required, releasing that water from Tantangara down the Murrumbidgee and into the ACT.

What I announced yesterday is that the government has agreed to proceed with this option. It is important to emphasise that this option will help us to increase the diversity of our water catchments and therefore improve our water security. There are three aspects of the Tantangara transfer scheme that the government and Actew will continue to progress.

Firstly, there will be the purchase of around 20 gigalitres of general security water entitlements and the conversion of these entitlements to 10 gigalitres of high security water entitlements. Good progress has been made with 12.5 gigalitres of general security water entitlements purchased with the view to having all the water available when the Murrumbidgee to Googong project becomes operational. The government has supported Actew's purchase of water rights and their conversion to high security allocations, and it is important to stress that since 2006 the New South Wales government has made available at least 90 per cent of high security water rights to licence holders. Even in times of significant drought over 90 per cent of high security water entitlements have been honoured and have been delivered to those licence holders. They are an important and very secure form of water allocation.

There will need to be an intergovernmental arrangement to allow water trade to occur between New South Wales and the ACT. Even though Actew can purchase water entitlements from irrigators in the Murrumbidgee River system at any time there is no instrument to allow the movement of water from the regulated Murrumbidgee River to the unregulated upper Murrumbidgee River. Because it is not covered by a water sharing plan under the relevant New South Wales legislation the water transfer and licence cannot be dealt with administratively. The government will be facilitating the water transfer-specific intergovernmental arrangement to achieve this.

Finally, there will need to be commercial arrangements between Actew and Snowy Hydro Ltd for use of the water stored in the Tantangara reservoir. This is also being progressed. Under the Tantangara option the water transferred from Tantangara reservoir to supply the ACT will no longer be available for power generation by Snowy Hydro Ltd. Therefore Actew needs to negotiate commercial compensation arrangements with Snowy Hydro, and this is underway.

Let me make it very, very clear that this water is available. This water has been properly identified as a secure source for the ACT and it will dramatically improve water security for the territory.

**MR SPEAKER:** Ms Burch, a supplementary question?

**MS BURCH:** Can the minister explain what measures the government is adopting in the combination with the Murrumbidgee to Googong and Tantangara reservoir to reduce water use by the community?

**MR CORBELL:** Again, I thank Ms Burch for the question. The government's approach to water planning and management is to adopt the combination of demand management and supply augmentation to achieve water security for the territory. The framework includes managing the efficient use of water for our requirements and optimising the use of available non-potable water. This framework is set out in the government strategy, think water, act water, which includes a target of reducing per capita consumption of mains water by 12 per cent by 2013 and 25 per cent by 2023.

Mr Speaker, I saw your comments in relation to demand mitigation or demand management in the media the other day, and I have to point out to you that your claims that the government is not focusing on demand management are simply incorrect. These targets demonstrate that that is the case. Indeed, our permanent water conservation measures have seen temporary water restrictions adopted to new levels. For example, the current permanent water conservation measures now in place are now the same as the old level 2 temporary water restrictions, and our new restrictions regime is more stringent. Over the next year, we will be further reviewing our demand management regime to make sure it is appropriate for the new norm in rainfall and catchment performance.

But it is important to stress what work the government is doing to deal with improvements in non-potable water supply and demand management. It is worth highlighting, for example, the significant investment the government is making in

water-sensitive urban design projects and the restoration of urban waterways, such as Sullivans Creek, with new water management ponds in Flemington Road in Mitchell, and with irrigation upgrades on our sporting fields to minimise the amount of water used on our sports grounds, playing fields and open public places.

The government is also significantly investing in rebates and incentives to assist householders and commercial building owners to reduce water consumption, such as rainwater tank rebates, the garden smart program and programs such as the toilet smart program for households and commercial office buildings as well as a range of other rebate programs to help reduce water use by updating water appliances in dwellings and other buildings with more efficient fixtures.

The government has recently launched a new financial incentive scheme aimed at encouraging commercial property owners and managers to improve water efficiency in their buildings. Property owners have been given the opportunity to participate in this program, which will see the government provide on a dollar-for-dollar basis up to \$20,000 per property for water efficient bathroom and toilet retrofitted products.

That is all evidence of a government that is committed not just to supply augmentation but also to serious work in demand management. These programs have demonstrated real success. Over the last three years, we have saved more than 10 gigalitres of water as a result, with nearly 11 and a half gigalitres in 2007-08. These measures are having an effect, and it would be completely misleading to claim that the government's policy is focused solely on supply augmentation. It also has a very strong emphasis on demand management and the establishment of alternative non-potable sources of supply.

### **Planning—Deakin swimming pool**

**MR DOSZPOT:** My question is to the Minister for Planning, Mr Barr. Minister, in response to your answers to my questions yesterday regarding the committee recommendations with regard to the development at the Deakin pool site, you said:

... some of the conditions associated with the recommendations of the committee were on the basis that the owner of the facility would go ahead with some major office redevelopments which have not occurred.

Minister, how do you explain your statement that redevelopment has not occurred when there is a major office redevelopment that has replaced the netball, the indoor soccer and the indoor cricket facilities formerly on the site? Mr Speaker, I seek leave to table some photographs to that effect.

Leave granted.

**MR DOSZPOT:** I table the following papers:

Deakin pool site—Commercial development—Copies of photos (6).

**MR BARR:** For Mr Doszpot's benefit, as he was not in this place at that time—but Mr Seselja should know, as he was on the committee—the recommendations of the committee were in fact to allow the development to go even further than what was approved, and, in return for going even further with his commercial developments,

they then put forward a series of proposals around how a bond might be paid and that the requirement would be that he would develop the facility even further, both on the commercial side, through his office developments—and also redevelop the pool.

The government did not accept that recommendation, so it did not allow that further process to occur. So there was no further development to hold him accountable to—which is the myth that is out there at the moment: that somehow there is a legal requirement for Mr Turco, because of the office development that he was allowed. That is not the case.

What is the case, though, is that he has a requirement under his lease and under the territory plan to maintain public access to a 50-metre pool. As I indicated in my answer yesterday, the additional piece of office construction that has been the subject of this conjecture about whether that was tied to an upgrade of the pool has not gone ahead. That is the distinction. Some office development has, but the other parts have not.

The important thing here, as I reiterated in my statements yesterday, is that Mr Turco will be in breach of his lease and the territory plan if the pool closes. My call this afternoon—I call on the opposition to join me in this—is this. I am writing to Mr Turco indicating that he can prevent the closure of the pool by waiving the debt that Deakin Swimming Ltd have to him. They are paying \$14,000 a month in rent to him for a facility that is not maintained. If the opposition are fair dinkum about this, I will provide the words for Mr Doszpot to make it easy for him. He can write a letter in support of my letter to Mr Turco, saying, “Waive the rent and don’t charge Deakin Swimming Ltd any further rent until you have upgraded the facility.”

What that will mean is that the pool will not need to close. This is an argument between Mr Turco, the landlord, and Deakin Swimming Ltd, the tenant, over unpaid rent. What this entire debate is about is that Deakin Swimming Ltd, who have operated as a not-for-profit body—have operated the pool for Mr Turco—for a period of five or six years are being forced out because they can no longer meet their rent to Mr Turco. The solution to this problem is for Mr Turco to waive the rent, to waive the arrears and avoid falling into a situation where he is in breach of his lease and in breach of the territory plan.

That would be a useful thing that the opposition could do in support of me today, rather than this puerile opposition for opposition’s sake—the petty, political attack that we have become so used to from the opposition. Here is your chance to be constructive, Mr Doszpot. Here is your chance to make a difference. Support what I am doing here and do not reward a developer who has let his facility run down. Do not seek to reward him out of the taxpayers’ purse. He should waive the debt to Deakin Swimming Ltd. He should stop asking them to pay rent for a facility that he has not properly maintained.

**MR SPEAKER:** Mr Doszpot, a supplementary question?

**MR DOSZPOT:** Yes, Mr Speaker. Minister, your answer to yesterday’s question was “major office redevelopments which have not occurred”. Minister, did you mislead the Assembly?

**MR BARR:** No, and as I indicated in my initial response, the amount of redevelopment that was allowed was significantly less than the amount that was sought and the amount that the committee recommended. That was the subject of this rather complex suggestion from the committee that a bond be put up and a range of things occur that were just not possible under the legislative structure.

That is why the minister of the day, Mr Corbell, in his government response did not support that recommendation, because it was not practical. It was not practical. The opposition has no substantive point here. They have nothing constructive to add to this issue. This is opposition for opposition's sake. It is classic ACT Liberal Party—

**Mr Seselja:** I raise a point of order. The question was very specifically about the contradiction between what Mr Barr said—

**Mr Corbell:** He is answering the question well and truly.

**Ms Gallagher:** He has answered that.

**Mr Corbell:** You just don't like it.

**Mr Seselja:** No, he is not. He is talking about us. It was a very specific question and I ask you to direct him to be relevant to that question.

**Ms Gallagher:** He has been.

**Mr Corbell:** He is entirely relevant.

**MR SPEAKER:** The point of order is upheld, Mr Barr. I think it would be useful to return to the specific question.

**MR BARR:** Thank you, Mr Speaker. I answered that question with a “no”. I am now elaborating on my answer and making the obvious point here, Mr Speaker, that a constructive way forward would be for the proponent—the owner of the facility, Mr Turco—to waive the debt liability in rent that Deakin Swimming Ltd have accrued, to not charge them any further rent and invest in his swimming pool. That is what should happen. Mr Turco should invest in his swimming pool and what I will do is ensure that there is maximum pressure on Mr Turco to do just that.

## **Arts**

**MS LE COUTEUR:** My question is to the minister for arts. Can the minister tell the Assembly how the financial crisis is affecting Canberra's arts and cultural sector and what steps the government is taking to ensure it is protected, particularly in the medium to long term?

**MR STANHOPE:** I do not have any specific information to date on the current effect or likely effect of the global financial crisis on the arts sector but certainly it will be affected as people change the way in which they direct their discretionary expenditure

from entertainment to other priorities. I have absolutely no doubt that there is no sector of our society or our community which will not be similarly affected by the impacts of the global financial crisis—increasing concern and anxiety, increasing unemployment and a redirection of available funding from what was regarded as a recreational aspect part of their budget.

I am more than happy to seek from artsACT a detailed briefing, which I am more than happy to share with you, in relation to the capacity which we have to quantify the likely impact and the extent to which, if an impact is identified, it can be attributed to the global circumstance. If artsACT has not begun the process of seeking to understand that, I am more than happy to discuss with them their capacity to pursue specific work of that order.

**MR SPEAKER:** Ms Le Couteur, a supplementary question?

**MS LE COUTEUR:** Thank you, minister. In that context, could you give the Assembly some assurance about employment in the new Belconnen arts centre? In particular, will there be a funding program for a creative arts director there?

**Mr Stanhope:** I beg your pardon?

**MS LE COUTEUR:** Do you have any idea about funding for people at the new Belconnen arts centre, as distinct from the facilities—in particular, a creative arts director?

**MR STANHOPE:** I thank Ms Le Couteur for the question. I do not have the staffing or administrative allocation retained in my memory. I may have it here within a briefing note but I do not have it retained. I am more than happy to find all the information.

Of course, the Belconnen arts centre is a significant development. Its recurrent administrative expenditure has been provided for and budgeted and I am more than happy to provide for you the staffing levels—the funding levels for both staff and administration—and provide that to you separately.

### **Health—general practitioners**

**MR HANSON:** Mr Speaker, my question is to the Minister for Health. Minister, during yesterday's motion on GP clinic closures, which was passed unanimously by the Assembly, you foreshadowed that ACT Health would be undertaking investigation and a report into GP shortages which will report back to the Assembly in September. Then today you announced a task force which will do precisely the same thing, by the same officers within your department and according to the same timetable. Minister, can you explain the logic in doing this, or have you just rebadged an Assembly inspired initiative as your own?

**MS GALLAGHER:** As I understand the debate yesterday, the Assembly is concurrently going to inquire into a whole range of matters quite separately to the work that I have agreed that ACT Health will proceed with and provide to the



Assembly. So the short answer is: there are two pieces of work, both will be done, presumably, and what I have said is that the work that we will do—

**Mr Hanson:** Presumably?

**MS GALLAGHER:** The committee's work is out of my control. My piece of work will be done and when that work is finished it will be handed to the Assembly for their consideration. So two separate pieces of work basically will be done and hopefully we will come up with some additional recommendations for the Assembly to consider.

**MR SPEAKER:** Mr Hanson, a supplementary question/

**MR HANSON:** Minister, what did finally force you to act on this issue when your previous position, as late as last week, was:

All we can do is I guess seek the corporate good will of some of these providers  
...

**MS GALLAGHER:** To understand the GP workforce shortage issue and then to use a quote, which I presume was taped by your staff member at one of the press conferences I gave, because you do not actually cite where that grab was heard—

**Mr Hanson:** The grab? Yes, I can cite it for you if you want, and I can table it.

**MS GALLAGHER:** Well, from wherever; presumably it was related to the specific issue of the closure of Kippax family practice. The closure of the Kippax family practice is one very small element of the issue of GP workforce shortage, so the quote that you talk to—

*Opposition members interjecting—*

**MR SPEAKER:** Order!

**MS GALLAGHER:** The rabble that the opposition are—they ask questions, they do not want to hear the answer, and then they misinterpret whatever any minister stands up and says. Talk about relevance deprivation! You guys, four years over there with nobody listening to you, have just started talking to yourselves and becoming little comedians.

*Opposition members interjecting—*

**MR SPEAKER:** Order!

**MS GALLAGHER:** You all crack each other up but no-one else is laughing, you see. It is a very good strategy if you are looking at entertaining yourself.

The issue I was talking about is that the Kippax family practice—let us just say it slowly so that Mrs Dunne can understand—is one small part of the GP shortage in the

ACT. It is one small part. There is a whole range of issues at play here and the Assembly has committed to do a whole range of work on one element of it. I have agreed to pull together the work that I have been doing over the past year and put that under a task force, because there is a genuine level of community concern that we need to address. The task force is being charged with completing the work that is already underway in ACT Health; with looking at the health reform agenda between the commonwealth and the states—and if the opposition would stop laughing at their own jokes they might realise that there is a complete national health reform agenda underway—so use the opportunities that may exist there; use the work that is being done on a national primary healthcare strategy, pick up some of that work; look at whether there are legislative responses that can be done in terms of our own legislation; and pull it all together.

*Opposition members interjecting—*

**MS GALLAGHER:** If someone had listened carefully to what I was saying yesterday, if Mr Hanson had listened carefully, he may have cottoned on to what was going to be in the papers this morning, because what I was describing in that speech, and what Mr Hanson did not understand, is exactly what the task force is about.

I would hope that the opposition would see this as a very worthwhile piece of work and I would hope that they would get behind it, get involved in it—dare I say, provide a submission to it, maybe. We live in hope of some constructive—

*Opposition members interjecting—*

**MS GALLAGHER:** Maybe on pieces of stationery no doubt that has been recycled because they are not wanting to use their own stationery; with a borrowed pen, because Mr Smyth will not have any when he has delivered his budget savings. Maybe you will get behind it, put your heads together, stop laughing at your own jokes and wasting the Assembly's time, and actually proceed with the work that we have all committed to do as part of the resolution yesterday. And I am doing some work on top of that and then I am going to give it you, Mr Hanson, and you can do with it what you will.

### **Economy—recession**

**MR SMYTH:** My question is to the Treasurer. Treasurer, in question time on Tuesday this week, in response to a question on the effects of the recession on the Canberra community, you said:

At the moment, I would be surprised if anyone, in a technical recession sense, is feeling the impact of the technical recession.

Treasurer, ACTCOSS, in a submission to the recent inquiry into the third appropriation bill, said that as a result of the financial crisis:

... people and families who have not previously sought support in financial counselling, housing or crisis services are turning to community organisations as they find it more difficult to cope.

Treasurer, what response do you have to ACTCOSS given that you are not aware of any adverse effects in the ACT of the recession?

**MS GALLAGHER:** I have been waiting for this question for two days. I have 10 out of 10 from Mr Smyth on both days. Let us go back to the question that that Mr Smyth asked, in usual Smyth style. There have been twists and turns—

**Mr Seselja:** Did he just misquote you?

**MS GALLAGHER:** Yes, yes. The question that Mr Smyth actually asked—let us go back—and that I was answering was:

Treasurer, what is the difference between a recession and a technical recession?

I then gave an explanation of that. Then he asked:

... what is the difference in the effect on the Canberra community between a recession and a technical recession?

So, the key here, the secret ingredient, is to actually read the question first and then the supplementary, because, presumably, Mr Smyth wrote them himself and they follow on from each other, which is normal. That is what happened between the first question. So, my answer to the first question was around the difference between what is known as a recession and a technical recession. The second answer was about the impact—what is the difference in the effect on the Canberra community between a recession and a technical recession. So, if you accepted my first answer—I think you did, because you were sort of nodding and thinking, “Oh, damn, she got it right. I’ve been trying to trip her up for months”—and the second question, the technical recession relates to the state final demand figures and the fact that we saw a drop—

**Mr Smyth:** The question was about the effects.

**MS GALLAGHER:** If I can just explain it to you, Mr Smyth—

**Mr Hanson:** Please explain!

**MS GALLAGHER:** There we have the comedians at work again. They do not have a concentration span of five minutes to actually listen to the answer to the question. Within the first one and a half minutes, there is Mr Hanson cracking jokes and there is Mrs Dunne laughing. It is like a puppet show over there.

But the answer to the question is that the technical recession is caused by two quarter drops in state final demand. What we saw was a massive reduction in commonwealth investment. In fact, those people who understand this and who have commented on it, including the ABS, have said, “Please show caution from interpreting results in the ACT because of the volatility of quarter to quarter.” That is what we have seen. We have seen a big reduction—28 per cent—in December in commonwealth investment. That is the measure.

The measure of a recession—that is what I went to in my answer—is usually indicated through high unemployment or increasing unemployment, which we have not seen yet. That is what I was saying. We have not seen the effects of a recession as measured in normal circumstances. We have seen a technical recession. I went on to say in my answer that the technical recession was caused by a drop in two quarters, but particularly in the December quarter, in state final demand. I was not talking about drops in the share market, drops in superannuation investments or drops in other things that we are seeing occur in the economic climate that will be causing hardship to people.

In fact, I have been on the record in this place more than anyone about the challenges facing this community and the fact that in the second appropriation we allocated \$3.5 million for that reason. Go back and look at what I said in December around why we were injecting \$3.5 million into emergency relief. Why on earth would I, as Treasurer, have brought the second appropriation into this house, which was passed this morning, if I did not think there were families that were doing it tough? The mistake I made was to answer your question, and it is something that I will avoid doing in the future.

**MR SPEAKER:** A supplementary question, Mr Smyth?

**MR SMYTH:** Treasurer, why is your statement so out of touch with the facts, as reported by ACTCOSS?

**MS GALLAGHER:** I think I have explained that, Mr Speaker. Since I became Treasurer, my record has been the second appropriation and the third appropriation, and the next response will be the budget. That shows a government that is listening, a government that is concerned and a government that is aware of the challenges that face this community over the next 12 to 18 months. That puts us in stark contrast to the jokers and comedians that sit on that side of the chamber wasting everyone else's time in this place. You need to grow up and understand what is going on here.

## **Alcohol**

**MS BRESNAN:** My question is for the Attorney-General. In March 2008, recognising ongoing problems with alcohol consumption, you released a review of the Liquor Act. Submissions were due by 30 June 2008. Minister, I note that nine months later you are yet to make any comments in the chamber about the review. Could you please provide us with an update on progress to date?

**MR CORBELL:** I thank Ms Bresnan for the question. Work is progressing on the analysis of the submissions and the development of possible policy responses that the government can adopt to those submissions.

The next stage will be: I intend to release the submissions and the government's response to those submissions and its preferred way forward as a result of those submissions. We will need to have another round of detailed public consultation on the potential policy responses. Whilst there is some agreement amongst all

stakeholders on some elements of the options raised in the government's discussion paper, there is not agreement on other measures. For example, issues on the trial of lock-outs or changes to closing times for liquor licensees in the territory are not things on which there is unanimous agreement amongst all stakeholders.

The government, therefore, believes that, to have the best possible success in tackling issues related to alcohol abuse and the service of alcohol in our community, we do need to go out and achieve as broad a consensus as possible. That will achieve the best possible outcome in terms of success of any policy initiative that is adopted. I envisage that the next stage of this process will commence by the middle of this year.

**MR SPEAKER:** Ms Bresnan.

**MS BRESNAN:** Thank you, Mr Speaker. What plans does the government have to put a more rigorous system in place that will better ensure licensed premise owners ensure their staff take a more responsible approach to the service of alcohol?

**MR CORBELL:** I thank Ms Bresnan for the question. The government has already indicated its in-principle support for mandatory responsible service of alcohol training for all staff employed in licensed premises, similar to the arrangements that exist in New South Wales.

I note with much pleasure that the licensed club community in the ACT has already adopted this approach and most licensed clubs in the ACT do require mandatory responsible service of alcohol training for all staff. In other licensed premises, the record is more varied but I do acknowledge the efforts of those commercial liquor licence holders who have adopted a similar approach. But it is not uniform across that sector of the industry.

The government will move forward with mandatory responsible service of alcohol training as part of its overall response to the review of the Liquor Act.

### **Economy—predictions**

**MRS DUNNE:** My question is to the Treasurer. Treasurer, in question time on Tuesday this week you said:

I would encourage those opposite—

I presume you were talking to us—

to start supporting the economy, not talking the economy down, because that is what every other commentator and this government are trying to do.

Treasurer, in question time yesterday the Chief Minister said:

... the ACT Treasury accepts that unemployment will grow and grow significantly in the ACT over the next 18 months, potentially doubling, potentially growing to around five per cent, perhaps to 5.2 per cent.

Treasurer, are the Chief Minister's comments about ACT unemployment levels doubling an example of talking up the economy?

**MS GALLAGHER:** Thank you, Mr Speaker. I think the figures that the Chief Minister used are published figures. The comments I was making were along the lines of comments I have seen by Mr Smyth, essentially saying that we have been skirting near disaster for 18 months—those kinds of comments that talk the economy down, the gloom and doom, the recession and nothing is being done about it, that kind of thing.

What we are trying to do is stabilise the economy, invest, support employment, listen to the roundtables, respond where we can and look in our budget at further responses. The second and third appropriations and the budget are all part of our response. I think that forecasting details of published figures around the ACT's economic outlook would not be considered talking the economy down. I think it is purely factual reality.

I think “skirting near disaster”, which is one comment I heard Mr Smyth make, is the kind of comment I am talking about in terms of talking the economy down and not instilling confidence in an economy where we need people to have confidence in the government, in the Assembly and in the responses that we are making.

**MR SPEAKER:** Mrs Dunne, a supplementary question?

**MRS DUNNE:** Thank you, Mr Speaker. Treasurer, what action will you take to ensure that the Chief Minister stops talking down the economy?

**MS GALLAGHER:** The Chief Minister supports this economy. He always has. His comments are always about ensuring that the best outcome is delivered to the people of Canberra. That is what this Chief Minister does—again, in stark contrast to the jokers opposite. You really are dangerously close to becoming completely irrelevant to the Canberra community.

### **Health—initiatives**

**MS PORTER:** My question is to the Minister for Health. Can you please provide an update to the Assembly on the progress of the *Your health: our priority* initiatives, which were funded through the last ACT budget, which provided \$300 million to build a healthcare system ready to meet Canberra's growing needs.

**MS GALLAGHER:** I thank Ms Porter for her interest in the redevelopment of the ACT health system.

As members of the Assembly would know, the government committed \$300 million over four years, through the 2008-09 budget, for the implementation of the *Your health: our priority* initiative, which has arisen out of the work that I have done—that I commissioned on the capital asset development plan. This commitment is the first stage of an estimated \$1 billion health system infrastructure program to revitalise and ready the health system to be able to respond to the growing demand for services that we expect to continue up to 2022 and beyond.

Driving the capital asset development program is a complex mix of an ageing population, changing technology and provider and consumer expectations—all of which contribute to a significant increase in demand for health services. Community demand for health is expected to increase rapidly over the next 15 years and beyond. By 2022, Health modelling projects that the ACT's public hospital admissions will increase by 77 per cent and overnight hospital admissions will increase by 49 per cent.

The ACT CADP is a comprehensive and structured response to these pressures. It incorporates the total health system, including new models of care aimed at better management of chronic disease and keeping people out of hospital. It also includes better use of technology and different ways of providing care such as community-based post-hospitalisation support or other step-up, step-down facilities.

The CADP also incorporates the infrastructure to support these new approaches. This covers all public sector health service delivery infrastructure, including hospitals and community health centres, and aims to integrate capital and clinical service development requirements with all aspects of health service delivery.

Under the CADP, the Canberra Hospital will be transformed via new buildings and refurbishment to provide new beds, a new women's and children's hospital, an integrated cancer centre, nine additional operating theatres and a skills development centre.

Calvary Public Hospital capacity will be enhanced by increased numbers of intensive care, high dependency unit and coronary care unit beds, increased theatres, additional ambulatory and emergency department treatment areas and an increase in hospital beds. Mental health infrastructure will be improved, including a 40-bed adult in-patient unit to replace the existing PSU and a mental health assessment unit, in addition to a secure unit and a 20-bed young persons unit.

I am very pleased to announce that the CADP is making substantial progress and is already delivering benefits to the community. In March we opened the first of three new operating theatres for Canberra. The new theatre at Calvary Hospital will incorporate a broad range of procedures including ophthalmology, orthopaedics, gynaecology and general surgery. It will enable revised schedules for emergency surgery with improved patient outcomes anticipated. Two further temporary operating theatres at Canberra Hospital are also under construction and we expect these to be completed by August 2009.

In relation to the neurosurgery suite at Canberra Hospital, IMRIS—a global leader in surgical imaging solutions—was announced as the supplier for this new neurosurgery suite. Canberra will be the first hospital in Australia, and is in the company of only 25 other hospitals in the world, to house IMRISneuro, which includes a movable MRI that allows surgeons to image patients in the operating room during brain surgery.

The design for the new women's and children's hospital is well underway. Design architects have been appointed and they are well advanced in working with planners, staff and consumers to design the new hospital. The final sketch plans for the hospital are due in May 2009.

Design work on the new mental health facilities has also commenced. Architects have been engaged for the adult in-patient and secure units and design work will start soon based on new models of care that have been developed by consumers, carers and staff. Some of the early design works have highlighted the need to locate the 15-bed secure unit on a separate site to allow adequate space for clients. A community consultation process on site options will commence in April. Three sites have been identified: two adjacent to the Bimberi Youth Centre in Gungahlin and the former Quamby site in Symonston.

We are also well advanced in planning to introduce digital mammography and work has begun on scoping the requirements for this advanced technology. Staff and patients at Calvary Hospital have also been working with architects to design new intensive care HDU and CCU units. It is scheduled to commence construction in the middle of this year to be complete by August 2010. A total of 24 additional beds will be delivered to Canberra Hospital by June 2009, and this is an important part of our strategy to reduce access block, bed occupancy rates and to respond to rising demand.

I will continue to update the Assembly at regular intervals on progress with the CADP as it occurs.

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

## **Supplementary answers to questions without notice**

### **Education—special needs**

#### **Planning—Deakin swimming pool**

**MR BARR:** In question time, Ms Hunter asked me a question in relation to the membership of the special education reference group. I can advise that the special education reference group consists of Ms Alex Turner, representing the Canberra Deaf Children's Association, Ms Jenny Bottrell from the ACT Down Syndrome Association, Ms Gay von Ess from Autism Asperger ACT Inc, Mr Matt Worthy from National Disability Services, Ms Julia Bocking from Advocacy for Inclusion, Dr Chris Kilham from the Australian Association of Special Education, Ms Estelle Sydney-Smith from the ACT Council of Parents and Citizens Associations, Ms Cathy Smith from the Australian Education Union, Mr Russel Hertel from Special Needs Counsellors, Ms Roslyn Hayes, the Manager of Therapy ACT, Ms Lyndall Read, the Manager of Indigenous Education and Early Years Learning, Ms Karin Wetselaar from the Special Schools Principals Association, Ms Lyn Woodbury from the Primary Principals Association, Ms Sue Northmore from the Secondary Principals Council, Mr Ian Copland, the Manager of the Special Education Section of the Department of Education and Training, and, finally, Dr Mark Collis, the Director of Student Services in the Department of Education and Training.

Also, during question time I referred to a letter I had written to Mr Angelo Turco, the owner of the Deakin swimming pool. I table that letter, together with a suggested letter of support from the shadow minister for sport and recreation for my letter to Mr Turco:



Deakin pool site—

Letter to Mr Angelo Turco from Mr Barr, dated 26 March 2009.

Suggested letter from Mr Doszpot to Mr Angelo Turco, prepared by Mr Barr.

## **Financial Management Act—instrument Paper and statement by minister**

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women): I present the following paper:

Financial Management Act, pursuant to section 14—Instrument directing a transfer of funds from the Department of Territory and Municipal Services to the Chief Minister's Department, including a statement of reasons, dated 24 and 25 March 2009.

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

Leave granted.

**MS GALLAGHER:** As required by the Financial Management Act, I table this instrument issued under section 14 of that act. Section 14 of the act, relating to transfer of funds between appropriations, allows the executive to direct the transfer of funds between appropriations. Section 14(4) of the act requires that, within three sitting days after the direction is given, the Treasurer must present to the Legislative Assembly a copy of the direction and a statement of reasons for giving that authorisation.

This instrument transfers \$250,000 of departmental government payment for output from the Department of Territory and Municipal Services to departmental government payment for output for the Chief Minister's Department. The appropriation provides funds for a joint feasibility study to be undertaken between the commonwealth government, ACT government and business groups to determine the viability and options for a new national convention centre by 2013. I commend the instrument to the Assembly.

## **Lowland native grassland investigation Paper and statement by minister**

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (2.55): I present the following paper:

Commissioner for the Environment Act, pursuant to section 22—Commissioner for Sustainability and the Environment—Report on ACT Lowland Native Grassland Investigation, dated 12 March 2009.

I move:

That the Assembly takes note of the paper.

Mr Speaker, today have I tabled the *Report on ACT lowland native grassland investigation*. The report was prepared by the Commissioner for Sustainability and the Environment, Dr Maxine Cooper, and presented to the government last week. It is a very substantial report, as members can see, that makes a range of major recommendations concerning the future management of one of our most precious remaining ecological systems and, as such, it is a report that warrants consideration by all members of the Assembly.

The Chief Minister and then minister for the environment commissioned this report in November 2007 in response to the government's concern at the deterioration of native grasslands. The terms of reference identify the grasslands at Majura, Belconnen, Jerrabomberra and Gungahlin as those of most concern at the time of commissioning the report.

In commissioning the report, the government was conscious of its responsibilities in relation to protecting lowland native grasslands. As the report states, only five per cent of the natural temperate grassland that existed in the ACT before European settlement remains. Nationally, this figure is less, at around one per cent. The lowland grassland remnants that are left in the ACT are small, with only 11 sites over 100 hectares in area. Most are either in or near Canberra's urban area and are fragmented, with connectivity being limited and urban activities frequently affecting them and their associated species, including the grassland earless dragon, the golden sun moth, the striped legless lizard and the Ginninderra peppergrass.

In commissioning the investigation, the government requested that the Commissioner for Sustainability and the Environment identify the causes of the deterioration of lowland native grasslands, including the impact of eastern grey kangaroos. The terms of reference also required Dr Cooper to review management practices and communication channels between stakeholders and to determine whether policy or legislative changes were required.

The investigation was very thorough. The report confirms the government's concerns regarding the deterioration of the lowland native grasslands and identifies in great detail the causes of that deterioration. Dr Cooper and her expert advisers found that, of the 49 lowland native grassland sites in the territory, 20 are in good condition, 20 are approaching critical condition and 10 are in critical condition. One critical site was considered as two separate sites. The ownership of these sites is split across the ACT and commonwealth governments. Dr Cooper has advised that the key causes of deterioration are weed infestation, inappropriate mowing, and overgrazing by kangaroos, rabbits and stock. The prolonged drought has exacerbated the effect of these processes.

The report makes 32 recommendations across a range of areas covering ACT and commonwealth legislation, agreements between the commonwealth and ACT government agencies, operational plans, rural and agistment lease processes, clarifying land use and resolving heritage status. Dr Cooper also advised that management arrangements need to be reviewed and updated. The report recommends that management needs to be adaptive to ecological changes and requirements, while a strong culture of compliance, monitoring and enforcement also needs to be fostered.

Specific recommendations were made in relation to planning a new reserve at Majura Valley; expanding the Mount Ainslie and Black Mountain reserves; ensuring that all of the 20 most important grassland sites are under conservation management; developing an offset policy to compensate for any loss of lowland native grassland; maintaining and enhancing grassland connectivity; and giving consideration to conducting experimental ecological burns.

Two recommendations were highlighted for immediate action by the commissioner. Firstly, kangaroo culling, stock removal, appropriate mowing regimes and weed and/or rabbit control urgently need to be undertaken at 23 particular sites. In making this recommendation, the commissioner emphasised that addressing the overpopulation of kangaroos at seven of these sites is needed as a very high priority. The other urgent recommendation relates to the enforcement of the conditions of the land management agreement on a particular rural lease. This recommendation will be addressed through negotiations between the government and the rural leaseholder in question.

As I indicated last week, the response to the recommendations relating to kangaroo management will be informed by the draft kangaroo management plan which was released recently by the Chief Minister and Minister for Territory and Municipal Services for public comment. However, given the significance of the impact of the overgrazing on our ecosystems and endangered species, the government is prepared to indicate in-principle support for that recommendation.

In relation to weeds and rabbits, the government is in the process of finalising its weed strategy and has undertaken to commence a review of the vertebrate pest management strategy. These reviews will also inform the response to the report.

The recommendations as a whole will have an impact across a range of ACT government agencies, and likewise across a range of commonwealth agencies. A full response will require detailed consideration and cooperation across jurisdictions. There will also be an impact on rural lessees in the ACT.

I look forward to working with the commonwealth in particular to improve our management of these vitally important ecosystems. In that regard, I was heartened by the most positive response last week from the Parliamentary Secretary for Defence Support, Dr Kelly, and I hope that bodes well for our engagement across the commonwealth.

Finally, I would like to commend Dr Cooper, the commissioner, and her panel of experts on what is a very thorough and detailed report. I thank her for her effort and enthusiasm in this very important task. I commend the report to the Assembly.

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

## **Climate Change, Environment and Water—Standing Committee**

### **Statement by minister**

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment,

Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services), by leave: In response to the report of the Standing Committee on Climate Change, Environment and Water on annual and financial reports for 2007-08, I wish to make a statement regarding the recommendation relating to the government's response to the Commissioner for Sustainability and the Environment's state of the environment report.

Recommendation 15 of the report stipulates or requests that during the 24 to 26 March 2009 sitting period—that is, this sitting period—I advise the Assembly why there has been a delay in the government's response. The state of the environment report contained a large number of recommendations which required coordination across government.

On 11 December last year, I tabled a statement in the Assembly indicating that the government's response had been delayed but that it would be provided within the first sitting period for 2009; that is, before the Easter break. Earlier this week, I wrote to members advising that it has not been possible to provide the government's response in this time frame due to the number and complexity of the recommendations in that report.

The government is working urgently to finalise its response. Given the necessity for a whole-of-government consideration of the response, and the need to ensure that each recommendation is given the consideration it deserves, I now expect to be in a position to table the government's response before the end of May 2009. For the information of members, the government will be responding more fully to the other recommendations in the standing committee's report on annual and financial reports in due course.

### **Water—security Ministerial statement**

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.04), by leave: I present the following paper:

Water security for the ACT—Ministerial statement, 26 March 2009.

I move:

That the Assembly takes note of the paper.

The provision of water security has been and continues to be one of the most significant challenges facing the ACT. I am pleased today to provide the Assembly with the Labor government's assessment of the current situation facing the ACT, where we are experiencing historically low rainfall, and the decisions the government has taken to provide for improved water security for our community.

Since the commencement of this current drought in 2002, the ACT government has responded prudently and effectively through a range of measures, including

developing a water resource management strategy with detailed demand management targets and measures, introducing permanent water conservation measures and investing in major infrastructure to improve and expand our water treatment and storage capacity.

In relation to infrastructure, the government and Actew have augmented the water supply system through projects such as the Cotter to Googong transfer and enhanced water treatment to allow direct extraction from the Murrumbidgee for consumption, with any surplus transferred to Googong dam.

There is no doubt, Madam Assistant Speaker, that these measures are having an impact. We are, overall, meeting our targets and our gross consumption—that is, water extracted from the catchments—has reduced by 30 per cent. Our net water consumption—water actually used and not returned to the river—has decreased by 25 per cent or one-quarter. This reduced consumption has been achieved notwithstanding increased demand due to the hot weather conditions and population growth. However, it is becoming all too clear that the infrastructure and demand management measures we have implemented thus far will not be sufficient to address what we now see as the long-term outlook rather than a short-term severe drought.

Unfortunately we must now confront the very real potential that what we are facing is a step change in rainfall patterns over the south-eastern corner of the Murray-Darling Basin as forecast by CSIRO modelling of climate change. This step change means we must seriously contemplate the potential that climate change has seen a permanent reduction in our rainfall and also possibly a change in its pattern of fall. Such a step change has already happened in Western Australia, with a 25 per cent drop in rainfall, and there is a very real prospect that we are experiencing a similar step change in our region.

In the ACT, the persistent low rainfall has led to decreased storage levels and, more critically, to a very significant decline in the inflows to our rivers and streams. Under this step change scenario these reductions are permanent, rather than temporary, as in a drought.

To further illustrate the point, Madam Assistant Speaker, members may wish to note that every year since 2002, with the exception of 2005, the ACT has received less than its long-term average rainfall. Minimum temperatures have also risen over this period. Stream inflows have dropped considerably, such that inflows over the past seven years are 63 per cent below long-term averages. Inflows into our storages for 2006 were 26 gegalitres, in 2007, 66 gegalitres, and for 2008, 56 gegalitres. These inflows are not covering our normal gross extractions of 65 gegalitres per year for urban water use. For 2009, inflows for the first two months were only 2.8 gegalitres. They are the lowest on record.

Apart from water for extractions of 65 gegalitres, another 30 gegalitres of water is required to provide for environmental flows and to account for evaporation and spills after major storm events. ACT water consumption has also decreased greatly in recent years with temporary water restrictions. In 2008, our net water usage was the lowest in modern times of 18 gegalitres, almost half of what was being used in 2003.

The ACT is not alone in facing these issues, which are a major problem for the southern Murray-Darling Basin and for most other Australian capital cities. In our coastal capital cities, the decision has been to install large-scale desalination plants drawing upon sea water as the source of supply. These plants carry billion-dollar price tags and create significant greenhouse gas problems. The 60-plus wind turbines which have recently been established in our region at Lake George are evidence of the New South Wales water corporation's response to meeting the greenhouse gas costs of Sydney's new desalination plant.

Research into climate variability and potential climate change in our region has been carried out by the major research institutions, such as the CSIRO, the Murray-Darling Basin Authority—formerly the Murray-Darling Basin Commission—and the Centre for Australian Weather and Climate, which is a joint CSIRO and Bureau of Meteorology partnership. This information and advice has guided water planning for the ACT. All of this research has identified our region as being one of the badly affected areas in the Murray-Darling Basin. Our actual experience is tracking at worse outcomes than those predicted under the modelling.

To provide some historical background, our long-term average inflow performance is 200 gegalitres per year. In the federation drought of 1901 to 1914 the inflow was 101 gegalitres per year. In the World War II drought, the inflow was 97 gegalitres per year. Over the last 15 years, the average inflow has been 93 gegalitres per year; over the last seven years, the average has been 67 gegalitres per year; and, of most concern, over the last three years, the average inflow has been only 46 gegalitres per year. The last seven-year inflow is worse than the CSIRO 2030 worst-case prediction made in 2007, and the last three-year average is worse than the CSIRO's 2070 worst-case prediction.

It is hard to attribute exact proportions to climate change versus ordinary drought in these circumstances, but one thing that is clear is that the situation has deteriorated significantly and swiftly with another major decline since Actew's last water security report. Working with Actew, the government has undertaken a number of comprehensive reviews, with the 2007 report on future water options being the most recent. That review provided detailed advice to government on the most prudent means of securing water security for the territory and region.

A key theme of the Actew 2007 review was to provide a greater diversity of water sources, including sources not reliant on rainfall within our existing catchments. In October 2007 the government, in response to Actew's future water options review and its own water security task force report, announced a number of infrastructure and demand management measures to provide for water security.

The key measures approved by the government include the construction of an enlarged Cotter Dam to create a 78 gegalitre storage, up from its current capacity of only four gegalitres; the investigation of the progression of the Murrumbidgee to Googong transfer project and undertaking the required design and commencement of approvals; the investigation of arrangements for the Tantangara transfer option of purchasing water entitlements and releasing that water from Tantangara and pumping

from Murrumbidgee across to Googong dam; and the investigation of the design of a demonstration water purification plant. These were announced by the Chief Minister in October 2007 along with other measures relating to demand management and smart metering.

Since the Chief Minister's announcement, there have been a number of developments which provide greater scope and flexibility to enable the ACT to enhance its water security. Specifically, last year, the ACT obtained a 150-year lease over Googong dam, resolving the ownership question of that key asset. The ACT resolved the cap diversion issue under the Murray-Darling Basin agreement with a cap of 42 gigalitres net extractions adjusted for population growth and with two gigalitres to be provided to meet our Living Murray initiative commitments. There has also been significant progress on the development of interstate water trading in the Murray-Darling Basin. These developments provide greater opportunities for the ACT to enhance and diversify its water security planning.

As a result, given the shift in rainfall patterns now being experienced as a result of both climate change and periodic drought, and taking the impact of measures to date into account, there is a need to revisit our concept and definition of water security. There is a need to define water security parameters to guide our future planning and management and to take account of social, economic and environmental factors. The development of these parameters will assist in addressing future water supply and demand requirements and will give much needed certainty to the community.

The immediate and most obvious response to decreasing rainfall across the cities and towns of south-eastern Australia has been to implement water restrictions. Water restrictions have their place, but they are, by nature, temporary measures to meet temporary conditions. In persistent conditions, such as those we now face, new measures are needed and strict controls on usage need to be reserved for the unusual events rather than to be sustained indefinitely. It will also prove to be difficult to maintain community support for prolonged and severe water restrictions if other measures are not also taken to improve the security of supply.

Our temporary water restrictions have been very effective measures in reducing consumption, and the people of Canberra must again be thanked for their support of the water restrictions regime. But there has been a cost in bringing in water restrictions for Canberrans and on Canberra's landscape and resources. The cost of time in water restrictions can be gauged against the cost of future capital expenditure to ensure water supply. The parameters being used by the government draw upon those being used elsewhere in Australia and are based around one year in 20 in temporary water restrictions. The use of this parameter enables the government to gauge supply and supply augmentation proposals against climate change scenarios.

In using this parameter as a guide, the government's position is that permanent water conservation measures and other demand management measures and programs must be maintained. The ACT's permanent water conservation measures have seen our temporary water restriction standards lifted to new heights. For example, our permanent water conservation measures are at the same level as the old level 2 temporary water restrictions, and the new restrictions have subsequently been made significantly more stringent.

Over the next year we will further review our demand management regime to ensure it is appropriate for the new norm in rainfall and catchment performance. The government's objective is to implement an efficient and effective planning and management approach to ensure water security for the ACT and parts of the broader region.

A central plank to this approach is risk management by catchment diversification. Specifically, this diversification includes the construction of an enlarged Cotter dam, which is scheduled to commence construction in August this year and be completed around April 2011; the construction of a pump station and pipeline from the Murrumbidgee River near Angle Crossing to Googong dam, with construction of this project expected to commence in February 2010 and be completed by July 2011—Googong dam, at 120-gigalitre storage capacity, is and will again be our largest water storage with the water sourced from the Murrumbidgee—and pursuing a program of purchasing water entitlement downstream in the Murrumbidgee River, which will be stored in Tantangara Dam and released down the Murrumbidgee River and pumped across to be stored in Googong Dam for urban water use.

These are all major works, and in agreeing to them the government has also agreed that the resulting greenhouse gas emissions will be offset either by well-developed and appropriate offset schemes or by the use of renewable energy to power the operation of these facilities.

The government has also agreed with Actew's advice that, whilst the demonstration water purification plant is technically feasible, it is not necessary to pursue that project at this time. The measures we have committed to implementing will provide a sufficient level of security to enable its long-term deferment. Clearly, if the deterioration in our rainfall persists or, indeed, worsens, the government will again review the merits of this project.

The government has also determined we will continue to increase our efforts to substitute non-potable water for potable water in our urban environment wherever possible and reasonable in terms of cost. The government has already invested significantly in water-sensitive urban design projects and the restoration of urban waterways, such as Sullivans Creek, with new water management ponds near Flemington Road in Mitchell.

The government will continue with these initiatives and the construction of further ponds to improve water quality and create new sources of non-potable supply within the urban area for use on sporting facilities, in our schools and for other community and commercial users. The government will also continue to invest in programs to assist with demand management. The government will be continuing to offer the toilet smart program for households and commercial office buildings and a range of other rebate programs to reduce water use by updating water appliances in dwellings and other buildings.

I am pleased to say that all of these actions will minimise the effects in our catchments, and we expect them in many cases to have positive outcomes for the



environment. In particular, the increased flows down the Murrumbidgee, with greater releases from Tantangara dam, will help restore flow to the river. The diversion of the water at Angle Crossing will be subject to environmental flow guidelines, so there will be no damage to the river between there and the confluence with the Molonglo River.

Recognising our place in the Murray Darling Basin at the head of the Murrumbidgee, areas downstream of the ACT will benefit from increased flows and higher quality water in the flows. The enlarged Cotter Dam will capture the environmental flows released from our storage up river and will continue to see environmental flows released down river. Over 50 percent of the ACT's water will continue to be returned to the Murrumbidgee river system after treatment. In summer the ACT is a major water source for the upper Murrumbidgee. Finally, as I have already outlined, the government has agreed to Actew setting aside additional funds for the carbon offsets of these new infrastructure works.

I can advise that Actew is well advanced already in the case of the Murrumbidgee to Googong pipeline project in the provision of necessary documentation for the ACT Planning and Land Authority and with the relevant New South Wales planning authorities. Extensive research has been carried out on not only the engineering aspects but also the environmental impacts of these projects. Actew has carried out considerable consultation with interested groups, local government bodies, New South Wales landowners and rural lessees in the Angle Crossing and Burra Creek area. Actew has also undertaken considerable community consultation on the impacts of the enlarged Cotter Dam over the last 15 months and is developing a comprehensive fish management strategy for the Cotter catchment to ensure the protection of all aquatic species.

Ensuring water security is not costless. The initial costings of these infrastructure projects on future water prices have already been considered and factored into the new price path by the Independent Competition and Regulatory Commission in its 2008 price path report. We expect the projects to potentially face further cost pressures, and Actew has been charged with keeping the government fully informed on cost movements.

Any cost increases will be considered by the Independent Competition and Regulation Commission and may, if necessary, be factored into future price determinations. The government is satisfied that the approach we have set for the ACT and region's water security is the least-cost approach when considering the costs to the community of ongoing stringent water restrictions, the loss of amenity and presence in our city and the nation's capital and the cost of the infrastructure works involved.

The Labor government takes sustainable water resource planning and management very seriously. Clearly, managing for water security in these times is also about managing risk. The actions I have outlined today demonstrate that we are effectively managing the risk of declining rainfall stream flows. The government is getting on with the job of protecting our current water security and planning wisely to provide the necessary water resources for our long-term future. We are also acting responsibly by testing and reassessing our plans and projections in an environment where the impact of climate change is volatile, to say the least.

The government will continue to keep the Assembly and the community informed and up to date on the development of these new infrastructure projects along with demand management measures to maintain and improve the ACT's water security. I can assure the community that the government is continuing to work to ensure the security of our water supply for the ACT and region and the effective management of that supply. It is one of the government's highest and most fundamental responsibilities and one which the ACT Labor government is deeply committed to.

**MR RATTENBURY** (Molonglo) (3.25): The Greens would like to take the opportunity to respond to the minister's statement today on water security in the ACT and his announcement yesterday to give approval to proceed with the building of a pipeline to transfer water from the Murrumbidgee River to the Googong Dam and the purchase of water from New South Wales to be stored in the Tantangara Dam and then transferred to the Googong Reservoir via the pipeline. The government has made this announcement as a response to growing water security issues in the ACT. The Greens would like to firstly acknowledge that in the consideration of large infrastructure projects for water security that is probably the better option for the government to pursue at this stage. It avoids the building of a new dam and has the added benefit of potentially adding environmental flows to the upper Murrumbidgee, something that can only be welcomed.

However, we would seek to remind members and the Canberra community that this should not be seen as a solution to our water woes. And in no way should we think for one minute that we can relax our actions on other water saving efforts. I make this point for two key reasons, and I think that the minister's statement today concurs with these points. Firstly, it is clear to all of us that rainfall patterns in south-east Australia are changing and rainfall into catchments is diminishing. While it is often difficult to make a direct link to climate change and specific impacts, those of us who do not spend our days denying the science of climate change are clear in our own minds that we are seeing a fundamental shift in our rainfall patterns.

Those who are still denying the signs of climate change perhaps should take a look around. The figures on our average rainfall and stream inflows are sobering, to say the least. We are bottoming out on the worst-case scenarios predicted by the CSIRO. The minister has today spoken of an average 75 per cent reduction in the inflows, down to less than 50 gegalitres per year from a long-term average of 200 gegalitres. These are very sobering figures and they point to how serious an issue we are facing here. We have a long-term problem in our region that means that water management must be a permanent feature of public policy. We need to take long-term approaches to building a city that needs less water.

Secondly, even with these measures and with projected population growth in the region, we know that in a reasonably short space of time we will be facing water challenges again. The two options of extending the size of the Cotter Dam and building the Angle Crossing to Googong pipeline are estimated to deliver us water security until around 2023. That is a significant investment by Canberra's water consumers for what is, in the grand scheme of things, a relatively short amount of time.

The implementation of the Googong transfer and the purchase of water from Tantangara will add an extra 35 gegalitres a year into our system. This is important for the community to recognise. Thirty-five gegalitres does not return us to the good old days of 200 gegalitre inflows. Thirty-five gegalitres perhaps only takes the pressure off us in regard to the most severe water restrictions and, even then, only for a period of time. What this says to me is that the efforts to reduce our water consumption and to insulate our city against drought must not cease. We are not out of the woods. This is a new reality that the whole community must continue to integrate into their thinking, that town planners must integrate into their planning and that businesses must consider as they develop and grow.

Canberrans have done a fantastic job on reducing their water consumption so far. We are much more mindful of our water consumption. We are building water efficient gardens and installing efficiency devices in our homes. We have dropped our net annual water consumption to around 30 gegalitres a year, and under strict water restrictions we have reduced it even further. While the government is aspiring for the community not to be subject to water restrictions on an ongoing basis, the Greens believe that we must continue to be vigilant with our water use in the urban environment and implement a permanent strategy to achieve water conservation targets. There is no room for complacency for Canberrans regarding conscientious water use. We must continue to think about how we can improve water efficiency both in residential and commercial buildings.

If we are to invest in these large-scale projects that will add significant cost to water consumers' bills then we must first and foremost also ensure that we are doing absolutely everything we can to improve urban water efficiency right across Canberra. It is, after all, cheaper to save water that we already have access to than it is to build large infrastructure projects to get more water. And that point is particularly prevalent if we go back to those earlier figures of inflow, because it is all good and well to build new infrastructure but if the water is not falling out of the sky that infrastructure will not do us a sod of good.

The Greens believe there is more to be done on urban water efficiency and replacing the current stage system of water restrictions with a permanent strategy to achieve water conservation targets. We must strengthen and extend the coverage of water efficiency standards and the use of water sensitive design. With both the proposed new developments at Molonglo and also at East Lake we have the perfect opportunity to integrate best practice water efficiency measures right at the start of the development process. The Greens are pleased that as part of the ALP-Greens agreement we have secured the inclusion of a third pipeline for non-potable water into the Molonglo development. I think this will be an innovative way to proceed and will set the standard for future urban design both in Canberra and, ideally, across the rest of Australia.

We are also looking forward to seeing the government meet its commitment on urban waterways projects, initially the completion of the Sullivans Creek projects and then other projects such as the Yarralumla Creek in Woden and also Weston and Ginninderra creeks. Not only do projects like these improve the urban water

environment by converting concrete stormwater drains into much more natural creeks and ponds but also they allow us to capture, clean and reuse precious stormwater that falls on our suburbs. There is great potential for this resource to be used to improve our urban environment, parts of which have fallen victim to high level water restrictions. Our playing fields, our community green spaces and treed streetscapes are all things that as a community we value.

There have been government incentives for Canberra residents to include water saving measures into their own homes, but there is room for improvement. The government's water strategy has provided some limited incentives for householders to subsidise the cost of dual-flush toilets, rainwater tank rebates and to access the advice of a horticulturalist to provide advice about using less water in the garden. I would particularly like to commend the government on that last initiative because a free service for all residents that many garden owners might otherwise never have accessed is a very valuable contribution to helping Canberrans reduce their water use and helping them continue to enjoy their gardens.

However, the Greens would like to see a more comprehensive approach with broad incentives and accessible services that make it easy for Canberra householders to make the changes in their homes that are required. I would like to make mention here of a program that the Greens are supporting for implementation in the ACT and which we also included in the ALP-Greens parliamentary agreement. The concept is for householders to be able to have a plumber visit their house to undertake a water tune-up, to replace washers and to install water saving infrastructure such as toilets and low flow taps. Where this program has been involved in other jurisdictions it was delivered free of charge to householders, and more importantly, was hassle-free as well.

While the ACT may not need a completely non-means-tested program, there is scope for the ACT to comprehensively roll out a similar program to low-income households in the ACT and, perhaps more importantly, to look at ways of making it easier for busy householders to do the right thing. What we know, both from talking to people in the community and from watching how things roll out, is that many people want to do the right thing. They desperately want to make their contribution by being more environmentally friendly, and specifically in this context, through reducing their own water usage. They need to have it made easy for them in a world where people are under time pressure and have a lot of stressors on them.

We need to look not just at the demographic that has the time as well as the inclination; we also need to make it possible for that demographic who want to do the right thing but are time poor, where both parents in a household are working, where they do not perhaps have the technical knowhow to replace a washer. I know many people that would not know where to start to change a washer on their taps and never get around to calling a plumber. If the government provided a service where a plumber just comes by and it happened, people would be delighted to make their contribution. The challenge, when looking at some of these programs, is how we can make them more effective so that we actually get the work done.

With regard to the specific pipeline between Angle Crossing and Googong Dam, the Greens look forward to seeing full environmental impact statements being prepared

on all elements of the proposal. There are a number of issues that have been brought to my attention that require thorough assessment. It is important that in choosing the route of the pipeline that Actew takes the path with best environmental outcomes and not just the path of least cost. Impacts will need to be assessed at both Angle Crossing, where the water is to be removed from the Murrumbidgee, through to Burra Creek, where Actew plans to deposit large amounts of water potentially changing the nature and health of the creek.

The Greens are also concerned that the leaseholders on whose land Actew plans to run the pipeline are treated fairly and with respect. The laying of the pipeline across these lands will prevent the leaseholders from engaging in a number of activities, including ploughing, cropping and building any structures amongst many other conditions. We would call on Actew to engage frankly with leaseholders to fully explain the implications of the pipeline running through their land and to attempt to mitigate unwanted impacts as best as possible. Already leaseholders in the Williamsdale area are reporting a somewhat heavy-handed approach by Actew as regards gaining access to the area to carry out surveying and testing.

I also note that there are significant woodlands, grassy woodland areas, in that part of the ACT where the pipeline may go through. I also call on Actew to do its best to avoid impacting on those grassy woodlands. We know that they are a vulnerable ecosystem in the ACT and efforts should be made, as I said earlier, not just to do it the cheapest and easiest way but to be mindful of Actew's broader environmental responsibilities in routing that pipeline in a way that has the least environmental impact.

It is also important to mention the elephant in the room in this debate and that is that Actew has recently purchased land at Williamsdale, very near to where the pipeline easement will be developed. It begs the question as to how much the pipeline infrastructure, along with the building of a new substation and transmission lines, will support and potentially then justify the development of a gas-fired power station in the ACT. We can see how this story is going to roll out: the infrastructure is here; we must build the power station at this location.

The development of a 500-megawatt gas-fired power station was mooted in a *Canberra Times* article in January this year. Frankly, anyone who has been in Canberra for long enough will know that Actew has been aspiring to this project for a great number of years. It certainly is a large chunk of land that Actew has bought, somewhat larger than will be required for the substation proposal, and Actew has not yet ruled out the whole idea.

Of course, the notion that the ACT government would in any way condone the building of a 500-megawatt power station to run on fossil fuel sources surely is a ludicrous one. I look forward to the ACT government stating its opposition to this project at the earliest possible opportunity. Certainly, we do not want a power station that would generate more power than the ACT would need and one that would lock us into a fossil fuel energy future for decades to come. Sometimes I wonder if policy makers are confused about the greenhouse gas impacts of gas when I see the veiled acceptance of such a development for the ACT.

Given the challenge of climate change that faces us, the impacts of which have been so perfectly demonstrated in this discussion today about our water security, the ACT government should absolutely rule out supporting any new gas-fired power station and commit to diverting any funds that might be used for such a project towards renewable energy projects, because that is the sort of power the ACT needs in the future.

In conclusion, I would like to say that the water challenges for the ACT will remain for the foreseeable future. That is what the scientists tell us and that is what we need to be planning for. The scenarios outlined by the CSIRO are sobering. The ACT government and the community must continue to be vigilant and committed to water efficiency measures and not get caught by the shimmer that comes off large-scale projects with big dollar figures on them.

The Greens will continue to ensure that government programs are innovative and effective and are given the priority they deserve in prioritising water efficiency. We will also continue to scrutinise these projects. I was concerned to note today that in his statement the minister talked about the cost to the community, that the projects may face further cost pressure and that these costs may be passed on through the ICRC to future ratepayers in the ACT. I am concerned that that is a blank cheque for big infrastructure projects when in fact we need to be focusing on spending our money on water efficiency and not needing so much water in the future. This will undoubtedly be a continuing debate in the future. I thank the minister for his statement today to the Assembly and I look forward to continuing this discussion.

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

## **Sporting facilities in the ACT**

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

**MADAM ASSISTANT SPEAKER** (Ms Burch): Mr Speaker has received letters from Ms Bresnan, Ms Burch, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Ms Hunter, Ms Le Couteur, Ms Porter, Mr Seselja and Mr Smyth proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Mr Speaker has determined that the matter proposed by Mr Doszpot be submitted to the Assembly, namely:

Sporting facilities in the ACT.

**MR DOSZPOT** (Brindabella) (3.41): Madam Assistant Speaker, this is a very timely matter of public importance that I raise today. It is timely, of course, in light of the imminent closure of one of the ACT's most valuable sporting facilities as a result of this government's lack of interest and complete impotence. I am, of course, referring to the Deakin pool, formerly known as the Oasis leisure centre. I will not limit my focus today to the Deakin pool, but, in light of the urgency of the current events, I feel this facility must take priority. My colleagues will expand on our concerns with the general state of the sporting facilities in the ACT and their importance to the wellbeing of our community.

The Deakin swimming pool has been in operation for more than 35 years. Generations of families have learned to swim in this valuable sporting facility. The pool at Deakin is the only 50-metre indoor facility in Canberra to operate year round, without support of any kind from the ACT government. Sadly, the building and the equipment are in such disrepair that profitability has been affected, almost to the point of no return for the current operators, Deakin Swimming Ltd. Indeed, without an about-face from the minister in giving some government support to this community-based group, their survival is questionable.

The facility attracts more than 1,000 children to the learn to swim program. As of 9 April, these children will have to make alternative arrangements. Patrons of swim clubs, the elderly, residents of aged-care facilities and office workers alike will be sorely affected by this closure. The closure of this facility would mean that there was not an indoor pool available anywhere other than in the regions of Belconnen, Tuggeranong and the city, and travel to use an indoor pool will be a major issue for some.

As a very real example of the general concern, I quote the following email from one of numerous such messages from the community, urging us to save this much-needed community facility:

I read with alarm and despondence in the Canberra Times of 25 March 2009 that the Oasis pool at Deakin is to close for lack of funds.

This pool is home to a large group of elderly women who do aquarobics there on a regular basis.

We are constantly encouraged, nay nagged, by government to exercise regularly and stay fit and healthy. At our age, with a variety of knee, hip, leg and other frailties, aquarobics is the only way that we can exercise vigorously and regularly.

The closure of this facility, following the closure of the Deakin Pool a few years ago, leaves the residents of the Southside with no easy access to our exercise. The options open to us are either economically or environmentally unsound:

The charges for aquarobics classes at the Hyatt are beyond the means of most pensioners. Classes held at Erindale and Tuggeranong pools would—

in most cases—

involve a 12-15K drive each way; not desirable particularly from a pollution perspective.

The pool operators describe conditions at the pool in their recent media release as follows:

As a not for profit organization, Deakin Swimming Limited has paid rent and contributions to the owner for his capital costs since October 2002. During that time, improvements to pool surrounds, change rooms, toilets, pumps, the boiler,

the filtration system and the centre's roof, which leaks like a sieve every time it rains, have been temporary or cosmetic at best. Even as a not for profit business, DSL has had to pay to fix things that were not our responsibility, but we did so in order to keep the pool open and operating for the public.

There is a time line and history behind the demise of the pool, an incredible story that highlights this government's lack of commercial acumen, management capabilities and community consultation. No care; no responsibility. This is what we are outlining here today.

In 2005, the standing committee on planning and environment made recommendations to the government in relation to the proposed development of the Deakin pool site. One of these recommendations was as follows:

The Committee recommends that the Minister for Planning request that the ACT Planning and Land Authority amend DV205 to enable the office block to be built before the Oasis pool is refurbished, but on condition that the proponent provide a performance bond to guarantee that the pool is upgraded to the satisfaction of the Authority.

This recommendation was, sadly, ignored by the government in 2005, resulting in the development of the site around the pool. The planning minister of the day was Mr Simon Corbell. In one of the most curious examples of one step forward and two steps back, Mr Corbell gave permission for the indoor cricket, indoor soccer and netball facilities to be destroyed to make way for a major office development as requested by the owner-developer, who used the justification that he would be able to carry out the pool refurbishments if his application was granted. But then, most incredibly, Mr Corbell refused to accept the very prudent advice from the committee, a committee that was a bipartisan committee, that had two government members—the chair, Mr Mick Gentleman, and Ms Mary Porter, and our now Liberal opposition leader, Mr Zed Seselja.

The current planning minister, Andrew Barr, even now, with all that has transpired in the last four years, has the temerity to try to justify this unjustifiable decision by the then minister, Simon Corbell. It is another case of closing ranks to protect a major blunder by the Stanhope-Gallagher majority government.

During the public hearings at the time, the owner of the pool, who also happens to be the developer of the site, said that the pool had 18 months or two years left before the conditions of the pool would become unsafe. That was four years ago. A representative of the owner-developer said in his statement to the committee at the time:

A swimming pool costs money to build, and then it costs money to run. The receipts that you get from pool users usually cover the running costs but can't cover the capital costs. That is a simple formula that seems to apply to swimming pools around Canberra and throughout Australia.

There are ones in Canberra that have got to about the same age as the Oasis Centre, including the one at Deakin and the one at Kippax which they have just closed down because no-one can find the cash or no bank will lend anyone the



money to reinvest in the pool. As long as they can be kept going, they sort of pay their way but they can't sustain a substantial capital investment ...

Then he goes on to say:

It is that proposition which has led to this variation. This planned variation reflects that notion that some increased development on the site could generate some funding which could be applied to the refurbishment of the pool.

This is from the developer, making a recommendation for helping the community. It demonstrates an intention on the part of the developer to do the right thing, to refurbish the pool.

The recommendation of the committee would have enforced this commitment. It would have provided a guarantee for the government and DSL that they would get something in return for the inconvenience and disruption that such a development brings about—and, of course, protect the community's asset, the Deakin pool.

This bipartisan recommendation, as we obviously know now, was ignored by the Stanhope Labor government at the time. Deakin Swimming Ltd, a not-for-profit organisation, has been in discussion with the owner of the pool since 2005 and with the minister for sport and recreation, Mr Andrew Barr, since last July, to get this situation fixed. The minister's office claim they were completely unaware of the situation until last week. However, DSL claim that the minister's office were certainly made aware of their desperate situation.

The answers were once again finger pointing between two of the minister's portfolio areas, planning and sport and recreation. The only person who could sort out the red tape, the minister in charge of both these areas, has, until today, refused to do that—refused to sort this out. He has, however, pointed fingers yesterday and today at yet another source. It is the developer. The bottom line is—

**Mr Barr:** It's his pool, isn't it?

**MR DOSZPOT:** Yes, but if you had enforced what your committee recommended we would not be in this situation. It is commercial acumen, Andrew, nothing else. The bottom line is that this minister's inability to make decisions is leading rapidly to the loss of a great sporting asset for the community.

I will now turn my attention to some other matters that I hope do not end up the way of the Deakin pool. The Tuggeranong Archery Club have come up with a well thought out and planned proposal to build a multi-use sporting facility in Tuggeranong. I will take this opportunity to urge the government to seriously consider this budget proposal. I know that my colleague Mr Smyth shares my sentiments to commend this proposal to the government. We have done so in writing, but I am pleased to get our support firmly on the record. I know that Ms Burch and Ms Bresnan have lent support to the project and I commend them for that. The facility that is proposed will have the added benefit of disabled toilets, disability access and so on. This will enable not only disabled archers but other disabled athletes and spectators to have access to a world-class facility.

A couple of weeks ago, I visited the current site that they are looking at expanding. I was very impressed with the community participation that already exists and that has the potential to expand. I have spoken to Steve Caldicott, President of the Tuggeranong Archery Club, and his active committee. I commend them for their hard work and dedication to finding a much-needed solution that would assist a number of sports in the Tuggeranong area.

There is a lack of facilities in the ACT. This has been compounded by the demolition of the YMCA here in the city and the sale of the Woden basketball stadium. Many clubs are looking for a facility, including ACT fencing, ACT trampolining, table tennis—and the list goes on. The proposal that has been put forward certainly goes a long way to addressing these much-needed requirements.

I know that my colleagues will reiterate the importance of sport and recreation to the community. I cannot emphasise this enough. It is our job here in this place to ensure that we facilitate healthy activity to the best of our ability by providing safe, well-planned sporting facilities for our Canberra community.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (3.53): The government has a very proud record of supporting and promoting sport and recreation activities and facilities and we believe that an active community is a healthy and productive community and that is why we have invested so much in high quality sporting facilities and sporting activities so that all Canberrans have access to sport and recreation activities.

Labor has invested not only in the elite level of sport and recreation provision but also in grassroots clubs and programs to promote participation in sport and recreation by people of all ages and backgrounds and to promote Canberra sporting teams and events around the nation and the world.

Some examples of that investment in major sporting facilities that serve both elite and grassroots participation include the development of Stromlo Forest Park, a \$7.5 million commitment to provide a new home for world-class mountain bike and cross-country championships as well as a fantastic facility for the local community. We have ensured that our sporting fields can still be used during a period of drought by investing \$16 million in changing the turf, installing irrigation and reducing our reliance on potable water for the upkeep of these facilities. We have also upgraded and built new sporting facilities across all parts of the city. And as a result of this investment we have seen an increase of almost 29,000 people participating in organised sport and recreation in the territory. As we know, starting healthy habits early is important, so we are very pleased to note that an additional 12,000 school children are now playing sport or participating in recreational activities.

In terms of direct promotion and investment in publicly owned sport and recreation facilities, \$8.6 million has been invested to make the Lyneham sports precinct concept a reality. This includes a significant capital investment from the government in associated infrastructure to support a \$3 million grant to the ACT Netball Centre to upgrade and construct a new 3,000-seat arena.

We are continuing our investment in grassroots infrastructure through \$8 million to build new pavilions and install lighting at neighbourhood sporting grounds throughout the territory. Over \$4 million has been invested to undertake improvements at Manuka Oval, Phillip Oval and Canberra Stadium. We have made a significant commitment that by the end of 2013 no outdoor sporting facility in the territory will rely solely on the drinking water supply. To realise this ambitious vision we have provided an additional \$16 million to drought-proof our sports grounds and ovals, including those located near schools. A key aspect of this funding includes installation of synthetic and drought-resistant turf, advanced irrigation systems and on-site water tanks.

Moving forward, the government's agenda for sport and recreation facilities includes a number of significant investments. The first is the completion of the Lyneham sports precinct. As I have indicated, we have provided budget funding for the eastern part of that precinct in relation to the netball centre and associated facilities. We have also committed to provide funding to assist the tennis centre to upgrade their facilities and also to then complete the work on the western part of that Lyneham sports precinct.

We have committed \$6 million to a refurbishment, which is now complete, of the Lakeside Leisure Centre and the Canberra Olympic Pool; \$4.5 million was provided to redevelop the Lyneham hockey centre; \$3.75 million for the development of the Harrison district playing fields; and \$1.7 million in redeveloping Phillip Oval. We have upgraded Manuka Oval to include 4,000 new under-cover seats, perimeter fencing and security upgrades and provided \$1.3 million to Harrison neighbourhood oval. There was a \$600,000 commitment towards the forward design for the multifunctional sporting facility in the new suburb of Throsby in Gungahlin. We have progressed funding for the Gungahlin enclosed oval in the town centre, designed new play facilities at Canberra Stadium, committed money to motor sports tenants at Fairbairn Park, and will continue our investment through the annual sport and recreation grants program.

In capital assistance for sporting organisations across the territory, earlier this year I had the opportunity to hand out more than \$2 million in grants to, I think, over 70 ACT sport and recreation organisations for a range of upgrades from significant work for hockey in Tuggeranong, in terms of artificial surfaces and upgrades to their facilities, right down to fairly minor grants for things like the Burley Griffin Canoe Club for some of their facility upgrades.

The government has also committed, and the Chief Minister has reiterated this in recent times, to invest \$3 million in the establishment of a state-of-the-art basketball centre of excellence that will consist of community-based basketball facilities for community use as well as first-class training facilities for our most successful national league team, the Canberra Capitals.

We have a commitment to invest up to \$30 million to fund the construction of a new aquatic and recreation centre in Gungahlin. We have provided the feasibility and forward design money in previous budgets and had a commitment during this term of the Assembly to see the completion of that new facility in Gungahlin.

Looking to the future, in around 2012 we propose to invest money to begin the feasibility and design work for a new pool to meet the needs of what will then be a growing community in Molonglo and to assist also the residents of Weston Creek to have access to a major indoor sporting facility.

We of course continue to support our national league teams through significant investment in the Brumbies facility at Griffith Oval. At times that has been controversial, but I am pleased to see that the work that was funded, particularly in relation to placing a fence around the Brumbies training facility, has, now that the work has been completed, been well accepted and supported by the local community. There was some initial concern, but now that the work is complete I have heard some very positive feedback, not only from the Brumbies in terms of the protection it provides to their training facility but also from the surrounding households who now believe it is a much more pleasant outlook there at Griffith Oval. And we will continue to provide support for the Brumbies. Members would be aware, including the shadow minister, that the government has committed \$2.5 million in support of Ivan Slavich's bid as bid leader for an A-league team in Canberra, and we continue to supplement the national league team program. The most recent supplementation there was in the second appropriation last year.

So the government will continue to invest in sporting facilities across the territory, at the elite level through our major and more recent investment in planning studies for Manuka Oval and Canberra Stadium. Members would be aware that I have recently commissioned HOK Sport Architecture, together with a number of other consultants, to undertake extensive community consultation and design and development options for future development of Manuka Oval and Canberra Stadium. They are our premier sporting facilities in this territory and provide world-class sporting facilities for our elite teams, but are also important in terms of the activities and the opportunities they provide for each of their local communities.

The government will continue to invest in sport and recreation grants programs and in recent times have sought to expand the available funds in those programs for capital assistance, noting now that sport and recreational organisations are, through the sports loan interest subsidy scheme, able to apply for multi-year capital grants that can be up to \$250,000 a year. That is important because what it does is enable those sport and recreation organisations to invest in their own facilities—they have received some government assistance in terms of meeting interest payments—but it will also create revenue streams for those sports to be able to further meet their own needs into the future.

If there is a challenge in terms of facility provision into the future, it is to ensure that those facilities are viable in the long term and that means that they are able to generate income from a range of sources. A number of sports are looking towards that approach in terms of co-locating like facilities; for example, sports medicine, physiotherapy, childcare and other useful services that are aligned with increased participation in the various sports but also provide a very good financial basis for the continued success of individual facilities and individual sports.

I might take the remaining time in this MPI just to respond to a couple of the issues that Mr Doszpot raised in his presentation. I must say that it continues to amaze me in this debate that there are suggestions that somehow the government, using taxpayers' money, should be rewarding the poor behaviour of a developer in not maintaining his asset—that the government should be somehow rewarding that behaviour by directly financing a continuation of that poor behaviour. I do not believe that is an appropriate way forward.

I wanted to send, and I continue to want to send, a very clear message to the owner of that Deakin swimming facility that there is no way that the government will step in to provide funding for him to solve his issue, and the government will hold him to account in relation to his lease and to the territory plan. That is a very clear message, and it needs to be repeated because obviously Mr Doszpot has not absorbed it. But also it is worth noting in the context of this debate that there has been some suggestion that the government would not seek to hold him accountable to his lease and to the territory plan.

**Mr Doszpot:** You had the opportunity four years ago.

**MR BARR:** If Mr Doszpot had any understanding of the legal issues around this, he would know that the operator is not in breach of his lease or the territory plan—

**Mr Doszpot:** He is not in breach; he gave the offer to you—

**MR BARR:** whilst ever the pool is open. The trigger for government action is if the pool closes. My very strong suggestion to Mr Turco would be to not find himself in breach of his lease and the territory plan; to invest the money that he committed in 2005 to invest in that facility; and to ensure that the not-for-profit operation that currently operate his facility for him are not forced into bankruptcy. The reason that they would and that they are having to contemplate not continuing to operate the pool for him is that he continues to insist on them paying him \$14,000 a month in rent, and that he is not waiving the debt that they have accrued because they are unable to continue operating because, as the facility has deteriorated, fewer people are wanting to use the pool. But, ultimately, there is nothing the government can do legally until Mr Turco is in breach of his lease or the territory plan.

**Mr Doszpot:** If the government had accepted the recommendation of the committee, we would not be in this position.

**MR BARR:** The government was not in a position to accept the recommendation of the committee for two reasons: one, because the recommendation of the committee went beyond the planning study and the territory plan variation that was being put forward; and, two, there is no legal mechanism for the government to have collected a bond, a performance bond. There is no way that could have been done. The minister made that very clear in 2005. That situation has been known since then. Mr Turco knew that at that time. Deakin Swimming Ltd knew that at that time.

In terms of the longer-term issues, though, it would appear, even though there is some conjecture in the Woden community about whether enclosing Phillip pool would be

the way forward—and I note there is not a community consensus on that issue, that there are mixed views—that would appear to be a way forward in terms of providing an all-year-round swimming facility for Woden and south Canberra.

However, there are a number of alternative options that have been brought forward, and I know there are a number of alternative operators who will happily step in should Mr Turco fail to meet his lease or the territory plan requirements. So there are other options available, but the legal trigger for that is a failure on Mr Turco's part to meet his legal obligations under his lease and the territory plan. And, if and when that occurs, the government will act strongly in protecting the legal rights of the territory under the territory plan.

**Mr Doszpot:** But first you want to sacrifice the swim club.

**MR BARR:** At this point in time, though, the most useful thing that Mr Doszpot can do is support my call on Mr Turco to waive the rent and not pay the rent.

**MR RATTENBURY** (Molonglo) (4.08): I am very pleased to rise to speak in this important debate. I congratulate Mr Doszpot for bringing forward this MPI because I think it is a very important issue for all of the community and one of significant personal interest to me.

When I think about the role of sport in the community, I guess several things occur to me straightaway. Sport is about health and wellbeing. It is about the economy, because sport is an industry. It employs around 3,500 people in the ACT—at least that many. Also it is about fun. We do not talk about fun in here very often, but it is important to recognise that sport and recreation are actually fun.

ACTSPORT's 2004 *Impact of sport and physical recreation on the ACT* report spoke heavily about the role that sport plays in social cohesion. The report particularly identified that sport could deliver an increased level of social cohesion in the community. It found that sport can divert young people from antisocial behaviour, including crime; that sport improves individuals' mood and self-esteem; and that sport promotes positive social values and assists in the development of life skills.

I think these points are accurate and significant. They point to the significant payback that comes from investing in sport and recreation. That is why I think it is important that we debate these issues in the Assembly and that we have a good discussion about what role government and the Assembly should be playing in the provision of sports facilities.

It is important in this context that we recognise the need for a long-term plan. Many sports organisations are run by volunteers with limited resources, doing it in their own time, doing it out of their work hours in addition to their many other responsibilities in life. It is therefore my view that the role of government is to smooth the provision of infrastructure so that sports can focus on the delivery of sport rather than lobbying government or fighting amongst each other to get to the top of the list each time the budget comes around for their facilities.

To that end, I think the ACT needs an audit of its sports facilities. This is something the ACT government should do in order to give us a clear forward plan of what we need. What I mean by that is that we should be sitting down and assessing the needs that we have for facilities, what these needs are now and what they are going to be into the future. Of course, the future is always a difficult thing to predict, but I think we have a pretty good idea, and certainly many of the sports have a fair sense of where we are going and what is going to be needed down the line.

We then need to assess whether this is matched by the current provision of facilities. It would not be unreasonable to assume that there is not a perfect match. There rarely is, and that is okay. But then, once we have that audit, the government can then develop a five to 10-year plan in partnership with the stakeholders about what we actually need in the ACT in the future. We can actually have a clear pathway, a clear work plan for government and a sense of stability and security for the community organisations that provide these valuable services.

In thinking about why we need an audit, I think there are plenty of examples around of current shortcomings. During the election campaign I met a fellow who was involved in handball. It is not a massive sport in Australia. It is very popular in Europe, but not so popular in Australia, but it is a fantastic sport if anyone ever gets the time to see it. There is a community of several hundred people in the ACT playing handball and this fellow was telling me about the difficulty they have in accessing courts here in the ACT.

He talked to me about the difficulty of accessing school halls that could be perfectly suitable for playing handball. I know this is an issue that has been around for some time and I have heard the minister speak about it. It is not one that is easily fixed, but it is an example of where we have got a real disconnect between the wants and needs of the community and a significant number of people playing handball and their ability to access facilities.

Another interesting example is Reid Oval up on Limestone Avenue. This is one of the ovals in the ACT that is being watered by the grey water system. It has made it one of the very pleasant green ovals around the ACT, not one of the ones that has died out, and that is a great outcome. But the interesting thing now is that because that is a nice, green oval—it is soft; it has got lights—it is so in demand that the turf is being worn out at a rate that never happened historically because so many groups are converging on the ovals that are being watered.

Again, this is not an easy problem to solve, given the debate we have just had about water issues in the ACT, and I congratulate the government on their efforts to drought-proof the ovals. But, again, we see an example here where the demands and the facilities are not necessarily a match-up and where a long-term plan could start to address some of those issues.

I think the third example has already been the subject of some discussion, both yesterday and today in this place. That is the Deakin pool. I think the Deakin pool is a classic example of lack of proactive effort. Everything the minister has said has been

about reaction: what can I do, what can I do? The reality is that we have known about this problem for at least five years and just today—today—the minister has finally got off his arse and done something. He has finally sent a letter, and I would like to congratulate the minister.

**Mr Barr:** Madam Assistant Speaker, I imagine that “arse” is unparliamentary. I would ask you to rule on that.

**MADAM ASSISTANT SPEAKER** (Ms Le Couteur): Yes, I think it is unparliamentary.

**MR RATTENBURY:** I withdraw that expression. The minister has finally motivated himself to do something. The most ironic part of this is that this morning Deakin Swimming Ltd appointed a receiver. Today, finally, after that moment the minister finally manages to do something and send a letter. Congratulations, minister. Good on you for being so proactive in trying to help this not-for-profit, volunteer-driven community organisation. That is the best this government can do despite the fact that this issue has been around for four or five years since it went through the planning committee many years ago.

This is why we need to do an audit, so that we can get ahead of the curve and not leave it until after the receiver has been appointed to finally do something. That is why I suggest we need an audit—so that we get a strategic plan that provides a work template to government and provides greater security for sports organisations so that they can plan for the future. That is what this is about. This is about being proactive, looking to the future, getting on the front foot and making sure that we do not have the sort of stuff-up that we are seeing take place with the Oasis Leisure Centre.

I would like to take this opportunity while we are debating sport to speak quickly about a number of other issues. The first is multi-use facilities. When we are talking about sports facilities we should strive to make as many of our facilities, given the limited resources we do have, multi-use. Take Bruce Stadium as the example. Somewhere down in the history of time—and I should remember this, but I cannot think how it happened—Bruce Stadium was converted to a rectangle, therefore excluding sports like AFL, athletics and cricket. Given the current popularity of both day and night cricket, and particularly the emerging 20-20 cricket, it is a great travesty that we cannot play those sorts of matches at Bruce Stadium, because I think a lot of people in Canberra would really enjoy that.

When thinking about sports facilities we also need to think about access. We need to ensure that there is public transport to and from our sporting facilities, not just for the big matches—we do have them—when there is a big Raiders or Brumbies game on. We need to strive to improve our public transport for ordinary folks, children and sports people when they go to training at night or on the weekends. You are not going to get to your sports fixture on time when your bus turns up once an hour, if you are lucky.

I admit a slight bias here, but we need to remember that our lakes are a sporting facility and we need to strive to ensure that we do what we can to avoid the blue-green



algae outbreaks we have in our lakes each summer. The triathlon is my sport of interest, but there is also rowing. I was at the Independent Schools Rowing Regatta in February. It was a fantastic event, with more than 1,000 young people participating. Lots of parents came to town, boosting our tourism. Unfortunately, the lake was having a blue-green algae outbreak. The organisers pressed ahead with the event and then found themselves in the middle of a controversy because of the blue-green algae in the lake.

We need to strive to think about our sports facilities in the broadest context. We need to think about childcare facilities to maximise participation, especially for women, to ensure that as many people as possible can take part. I think it is important not to lose sight of sport as a tourism issue. We should be aiming in the ACT for the participation events, not focused on necessarily the big money events in terms of having to pay a lot to have sports come to Canberra, but those events where lots of people participate, things like the masters games and the mountain biking races. These are the sorts of sports events that we want to create facilities for in Canberra, and that includes the current issue around the need for low cost accommodation.

In conclusion, I want to use this opportunity to call on the government to do the fundamental audit that we know we need to have to get a sense of what our current facilities are and what we need in the future and develop that plan to ensure that we have smooth infrastructure provision for all those important community organisations that are doing their best every weekend and every day.

**MR HANSON** (Molonglo) (4.18): I will firstly thank Mr Doszpot for bringing such an important matter into the house—a matter of public importance. I thank him and I congratulate Mr Rattenbury on many of the comments he made. I think there are some extremely good points that he raised. The idea of an audit is something that we raised during the election campaign also. I think it has great merit and it does prevent a short-term focus being taken to planning issues, to planning in our great city.

Unfortunately, that is something that is systemic with this government. We do see a short-term approach, a reactive approach. We see that in regard to what has happened at Deakin and we have seen it across the board—things like the task force that is being set up reactively after a committee inquiry into GPs has already been established.

I also share Mr Rattenbury's concern for the utility of our lakes. Much better use can be made of those. We have got to look at ways that we can make sure that they are available to people all year round and do not, as appears to happen every year, get a plague of blue-green algae.

I can turn to Mr Barr's comments with regard to the Deakin pool. Clearly this is a failure in planning, a failure in anticipation. The claim that he made yesterday in regard to planning seems to be that his is the voice of reason—on your left, the extreme left wing, and he talks of the Greens, and we are the extreme right. I do not think this is an issue of political agenda—of left, centre, right. This is an issue of competence. What I see here is a failure in competence, and he is trying to paint it as one of political agenda. It is clearly not the case.

I do not just tar Mr Barr with this failure, though. I will tell you that this is another inheritance from his colleague Mr Corbell—another Simon stuff-up, on the back of the AMC that he has flick-passed to Mr Hargreaves, the busway, the GDE; and so on. Mr Barr is just inheriting yet another failure from his good mate Mr Corbell.

Turning more broadly to recreational facilities in the ACT, it would be very much agreed, I think, in this place that sport is an important part of the fabric of our community. It binds our community together. There are people of different ethnic origins, different genders and different ages all getting together and playing on the sporting field. It is something that unites us all as a community so it is an incredibly important part of it. It has an economic element, both at the lower end and also with the elite sports in attracting people to our community to watch games that occur here, be it the Brumbies, the Raiders, the Caps and so on.

But probably most important is the health impact. As shadow health minister, I am very interested in this element of it. It is through physical exercise that people of all ages stay healthy and prevent chronic illness in our community—prevent diabetes and prevent obesity. This is something we have got to encourage for all people—give them access to recreational facilities. It is not just at the elite end; this is something that children can access. In my view, there is nothing that separates the importance of the local bowling green for older members of our community to stay active and the elite sports facilities that we have for people like the Raiders and the Brumbies.

Labor's approach—we heard much from Mr Barr, but let us remember the budget cuts of 2006 and the \$2.3 million that was cut out of such facilities. It is interesting that that is the same amount that we are spending this year on public art. It is an interesting element that we are spending that same amount, which is quite remarkable.

I will give you a quote from the 2006 budget cuts from the ACT Sport chief executive Joan Perry, who observed that the budget cuts were disproportionately focused on sport. She said:

The Government forecast cuts of \$840,000 yet when the figures were released, that had escalated to \$2.3 million. It was a huge hit. Sport makes up 1.5 per cent of the ACT budget yet when the Government announced a total budget cut of \$35 million, sport was 6.5 per cent of that ... These budget cuts are making it harder to hire grounds, which is resulting in more cancellations, making it harder for kids to play sport.

That was from the chief executive in the *Canberra Times* in 2007.

As a summary of the neglect of the Stanhope-Gallagher government, there has been the closure of playing fields, an end to the watering of two dozen locations, and then wasting seven years ignoring the worst stages of drought, only coming up with a plan at 10 minutes to midnight. There have been severe budget cuts, including cuts to sports and recreational committee grants; a reduction in the kids at play program; a failure to support and enforce legislated activity in schools; reductions in scholarships at the ACT Academy of Sport; cancellation of the fitness assessment tender in 2001; and the poor provision of sporting facilities for new suburbs, particularly in Gungahlin.

I note that in Mr Barr's speech on this matter he talked about the importance of providing facilities to all. I suggest that he go up to Gungahlin and ask the community there what they think of his provision of community and recreational sporting facilities in Gungahlin. I think he will get a very different message.

I hope that as we move forward and as the planning occurs, in your role as planning minister for the new suburbs in Molonglo, we do not have the same errors that were made in Gungahlin and we make sure that, as community grows, we have, correspondingly, the sporting and recreational facilities required for a growing community.

In my own community, my own suburbs of Weston Creek, I see a lack of recreational facilities. As you noted, I think the government agrees, but I actually experience this. I go to the nets at the local Holder oval with my son; they are unusable and the oval there is unusable. It is a disgrace.

What was our approach at the last election? Certainly we took forward a great number of very good policies which would have made a significant difference to this community. The Canberra Liberals said that they would contribute—and we would have—an addition \$5 million over the next four years to drought-proof our sporting facilities, the bulk of the extra investment to be loaded up front in the next 18 months. What about community grants? Let me quote:

The Canberra Liberals will provide a new category of grants to fund coaching and umpiring courses, first-aid and sports medicine courses and other training to assist club administrators and volunteers. These grants will be provided under the expanded Community Grants program.

That is a great policy, something the likes of which we do not see from Labor. What about community sport and recreation field officers? I quote again:

The expanded Community Grants program will be used to provide funding for Community Sport and Recreation Field Officers based in local clubs. These part-time field officers will work closely with local community groups and schools to increase participation in sport, active recreation and physical activity programs.

We would have provided better facilities. I quote again:

The Canberra Liberals will deliver a capital works funding model that will provide for regular investment in public sporting facilities in every budget, not just in election years.

The Canberra Liberals will provide additional funding for capital works, totalling \$24 million over four years. This funding will be divided into three categories.

And so on. There are other great initiatives for equestrian facilities, a Bruce-Lyneham-EPIC sports precinct and so on.

**Mr Barr:** If it was such a good policy why did your vote go backwards?

**MR HANSON:** As did yours, Mr Barr. What about motor sport? We have seen an absolute failure to invest in motor sport. We see this flip-flopping—on again, off again—dragway policy from the Labor party.

Of course, moving away from government funding, there is the very important issue of club funding—from clubs into sporting and recreational community groups. In recent months, we have seen a trend of clubs in the ACT stepping away from existing commitments to sponsor, look after, those recreational organisations. What we do not see is those clubs stepping away from their ongoing support to the Labor Party through their poker money.

**Mrs Dunne:** The way you are going, Andrew, you will never get them back from the Greens.

**Mr Barr:** We'll pinch them from you then.

**MR HANSON:** We recognise an important role for these community organisations in binding our communities together and keeping our communities safe and healthy.

**Mrs Dunne:** Liberal voters have more sense than that.

**MR HANSON:** They are cutting back, but they are still continuing.

**Mr Barr:** There's not many of them.

**MR HANSON:** Madam Assistant Speaker, can we stop the clock, please?

**MADAM ASSISTANT SPEAKER (Ms Le Couteur):** Why?

**MR HANSON:** I just ask that the members cease interjecting whilst I am trying to speak.

**Mr Barr:** That's the new precedent you want to set?

**MR HANSON:** Well, it was worth a go, Madam Assistant Speaker. I will continue. We have had a look at Labor's policies in this area, and it is clear. You have got all your policies, Andrew. I wonder how many you are going to get through, though. I wonder how many you are going to get through when you go up to Katy's office begging for all these policies to be maintained in the budget and all these people that you have—

**Mr Smyth:** No, he will go to Jon's office.

**MR HANSON:** To Jon's office, to Katy's office. All these things that you have promised—I wonder how many will be delivered finally in the budget.

**MS BURCH (Brindabella) (4.28):** I am quite happy to talk to the matter of public importance on sporting facilities. Firstly, Mr Doszpot raised the archery submission.

**Mr Smyth:** An excellent submission.

**MS BURCH:** Indeed, and he says that he wants to put on the record his support for that submission, but I think I need to note that he must indeed be playing a very slow record, because two weeks ago I was on the record, both on radio and in the *Chronicle*, as saying that I too had received that and that indeed it had merit. I was recognising that proposal and that other community and sporting groups had also approached me with similar proposals. Instead of just picking one and rushing off in a dash to the end line, I am proposing to call on this government to say, "Let's do a scoping study," so that we can have a good discussion and a good look at what the community and sporting groups need in the area, so we can have a sensible approach and look at suitable planning, so that we can do informed planning and suchlike in the area.

**Mr Hanson:** An audit? Do you support an audit?

**MS BURCH:** A scoping study to be informed. At least I was out there, before today, doing this.

Whilst there are hundreds of sporting facilities across the territory being run with the assistance of ACT government sporting grants and general assistance, I would like now to acknowledge a few of our elite sporting facilities run by this government. The ACT government runs Canberra Stadium, Manuka Oval and the Stromlo Forest Park, through Territory Venues and Events. Whilst these three venues are elite venues, they are also open to the community, and many Canberrans have the opportunity to train and perform in these facilities.

Canberra Stadium plays host to the famous CA Brumbies and the Canberra Raiders. With a seating capacity of over 25,000, it also hosts a number of community events as well as providing conference and function facilities. Manuka Oval is Canberra's original cricket ground and is host to the national AFL matches as well as the Prime Minister's XI. It also offers one of Canberra's most unique function and event centres with the Bradman Room overlooking the historic field. The oval also hosts local cricket and AFL games on most weekends. The Stromlo Forest Park is a one-of-a-kind community facility with exceptional infrastructure for a variety of uses, with a purpose-built event pavilion, cycling circuit, grass cross-country running track and mountain bike tracks to suit every level of rider. This facility has also played host to a number of major events, and every day of the week it is, and can be, used by local Canberrans and their family.

These facilities not only provide our elite teams with a home ground advantage; they also bring people into the territory and increase our tourism opportunities. These venues have recently hosted the Prime Minister's XI v New Zealand, the Sydney Swans v Port Adelaide, the Canberra running festival, the 2009 cross-country selection trials, the Westfield Matildas v Italy, the Socceroos v Kuwait and, of course, Raiders games.

We are all aware that we are currently in the grip of a drought. This drought has affected our sporting facilities. However, it is worth noting that the ACT is a national

leader in terms of our reaction to climate change and drought conditions. Despite the continued difficult drought situation, and with detailed consultative planning with peak sporting bodies, no local sporting competition has been cancelled, unlike in many other states and territories of Australia.

We need now to understand the implications of the continuing drought conditions on sport. The ACT government, leading the way nationally, has and will continue to pursue a range of innovative solutions to secure alternative water supplies for each sportsground, utilising and extending existing infrastructure, as well as implementing best practice water application technologies.

There is no single solution to drought-proofing sportsgrounds in the ACT and there is no silver bullet. The government is committed to undertaking a range of projects aimed at responding to the challenging conditions we face. A number of grounds have already been converted to couch turf, including Narrabundah Ball Park and the Greenway Enclosed Oval, to reduce water demand. Even through these challenging conditions, the government remains focused on its strategic vision, "Where will we play?"

This vision says that by 2013 no public or private sportsground in the ACT will rely solely on potable water. The vision signifies the importance of the challenge that the drought and the climatic change present to our sports industry, and the size of the job ahead. In order to prove the strength of our commitment to combating the climatic change in our environment, we announced that the 2008 sport and recreation services grant program would have a significant "drought-resistant" theme. \$2 million was provided through the second budget appropriation for drought proofing activities within sport and recreation.

Through this we continue to assist a number of significant capital works projects aimed at drought-proofing sports. One of these projects includes the installation of Canberra's first synthetic bowling green at Weston Creek Bowling Club. In another project to combat our changing climate, the government has provided Capital Football with \$1.6 million to install a synthetic grass facility at Hawker Enclosed Oval. The construction of this facility is underway as we speak and should be completed and ready for use for this forthcoming winter season.

In the face of the predicted drier and warmer climate in Canberra, planning is well advanced on projects that will substitute alternative water sources or limit demand for our valuable supplies. Stormwater drawn from lakes and ponds is one option that will provide important opportunities for substitution. Two schemes are already in place in north Canberra using recycled water for irrigating 24 hectares of sportsgrounds. The reconnection of Gordon district playing fields to a water supply from Point Hut pond is almost complete. This will ensure the water supply for 5.6 hectares and this will be operational within the next few months.

Each step we take towards drought-proofing our facilities is a step in the right direction. Even though we are leading the way nationally, there is still more the government can and will be doing. I am particularly enthusiastic about innovative practice that can be adopted and what the industry, both independently and in partnership with the government, can achieve.

The continuation of the drought is out of our hands, but the government will continue to be proactive in its approach to ensure that the community has access to quality facilities for sports and recreation in the future.

**MR SMYTH** (Brindabella) (4.36): This is a debate about planning. Have no doubt about it: when we talk about sporting facilities and the current debacle that the minister has foisted upon the swimming community of the ACT, it is not about his position as sport and rec minister; it is about his position as planning minister.

I think Mr Rattenbury got it absolutely right when he commented: “You’re an ambulance driver, Andrew; you just pick up the pieces later.” You would almost think the minister was afraid of telling ACTPLA to do something—to direct them to be proactive, to tell them to get out and do their job, which is to make sure that people comply with their leases—or at least to ask Mr Corbell to ask the regulatory services guys to go and make sure premises are compliant with OH&S; or ask Minister Gallagher, as health minister, to go out and do some health checks on the premises.

If the reports are correct, Deakin pool probably is not compliant with the code, but we do not have a minister who is interested in forcing the law. Nor do we have a minister who is interested in making sure that the people of Canberra have the facilities they deserve. It is almost as though he said to the department: “Don’t be proactive. Only deal with breaches, only deal with formal applications, because we don’t want to talk about good ideas in case we have to do something. And, as for the pools, well, let them fall over. Then we will act. We won’t give advice outside the formal process.”

Deakin Swimming Ltd approached this minister last June and they approached, at the same time, ACTPLA. And what were they told? “Give us a proposal.” And they did; they did it in September. They gave it to the minister and they gave it to ACTPLA—

**Mr Barr:** And I said no. And I said no to them.

**MR SMYTH:** They have been sitting on it ever since.

**Mr Barr:** I’ve said no. The proposal doesn’t—

**MR SMYTH:** They have had no direction, no guidance, no assistance.

**Mr Barr:** No, I’ve said no—quite explicitly. I wrote back to them and said the proposal won’t work.

**MR SMYTH:** They will not work with community groups to secure good facilities into the future and that is the failure of this minister.

**Mr Barr:** I just said no, Brendan.

**MR SMYTH:** That is why this is a planning debacle of immense proportions—because we have got a minister who—

**Mr Barr:** Because I wasn't going to pour \$6 million of taxpayers' money into Turco's pool.

**MR SMYTH:** The minister says, "I just said no." Well, what did you offer in return? What did he offer in return, Mr Speaker? What did he say? Where is the assessment of the future need? Where is the assessment of the spread of pools that makes them accessible? Where is the forethought into the future so that we can say, "If those pools go under, what are we going to do?"

What we will see is the transfer of privately owned, publicly available pools back to the government because of this minister's inactivity and his failure to direct his department, his failure to stand up to ACTPLA and say: "Well, go and do something. I am giving you a direction. I want a strategy. I want to know exactly what we can do. I want some forward planning to see what we can achieve, to see how we can help these people".

The minister speaks about helping the Brumbies. We helped the Brumbies. Governments have helped the Brumbies. Previous governments have helped the Cannons. They are privately owned organisations, but, no, you cannot help this privately owned facility. That is quite curious. Do not think of it as helping the facility but as helping the 1,100 kids that are tied up in this swim club—maybe a bit of lateral thinking here: "I've got two portfolios. I could get my sport and rec people to work with the ACTPLA people so that we can develop something better for the future." But, no, the minister is afraid to act. The minister is afraid to direct his department to stop being so rigid, to stop being so focused on just development applications and to actually get ahead of the game.

We know that the Big Splash at Jamison are considering what they will do with their facility. We know the owners of the pool at Phillip. We have now got trouble at Oasis. What will happen to Kaleen or any of the other privately owned, public-accessible pools because of what this minister fails to do? Mr Speaker, I think you are entirely right: what we have is an ambulance driver for a sport and rec minister and for an ACTPLA minister, planning minister. He is happy to pick up the pieces later because he does not have the foresight, the wherewithal or the drive to make something happen now so that we do not get to the situation where these facilities fall over.

Have no doubt, members: this is not about sport and rec. This is about a planning minister who will not do what he is meant to do to ensure that planning benefits the people of the ACT, in this case through the provision and the maintenance of adequate sports facilities so that young people can go to the pool and learn to swim.

**MR SPEAKER:** Thank you, members. The discussion is concluded.

## **Unit Titles Amendment Act 2008 (No 2)**

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.41): I ask leave of the Assembly to make a statement



concerning the implementation of significant changes occasioned by the Unit Titles Amendment Act 2008 (No 2).

Leave not granted.

### **Standing and temporary orders—suspension**

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.42): I move:

That so much of the standing and temporary orders be suspended as would prevent Mr Corbell from making a statement in relation to the implementation of the Unit Titles Amendment Act 2008 (No 2).

Mr Speaker, I am asking leave of the Assembly to make a statement in relation to the implementation of the Unit Titles Amendment Act 2008 (No 2) in response to representations made to me by the ACT Greens. They seek some reassurances in relation to processes involving the implementation of the new act, consultation, the provision of information and further operational review. I would like an opportunity to inform the Assembly of the government's position.

**MRS DUNNE** (Ginninderra) (4.43): I will not be supporting the suspension of the standing orders for the same reason we did not support leave. This was raised with my office earlier today. I pointed out to the minister that as we were going on to talk about the Unit Titles Amendment Bill 2009 I thought that was the appropriate place to make the statement. This is a statement that both the Greens and the Liberal Party have called for in relation to clarifying some matters, which is extrinsic material. We are about to debate the Unit Titles Amendment Bill and that is the appropriate time for it to be dealt with.

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

### **Statement by minister**

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.44): I thank the Greens for their support. Once again, we see Mrs Dunne's opposition for the sake of it in this place. Since the passage of the act, the ACT government has released a number of online resources concerning changes to the Unit Titles Act, principally through the Unit Titles Amendment Act 2008 (No 2).

Recently the government released a website providing a central access point to all of these resources and providing detailed fact sheets covering the changes. The government also notes that it and other members have been approached by a number of people seeking guidance about their responsibilities and rights as members of owners corporations, both generally and in relation to the changes to the 2008 law. Accordingly, today I am very pleased to commit the government to preparing an

information booklet containing information about unit titles and, in particular, about the 2008 changes.

I also want to restate our intention to continue to work with owners and owners corporation managers to provide useful information to stakeholders through the new website. Specifically, the government will continue to implement and update this website with relevant information for stakeholders. Preparing information about new legislation is in itself insufficient if the information is not available to people when they need it.

While it is the government's hope that the web resources will meet some of this need, I note that the Greens have helpfully suggested that a booklet that I have referred to should be delivered to as many stakeholders as possible. I am pleased to advise the Assembly that this will be delivered, in the absence of a database of relevant owners, through a mail-out using letterbox drops to all obvious unit buildings and copies will also be provided to all agents for their clients. The mail-out will contain an invitation to lodge feedback to the government on implementation and possible future changes to the act.

Further, the government will undertake a 12-month operational review of the operation of the act, incorporating the feedback received as a basis for amending the act, if necessary, to ensure its effective operation. I would also like to give some further information about some provisions in the act to assist in a better understanding of the amendments and to provide some assurances to stakeholders about how the government proposes to administer the act. Accordingly, I would like to table a document setting out this further information about the intended operation of the Unit Titles Act 2008 and particular provisions of interest.

## **Justice and Community Safety—Standing Committee Statement by chair**

**MRS DUNNE** (Ginninderra): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Justice and Community Safety, performing the duties of a scrutiny of bills and subordinate legislation committee. The Unit Titles Amendment Bill 2009 would amend the commencement date from 31 March 2009 to 1 July 2009 for the provisions of the Unit Titles Amendment Act 2008 (No 2) relating to implied warranties. The committee has examined the bill and offers no comment on it.

## **Standing and temporary orders—suspension**

Motion (by **Mrs Dunne**) agreed to, with the concurrence of an absolute majority:

That so much of the standing and temporary orders be suspended as would prevent order of the day No 1, Private Members' business, relating to the Unit Titles Amendment Bill 2009, being called on and debated forthwith.

## **Unit Titles Amendment Bill 2009**

Debate resumed from 25 March 2009, on motion by **Mrs Dunne**:

That this bill be agreed to in principle.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.48): The government will be opposing this last-ditch attempt to deprive residents of the ACT of important consumer protection when they purchase a unit title property. This bill is a dangerous attempt to tinker at the last minute with a carefully drafted piece of legislation. It is legislation on the run, proposed by a member who not only opposes proper consumer protection but also does not understand the act she is seeking to amend.

The bill is a stunt by a Liberal opposition who are determined to oppose for the sake of opposition. The process of the development of this rushed, last-minute amendment and the second, even more rushed amendment, exposes one thing very clearly: Mrs Dunne does not understand the legislation that she is now seeking to interfere with at the last moment. She seeks to legislate on something that she simply does not understand. Nor has she sought to take the proper and responsible steps to inform herself.

This legislation has a simple history. Mrs Dunne went to a public meeting on 19 March with the Owners Corporation Network. There she gauged the mood of the crowd, sent a quick text to Zed, got instructions and told the meeting on the spot that she had been authorised to develop the legislation. This is legislation by SMS, Mr Speaker.

Mrs Dunne's complex legislative development process can therefore really be summarised in three stages: attend the public meeting; receive instructions from the leader by SMS at said meeting; instruct parliamentary counsel; introduce legislation. Mrs Dunne has seen an interest group agitating for an outcome and she has blindly followed their requests without a care in the world for the policy issues and outcomes.

Let us be very clear about this, Mr Speaker. Mrs Dunne has not once since that public meeting sought a briefing on this legislation from me or my department. She is the shadow Attorney-General and she has not once sought the opinions of the experts in my department who have been involved in developing this complex and important piece of legislation. The content of this bill demonstrates that all too clearly.

Mrs Dunne's approach to legislative development can be contrasted to the real work, effort and consultation that have gone into developing the unit titles legislation that Mrs Dunne seeks to derail. I would like to detail this process, because these often-made claims of a lack of consultation should be put in their appropriate context. On 10 August 2006, I, as then Minister for Planning, announced the commencement of consultation, an online survey and the engagement of Gary Bugden as consultant to assist in the review.

*Opposition members interjecting—*

**MR CORBELL:** The opposition are not interested, Mr Speaker, in listening to the content of the critique. They are more interested in making silly jokes amongst

themselves and laughing at their own jokes because they cannot face up to the critique that is relevant in relation to this debate.

On 1 November 2006, I, as then Minister for Planning, released an issues paper on the review of the unit titles legislation—"Consumer protection under the Unit Titles Act 2001". Public comment was sought until 30 November. During 2007 and 2008, ACTPLA and the Department of Justice and Community Safety progressed work to develop best practice model legislation. In May 2008, an exposure draft was released for 1½ months of consultation. On 19 June, there was a meeting with the Strata Managers Institute to discuss issues. On 30 June, Mr Seselja and Mr Stefaniak were briefed on the bill and issues arising from consultation.

In July, public comments were being taken into account in drafting of the final bill for further public information. This was sent to key stakeholders, displayed on ACTPLA's website and prepared for tabling in the Assembly in August. In August, the bill was published. In September, there was publication of legislation resources. In late 2008, there was the release of the ORS fact sheet on unit titles, which can be found in the ORS website.

In November and December last year, there were the JACS discussions with owners corporations about the new regulatory environment. In December last year, there were meetings with the Owners Corporation Network by JACS and ACTPLA. In December last year and through to March this year, there was a range of other discussions and meetings with owners, owner corporations managers and agencies about the new regulatory environment. In January this year, there was the release of the ACAT website, which also provided information.

In February this year, there was the JACS meeting with the Law Society. In February this year, JACS and my office staff met with Greens representatives. In March this year, JACS had a further meeting and various discussions with the Owners Corporation Network. Again in March this year, there was the public meeting organised by OCN, attended by officers from my department, and in March this year there was the release of the JACS detailed web information resource.

That is the summary of the process of the development of the legislation and the consultation and education process that has occurred—the legislation that Mrs Dunne seeks to derail through this process of legislation by SMS. An examination of the effect of Mrs Dunne's proposed amendments will demonstrate her regrettably embarrassing ignorance of the effect of her bill and the process by which she has formulated her last-minute amendments. The effect of it cannot be understood without understanding the intention of the parts of the act that Mrs Dunne seeks to defer. This last-minute bill seeks to defer operation of one part of the act, the part relating to implied warranties.

Her second, even later last-minute amendment, seeks to delay the section in relation to disclosure of certain documents by the seller. The part of the act relating to implied warranties has been in the making for some time. When the government circulated the issues papers titled "Consumer protection under the Unit Titles Act 2001" in 2006, the issue of inadequate disclosure by vendors was consistently raised as an issue that

needed to be addressed in the meetings and the submissions the government received from the public about the issues paper.

It has not been uncommon for unit owners to complain about how undisclosed defects have occasioned significant inconvenience or cost to them. For example, during discussions owners have told my officers of a number of difficulties they have encountered with problems not identified at the time of sale which, had they been identified, would have had little impact on price and would have been capable of reasonably easy remedial action. However, because vendors had not disclosed the matter, the problems had not been remediated until they became apparent, and then not without some significant cost. Last year the government acted to address the issue of inadequate vendor disclosure. I take issue with the suggestion that this legislation was rushed. As I have outlined, there has been quite a lengthy process of discussion and consultation.

Disclosure is particularly important in relation to the purchase of a unit because the purchaser effectively becomes liable to discharge part or whole of the unfunded liabilities of the owners corporation. This approach is consistent with that taken in other jurisdictions in relation to unit titles and is akin to the enhanced disclosure rules included in the ACT legislation with ordinary residential sales. For example, the Civil Law (Sale of Residential Property) Act 2003 requires the inclusion of a wide range of information and contracts and requires the seller to include in the contract a range of conditions. The new requirements underscore the need for any unit owner to take a continuing and active interest in the owners corporation and to deal fairly with potential purchasers.

The vendor is the best person equipped to make disclosures in relation to defects and liabilities. I would like to give an example. The government is aware of a recent case involving a balcony in an owners corporation. The balcony was parting company with the building; it was actually coming away from the building. The defect was not disclosed in the certificate, the minutes or books retained by the body corporate. If the owner was aware of the defect, or ought reasonably to have been aware of it, then under the implied warranty provisions the owner would be required to disclose it in the contract or risk the buyer seeking to cancel the contract. In this case the sinking fund or the owners corporation may not have met the costs of the remedial work nor similar work on related balconies, if required.

The provisions, as passed into legislation, create a better balance between the vendor and purchaser with respect to disclosure, and these are provisions that Mrs Dunne wants to deny potential purchasers in the ACT. The passage of these provisions further reduces the need for an owners corporation to provide details about the unit title in the form of a section 75 statement, and those provisions have also been adjusted. In doing so, the legislation permits appropriate access to owners corporation records in the event that a particular matter needs to be resolved to the satisfaction of a purchaser. There are, no doubt, provisions of the law that all of us should, and do, hold in memory at all times. However, there are many more rules that we simply need to be able to access when it is necessary to undertake a particular transaction.

The minutiae of the law of contract and trade practices probably fall into the second class for the majority of unit owners. These are rules that should be clear and fair and

accessible at the moment a person needs to understand them. Whenever we change the law, inevitably, there may be doubts about how a law will operate in practice, and this is an understandable concern. However, it is not a reason for not proceeding to change the law, as we did last year, to improve the position of owners of unit titles. It is a reason to watch practice in this area with some vigilance, to ensure the worst-case scenarios of the doomsayers are not realised and, where appropriate, to finetune and provide guidance and assistance in particular cases.

With that in mind, since the passage of the act the government has released a number of online resources concerning the changes in the new act and explaining the reasons for the change. Recently the government, as I have indicated earlier, released a website providing a central access point to all of these resources and providing detailed fact sheets covering all aspects of the change. As I have also just indicated, the government will shortly announce additional information resources to be delivered to owners and occupiers.

This brings me to the features of this proposed legislation that demonstrate Mrs Dunne's ignorance of the legislation she is now so recklessly trying to derail. While not immediately obvious, the provisions dealing with implied warranties and the provisions dealing with the information package prepared by owners corporations, the section 75 statement, are linked. In turn, the market has been preparing for both for some time now. The reality is that one set of provisions cannot be amended without the other being adjusted.

In the past, without the statutory warranties, buyers rely on the section 75 statement prepared according to the form prescribed under section 75 of the Unit Titles Act. In anticipation of the 2008 amendments, owners corporations have been preparing section 75 statements in accordance with the new requirements for sales contracts to be issued after 31 March. However, if this bill deferred the statutory warranties, even if these section 75 statements were given continuing effect to prevent a pause in the marketing of units after 31 March, this would have led to a situation where buyers have neither the benefit of the warranties nor access to the old extended section 75 statements.

While I note that the Greens have explored the possibility of reinstating the old extended section 75 statement, there is no effective way of curing this problem without invoking the statutory warranty provisions. The Greens, I note, have sought to withdraw their amendments. I would say to you, Mr Speaker, that that has been an appropriate action, and it is indeed fortunate that the smooth operation of the market is not going to be affected by a last-minute change in an area the market has been preparing for over a significant period of time.

This morning Mrs Dunne gave us notice of a new amendment to defer the section 75 provisions coming into force. This is the rushed last-minute amendment to the rushed last-minute amendment, Mr Speaker. I think we all know that this second last-minute amendment did not come about because of Mrs Dunne's knowledge of the act or unit titles generally, for if she had understood these issues at all she would not be embarking on this last-minute, irresponsible attempt to interfere with the coming into force of this important legislation.

I can only infer that she has been the last-minute recipient of some kind of assistance or information which indicated that this was a problem that she needed to fix in her bill. But even this proposed amendment is last minute and ill-thought through. Has Mrs Dunne considered how the market will deal with the last-minute change of something that the market has been preparing for over an extended period of time, when contracts have already been drawn up and prepared in anticipation of these changes taking effect? Has she had cause to pause to consider the effect of what she is doing? It would appear to me, Mr Speaker, that she has not. She blindly continues with the legislation without a care as to the consequences if it was actually supported.

Can I say that opinions can reasonably vary about the requirements of consultation and the degree to which broad public education on any particular piece of legislation is required. I am pleased that representatives of my department and my office have worked closely with Greens members and their staff on developing a mutually acceptable process and outcome in that regard. While we do not always agree, I would like to commend the Greens members and their staff for their principled and practical approach on this matter. It stands in stark contrast to the uniformed and opportunistic approach taken by Mrs Dunne. The government will not be supporting her bill.

**MS LE COUTEUR** (Molonglo) (5.05): As has been stated, the Greens do support the intention of the Unit Titles Amendment Bill. We believe that it will make changes which will improve the unit titles system in a variety of ways and will improve the protection for unit title purchasers. We believe that unit titles are a very important area of government legislation. With an ageing population and urban intensification, more people are living in unit titles and they are living closer together. So it is very important that we get the rules right.

In Mrs Dunne's speech yesterday, she said that there was a mood of confusion, anger, misunderstanding, scepticism and suspicion in all the communities, and, unfortunately, I agree. Some of this could have been avoided if the government had done a better job of community engagement on unit title amendments. Mrs Dunne was less than kind to the Greens in her speech yesterday, and I understand why. I can assure her, however, that the Greens have not tried to be duplicitous. I would rather characterise our response to the rapidly changing circumstances of the past few weeks as a display of responsible decision making, given a constantly changing information base.

It became clear to us that our amendments would actually hurt the interests of those we were trying to protect, and so we did the responsible thing and we pulled them. I look forward, as the rest of the Greens do, to working with Mrs Dunne and her colleagues and the government and the wider community in finding practical and balanced solutions to the many outstanding issues surrounding unit titles legislation and regulation. Unfortunately, we feel that Mrs Dunne's amendment would have been counterproductive, but we welcome the forum it gives us to further discuss these issues.

The commitment that the Greens made to unit owners is to fairly represent their interests while keeping an eye on the larger picture of urban intensification and the need to balance the interests of owners, buyers and tenants. Mrs Dunne had hoped that,

by holding up the implied warranty sections of the bill, we would be able to adopt changes to the implied warranty sections which meet the needs of the whole community. That is a noble aim, and it is an aim which the Greens share. But it touches upon the nub of the problem—we have to look at the interests of future buyers and tenants as well as existing unit owners and property developers. Just because they are not organised in effective lobby groups does not mean that the interests of tenants and future buyers should be ignored.

The consumer protection focus of the government's bill is admirable in some ways, and it reflects a trend that is occurring in other jurisdictions. One outstanding concern is that these amendments may go too far in the direction of changing the potential liability from the buyer, where it is today, to the seller, where it will be next week. This is something that we will keep an eye on.

The minister's statement, I trust, will reassure many people who feared that they would suffer damages or rescission of their contracts because they failed to disclose something of which they had no awareness and which they could not reasonably be expected to have knowledge of. This does not seem to be the case, but as with many other provisions of this act, we will have to keep a close eye on how ACAT or the courts interpret these laws in practice and be ready to move swiftly if it becomes apparent that injustices are occurring as a result of it.

It is only equitable that people should not be able to lie about the condition of a unit, thing or product they are selling. Many neo-liberal or free market ideologues fail to appreciate the extent to which capitalism relies on honesty and good faith to function effectively and the extent to which dishonesty and the practice of buyer beware can create additional transaction costs which are totally unproductive and a waste of resources.

Transaction costs are minimised if fewer checks need to be made to ensure that the product that one is buying matches its description and is fit for the purpose. In the trades practice world these types of consumer protections have already been made. We have discovered that buyer beware is only part of the equation. We are basically asking why something along those lines should not happen in the real estate industry, in particular as part of the Trade Practices Act. If you buy a unit and then discover it has got concrete cancer and you have lost your investment and your life savings are now worthless, you will be upset, and it is possible now that you may have some legal remedy.

Why should real property escape the consumer protection provisions that apply to chattels and services? We do not think that necessarily should be the case. Whether these new laws have the right balance between protecting the interests of the buyer and the seller, I am not sure. I think that probably the middle ground position may be found in practice, but we will have to see how the laws operate in practice.

Like Mrs Dunne, I have heard the concerns of the professional owners corporation managers, and I am very sympathetic to their concerns about the additional resources and expenses that they foresee the government's amendments generating. These costs will, of course, be passed on to unit owners. The government has reduced the amount



that can be charged for producing a section 75 statement but, unfortunately, smaller size may not lead to smaller cost. Greater risks will be shifted to the managers to make sure they have complied; they can no longer just photocopy the file and pass it over to the buyer.

Because of this increased risk, there may be increased insurance premiums and increased staff costs to watch over the buyers' solicitors who may now have to go across town and actually personally inspect the file. Staff resources will have to be found to oversight inspections and ensure that pages are not removed and signatures placed where none were before. I have been told that due diligence by sellers' agents will require them to go through the same pile of documents that were disclosed under the old section 75 requirements anyway. These were some of the reasons why I had intended to pass amendments reverting back to the old section 75 statement requirements. Given, as you would appreciate, this will require chopping down more trees to create more pieces of photocopied paper, you can understand I did not take the decision lightly.

I would point out that we have been hampered in dealing effectively with these amendments by the dearth of knowledge or awareness of the impact of unit title amendments within the Assembly. Broad policy awareness is one thing, but it is quite alarming when it becomes apparent that neither of the ministers' offices had a deep understanding of the legislative changes. Unfortunately, we are all beholden to the limited time of departmental officials and, to an extent, the parliamentary drafters, who can be put in the invidious position of providing de facto legal advice on extremely complex legislation when it is outside their brief to do this. The need for private members to access professional, objective departmental expertise is becoming increasingly apparent under the majority government where all votes matter.

I will now briefly explain why I have withdrawn my proposed amendments. After receiving convincing representations from the community, particularly from the owners corporation network, I had drafted an amendment requiring that all prospective new owners and tenants be provided with a set of articles pertaining to the units they were contemplating buying into or residing in. Further, new tenants and owners would have to sign an acknowledgement that they had read the articles of the owners corporation for the unit and that they understood that as a unit owner or tenant they must comply with the articles. Pursuant to section 127 of the Unit Titles Act, these articles are:

... taken to be agreements under seal between an owners corporation and each of its members, and between each member and each other member ... an occupier of a unit—

that is, a tenant—

is bound by each article of the corporation as if the occupier were the owner of the unit, unless the articles provide otherwise.

So there already exists a legal requirement to abide by the rules but many, possibly most, tenants and owners move into their units unaware of what the conventions and rules and understandings are that govern their new community. Requiring such an

acknowledgement before occupational sale would—and in this I am quoting Leon Webcke, who was kind enough to give me some words describing this:

... make owners corporations confront the realities of being part of a self-governing community with responsibilities for the common property and towards all of its individual members; It makes individual members, current or prospective, adapt their expectations to the realities of being or planning to become a member of that community; And it provides a basis for an instruction to managers as to how the owners want their corporation managed.

My amendment was pulled at the last minute because I was informed that many owners corporations do not, in fact, hold complete copies of their own articles; they rely instead on the default articles and the records kept by the registrar-general of any amendments made by special resolution of the owners corporation over the years. It seemed to me to be unreasonable to suddenly impose an obligation on them to compile such a document without any forewarning.

Nevertheless, it seems obvious to me that every owners corporation should have a copy of the legally binding rules that apply in their units and also that prospective owners and tenants should have their attention drawn to the rules and understandings which they are about to be legally bound to comply with. It is always better to prevent misunderstanding and conflicts from arising by establishing the rules in advance. This is one amendment which I hope not to wait 12 months to implement, and I will be resubmitting my amendment as soon as I and my staff have been able to deal with the technical difficulties that we encountered in attempting to draft it and table it last week.

As I stated, I will not be supporting Mrs Dunne's amendment today. The reasons for this lack of support are numerous. I do not think it deals adequately with the transitional arrangements that would have to be in place to protect the interests of those who have prepared documents in the expectation that the government's amendments will take effect next week.

I also regret to inform the Assembly that I was given no assurance that ACTPLA would not withdraw the approved section 75 form which determines the substance of section 75. Without the reassurance provided by the long form section 75 statement and without the reassurance provided by the implied warranty divisions that Mrs Dunne's statement would take away, any prospective seller would be put in the invidious position of having no reassurance that they are receiving all of the relevant documents as well as not being able to trust that the seller or their agent were disclosing all information or documents in their knowledge or possession.

Given that, it is possible that people would be unable to obtain finance to purchase units until either the complete long form section 75 became a statutory requirement or the implied warranty provisions were passed. It may be that some of these concerns would not have eventuated, but I felt that it would be irresponsible to risk creating such uncertainty and the potential for chaos in the market. So, with considerable regret, I withdrew my amendments and decided I could not support Mrs Dunne's.

I would have to say this is not the result of a Faustian pact with the Labor Party. I can assure Mrs Dunne we do not have any such pact. We did obtain a number of positive

commitments from the Labor Party, and I hope that Mrs Dunne will recognise that what the Attorney-General has committed the government to today a few minutes ago is, in fact, a positive in terms of community engagement and the ongoing reform of the act.

In conclusion, I would just like to restate that this is very important legislation. It will govern how a considerable number of people in our community live together. We recognise that, like other legislation, it is not perfect, but we are convinced that it is an improvement on the legislation that went before it.

**MRS DUNNE** (Ginninderra) (5.18), in reply: It is usually at this time of a debate that members stand in their place and thank members for their support. It is unfortunate that, on behalf of the Canberra community and the people who own and occupy 30,000 unit title dwellings in Canberra, I cannot thank the crossbench and the government for supporting this measured and quite small delay in the introduction of what is, as Ms Le Couteur rightly says, important and vital legislation, but legislation which unfairly impacts upon people in the ACT.

It is interesting that the minister can stand there, without his law degree, and say, "Mrs Dunne does not understand anything about the unit titles legislation." Mrs Dunne has been dealing with the unit titles legislation as a member and as a staffer in this place, for 12 years, and I have dealt with constituent concerns, particularly over the last six to eight months. I think that I have a fairly good understanding of the unit titles legislation. It is certainly not the in-depth knowledge that some of the officers that I have dealt with over the years have, and that it is knowledge that I defer to. But it is not knowledge and advice that I will simply take on board because an officer who has dealt with this matter for a long time says that this is the way it should be.

I need to compliment the departmental officials on the service that they have provided to the community and to members of the Assembly over a long period of time on this, particularly since this matter has come within the purview of the Attorney-General's Department. The officials who attended the recent public meeting were an exemplar of how officials should behave at a public meeting. They were clear and cogent. They did not dissemble, and they were sort of up-front with people. It was a great thing to see, but the thing that I would have preferred to see in addition to that was the minister there hearing what these people had to say.

It was interesting the number of times in the course of the minister's comments that he said "constituents" or "unit title owners" had "told my officers". No-one had told Simon Corbell, because he is not out there listening; he is not out there talking to the people. He issued a statement today, but the assurances in that statement, I have been assured by members of the community—not just the owners but a wide range of people—are not sufficient to allay their concerns.

We made a commitment as a result of attending a meeting. Yes, Mr Corbell might like to joke about that, but this was serious consultation and I made commitments. The community asked the attendees at the meeting, "Why is it not the case that we cannot delay the introduction of this legislation?" That is what they asked for. It was not just

the people who attended that meeting; it is people in the Law Society; it is people who are practitioners who are drawing up the contracts at the moment for the sale of new unit title properties that are coming on the market; it is some of the most experienced lawyers who write unit titles contracts and set up unit plans.

Some of the most experienced people in this town have said to me, “We need to delay these provisions in particular.” There are other things that people have problems with, and there are things that the owners corporations network have problems with, but they would like to see most of the changes introduced because, like all of us, we see that there are sure improvements to consumer protection in this. The minister cannot and should not portray this as a situation where he is the flashing white knight, the saviour of consumer rights in unit titles, and we are somehow the villains in the piece. In fact, if an owner or occupier of a unit title could be qualified as a maiden tied to the railway tracks, it is Simon Corbell and Andrew Barr who tied that maiden to the railway tracks. They come in here now, today, after they have driven the train over the maiden on the railway tracks, and say, “We’re the cavalry and we’re here to help.” The train has left the station.

There are problems, deep problems, with this legislation, and this minister was given an opportunity today to take a breath and to go back and talk to the people. He could talk to them himself, rather than asking his officials to do it. He could take the novel approach of actually talking to these people himself. Then he could ring some of the senior lawyers around town who will tell him what is wrong with the legislation.

What this amending bill does today is one simple thing, and it is not as Simon Corbell said. It does not deny people access to consumer protections; it delays for three calendar months the introduction of those things so that we can get our act together, so that we can make sure that these protections are the right protections and so that we can do the things that the officials admitted the other day—two weeks ago at St John’s hall in Reid—that they were not ready to do. They said, “Look, there is a whole lot of material that is on websites, but it is not particularly available and it is not particularly easy to find. Normally, if we were making big changes to legislation, we would introduce a booklet beforehand.”

That is what we did when the ACT introduced substantial changes to the Residential Tenancies Act—JACS prepared the renters book. The renters book was published and circulated before the legislation commenced. It is still used today, and it is used today because it has stood the test of time. But what we have had today from Simon Corbell is him saying, at the last minute after the horse has bolted, after the legislation is passed, “I am going to write a book. I am going to publish a book about this.” It was not his idea; it was his officials’ idea, because they have done it before and they have done it well before. This time they do not have the opportunity to do it well.

The reason why I have proposed the amendment that has been circulated is to address the issues that Ms Le Couteur has decided not to address in relation to section 75 statements. I am deeply, deeply disappointed by the Greens’ approach to this. Really what it boils down to, and Ms Le Couteur said it here today, is that they were stared down by officials. Officials said, “Ms Le Couteur, this is too difficult. It is too difficult to get it right.” Most importantly—the Minister for Planning should be held

accountable for this—officials in ACTPLA will not assure members of the Legislative Assembly that, if they legislate in a particular way, they will implement that legislation. That is a searing indictment.

Who makes the legislation in this place? Is it the people in this Assembly or is it faceless bureaucrats in ACTPLA? The faceless bureaucrats in ACTPLA, by Ms Le Couteur's own admission today, actually said that they could give no assurance that they would implement this legislation if it was changed. As a result of that, instead of staring them down, the Greens buckled. Instead of insisting, the Greens buckled, and that is shameful. I am deeply disappointed in the Greens, because they say that they are out there trying to look after people's interests, and they failed to do it because they were stared down by some faceless bureaucrats who do not go to the polls. They do not go to the polls; we do.

As a result of being stared down by bureaucrats, it is unfortunate that today this small piece of space and time will not be given to the people of the ACT to fix up the mess that Simon Corbell and Andrew Barr delivered before the last election. Ms Le Couteur and all the Greens members, all the members on this side and every person that I have spoken to—whether an owner, an occupier, a lawyer who prepares documents, or corporation manager—can tell you what is wrong with this legislation. Simon Corbell was not listening, and this was an opportunity today for the Greens and the Liberal Party to make Simon Corbell listen. Only the Liberal Party is prepared to stand up for the people of the ACT who live in owners corporations. It is a great day of shame for the rest of the Assembly.

Question put:

That the bill be agreed to in principle.

The Assembly voted—

Ayes 5

Mr Coe  
Mr Doszpot  
Mrs Dunne  
Mr Seselja  
Mr Smyth

Noes 10

Mr Barr  
Ms Bresnan  
Ms Burch  
Mr Corbell  
Ms Gallagher  
Ms Hunter  
Ms Le Couteur  
Ms Porter  
Mr Rattenbury  
Mr Stanhope

Question so resolved in the negative.

## Leave of absence

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

That leave of absence be granted to Mr Hargreaves (Minister for Disability and Housing) for this sitting due to ministerial business interstate.

## Adjournment

Motion by **Mr Corbell** proposed:

That the Assembly do now adjourn.

**Health—general practitioners**  
**Ms Mary Porter**

**MRS DUNNE** (Ginninderra) (5.33): Mr Speaker, the issue of GPs has been in the front of mind of most of the ACT Legislative Assembly in the course of the week. I was today reading the paper and reading accounts of what happened, and I was struck by some paragraphs in the paper. It says on page 3 of the *Canberra Times*:

Ginninderra Labor MLA Mary Porter also asked the Assembly yesterday to acknowledge that the “abrupt closure of the Kippax Family Practice has caused significant concern and disruption to staff and patients and the local community”.

Ms Porter called on the Government to “investigate possible legislative responses that could be pursued to ensure that patients are afforded an appropriate period of notice”.

I think that that is very interesting, because this is something that Ms Porter had on the notice paper. I went and checked because I thought maybe I had missed something. Lo and behold, here is a motion in exactly those terms which is still private members’ business notice No 6. Ms Porter did not move that yesterday.

**Ms Gallagher:** Because you wanted to go home; everyone wanted to go home.

**MRS DUNNE:** No, no; I was quite prepared to stay here. In fact, the Assembly adjourned at a quarter to seven last night, when people had spoken in the adjournment debate. Ms Porter could have moved this. Ms Porter could have moved this and spoken to this. If she had not moved it, she has obviously done what she has done in the past: she has put out a press release about something that she has not done.

Here she is, Ms Porter. We know that she embargoed the last one where she said that she enjoyed giving out prizes at an event that did not happen. But what did she do this time? She put it out. She put it out and said, “This is what I did today.” She did not have the decency to tell the reporter that she did not quite get around to it.

**Mr Coe:** Hawker shops again.

**MRS DUNNE:** It is like the Hawker shops. She has been out there saying that she has embargoed things to say that she has gone to events that did not happen. She then took pride of place in claiming that she had done something for Hawker shops when she did not. Now she is out there putting out press releases and telling journalists that she has done something which again she has not done. This woman has form on this.

We used to think that Mary was a nice person. We are waiting for her to cash in on the Nicholls shops. We are very concerned about this. This is why I am speaking on this today. Ms Porter has got herself a reputation. She has got herself form. She is Mary the Pretender Porter, the person who pretends to do stuff for the people of the ACT.

**Mr Hanson:** Good at forwarding. She's good at forwarding.

**MRS DUNNE:** Yes. She admitted yesterday that she had in fact pressed the forward button more than 1,300 times in the last term. She did accept that she was the person who pressed the forward button. What we have here today is more proof that Ms Porter is a very slack person when it comes to representing to the people of the ACT what she actually does. She is quite happy to say how hardworking she is and how many letters she has written, but what evidence do we have that she actually does anything about it?

The evidence that we have, the evidence of her achievements, is a press release about an event that did not happen. Dragon boats—how she gave out prizes at a dragon boating event that did not happen. We have press releases about how she saved the Hawker shops, when by her own admission she did not know what to do until I proposed a solution to this.

**Mr Coe:** She was a phantom at the dragon boats.

**MRS DUNNE:** Again yesterday she was out representing to journalists that she had done particular things. She did not say, "Look, this is something I am hoping to do in the course of the day." This is what we normally do: "We are putting this out. This is the motion we hope to get to, but I'll let you know whether we've run the motion or not."

It is very important to keep your relationships with the media on a good footing, Ms Porter. Your status now as Mary the Pretender—the pretender attender at things, the pretender doer—puts you in a very ugly position. You have been caught out three times. I beg you, Ms Porter, for the sake of your own reputation, not to try and cash in on the Nicholls shops. Don't try and cash in on the Nicholls shops, and in future be a little bit more careful when you embargo press releases.

## **Sailability**

### **Calvary Public Hospital**

### **Order of the Little Company of Mary**

**MR SESELJA** (Molonglo—Leader of the Opposition) (5.37): Madam Assistant speaker, on the weekend I had the opportunity to attend one of the events put on by Sailability. Sailability is a not-for-profit, volunteer based organisation which, through the activity of sailing, enriches the lives of people with any type of disability, the elderly and the financially and socially disadvantaged.

Sailability operates in numerous countries throughout the world, through activities at 350 local Sailability clubs. Under various names, Sailability operates in Australia, France, Greece, Great Britain, Hungary, India, Japan, Malaysia, Netherlands, New Zealand, Philippines, Portugal, Singapore, Timor Leste and USA, with new national Sailability organisations currently being established in all parts of the world.

Sailability was introduced to Australia in 1991. There are now over 50 groups around Australia in every state and territory. Sailability has its own clubhouse located on the

shores of Lake Tuggeranong. My wife and I had the opportunity to go and see them in action on Sunday afternoon. We also had a go at sailing. I have never sailed before; we did very well not to capsize in the end, and that was the great achievement. We were very pleased to be able to see the great work that Pat and the team do there at Tuggeranong. It is something that needs to be commended. It is a fantastic community organisation.

I understand that in May we will see the Special Olympics Invitational State Regatta held on Lake Tuggeranong, with special Olympic sailors from throughout Australia invited to participate. The event will showcase sailing in the ACT and will highlight the work of Sailability ACT. The regatta forms part of the invitational state games for special Olympic athletes hosted by Special Olympics ACT and will be used to provide experience for sailors as they train for the Special Olympics Summer Games to be held in Greece in 2011.

I would just like to again congratulate people for the wonderful work done by Sailability, particularly here in the ACT.

I would like to briefly mention that earlier this month, along with a number of Assembly colleagues, I was delighted to attend a service celebrating 30 years of the operation of Calvary Public Hospital and the services provided by the Sisters of the Little Company of Mary. I understand that a number of colleagues—Mr Smyth, Mrs Dunne, Mr Doszpot and Ms Burch—were also there. It was good to see the Assembly well represented.

The Order of the Little Company of Mary, founded by Mary Potter in 1877, is based on values as relevant today as they were over a hundred years ago: hospitality, healing, stewardship and respect. The service held in the Calvary hospital chapel, led by Archbishop Mark Coleridge, Archbishop of Canberra and Goulburn, was a celebration of work conducted over the past 30 years by Calvary staff and also a reconfirmation of Mary Potter's values.

Calvary hospital and the Sisters of the Little Company of Mary play a vital role in the health of ACT residents and residents from surrounding areas. Since the opening of the public hospital in 1979, we have seen an increased demand for a range of medical services, and Calvary Health Care has expanded to meet these changing needs. In addition to the public hospital, the services provided by Calvary Health Care now include a private hospital opened in 1987; Calvary clinic, opened in 1997; an older persons unit opened in 2007; and Clare Holland House, built on the shores of Lake Burley Griffin. With over 1,000 staff, Calvary Health Care and Calvary Public Hospital are an integral part of the ACT.

I would like to take the opportunity to thank the CEO of Calvary Health Care, Dr Deborah Cole, and her entire team for the continuing provision of health care for ACT residents and wish them all the best as they continue this for many years to come.

### **National Youth Week**

**MR COE** (Ginninderra) (5.41): Next week is National Youth Week. From 28 March to 5 April, there will be a series of activities celebrating youth. There will also be a



number of activities and young people coming together, sharing ideas and raising issues that are of concern.

It is therefore timely and appropriate in the lead-up to this celebration of youth that I put on the record my congratulations to one of Australia's oldest and largest youth organisations, the Young Liberal Movement of Australia. Young Liberals have a proud history of significant contribution to the Liberal Party. The genesis was within the Young Nationalists organisation, which was formed about 1929 and had as its first president Robert Gordon Menzies, who was later to become the longest serving prime minister of Australia.

In 1944, during the formation of the Liberal Party, the Young Nationalists played a significant role. In December 1945, the Young Liberals were formed. In the ACT, our local Young Liberals were formed in November 1962. During 1963, the now active ACT Young Liberals helped form the ANU Liberal Club, another body for youth in the ACT that represented and advocated for youth issues on campus.

The Young Liberals are not ashamed to stand up for the values of mainstream Australian youth. The youth of Australia do believe in individual freedom, in stable and democratic government, in economic freedom, in individual responsibility and in social and family values. These are the beliefs of the Young Liberal Movement. Through the Young Liberal Movement, the youth of Australia have a voice in Australia's most successful post World War II political party.

At this time of Youth Week, it is worth recapping the record of Labor governments as it relates to youth. After around a year and a half in government, what has the Rudd government achieved for the youth of Australia?

A new compulsory fee at universities. I have already spoken in this place on this issue; I will simply add that, at a time of financial and economic turmoil, the single thing the Rudd government can give students is a new tax.

Where has the ACT government's Minister for Children and Young People been on this issue? Has he been out defending the students of Canberra against the Rudd government's proposal? No. I certainly have not heard him come in here and praise the policy either. He must be sorely embarrassed that his own party is imposing an unfair tax on young people while he is supposed to be supporting and defending those very same young people.

I am pleased that the federal coalition will vote against this unfair imposition. The Young Liberals, along with the Australian Liberal Students Federation, have campaigned against the reintroduction of this Labor tax on youth.

Of course, many Australian young people are not students. Seventy per cent of young people are not students. In the past, governments have made the mistake of treating those in trades as second-rate citizens. I am very proud that the Howard government reversed this trend and sought to restore the trades. The initiatives implemented by the Howard government include Australian technical colleges, so that by the time you finish school you can be well on the way—

*Members interjecting—*

**MADAM ASSISTANT SPEAKER** (Ms Le Couteur): Members, please!

*Members interjecting—*

**MADAM ASSISTANT SPEAKER:** Clerks, please stop the clock. I cannot even hear Mr Coe. He has the floor. Please—

**Mr Corbell:** That's the idea, Madam Assistant Speaker.

**MADAM ASSISTANT SPEAKER:** Mr Coe has the floor. Please let him speak.

**MR COE:** Australian technical colleges so that by the time you finish school you can be well on the way to a career in the trades. And there are tax-free wage top-ups; apprenticeship training vouchers, reimbursements of course fees; and \$800 for tool kits.

What is Labor's record on this demographic? Failed land affordability policy, for a start. Instead of reducing taxes and releasing land in an orderly manner, the Stanhope Labor government has not one, not two but three failed land affordability schemes that are leaving young Canberrans hanging out to dry. At the last election, we took as a policy the abolition of stamp duty for first home buyers on properties under \$500,000. The Labor Party would do well to copy this policy.

The difference could not be more stark. We have the Labor Party that has escalated the cost of land out of the reach of young Canberrans and the Liberal Party that has offered real alternatives to reduce the cost of housing for young Canberrans.

The Liberal party is the party of youth because the Young Liberal Movement is one of Australia's oldest, largest and most effective youth organisations and has at its core a set of beliefs that are in line with those of mainstream youth throughout Australia.

**Mrs Vicki Dunne**

**MS PORTER** (Ginninderra) (5.46): I would like to thank Mrs Dunne for her gratuitous advice about the media release that I did not release. Thanks for telling me how to suck eggs. I actually followed the procedure—the exact procedure—that she advised, notifying that something might come on in the afternoon and, of course, asking the person to keep a watching brief—and that I would notify them later about what would happen. And, of course, the journalist—

**Mr Seselja:** So it was the journalist who got it wrong, was it?

**MS PORTER:** That is on the public record. The fault was on the public record and she wrote what was on the public record.

I would like to continue, though, on something that happened on 16 September last year at about 7.15 in the morning. It was a statement that was made on radio 2CC:

“There is no doubt about it, Mary does get out there in the community, probably more than any other Member of the Legislative Assembly ever, and that’s a testament to her.” Given that that statement was made one month out from the last election—

**Mr Coe:** So you keep telling us. So you keep telling us. Perhaps if you put more time into doing motions and less time telling us how hard you work, you might get more done.

**MADAM ASSISTANT SPEAKER:** Members! Mr Coe!

**MS PORTER:** Given that statement was made one month out from the last election, you will probably think it was made by a member of my campaign team.

*Members interjecting—*

**MADAM ASSISTANT SPEAKER:** Please stop the clock, Clerk. Restart.

**MS PORTER:** Given the timing of the statement, you would at least think that it came from a member of the Labor Party. But no; these words of high praise in fact came from my fellow member of Ginninderra Mrs Vicki Dunne. Contrast this if you will with what I heard yesterday. I heard her say that I turned up every now and again from my mobile office, I would stand there for a little while and then I would leave. I have been conducting my mobile offices since September 2004 and I have now done in excess of 300 of them on Friday nights and weekends, at several shopping centres across my electorate.

I even recall seeing at Nicholls shops one afternoon that Mrs Dunne was there. It was during the election campaign. I also saw Mrs Dunne a couple of times at the Belconnen markets. That was during the election campaign. I remember those occasions distinctly, as many people came up to say to me, “Isn’t it funny that when there is an election all those other politicians suddenly come out of the woodwork. Yet you are there day after day. Why do you think that is, Mary?”

For the record, Madam Assistant Speaker, it may be instructive for the Assembly to look at the number of matters that Liberal members in the last Assembly took up on behalf of their constituents. Mr Seselja made 115 representations, closely followed by his deputy, Mr Smyth, with 118, and then Mrs Dunne, with 135. Based on those numbers, Mrs Dunne averaged less than three constituency matters per month during the whole term of the last Assembly.

Three days after I was sworn in again as a member of this place, I was out there again doing my mobile offices. I shall continue to do them for as long as I am a member for Ginninderra, despite the derision they attract from those opposite. It is a very sad reflection on those opposite to hear them deride another member for representing their constituents. I just wonder what they do with concerns that are brought to them. I do not know what those opposite are doing with their constituency matters. I believe that one’s role is to represent the people of Ginninderra.

Talking about numbers, for the record, perhaps we should also look at the record of votes that Mrs Dunne received in 2008. It was 4,237. Compare this, if you will, to the

5,886 votes polled by Mr Coe. Anyone who knows anything about the Hare-Clark system will tell you that the biggest single advantage that candidates have is incumbency, yet Mrs Dunne, a member of this place for seven whole years, was beaten comprehensively by a person who was not even a candidate until six weeks before the election. How embarrassing for her.

I ask Mrs Dunne which one of her statements that she made yesterday is true. Is it that I turn up to shopping centres with my mobile office and stand around for a little while and then I leave or is it that I am the hardest working MLA the Assembly has ever seen? Perhaps the fact that yesterday's comments were made under parliamentary privilege, whereas the statement in September attracted no such protection, would give us a clue as to her real opinion.

And also her disregard for constituents—Mrs Dunne, those letters that I write continually on behalf my constituents get results. They do not end up in the dead-letter office. What do you do with issues that constituents bring to you? Do you not refer them to ministers for their attention? Or have you got a dead-letter office in your office?

Question resolved in the affirmative.

**The Assembly adjourned at 5.51 pm until Tuesday, 31 March 2009, at 10 am.**



## Answers to questions

### **Bimberi Youth Justice Centre (Question No 25) (Revised answer)**

**Mr Coe** asked the Minister for Children and Young People, upon notice, on 11 December 2008:

- (1) When was the Minister first aware of issues regarding the commissioning in relation to security and other infrastructure systems and staff training at the Bimberi Youth Centre.
- (2) What were the issues and when does the Minister expect them to be resolved.

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

- (1) The then Minister for Children and Young People, was first advised in June 2008 that a commissioning plan was being developed to guide the testing and completion of all outstanding work for the completion of the capital works. The Minister was advised that the official opening would be early September 2008.

The Minister was further advised in August 2008, that the complex would be officially opened on the 3 September 2008 with operations transitioned by October and decommissioning of Quamby Youth Detention Centre by December 2008. The Minister was advised that a Certificate of Occupancy and Use had been issued and a period of physical and electronic commissioning had commenced.

In late October 2008, the Minister was advised of problems in the high level interface between the elements of the security system, some details of the nature of the problems and the process that had been put in place to work through these problems. The Minister was advised on the implications of these problems and that the anticipated transitioning of young people out of Quamby would commence in early to mid December 2008.

- (2) The commissioning process and training of staff has occurred and all young people moved into the new facility by 23 December 2008.

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### **Education—enrolments (Question No 28)**

**Mrs Dunne** asked the Minister for Education and Training, upon notice, on 10 February 2009:

In relation to the 2009 school year, extracted from the ACT public school census data for February 2009 when the data is available, how many students are enrolled for each (a) preschool, (b) kindergarten, (c) year 1 and (d) year 2 years by each government (i) pre-school or (ii) school in the ACT.

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

- (1) The census will be conducted on Wednesday 18 February 2009 and the School Census publication will be made available through the Department's website. The publication will include enrolment numbers for each year level by school.
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### **Environment—weed control (Question No 31)**

**Mrs Dunne** asked the Minister for the Environment, Climate Change and Water, upon notice, on 10 February 2009 (*redirected to the Minister for Territory and Municipal Services*):

- (1) Does the Government have a documented weed control program; if so, can the Minister provide a copy.
- (2) What weeds does this control program target.
- (3) Is the program running according to schedule; if not, why not.
- (4) How many public complaints about weeds were made to the Government in the years 2006-07 and 2007-08 and can the Minister list them by type of complaint.
- (5) How many of each type of complaint listed in part (4) were resolved and over what time period.
- (6) What arrangements does the Government have with the NSW Government and surrounding shire councils for co-operative weed control programs in the ACT/NSW border areas.
- (7) Are those co-operative weed control programs outlined in part (6) running according to schedule; if not, why not.
- (8) Does the Government have public education programs that discourage residents from planting noxious weeds in gardens; if not, why not.
- (9) How effective are those programs outlined in part (8).
- (10) Does the Government have education programs that discourage nurseries and other gardening retailers from selling noxious weeds; if not, why not.
- (11) How effective are those programs outlined in part (10).

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

1. Yes there is an overarching weed control program based on the ACT Weeds Strategy. A detailed implementation program based on this program is developed annually. A copy is provided at **Attachment A**.

The highest priority is given to the most invasive weeds, weed control that protects high conservation value areas and follow-up weed control.

2. The 2008-09 program targets a range of highly invasive environmental weeds, such as serrated tussock, Chilean needlegrass, blackberry, African lovegrass, St John's wort, willows and new weed incursions.
3. Yes
4. Four written letters were received in 2006/07 and eighteen in 2007/08. The total number of written representations about environmental weeds is 22. Approximately 20 telephone inquiries are received by the Department each week, including both land holders seeking general and technical advice as well as complaints about weeds. I am unable to provide a detailed breakdown by type of complaint.
5. Complaints were resolved according to the level of priority assigned to the weed species. Highly invasive weeds were controlled in accordance with the program. Complainants regarding low priority weeds would have been advised of the ACT's strategic approach.
6. There are cooperative programs with neighbouring NSW authorities. The ACT is a member of the NSW/ACT Serrated Tussock Working Group, the Southern Tablelands and South Coast Region Noxious Plants Committee and the Australian Alps Natural Resource Management Reference Group.
7. The priority weed control program is running according to schedule. Regular liaison is maintained with neighbouring authorities.
8. Yes. The programs are:
  - a) **Grow Me Instead** - a Weedbusters garden display at Floriade held annually. The garden display aims to increase awareness of the potentially adverse environmental impacts associated with common garden plants escaping into bushland areas.
  - b) **Weed Swap** - a joint initiative of the Australian Native Plants Society and the ACT Government held in Spring and Autumn to encourage ACT residents to remove potentially invasive plants from their gardens, safely dispose of them and then select a free Australian native plant as an appropriate alternative.
  - c) **Alligator Weed Awareness** - this program disseminates information (brochures, workshops, television advertisements and press releases) about the adverse impacts, how to recognise alligator weed and how to report suspected infestations. There is close cooperation with the Sri Lankan community (some members of which have historically grown this plant as a vegetable) to eradicate the weed from backyards.
9. A formal survey to gauge the effectiveness of education programs has not been undertaken. However, PCL does receive positive feedback from some Floriade visitors about the removal of pest plants from their gardens after they have visited the Weedbusters display. Weed Swap appears to be very successful with many Canberra householders removing environmental weeds during Weed Swap weekends.

In relation to the Alligator Weed awareness initiatives, the three workshops run with the Sri Lankan community last year attracted a large number of participants (over 70 people from the Sri-Lankan community). This high level of interest was a measure of the success of the awareness campaign.



10. Yes. The Bush Friendly Nursery Scheme - the ACT Government has continued the 'Bush Friendly Nursery Scheme' which was introduced in 1998 to prevent the further spread of known environmental weeds and reduce the likelihood of introducing other garden plants with the potential to escape from gardens and going bush. All ACT nurseries have voluntarily agreed not to sell the range of potential garden escapes featured in the 'Are Your Garden Plants Going Bush' pamphlet.
11. Inspections of nurseries are conducted by PCL staff during Spring and Autumn to ensure compliance with current pest plant legislation. No declared pest plants have been found during the nursery visits.

(A copy of the attachment is available at the Chamber Support Office).

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### **Schools—enrolments (Question No 32)**

**Mrs Dunne** asked the Minister for Education and Training, upon notice, on 10 February 2009:

Further to the reply to question on notice No 1 has data for a number of pre-schools or schools had been omitted from the table, specifically but not necessary exhaustively, Tharwa and Hall pre-schools; if so, will the Minister provide in relation to the 2009 school year for Tharwa and Hall pre-schools and any other government pre-schools or schools omitted from Table 1, the number of (a) enrolments the Department has received and (b) placement offers made, for (i) pre-school, (ii) kindergarten, (iii) year 1 and (iv) year 2 years.

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

No data for any public school was excluded from the table provided in the response to question on notice No 1. From 2008, all public preschools were administered by a public primary school, and as such, the school recorded in the Department's student administration system is the primary school responsible for administration of the relevant preschool site. With regard to your specific example, the data for the preschool site at Hall is included in the data for Gold Creek School and the data for the preschool site at Tharwa is included in the data for Charles Condor Primary. The February 2009 census was conducted on 18 February 2009 and the results will be published on the Department's website when available.

The Department does not collect data on placement offers.

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### **Land—leases (Question No 34)**

**Ms Le Couteur** asked the Minister for Planning, upon notice, on 10 February 2009:

- (1) What is the process within the ACT Planning and Land Authority for determining whether a lease should be a concessional lease under part 9.4 of the *Planning and Development Act 2007*.

- (2) Is there a committee or individual who has ultimate decision-making authority.
- (3) If there is a committee who has ultimate decision-making authority, is there any community representation on it.

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

- (1) A concessional lease is defined at Section 235 of the *Planning and Development Act 2007* (Act) and means a lease which was granted for an amount less than full market value or full market rent.

In order to determine the concessional status of a lease, it is necessary to fully research the original grant of the lease. Information of particular interest is the terms and conditions of the original grant such as, but not limited to, the Act the lease was granted under and the percentage rent payable, if the lease was granted prior to 1971. Such information is available on the Territory Lease files. It is also necessary to determine whether the land rent was paid out if the lease was granted prior to 1 January 1971 under the *Leases (Special Purposes) Act, 1925* given all leases granted prior to this date were rental leases.

- (2) The decision as to whether a Crown lease is a concessional lease is made by an experienced senior leasing officer of the ACT Planning & Land Authority in accordance with its statutory responsibility under the Act. Whilst the initial research is undertaken by a leasing officer, the documentation and recommended decision are reviewed by more senior, and more experienced officers with the delegated authority to make such a decision. This is a reviewable decision under schedule 1 (Item 19) of the Act and may be appealed to the ACT Administrative and Civil Appeals Tribunal.
- (3) Committees and/or community representatives are not involved in statutory decision making.

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### **Education—funding (Question No 35)**

**Mr Doszpot** asked the Minister for Education and Training, upon notice, on 10 February 2009:

What is the total funding provided by the ACT Government to the Strategic Priorities Program for the period 30 June 2007 to 30 June 2008 and what proportion of that funding was allocated to (a) public registered training organisations (RTOs), (b) public schools, (c) private RTOs and (d) non-government schools.

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

For the period 30 June 2007 to 30 June 2008 a total of \$2 701 804 was provided by the ACT Government for the Strategic Priorities Program. The program funds RTOs for nationally accredited training programs in priority industry areas for participants from priority groups in the ACT.

- (a) 2.4% was allocated to public registered training organisations
- (b) 0% was allocated to public schools
- (c) 97.6% was allocated to private registered training organisations.
- (d) 0% was allocated to non-government schools

**Education—funding  
(Question No 36)**

**Mr Doszpot** asked the Minister for Education and Training, upon notice, on 10 February 2009:

In relation to territory based post compulsory education and training, what is the total funding provided by the ACT Government to the user choice scheme, for the period 30 June 2007 to 30 June 2008 and what proportion of that funding was allocated to (a) public registered training organisations (RTOs), (b) public schools, (c) private RTOs and (d) non-government schools.

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

For the period 30 June 2007 to 30 June 2008 a total of \$12 223 377 was provided by the ACT Government to the user choice scheme.

- (a) 54% was allocated to public registered training organisations
- (b) less than 1% was allocated to public schools
- (c) 45% was allocated to private registered training organisations
- (d) less than 1% was allocated to non-government schools.

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**Education—private registered training organisations  
(Question No 37)**

**Mr Doszpot** asked the Minister for Education and Training, upon notice, on 10 February 2009:

What proportion of total registered vocational education and training was delivered by private registered training organisations in the ACT for the period 30 June 2007 until 30 June 2008.

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

Data is not available for the 2007-08 financial year. Total government supported vocational education and training activity is reported annually on a calendar year basis. The 2008 calendar year data is still being processed. Data for the 2007 calendar year shows that, based on the total hours delivered in the ACT, 24% of total registered vocational education and training, supported by government funding, was delivered by private registered training organisations.

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**Education—school counsellors and psychologists  
(Question No 38)**

**Mr Doszpot** asked the Minister for Education and Training, upon notice, on 10 February 2009:

- (1) In relation to school counsellors and psychologists employed by the department, how many full-time equivalent (a) school counsellors and (b) psychologists were employed by the department on the first day of each month in 2008.

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

(1 a-b) It has been the practice in ACT government schools for School Counsellors to be qualified both as a psychologist and a teacher. In 2008 most school counsellors were qualified both as a psychologist and a teacher, two were qualified as teachers and were working toward psychologist qualifications and two were only qualified as psychologists. The table below shows the number of fulltime equivalent school counsellors in 2008 who were registered psychologists.

	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
No of FTE School Counsellor with teacher and psychologist qualifications	31.6	31.6	32.6	32.6	32.6	33.6	31.6	31.6	30.6	30.6	30.6
No of FTE School Counsellors with psychologist qualifications only	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
No of FTE School Counsellors with Teacher qualifications and working toward Psychologist Qualifications	2.0	2.0	2.0	2.0	2.0	2.0	1.0	1.0	1.0	1.0	1.0

### **Albert Hall (Question No 39)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 11 February 2009 (*redirected to the Chief Minister*):

- (1) Has any work commenced on developing a Plan of Management for the Albert Hall.
- (2) Have any reference group meetings been scheduled; if not, when are the meetings scheduled to begin.
- (3) What actions have been taken to enable the Canberra community's involvement in the consultation process to produce the Plan of Management for the Albert Hall.

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

- (1) Work has commenced on development of the terms of reference for the Albert Hall Plan of Management consultancy study.
- (2) It is expected that the Agency reference group will meet to formally agree the terms of reference for the study within the next two weeks.

- (3) Development of a Plan of Management is a statutory process under the *Land and Planning Act 2008*. The Act requires that the draft Plan of Management has to be made available for public inspection for a period of not less than 15 working days. Two further measures are being undertaken to ensure full public consultation:
- Membership of the reference group will be expanded to include representatives from the community sector; and
  - The terms of reference for the consultancy will specify extensive public consultation as part of the process of development of the draft Plan of Management.

### **Social welfare—utility concessions (Question No 40)**

**Ms Hunter** asked the Minister for Community Services, upon notice, on 11 February 2009:

- (1) What is the status of the interdepartmental committee (IDC) mentioned on page 4 of the *Review of ACT Government Concessions – ACT Government Response*.
- (2) What is the status of the one stop shop for information on ACT Government concessions.
- (3) What ACT Government concessions are currently available for utilities.
- (4) If no ACT Government concessions are currently available for utilities, will the Government be reviewing concessions for utilities.
- (5) What concessions are available to refugees, people on temporary resident visas and people whose primary income is provided by Centrelink, including those receiving ABSTUDY.

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

- (1) The interdepartmental committee (IDC) on ACT Government Concessions was formed early in 2008 and is progressing the Government's agreed position on the Review.
- (2) The one stop shop for information on ACT Government concessions includes online information.

The ACT Government intends to use the same software used by the South Australian Government in a Concessions portal. It is anticipated that the online resource will be published under [www.concessions.act.gov.au](http://www.concessions.act.gov.au) and will be completed in two stages. The initial stage will be the operation of the portal in March 2009, and the second stage will be the incorporation of the postal software and concessions finder.

- (3) The ACT Government provides concessions for energy, water and sewerage. The web address is <http://www.dhcs.act.gov.au/wac/concessions>.
- (4) The ACT Government currently provides concessions for utilities.

- (5) Refugees or asylum seekers can access concessions on water, spectacles, taxi and life support (Rebate on electricity account for electrically-operated life support equipment as prescribed by an ACT medical practitioner)

People on a temporary resident visa can access available concessions if they hold a Centrelink pensioner concession card or a Centrelink Healthcare Card.

People on a Centrelink pension can access concessions for water, energy, sewerage, life support, general rates, transport, motor vehicle, drivers licence and spectacles and the taxi subsidy. People on a Centrelink Healthcare card can access concessions on energy, water, life support, transport, motor vehicle, drivers licence and spectacles and the taxi subsidy.

People receiving ABSTUDY are eligible for student fares on ACTION buses, life support rebate and the taxi subsidy scheme.

### **Education—languages (Question No 42)**

**Ms Hunter** asked the Minister for Education and Training, upon notice, on 11 February 2009:

- (1) Has the ACT Government received the \$250 000 from the Commonwealth for the School Languages Program.
- (2) How will the ACT Government be allocating this money to schools.
- (3) What guidelines are there for the use of this money.

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

- (1) Funding arrangements for Commonwealth Government programs have changed and the School Languages Program funding as such does not exist any more. It has been rolled into the general National Education Agreement funding and at this stage the amount of funding for languages has not changed. This funding is for public schools only.
- (2) Funding is used to provide a Languages Curriculum Executive Officer who supports ACT public schools in the implementation of languages programs. Ninety thousand dollars or 32% is provided to the ACT Ethnic Schools Association to support community language programs for students who attend both public and non-government schools. Sixty thousand dollars is used for grants to ACT public schools and the balance is distributed to individual language networks to run language-specific, professional learning workshops. There are eight languages currently taught in ACT public schools: French, German, Italian, Spanish, Chinese, Indonesian, Japanese and Korean.
- (3) There are six strands in the *National Statement and Plan for Languages Education in Australian Schools*. As agreed to by the Ministerial Council for Education, Employment, Training and Youth Affairs, expenditure of funds has been required to be reported on against the strands, which are:

- Teaching and Learning
  - Teacher Supply and Retention
  - Professional Learning
  - Program Development
  - Quality Assurance
  - Advocacy and Promotion of Language Learning.
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### **Children—playgrounds (Question No 43)**

**Ms Hunter** asked the Minister for Territory and Municipal Services, upon notice, on 11 February 2009:

- (1) What is the status of the review into the ACT Playgrounds, which held community consultation on Tuesday, 14 October 2008, to make them more accessible and inclusive to children of all abilities.
- (2) Will the feedback and/or report of this review be publicly available.

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

- (1) The ACT Government manages over 450 playgrounds throughout the ACT. Whilst all of these conform to the relevant standards in force at the time of their construction, the Playground Safety Program, a progressive upgrade program, renews playgrounds to meet current Australian and ACT Standards for playgrounds.

An essential element in the provision of public play spaces is that play is accessible and inclusive to all children and their carers.

Since 2004, the design of play spaces has changed to align with contemporary approaches to play. This approach provides play on a range of levels including social, emotional, mental and physical, to children with a broad range of physical and mental abilities.

In December 2007, in conjunction with the Human Rights Commission, the ACT Government undertook initial community consultation on accessible and inclusive public play spaces in the ACT. The consultation, facilitated by the Disability and Community Services and Children and Young People's Commissioner, provided valuable background information and community opinion.

In August 2008 the ACT Government commissioned the provision of further information about improvements that could be undertaken to make ACT play spaces more accessible and inclusive and to provide a Strategic Plan to enable implementation of the improvements.

In October 2008 further community consultation was undertaken with individuals and peak interest groups. A review of ACT play spaces was also undertaken. The information gathered from these consultations and play space review has informed the Draft "Accessible and Inclusive Playgrounds in the ACT" Strategy.

- (2) ACT Government and community review of the draft strategy is currently underway, having commenced on 21 February 2009. To enable broad community comment the

draft Strategy has been placed on the Territory and Municipal Services (TAMS) website, in Canberra Connect shopfronts and in public libraries as well as advertisements in the Canberra Times and The Chronicle.

A summary and key findings from the review will be available on the TAMS website following the public review.

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## **Human rights (Question No 44)**

**Ms Bresnan** asked the Attorney-General, upon notice, on 11 February 2009:

What actions will the ACT Government be undertaking to encourage Canberrans to participate in the national human rights consultation.

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

The Commonwealth Attorney-General's Department has responsibility for organising and conducting the national human rights consultation as it is a Commonwealth Government initiative.

Under the *Human Rights Commission Act 2005*, the ACT Human Rights Commissioner is responsible for promoting community discussion on human rights issues. The Commissioner has been a strong advocate of the national human rights consultation, and frequently raises awareness of the consultation at public events.

The ACT Human Rights Commissioner recently attended the Queanbeyan consultation session on 11 February 2009 where she met individually with members of the National Human Rights Consultation Committee.

In addition, the ACT Government has consistently argued that there is a need for protection of human rights in Commonwealth legislation. Both the Chief Minister and myself regularly promote the national human rights consultation and encourage participation in that process at public speaking events.

The ACT Government will be making a formal submission to the National Human Rights Consultation Committee advocating for the enactment of Commonwealth legislation similar to the *Human Rights Act 2004* (ACT). The submission will draw on the ACT's experience as the first Australian jurisdiction to provide explicit legislative protection of the rights contained in the *International Covenant on Civil and Political Rights*.

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## **Public service—travel (Question No 45)**

**Ms Seselja** asked the Chief Minister, upon notice, on 12 February 2009:

- (1) How much did the Chief Minister's Department (CMD) spend on travel, including itemised amounts for airfares, accommodation and travel allowance for the (a) 2007-08 financial year and (b) 2008-09 financial year to 31 December 2008.
- (2) What proportion of the travel was domestic as opposed to international.



- (3) Did any officers from CMD undertake international travel during the periods listed in part (1); if so, what was the purpose of the trip and how much did each trip cost.
- (4) What proportion of airfares were for business or first class travel as opposed to economy.
- (5) What proportion of trips were on Qantas as opposed to Virgin Blue and other airlines.
- (6) Does the CMD have a scheme where frequent flyer points accrued on departmental travel are used to help meet the costs of future travel; if so, what is the level of participation.

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

(1)

	2007 – 08 Approx. expenditure	July – December 2008 Approx. expenditure
Airfares	\$193,800	\$102,000
Accommodation	\$24,300	\$26,900
Other travel expenses *	\$13,200	\$6,900

\* Note: This amount includes the reimbursement of reasonable travel expenses as per the ACTPS Travel Policy, including items such as meals, parking and taxi/cabcharge.

- (2) 95.4% Domestic  
4.6% International

(3) Yes.

South Africa Two officers	Live in Canberra and Skilled and Business Migration Campaigns	\$6,100
Europe Two officers	Live in Canberra and Skilled and Business Migration Campaigns	\$10,900
China One officer	Beijing Torch Relay Test Event	\$2,200
East Timor Two officers	Timor-este Development Partners' Meeting	\$1,900
Europe Two officers	Live in Canberra and Skilled and Business Migration Campaigns	\$10,500
New Zealand One officer	National Occupational Health and Safety Injury Management Working Group	\$1,800
South Africa Three officers	Live in Canberra and Skilled and Business Migration Campaigns	\$11,200
Canada One officer	Canberra 100 planning	\$3,800

Europe Two officers	Live in Canberra and Skilled and Business Migration Campaigns	\$6,400
New Zealand One officer	Small Business Ministerial Council Senior Officers' Meeting	\$1,900
USA/Canada Two officers	Trade Mission	\$41,800

(4) 98.8% Economy  
1.2% Business

(5) 68.4% Qantas  
31.6% Other

(6) The Department does not pay for staff to belong to a frequent flyer program. If an officer privately pays for membership of a frequent flyer program, it is expected that they will use frequent flyer points accrued from departmental travel for future official travel.

### **Public service—travel (Question No 47)**

**Mr Seselja** asked the Minister for Planning, upon notice, on 12 February 2009:

- (1) How much did the ACT Planning and Land Authority (ACTPLA) spend on travel including itemised amounts for airfares, accommodation and travel allowance for the (a) 2007-08 financial year and (b) 2008-09 financial year to 31 December 2008.
- (2) What proportion of travel was domestic as opposed to international.
- (3) Did any officers from ACTPLA undertake international travel during the periods listed in part (1); if so, what was the purpose of the trip and how much did each trip cost.
- (4) What proportion of airfares were for business or first class travel as opposed to economy.
- (5) What proportion of trips were on Qantas as opposed to Virgin Blue and other airlines.
- (6) Does ACTPLA have a scheme where frequent flyer points accrued on departmental travel are used to help meet the costs of future travel; if so, what is the level of participation.

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

- (1) ACTPLA expended the following amounts on travel during the periods defined:

	<b>2007-08</b>	<b>2008-09</b> <i>(to 31 December 2008)</i>
	\$	\$
Airfares	60,667	34,480
Accommodation	27,229	11,385
Travel Allowances (payments for meals and other incidental costs)	7,660	5,368

- (2) The proportion of domestic as opposed to international travel during the defined periods was:

	<b>2007-08</b>	<b>2008-09</b> <i>(to 31 December 2008)</i>
Domestic	96%	100%
International	4%	0%

- (3) Three officers undertook international travel during the defined period as follows:

<b>Purpose (2007-08 only)</b>	<b>Cost</b>
National Plumbing Regulators Forum (two officers)	\$4,608
Intergovernmental Committee on Surveying and Mapping, and 9 <sup>th</sup> South East Asian Survey Conference (one officer)	\$2,529

- (4) The proportion of airfares by business or first class travel\* as opposed to economy during the defined period was:

	<b>2007-08</b>	<b>2008-09</b> <i>(to 31 December 2008)</i>
Economy	97%	96%
Business Class	3%	4%

\* For the purpose of this question, "travel" has been defined as individual flights, rather than whole journeys.

- (5) The proportion of trips\* on Qantas as opposed to Virgin Blue and other airlines was:

	<b>2007-08</b>	<b>2008-09</b> <i>(to 31 December 2008)</i>
Qantas	89%	78%
Virgin Blue	10%	21%
Jetstar	1%	1%

\* For the purpose of this question, "trips" have been defined as individual flights, rather than whole journeys

- (6) Yes. ACTPLA's *Chief Executive Financial Instructions* place an obligation on travellers to ensure that Frequent Flyer Points accrued as a result of travel or accommodation paid for by the ACTPS are redeemed for official travel. With one exception no individual traveller during the period had accrued sufficient Points to enable redemption for official travel. The exception was an officer for whom no suitable flight was available through the Frequent Flyer redemption scheme.

## Planning—Amaroo (Question No 48)

**Mr Seselja** asked the Minister for Planning, upon notice, on 12 February 2009:

- (1) What is the intended purpose of 13 Section 68 Amaroo, Block 1 Section 98 Amaroo, Block 1 and 2 Section 106.
- (2) Was there a requirement for children's play equipment for the blocks.
- (3) When was such play equipment supposed to have been constructed.
- (4) If there was no requirement for children's play equipment, are there any plans to have children's play equipment constructed on either Block 13 Section 68 or Block 1 Section 98 Amaroo;
- (5) What is the intended purpose of Block 2 Section 106 Amaroo;
- (6) Is the block listed in part (5) intended to be developed (a) as a community facility, (b) as local shops and (c) to house a child care facility;
- (7) What is the current state of Government involvement in the resolution of the long term use of Block 1 Section 106 Amaroo and are there any moves being made to have the semi developed facility completed or turned into another facility.

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

- (1) The land use zones for the sites are:

Amaroo	Section	Block	Intended Purpose
	68	13	Urban open space
	98	1	Urban open space
	106	1	Commercial - Service station
	106	2	Commercial - Group Centre

- (2) There was no requirement in the Deed of Agreement for Amaroo 4 for children's play equipment on Section 68 Block 13 or Section 98 Block 1. There may be a requirement for a playground in the Group Centre but the site is yet to be released.
- (3) Not applicable –see response to (2) above.
- (4) There are not plans at this time and any proposals to construct future playgrounds on 13/68 or 1/98 would be a matter for consideration by the Government.
- (5) &
- (6) The land is the site of the Amaroo Group Centre, a centre catering primarily for the weekly shopping, community and business needs of residents in the surrounding suburbs of Amaroo, Bonner, Forde and Jacka. Community uses including child care are uses could be developed on the site. The Block is identified for release in 2010-11 in the Government's Indicative Commercial Land Release program.
- (7) The ACT Planning and Land Authority is continuing to work with the lessee in relation to the occupation of Block 1 Section 106 Amaroo. Working with the lessee

and their representatives remains the most effective way of ensuring the occupation and use of the site is secured. The development has been completed with a certificate of occupancy and use being issued. It is anticipated that occupation of the site, as a service station, will occur in the near future.

**Actew China—losses  
(Question No 49)**

**Ms Hunter** asked the Treasurer, upon notice, on 12 February 2009:

- (1) How much money has ACTEW China lost for the ACT.
- (2) When is it expected that the voluntary liquidation or deregulation will be complete.

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

- (1) By way of background, approval for the establishment of ACTEW China Pty Limited (ACPL) was given in October 1997 by the then Voting Shareholders of ACTEW Corporation Limited (ACTEW), Mrs Kate Carnell MLA and Mr Trevor Kaine MLA. ACPL is a wholly owned subsidiary of ACTEW. The date of commencement of registration of the company was 31 October 1997. The objects of the company are to:
  - (a) establish a joint venture in The People's Republic of China to engage in research, development, manufacturing and sales of flow meters and other environmental protection products, and to engage in sales and commission agent activities relating to other electronic, mechanical and meter products;
  - (b) pursue other opportunities in The People's Republic of China as they arise from time to time; and
  - (c) undertake any other related business or activity which may be undertaken by a natural person.

The Company has been inactive since 2001-02. As at 30 June 2008 accumulated losses to ACTEW total \$379,405.

- (2) An application for voluntary deregistration was lodged with the Australian Securities and Investments Commission (ASIC) on 3 February 2009. ASIC advised on 10 February 2009 that the application had been approved. ASIC will publish a notice of the proposed deregistration in the Australian Government Gazette and may deregister the company two months after publication of the notice.

**ActewAGL—executive remuneration  
(Question No 50)**

**Ms Hunter** asked the Treasurer, upon notice, on 12 February 2009:

What is the breakdown of how the \$3.87 million, mentioned on page 35 of the joint venture report within the ACTEW annual report, is distributed between board members and key members of the executive team.

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

The breakdown is 5% for board members and 95% for ActewAGL executives.

Information on board and executive remuneration is reported in the ActewAGL Special Purpose Financial Report in accordance and compliance with the Australian Equivalents to International Financial Reporting Standards.

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### **Schools—enrolments (Question No 52)**

**Ms Hunter** asked the Minister for Education and Training, upon notice, on 12 February 2009:

- (1) What were the year 7 enrolment numbers at the commencement of the first school term in (a) 2008 and (b) 2009 for (i) Belconnen, (ii) Canberra (iii) Melba and (iv) Kaleen High Schools.
- (2) What number of year 7 students enrolled were residents of the Belconnen area at the commencement of the first school term in (a) 2008 and (b) 2009 for (i) Belconnen, (ii) Canberra (iii) Melba and (iv) Kaleen High Schools.
- (3) What were the year 7 enrolment numbers at the commencement of the first school term in (a) 2008 and (b) 2009 for (i) St Francis Xavier College, (ii) Radford College, (iii) Brindabella Christian College, (iv) Burgmann Anglican School, (v) Canberra Girls Grammar, (vi) Canberra Grammar, (vii) Marist College, (viii) St Edmund's College, (ix) Covenant College, (x) Daramalan College, (xi) Emmaus Christian School, (xii) Mackillop College, (xiii) Merici College, (xiv) Orana School for Rudolf Steiner Education, (xv) St Clare's College, (xvi) Trinity Christian School and (xvii) Blue Gum Community School.
- (4) What number of year 7 students enrolled were residents of the Belconnen area at the commencement of the first school term in (a) 2008 and (b) 2009 for (i) St Francis Xavier College, (ii) Radford College, (iii) Brindabella Christian College, (iv) Burgmann Anglican School, (v) Canberra Girls Grammar, (vi) Canberra Grammar, (vii) Marist College, (viii) St Edmund's College, (ix) Covenant College, (x) Daramalan College, (xi) Emmaus Christian School, (xii) Mackillop College, (xiii) Merici College, (xiv) Orana School for Rudolf Steiner Education, (xv) St Clare's College, (xvi) Trinity Christian School and (xvii) Blue Gum Community School.

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

- (1) Year 7 enrolment numbers in 2008 for students at Belconnen High, Canberra High, Kaleen High and Melba/Copland Secondary School are available on the Department's website. The enrolment numbers for year 7 students at these schools in 2009 will not be available until after the ACT School Census data has been compiled and analysed. The census is being conducted on 18 February 2009. This information will be available on the Department's website when the census process is complete.
- (2) The number of year 7 students enrolled who were identified as residents of the Belconnen region at the commencement of 2008 enrolled at (i) Belconnen High was

158, at (ii) Canberra High was 112, at (iii) Melba Copland Secondary was 189 and at (iv) Kaleen was 45. This information will not be available for 2009 until after the ACT School Census, which is being conducted on 18 February 2009. This information will be provided once the census process is complete.

- (3) Year 7 enrolments in 2008 for (i) St Francis Xavier College, (ii) Radford College, (iii) Brindabella Christian College, (iv) Burgmann Anglican School, (v) Canberra Girls Grammar, (vi) Canberra Grammar, (vii) Marist College, (viii) St Edmund's College, (ix) Covenant College, (x) Daramalan College, (xi) Emmaus Christian School, (xii) Mackillop College, (xiii) Merici College, (xiv) Orana School for Rudolf Steiner Education, (xv) St Clare's College, (xvi) Trinity Christian School, (xvii) Blue Gum Community School are available on the Department's web site. The enrolment numbers for year 7 at these schools in 2009 will not be available until after the ACT School Census is conducted on 18 February. This information will be available on the Department's website when the census process is complete.
- (4) The number of year 7 students who were residents of the Belconnen region and enrolled in (i) St Francis Xavier College, (ii) Radford College, (iii) Brindabella Christian College, (iv) Burgmann Anglican School, (v) Canberra Girls Grammar, (vi) Canberra Grammar, (vii) Marist College, (viii) St Edmund's College, (ix) Covenant College, (x) Daramalan College, (xi) Emmaus Christian School, (xii) Mackillop College, (xiii) Merici College, (xiv) Orana School for Rudolf Steiner Education, (xv) St Clare's College, (xvi) Trinity Christian School, (xvii) Blue Gum Community School is not able to be released. The Department is unable to release this information as it was collected for the purposes of undertaking the National Assessment Program in Literacy and Numeracy, the School Census collection and for school planning purposes. The Memorandum of Understanding that the Department has with each of these schools explicitly states the data are to be used for these purposes only.

### **Education—students—AST scores (Question No 53)**

**Ms Hunter** asked the Minister for Education and Training, upon notice, on 12 February 2009:

- (1) In relation to the Year 12 Study documents from the Board of Senior Secondary Studies (BSSS) website, for each year from 2003 to 2007 (or from 2003 to 2008 if 2008 data is available), (a) how many of the 400 or so "No." (group size) entries across all subjects and ACT system colleges are (i) 1 (for colleges where subjects were undertaken by just one student), (ii) 2, (iii) 3 to 5, (iv) 6 to 10, (v) 11 to 19 and (vi) 20 or more (noting the Small Group Procedures which apply especially for group sizes of 10 or less, as described in Section 3.3.5.7 of the BSSS Policy and Procedures Manual), (b) how many of the 400 or so "AST vs Score" entries across all subjects and ACT system colleges are, to two decimal places (i) between negative 1.00 and negative 0.01, (ii) 0.00, (iii) left blank (for cases where No. = 1), (iv) between 0.01 and 0.49, (v) between 0.50 and 0.70, (vi) between 0.71 and 0.86 and (vii) between 0.87 and 1.00.
- (2) Can the Minister confirm whether or not the data sets providing the "AST vs Score" correlation entries in Tables 9.1a for the years 2003 to 2007 (or 2003 to 2008 if 2008 data is available) include data for students (a) with 'aberrant AST scores' (as defined

in Section 5.4.3.1.2 of the BSSS Policy and Procedures Manual) and (b) from linguistically diverse backgrounds.

- (3) If the answer to (2)(a) is no, can the Minister repeat the answer to (1)(b) for data sets that include the data for students with “aberrant AST scores”.
- (4) What five subjects have achieved the (a) highest and (b) lowest “AST vs Score” correlations across all colleges on average in each of the individual years 2003 to 2007 (or 2003 to 2008 if 2008 data is available).
- (5) What five colleges have achieved the (a) highest and (b) lowest “AST vs Score” correlations across all subjects on average in each of the individual years 2003 to 2007 (or 2003 to 2008 if 2008 data is available).
- (6) Can the Minister confirm that the AST-based process used to scale between and within ACT system colleges is (a) most valid for colleges and subjects in which “No.” (group size) and “AST vs Score” (correlation) values are greatest and (b) less than valid for subjects and colleges in which negative “AST vs Score” correlations arise.
- (7) Why doesn't the ACT Scaling Test contain a proper mathematics test to properly and validly scale mathematics results across different colleges, and similarly for English at least, and possibly history and all subjects, in order provide a valid scaling mechanism.
- (8) Could ACT students sit NSW Higher School Certificate exams in subjects such as mathematics, English and foreign languages for scaling purposes only in order to achieve a valid scaling process that vastly improves on the current process; if not, why not.

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

- (1) (a) (i)-(vi) The figures can be determined from the data in the No. column in Table 9.1 in the Year 12 Study for 2003, 2004 and 2005 and Table 9.1a in the Year 12 Study for 2006, 2007 and 2008. The 2008 Year 12 Study is now available on the ACT Board of Senior Secondary Studies' website.
- (b) (i)-(vii) The figures can be determined from the data in Table 9.1 in the Year 12 Study for 2003, 2004 and 2005 and Table 9.1a in the Year 12 Study for 2006, 2007 and 2008.
- (2) (a) For years 2006, 2007, 2008 the data in Table 9.1a does not include data for students, including students from culturally and linguistically diverse backgrounds, with fully 'aberrant AST scores' (as defined in section 5.4.3.1.2 of the *BSSS Policy and Procedures Manual*). The aberrant score policy (as defined in section 5.4.3.1.2 of the *BSSS Policy and Procedures Manual*) only applied from the 2006 graduating cohort.
- (b) For years 2003, 2004, 2005 the data in Table 9.1 does not include data for students from culturally and linguistically diverse backgrounds. For years 2006, 2007, 2008 the data in Table 9.1a does not include data for students from culturally and linguistically diverse backgrounds with fully 'aberrant AST scores' (as defined in section 5.4.3.1.2 of the *BSSS Policy and Procedures Manual*). In 2006 a modified version of the AST was introduced for students from culturally and linguistically diverse backgrounds.



- (3) As the aberrant score policy (as defined in section 5.4.3.1.2 of the *BSSS Policy and Procedures Manual*) was introduced in 2006, the information is not available for the 2003, 2004, 2005 graduating cohorts.
- (4) (a) & (b)  
The information can be determined from Table 9.1 in the Year 12 Study for 2003, 2004 and 2005 and Table 9.1a in the Year 12 Study for 2006, 2007, 2008, in the row titled 'All Colleges'.
- (5) The information can be determined from the data in Table 9.1 in the Year 12 Study for 2003, 2004 and 2005 and Table 9.1a in the Year 12 Study for 2006, 2007 and 2008.
- (6) The process used to scale between and within colleges in the ACT is the Other Course Score (OCS) method, which is based on the average of results from a student's best 3.6 courses and 0.21 from the student's AST results provided the student's AST result is not aberrant. If the student's AST result is fully aberrant then the process used to scale subjects uses the average of the results from a student's best 3.6 courses. This is termed the scaling score for each student. However, not all subjects are scaled separately. Where a small number of students are undertaking courses in a college, related courses may be combined for scaling purposes. Furthermore, Small Group Procedures are used for scaling groups of 10 or fewer students.
- (7) The purpose of the ACT Scaling Test (AST) is to scale scores in T (designed to prepare students for higher education) courses for the purpose of calculating a Universities Admission Index (UAI) for university selection. As such the test is designed to measure a range of skills relevant to study at university and to success in T courses in colleges. The AST contains items from a range of academic areas, including mathematics, English, sciences, humanities and social sciences. The test also includes a written task. The ACT senior secondary system offers a broad range of subjects to cater for the interests, abilities and pathways of students. In 2008, T courses in about 80 different subject areas were completed by students.
- (8) No. The OCS method has been developed to validly scale results within the ACT framework of school based curriculum and continuous assessment over years 11 and 12. It is not valid to combine results from different scaling systems to produce a UAI.

**ACTION bus service—Nightrider passengers  
(Question No 54)**

Mr Coe asked the Minister for Transport, upon notice, on 12 February 2009:

- (1) What is the operating cost of the ACTION Nightrider bus services for (a) Friday, 12 December 2008, (b) Saturday, 13 December 2008, (c) Friday, 19 December 2008, (d) Saturday, 20 December 2008 and the (e) New Year's Eve Nightrider service.
- (2) What is the breakdown in passenger numbers for the Nightrider bus services by (a) individual day, (b) route and (c) service time.
- (3) What is the operating cost of ACTION Christmas Day services.
- (4) What is the breakdown of passenger numbers for the ACTION Christmas Day service by (a) route and (b) service time.

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

1. The operating cost of the ACTION Nightrider bus services for:

a)	Friday 12 December 2008	\$6,865.65
b)	Saturday 13 December 2008	\$6,865.65
c)	Friday 19 December 2008	\$6,865.65
d)	Saturday 20 December 2008	\$6,865.65
e)	New Years Eve 2008	\$12,319.50

2. Total of 1,867 passengers for Nightrider in 2008. The breakdown in passenger numbers for the Nightrider bus services by:

**(a) Individual day**

Hour	13/Dec/2008	14/Dec/2008	20/Dec/2008	21/Dec/2008	01/Jan/2009
<b>Total</b>	<b>194</b>	<b>138</b>	<b>163</b>	<b>133</b>	<b>1239</b>

**(b) Route**

Route	13/Dec/2008	14/Dec/2008	20/Dec/2008	21/Dec/2008	01/Jan/2009	Total
<b>970</b>	16	23	20	0	213	<b>272</b>
<b>971</b>	17	29	31	0	169	<b>246</b>
<b>972</b>	19	13	14	10	36	<b>92</b>
<b>973</b>	21	15	25	19	136	<b>216</b>
<b>974</b>	38	3	8	16	120	<b>185</b>
<b>975</b>	15	23	14	19	134	<b>205</b>
<b>976</b>	47	0	11	31	245	<b>334</b>
<b>977</b>	21	32	40	38	186	<b>317</b>
<b>Total</b>	<b>194</b>	<b>138</b>	<b>163</b>	<b>133</b>	<b>1239</b>	<b>1867</b>

**(c) Service Time**

Hour	13/Dec/2008	14/Dec/2008	20/Dec/2008	21/Dec/2008	01/Jan/2009	Total
<b>1-2am</b>	141	33	90	71	622	<b>957</b>
<b>2-3am</b>	12	39	27	4	329	<b>411</b>
<b>3-4am</b>	18	24	36	52	168	<b>298</b>
<b>4-5am</b>	23	42	10	6	108	<b>189</b>
<b>5-6am</b>	0	0	0	0	12	<b>12</b>
<b>Total</b>	<b>194</b>	<b>138</b>	<b>163</b>	<b>133</b>	<b>1239</b>	<b>1867</b>

3. The operating cost of ACTION Christmas Day 2008 services was \$8,499.17.

4. On Christmas Day 2008, ACTION recorded 959 passenger boardings. These passengers are further broken down into route and service time below.

**(a) Route**

Route Number	Passengers
091	29
092	27
093	34
094	49
095	25
096	49

Route Number	Passengers
097	50
098	81
099	45
300	570

**(b) Service Time**

Service Time	Passengers
9-10am	355
10-11am	123
11am-12pm	103
12-1pm	0
1-2pm	98
2-3pm	128
3-4pm	147
4-5pm	5

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**Public service—travel  
(Question No 55)**

**Mr Coe** asked the Minister for Transport, upon notice, on 12 February 2009:

- (1) How much did ACTION spend on travel including itemised amounts for airfares, accommodation and travel allowance for the (a) 2007-08 financial year and (b) 2008-09 financial year to 31 December 2008.
- (2) What proportion of travel was domestic as opposed to international.
- (3) Did any officers from ACTION undertake international travel during the periods listed in part (1); if so, what was the purpose of the trip and how much did each trip cost.
- (4) What proportion of airfares were for business or first class travel as opposed to economy.
- (5) What proportion of trips were on Qantas as opposed to Virgin Blue and other airlines;
- (6) Does ACTION have a scheme where frequent flyer points accrued on departmental travel are used to help meet the costs of future travel; if so, what is the level of participation.

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

1(a) 2007/08 financial year  
 Airfares: \$5,552.61  
 Accommodation: \$4,244.85  
 TA: Not applicable

1(b) 2008/2009 financial year to 31 December 2008  
 Airfares: \$4,839.02  
 Accommodation: \$3,271.00  
 TA: Not applicable

2. International: 28%  
Domestic: 72%
3. 2 ACTION officers travelled to New Zealand for the annual Bus Rodeo.  
2007/2008 total: \$2,478.00  
2008/2009 total: \$2,513.28
4. All travel undertaken by ACTION officers was Economy.
5. Qantas: 82%  
Virgin: 18%
6. No

### **Roads—Throsby Lane (Question No 57)**

**Mr Coe** asked the Minister for Transport, upon notice, on 12 February 2009:

What are the Minister's plans for the ongoing maintenance and upgrade of Throsby Lane, Griffith, and the car park at the rear of Griffith shops with regard to (a) sealing the car park surface, (b) replacement of footpath adjacent to Throsby Lane and (c) cleaning and enhancement of road edges.

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

- (a) There are no plans to resurface the carpark adjacent to Throsby Lane at this stage.
- (b) Reconstruction of two small sections of path adjacent to Throsby Lane is scheduled for completion by July 2009.
- (c) The road edges on Throsby Lane will be cleaned and swept by the middle of March 2009.

### **Roads—Throsby Lane (Question No 58)**

**Mr Coe** asked the Minister for Transport, upon notice, on 12 February 2009:

What are the Minister's plans for the ongoing maintenance and upgrade of Throsby Crescent, Griffith, and the car park at the rear of Griffith shops with regard to (a) guttering and (b) verge maintenance.

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

- a. One section of concrete kerb and gutter on Throsby Crescent near the fire hydrant at the Griffith shops in Throsby Crescent will be reconstructed by July 2009. There are no plans to replace any guttering in the sealed carpark spaces at the back of the Griffith shops.

- b. Parks, Conservation and Lands maintain this area. Regular maintenance includes medium frequency mowing of the grass carried out in accordance with standard specifications. The mowing of grass is highly dependent on seasonal factors and the grass is mown as frequently as required to maintain it within specification. On average, mowing is undertaken every three to four weeks in spring and summer and every five to eight weeks in autumn and winter.

### **Griffith—Throsby Park (Question No 59)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 12 February 2009:

What are the Minister's plans for the ongoing maintenance and upgrade of Throsby Park, Griffith, with regard to (a) planting of new trees, (b) pruning of existing trees, (c) removal of broken glass, (d) the removal of old concrete post footings, (e) grass, including irrigation, (f) footpaths, (d) the old tennis court, (e) storm water drains and (f) signage.

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

Parks, Conservation and Lands (PCL) in the Department of Territory and Municipal Services has programmed the following maintenance for Throsby Park, Griffith:

- (a) A number of dead and declining trees and wattles have been marked for removal. These trees and shrubs will be removed during the next two months. A re-planting plan will be developed for the park with a view to replanting trees during winter 2009.
- (b) A number of large over-mature trees including several Eucalypts, Oaks and Pinoaks will be assessed by an arborist during March 2009 and either pruned to make them safe or removed if necessary. This work has been programmed for completion by the end of April 2009.
- (c) PCL has assessed the condition of the park. Maintenance to remove the broken glass in the park was undertaken during the week commencing 23 February 2009. PCL will monitor the park to ensure that it is being maintained in accordance with the maintenance specifications for a neighbourhood park.
- (d) There are abandoned asphalt paths and concrete in Throsby Park associated with the old childcare centre and these will be removed by the end of July 2009.
- (e) Assessment of the grassed areas, including the disused tennis court, indicates that the current maintenance standards are sufficient. Regular maintenance includes medium frequency mowing of the grass carried out in accordance with standard specifications. The mowing of grass is highly dependent on seasonal factors and the grass is mown as frequently as required to maintain it within specification. On average, mowing is undertaken every 3 to 4 weeks in spring and summer and every 5 to 8 weeks in autumn and winter.

There are no plans to reinstate the tennis court and this grassed land area is maintained as open space along with the remainder of the park.

Throsby Park is maintained as a dryland grass area and is not irrigated. The introduction of a bore water irrigation system is not feasible.

- (f) Reconstruction of two small sections of path adjacent to Throsby Lane is scheduled for completion by July 2009.
- (g) See (e) above.
- (h) Roads ACT has recently undertaken maintenance work to clean and reshape the stormwater drain in Throsby Park.
- (i) There are no plans to replace signage at Throsby Park. The Department's current priority for installation of new signage is at sites where there is high visitation, such as the 28 Town and District Parks across Canberra and the popular areas of the 33 reserves making up Canberra Nature Park.

### **Public service—travel (Question No 60)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 12 February 2009:

- (1) How much did the Department of Territory and Municipal Services (TAMS) spend on travel including itemised amounts for airfares, accommodation and travel allowance for the (a) 2007-08 financial year and (b) 2008-09 financial year to 31 December 2008.
- (2) What proportion of travel was domestic as opposed to international.
- (3) Did any officers from TAMS undertake international travel during the periods listed in part (1); if so, what was the purpose of the trip and how much did each trip cost.
- (4) What proportion of airfares were for business or first class travel as opposed to economy.
- (5) What proportion of trips were on Qantas as opposed to Virgin Blue and other airlines.
- (6) Does TAMS have a scheme where frequent flyer points accrued on departmental travel are used to help meet the costs of future travel; if so, what is the level of participation.

**Mr Stanhope:** The answer to the member's question in regards to the Territory and Municipal Services Portfolio is as follows:

1.

	<b>Airfares</b>	<b>Accommodation</b>	<b>Travel allowance/other costs</b>
<b>(a) 2007-08</b>	<b>\$300,568.80</b>	<b>\$69,377.94</b>	<b>\$89,994.74</b>
<b>(b) 2008-09 FY to 31 Dec 08</b>	<b>\$129,916.04</b>	<b>\$34,168.85</b>	<b>71,475.74</b>

*Note: Travel allowance/other costs includes reimbursements for meals, taxis, parking, camping allowances and a variety of other incidental expenses. It also includes costs related to road travel (vehicle hire, fuel, tolls, etc). A component of this also includes fares and accommodation costs made as part of a lump sum reimbursement for staff travel, travel related to recruitment, etc*

2.

	2007-08	2008-09 FY to 31 Dec 08
Domestic	88%	98%
International	12%	2%

3.

Trip details	Trip purpose	Total cost
<b>2007-2008 FY</b>		
2 x ACTION officers travel to New Zealand	Annual Bus Roadeo - Bus driving skills event	\$2478.00
1 x Roads ACT officer travel to New Zealand	Austrroads Asset Task Force Meeting	\$1563.38
1 x Roads ACT officer travel to New Zealand	Austrroads Registration and Licencing Task Force	\$943.36
Chief Executive, TAMS and the Commissioner for the Environment to attend the International Biosphere Conference in Spain	International Biosphere Conference Spain	\$39,217.35
<b>TOTAL</b>		<b>\$44,202.09</b>

<b>2008-2009 FY to 31 December 2008</b>		
1 x officer trip to East Timor	Skills Exchange Visit to Timor-Leste	\$213.59
1 x officer trip to East Timor	Skills Exchange Visit to Timor-Leste	\$448.63
2 x ACTION officers travel to New Zealand	Annual Bus Roadeo - Bus driving skills event	\$2,513.28
<b>TOTAL</b>		<b>\$3,175.50</b>

4.

	2007-08	2008-09 FY to 31 Dec 08
Business class – no first class travel was undertaken	18%	13%
Economy	82%	87%

5.

	2007-08	2008-09 FY to 31 Dec 08
Qantas	78%	76%
Virgin Blue	6%	9%
Other Airlines	16%	15%

6. No

**Territory and Municipal Services portfolio—statement of performance  
(Question No 61)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 12 February 2009:

- (1) In relation to the Territory and Municipal Services Portfolio Statement of Performance as at December 2008, Output Class 1: Municipal Services Principal Measures, under Output 1.1 Information Services, why is the customer satisfaction with Canberra Connect Services with an original target of 2008-09 of 90% now marked N/A for the YTD Target and YTD Result.
- (2) Under Output 1.2 Office of Transport, since the annual percentage of territorial roads resurfaced has fallen 64% below its YTD target and the annual percentage of municipal roads has fallen 70% below its YTD target, (a) what roads that were to be resurfaced have not been resurfaced, (b) what will the Government do to restore the backlog and (c) does the ACT Government increase the amount of roads resealed if the price of oil falls.

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

1. Customer satisfaction with Canberra Connect services is measured annually in the last quarter of each financial year. Consequently there is no data to report YTD results. The target for the end of the financial year remains 90%.
2. (a) A number of intersections that were in the draft resurfacing program will not be resurfaced in 2008/09 including:
  - Canberra Avenue – Dalby Street Intersection
  - Hindmarsh Drive – Namatjira Intersection
  - Newcastle Street – Barrier Street Intersection
  - Belconnen Way – Benjamin Intersection
  - William Hovell Drive – Bindubi Street Intersection
  - Canberra Avenue – Flinders Way Intersection
  - Isabella Drive – Drumstron Street Roundabout
  - Fairbairn Avenue – Northcott Drive Roundabout
  - Monaro Crescent – Flinders Way Roundabout
  - Stonehaven Crescent – Hopetoun Crescent Roundabout

(b) The reseal program has been extended to April 2009 to enable the additional work to be carried out.

The revised resurfacing program for 2008/09 is anticipated to resurface 5.1% of territorial roads and 3.4% of municipal streets.

(c) Roads ACT spends the budget allocated on road resurfacing and other road maintenance tasks. If product prices and labour rates fall, greater quantities of work can be carried out.



**Waste disposal—parks and reserves  
(Question No 62)**

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 12 February 2009:

- (1) What has been the impact of the removal of rubbish bins from many of Canberra's parks and reserves.
- (2) How many bins have been removed from Canberra's parks and reserves.
- (3) Which parks and reserves no longer have rubbish bins as a result of this program.
- (4) What is the cost saving of not collecting rubbish at Canberra's parks and reserves.

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

1. In regard to areas managed by Parks and Reserves, the recent rubbish bin removal exercise has been to educate users of the Murrumbidgee River Corridor (MRC) recreation areas to remove their rubbish when they leave – take away whatever they bring with them and recycle it at home through the kerb-side recycling service. Rubbish bins were successfully removed from other areas within the ACT Nature park system including Tidbinbilla and Namadgi many years ago and this is simply a continuation of this 'carry in' 'carry out' policy.

The removal of rubbish bins and installation of associated educational signage is consistent with the MRC Plan of Management's Strategy 9.4(a):

*“to encourage visitors to take responsibility for their own waste”.*

2. Seventy nine bins have been removed.
3. Cotter Recreation area, Pine Island, Casuarina Sands and Tharwa Bridge Picnic area.
4. The cost saving is \$40,000 per annum.

**Background**

When the bins were first removed there was the expected increase in litter. However this has now subsided to some extent and is expected to return to background levels as visitors become educated of the “carry it in - carry it out policy”. Ranger patrols and interpretative signage are assisting in this education process.

**Public service—travel  
(Question No 63)**

Mr Coe asked the Minister for Disability and Housing, upon notice, on 12 February 2009:

- (1) How much did Housing ACT spend on travel including itemised amounts for airfares, accommodation and travel allowance for the (a) 2007-08 financial year and (b) 2008-09 financial year to 31 December 2008.

- (2) What proportion of travel was domestic as opposed to international.
- (3) Did any officers from Housing ACT undertake international travel during the periods listed in part (1); if so, what was the purpose of the trip and how much did each trip cost.
- (4) What proportion of airfares were for business or first class travel as opposed to economy.
- (5) What proportion of trips were on Qantas as opposed to Virgin Blue and other airlines.
- (6) Does Housing ACT have a scheme where frequent flyer points accrued on departmental travel are used to help meet the costs of future travel; if so, what is the level of participation.

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

- (1) (a) In the 2007-08 financial year \$69,868 (travel), \$18,490 (accommodation) and Nil (travel allowance); and  
(b) In the 2008-09 financial year to 31 December 2008, \$25,357 (travel), Nil (accommodation) and \$17,417 (travel allowance).
  - (2) In 2008-09 all travel was domestic. In 2007-08 approximately 25% of expenditure was for overseas travel.
  - (3) Yes. In 2007-08, the Executive Director, Housing and Community Services accompanied the Minister for Housing on a trip to China. The cost of this travel was \$11,084. Also the travel expenditure in 2007-08, included the cost of \$11,524 associated with travel to the United Kingdom by the Deputy Chief Executive, Department of Disability, Housing and Community Services. The purpose of the trip was to attend the 2008 Chartered Institute of Housing Conference and look at homelessness services models including foyer services. In addition, the Deputy Chief Executive also looked at street population issues, youth services and assisted in the recruitment of child protection workers for the Office for Children and Family Support.
  - (4) Less than 1% travel in 2007-08 was business class and in 2008-09 to 31 December 2008 business class travel was 2.4%.
  - (5) Travel by QANTAS constituted approximately 87% of flights for both years, with the balance by Virgin Blue.
  - (6) The Department is subject to whole of government travel guidelines which generally require the joining of loyalty programs (such as frequent flyers) to be met by the individual. Points accrued from such programs through work related travel are not for personal use as it is the responsibility of travellers to effectively manage points accrued as a result of travel or accommodation paid by the Territory and to ensure that these points are redeemed only for further official travel.
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**Griffith—Throsby Court  
(Question No 64)**

**Mr Coe** asked the Minister for Disability and Housing, upon notice, on 12 February 2009:

What are the Minister's plans for the ongoing maintenance and upgrade of Throsby Court, Griffith, with regard to (a) painting of external areas, (b) vehicle parking, (c) energy efficiency refit program, (d) the removal of prohibited plants and environmental weeds, including privet.

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

(1) (a) the properties in Throsby Court (2-12 Hacking Crescent) will be painted externally in the 2009-10 financial year.

(b) Tenants in Throsby Court have been allocated off street car parking. The car parking currently meets Housing ACT Standards.

(c) Housing and Community Services is currently in the second year of a ten year energy efficiency program including retro-fitting a number of different energy efficient products in its properties. This will include Throsby Court.

(d) Privet is listed on the 'Pest Plants' register by Environment ACT, which means planting of the species is discouraged by but its removal is not compulsory. There are no current plans to remove it from Throsby Court.

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**Public service—travel  
(Question No 65)**

**Mr Hanson** asked the Minister for Indigenous Affairs, upon notice, on 12 February 2009:

(1) How much did the Office of Aboriginal and Torres Strait Islander Affairs (OATSIA) spend on travel including itemised amounts for airfares, accommodation and travel allowance for the 2007-08 financial year.

(2) What proportion of travel was domestic as opposed to international.

(3) Did any officers or staff from the OATSIA undertake international travel during the period listed in part (1); if so, what was the purpose of the trip and how much did each trip cost.

(4) What proportion of airfares were for business or first class travel as opposed to economy.

(5) What proportion of trips were on Qantas as opposed to Virgin Blue and other airlines.

(6) Does the OATSIA have a scheme where frequent flyer points accrued on departmental travel are used to help meet the costs of future travel; if so, what is the level of participation.

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

- (1) \$4,673.88 GST inclusive (airfares); \$2,000.28 (accommodation) GST inclusive; Nil (travel allowance).
- (2) All travel was domestic in 2007-08.
- (3) No.
- (4) All travel was economy class in 2007-08.
- (5) All travel was with QANTAS.
- (6) The Department is subject to whole of government travel guidelines which generally require the joining of loyalty programs (such as frequent flyers) to be met by the individual. Points accrued from such programs through work related travel are not for personal use as it is the responsibility of travellers to effectively manage points accrued as a result of travel or accommodation paid by the Territory and to ensure that these points are redeemed only for further official travel.

### **ACT Health—litigation costs (Question No 66)**

**Mr Hanson** asked the Minister for Health, upon notice, on 12 February 2009:

- (1) How much money has been spent by, for or on behalf of ACT Health in relation to any litigation in the last four financial years.
- (2) How much money has been spent by, for or on behalf of ACT Health for the purposes of (a) damages arising out of medical negligence and (b) meeting the costs of legal fees of parties engaged in litigation with ACT Health, in the previous four financial years.

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

(1)

Year	Costs
2004-05	\$12,320,647
2005-06	\$13,026,284
2006-07	\$5,225,577
2007-08	\$6,292,509

These amounts reflect payments made by ACT Health, and on behalf of ACT Health, by the ACT Insurance Authority (ACTIA), for litigated matters only. They do not include costs incurred in investigating matters which do not eventuate in a claim and are shown gross of reinsurance recoveries and agency insurance excess payments. The amounts include medical negligence, public liability, professional indemnity and directors and officers claims.

(2)

Year	Costs
2004-05	\$10,423,917
2005-06	\$11,773,836
2006-07	\$4,223,416
2007-08	\$3,519,898

These amounts reflect payments made by ACT Health, and on behalf of ACT Health, by the ACT Insurance Authority (ACTIA), for litigated medical negligence matters only. They do not include costs incurred in investigating matters which do not eventuate in a claim and are shown gross of reinsurance recoveries and agency insurance excess payments. The amounts include both damages and plaintiffs' legal costs as ACT Health and ACTIA's databases do not make that distinction. In some instances, matters are settled inclusive of plaintiff's legal costs therefore no breakdown between damages and plaintiffs' legal costs is available.

### **Public service—travel (Question No 67)**

**Mr Hanson** asked the Minister for Health, upon notice, on 12 February 2009:

- (1) How much did ACT Health spend on travel including itemised amounts for airfares, accommodation and travel allowance for the 2007-08 financial year.
- (2) What proportion of travel was domestic as opposed to international.
- (3) Did any officers from ACT Health undertake international travel during the period listed in part (1); if so, what was the purpose of the trip and how much did each trip cost.
- (4) What proportion of airfares were for business or first class travel as opposed to economy.
- (5) What proportion of trips were on Qantas as opposed to Virgin Blue and other airlines.
- (6) Does ACT Health have a scheme where frequent flyer points accrued on departmental travel are used to help meet the costs of future travel; if so, what is the level of participation.

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

- (1) In the 2007-08 financial year ACT Health spent a total of \$1,622,329.00 on travel. This amount comprises the following:
  - (a) \$834,575 – travel both interstate and overseas
  - (b) \$173,281 – accommodation
  - (c) \$122,443 – travel allowance
  - (d) \$492,030 – other expenses (including taxi hire; care hire; use of private vehicle)
- (2) 92.5% of the travel and related costs were for domestic travel.

- (3) Yes. A total of \$26,242 was spent for overseas travel for the purpose of staff development and recruitment. A total of \$96,672 was spent on overseas travel for other purposes which include international meetings and conferences.
- (4) ACT Health policy is that no officers fly first class. Executives fly business class for overseas trips and any interstate trips over four hours. All non executive staff fly economy at all times.
- (5) All work related travel for ACT Health staff is booked through Qantas Business Travel under an ACT Government contract. Under the contract, Qantas Business Travel is obliged to offer “best fare of the day” regardless of the carrier. ACT Health does not have a proportional breakdown of carriers utilised.
- (6) ACT Health policy is such that frequent flyer points earned as a result of travel paid for by the ACT Health can only be redeemed for further official travel. Private use of these points will constitute fraud and the officer will be subject to the relevant discipline procedures.

Frequent Flyer Points are not to be used to upgrade the class of travel beyond the level stated in these guidelines.

The member should note, that after careful consideration of the questions, and advice provided by ACT Health, I have determined that the information sought in a number of questions, is not in an easily retrievable form, and that to collect and assemble the information sought solely for the purpose of answering the member’s questions would be a major task, requiring a considerable diversion of resources. In this context, I do not believe that it would be appropriate to direct resources from the provision of services for the purposes of answering the member’s questions.

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### **Public service—travel (Question No 68)**

**Mr Hanson** asked the Minister for Police and Emergency Services, upon notice, on 12 February 2009 (*redirected to the Attorney General*):

- (1) How much did ACT Policing spend on travel including itemised amounts for airfares, accommodation and travel allowance for the 2007-08 financial year.
- (2) What proportion of travel was domestic as opposed to international.
- (3) Did any officers from ACT Policing undertake international travel during the period listed in part (1); if so, what was the purpose of the trip and how much did each trip cost.
- (4) What proportion of airfares were for business or first class travel as opposed to economy.
- (5) What proportion of trips were on Qantas as opposed to Virgin Blue and other airlines.

- (6) Does ACT Policing have a scheme where frequent flyer points accrued on departmental travel are used to help meet the costs of future travel; if so, what is the level of participation.

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

- (1) The total expenditure on travel for ACT Policing was \$485,927. The total expenditure on airfares, accommodation and travel allowance is outlined below:

- Airfares - \$204,285
- Accommodation - \$124,772
- Travel Allowance - \$113,157
- Vehicle hire - \$43,713

- (2) The proportion between domestic and international travel undertaken by ACT Policing members was as follows:

- Domestic – 90%
- International – 10%

- (3) There were six members who undertook international travel during the period. The purpose and cost of each trip is as follows:

- Attend training in rostering and call centre management, total cost = \$2,681
- Attend training in crime scene co ordination briefings, total cost = \$2,039
- Attend Australasian Neighbourhood Watch conference, total cost = \$1,991
- Three members visited London to conduct analysis and review police operating practices in similar sized jurisdictions, total cost = \$32,990
- Visit New Zealand to conduct analysis and review police operating practices in similar sized jurisdictions, total cost = \$5,315
- Attendance at Ministerial Council for Police and Emergency Management Police (MCPEMP) twice during the period listed, total cost = \$5,092

- (4) The proportion of airfares between economy, business and first classes were as follows:

**Domestic**

- Discount Economy Class – 28%
- Economy Class – 70%
- Business Class – 2%
- First Class – no travel in first class

**International**

- Discount Economy Class – 32%
- Economy Class – no travel in standard economy class
- Business Class – 68%
- First Class – no travel in first class

- (5) The proportion of trips that were on Qantas as opposed to Virgin Blue and other airlines is outlined below:

**Domestic**

- Qantas – 97%
- Virgin Blue – 2%
- Jetstar – 1%

**Overseas**

- Qantas – 100%

- (6) The guidelines governing travel by ACT Policing members are covered by the AFP national guidelines. In accordance with AFP National guidelines Frequent Flyer points are not accrued on official travel.

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**Public service—travel  
(Question No 69)**

**Mr Hanson** asked the Minister for Corrections, upon notice, on 12 February 2009:

- (1) How much did ACT Corrective Services (ACTCS) spend on travel including itemised amounts for airfares, accommodation and travel allowance for the 2007-08 financial year.
- (2) What proportion of travel was domestic as opposed to international.
- (3) Did any officers from ACTCS undertake international travel during the period listed in part (1); if so, what was the purpose of the trip and how much did each trip cost.
- (4) What proportion of airfares were for business or first class travel as opposed to economy.
- (5) What proportion of trips were on Qantas as opposed to Virgin Blue and other airlines.
- (6) Does ACTCS have a scheme where frequent flyer points accrued on departmental travel are used to help meet the costs of future travel; if so, what is the level of participation.

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

- (1) ACTCS spent a total \$66,829 on travel during 2007-08, which included \$37,358 airfares, \$27,024 accommodation and an additional \$2,267 representing subsequent reimbursements for meals and transportation not included in the accommodation costs. Note that provision of travel allowance advances are no longer standard ACT government practice.



(2) 19.25 domestic to 1 international

(3) Yes.

(3) continued

International Trips 2007/2008	Destination	Period	Purpose	Airfares	Accommodation	Total
Trip 1	Bangkok	Oct-07	Executive Director to attend International Corrections Conference – ICPA. Member was member of Board representing Oceania and paid own airfares.	\$0	\$1,040	\$1,040
Trip 2	Hanoi	Dec-07	Executive Director to attend International Corrections Conference – APCCA. Member was Head of Australian delegation and paid own airfares.	\$0	\$1,016	\$1,016
Trip 3	Auckland	Mar-08	AMC Custodial staff recruitment (3 x Senior Officers)	\$3,940	\$1,076	\$5,016
Trip 4	Phoenix (USA)	May-08	AMC security management systems training (2 x Senior Officers)	\$8,310	\$4,473	\$12,783
<b>Total</b>				<b>\$12,250</b>	<b>\$7,605</b>	<b>\$19,855</b>

(4) All Economy.

(5) All Qantas.

(6) The Department is subject to whole of government travel guidelines which generally require the joining of loyalty programs (such as frequent flyers) to be met by the individual. Points accrued from such programs through work related travel are not for personal use as it is the responsibility of travellers to effectively manage points accrued as a result of travel or accommodation paid by the Territory and to ensure that these points are redeemed only for further official travel.

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### Public service—travel (Question No 70)

**Mrs Dunne** asked the Minister for the Arts and Heritage, upon notice, on 12 February 2009:

(1) How much did the Cultural Facilities Corporation (CFC) spend on travel including itemised amounts for airfares, accommodation and travel allowance for the 2007-08 financial year.

- (2) What proportion of travel was domestic as opposed to international.
- (3) Did any officers from the CFC undertake international travel during the period listed in part (1); if so, what was the purpose of the trip and how much did each trip cost.
- (4) What proportion of airfares were for business or first class travel as opposed to economy.
- (5) What proportion of trips were on Qantas as opposed to Virgin Blue and other airlines.
- (6) Does the CFC have a scheme where frequent flyer points accrued on departmental travel are used to help meet the costs of future travel; if so, what is the level of participation.

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

1. In the 2007-08 financial year the Corporation spent \$55,609.64 on travel. The travel expenditure can be itemised into the following categories as shown in Table 1 below:

**Table 1 – 2007-08 Travel by Category**

<b>Category</b>	<b>Spend</b>
Airfares	\$12,495.20
Accommodation	\$32,382.38
Travel Allowance/Meals	\$2,466.07
Taxis	\$5,110.07
Other Travel (e.g. Trains)	\$3,155.92
<b>TOTAL</b>	<b>\$55,609.64</b>

A substantial proportion of the above expenditure does not relate to Corporation staff, but relates to travel costs associated with touring theatre productions, in situations where the Corporation either shared, or paid the full amount of, the costs of presenting the touring production in Canberra. Table 2 below illustrates the split of travel costs between Corporation staff and non-Corporation travellers.

**Table 2 – 2007-08 Travel by Category and Traveller Type**

<b>Category</b>	<b>CFC</b>	<b>Non-CFC</b>	<b>TOTAL</b>
Airfares	\$9,219.79	\$3,275.41	\$12,495.20
Accommodation	\$9,325.65	\$23,056.73	\$32,382.38
Travel Allowance/Meals	\$2,466.07	\$ NIL	\$2,466.07
Taxis	\$5,110.07	\$ NIL	\$5,110.07
Other Travel (e.g. Trains)	\$364.27	\$2,791.65	\$3,155.92
<b>TOTAL</b>	<b>\$26,485.85</b>	<b>\$29,123.79</b>	<b>\$ 55,609.64</b>

2. 100% of travel in 2007-08 was domestic.
3. Not applicable - refer to the response for Question 2 above.

4. 100% of airfares in 2007-08 were economy class.
5. Table 3 below outlines the dissection of airfare expenditure by airline.

**Table 3 – Dissection of Airfares by Airline**

<b>Airline</b>	<b>Cost</b>	<b>%</b>
Qantas	\$11,178.61	89.46
Virgin Blue	\$695.16	5.56
Jetstar	\$621.43	4.97
<b>TOTAL</b>	<b>\$ 12,495.20</b>	<b>100.00</b>

6. No. A scheme like this has been considered but has not been introduced due to the relatively small number of flights taken, particularly overseas flights, and the administrative costs involved (joining fees etc.). This matter will be kept under review and a scheme will be introduced if it is considered that a positive cost/benefit outcome can be achieved.

### **Public service—travel (Question No 71)**

**Mrs Dunne** asked the Treasurer, upon notice, on 12 February 2009:

- (1) How much did ACTEW Corporation (ACTEW) spend on travel including itemised amounts for airfares, accommodation and travel allowance for the 2007-08 financial year.
- (2) What proportion of travel was domestic as opposed to international.
- (3) Did any officers from ACTEW undertake international travel during the period listed in part (1); if so, what was the purpose of the trip and how much did each trip cost.
- (4) What proportion of airfares were for business or first class travel as opposed to economy.
- (5) What proportion of trips were on Qantas as opposed to Virgin Blue and other airlines.
- (6) Does ACTEW have a scheme where frequent flyer points accrued on departmental travel are used to help meet the costs of future travel; if so, what is the level of participation.

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

The ACTEW Board is responsible for all matters relating to the ACTEW budget. In response to the Member's question, the Managing Director of ACTEW has provided me with the following information:

- (1) \$287,105. This includes travel undertaken in 2006-07 and paid in 2007-08. ACTEW has not provided an itemised split of the amount due to the time it would take to manually extract the information.

- (2) \$164,568 (57%) for domestic travel and \$122,537 (43%) for international travel.
  - (3) Yes. An officer attended a WasteReuse Communications Network Workshop and WasteReuse Association Annual Conference (cost \$24,463); an officer attended a water recycling plant and salt crystallisation facility, and annual WasteReuse and Desalination Symposium (cost \$29,473); an officer undertook a study tour of water and sewerage treatment facilities (cost \$23,387); and two officers attended the Singapore International Water Summit (cost \$19,745). The balance of the spending relates to travel in 2006-07.
  - (4) Economy class 84%, business class 14% and first class 2%.
  - (5) Qantas 95%, Virgin 2%, and other airlines 3%.
  - (6) ACTEW's corporate travel procedure does not require officers travelling to use frequent flyer points. ACTEW does not pay fees for any employee's membership of airlines clubs or schemes which accrue frequent flyer points.
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### **Security industry—regulation (Question No 72)**

**Mrs Dunne** asked the Attorney-General, upon notice, on 12 February 2009:

- (1) Apart from the Security Industry Act 2003 (the Act) and the Security Industry Regulation 2003 (the Regulations), is there any form of security industry self-regulation, for example a code of conduct; if so, in relation to the code of conduct or other form of industry self-regulation, (a) who is responsible for its development and maintenance, (b) what are its terms, (c) in what way, if any, do the Government and the industry collaborate to ensure those engaged in the industry adhere to it and (d) what sanctions are available for those in the industry who are found not to adhere to it.
- (2) Are employers required, whether by licence conditions, regulation or other authority such as industry self-regulation, to provide continuing professional development training opportunities for employed and licensed security personnel.
- (3) What sanctions are available against employers that fail to meet their continuing professional development training obligations and who applies those sanctions.
- (4) In respect of each class of licence under the Act how many licences were issued, varied, suspended or cancelled under the Act, in respect of each class of licence under the Act, for (a) 2005-06, (b) 2006-07 and (c) 2007-08.
- (5) What and how many penalties were levied against individuals or bodies corporate for offences against the Act for (a) 2005-06, (b) 2006-07 and (c) 2007-08.

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

- (1) No
  - (a) Not applicable
  - (b) Not applicable
  - (c) Not applicable
  - (d) Not applicable

(2) No.

(3) Not applicable

(4)

<b>Licence class issued</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>
Security Employee - New	977	962	1028
Security Employee - Renewal	1360	1543	1730
Security Master - New	69	59	50
Security Master - Renewal	136	149	159
Security Temporary - New	26	13	12
Security Temporary - Renewal	3	8	7
Security Trainer - New	13	7	8
Security Trainer - Renewal	24	32	25

Variations of licences are included in issuing figures as these are not identified as separate to issuing a licence in the licensing system.

<b>Licence class refused</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>
Security Employee	19	69	37
Security Master	0	0	0
Security Temporary	1	1	1
Security Trainer	0	0	0

Licenses are very rarely cancelled, but are refused upon application (which includes renewal). The statistics above include all refusals (new applications and renewals – plus any refusals that may have been appealed to the tribunal and upheld).

(5)

An infringement notice system applies to the *Security Industry Act 2003*. Infringements are issued against sections of the Act.

<b>Section breached</b>	<b>Infringements issued</b>		
	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>
<i>s. 10 Offence of carrying on unauthorised security activity</i> (1) A person commits an offence if the person— (a) carries on a security activity; and (b) does not hold a licence authorising the person to carry on the activity.	9	11	6
<i>s. 42 Wearing of licences etc</i> (1) A person commits an offence if the person— (a) holds an employee licence; and (b) carries out any of the following security activities: (i) patrol, guard, watch or protect property (including cash in transit); (ii) act as a bodyguard; (iii) act as a crowd controller; and (c) does not wear the licence so the licence number is clearly visible.	0	1	0
<i>s. 43 Licensee not to dispose of licence etc</i> (1) A licensee commits an offence if the licensee— (a) gives the licence, temporarily or permanently, to anyone; or (b) allows anyone else to use the licence.	0	1	0
<i>s. 45 Master licensee not to employ unlicensed people</i> (1) A person who holds a master licence commits an offence if—	1	4	3

(a) the person employs a person to carry on a security activity; and (b) the employee is not licensed to carry on the security activity.			
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**Public service—travel  
(Question No 74)**

**Mr Doszpot** asked the Minister for Multicultural Affairs, upon notice, on 12 February 2009:

- (1) How much did the Office of Multicultural Affairs (OMA) spend on travel including itemised amounts for airfares, accommodation and travel allowance for the 2007-08 financial year.
- (2) What proportion of travel was domestic as opposed to international.
- (3) Did any officers from OMA undertake international travel during the period listed in part (1); if so, what was the purpose of the trip and how much did each trip cost.
- (4) What proportion of airfares were for business or first class travel as opposed to economy.
- (5) What proportion of trips were on Qantas as opposed to Virgin Blue and other airlines.
- (6) Does OMA have a scheme where frequent flyer points accrued on departmental travel are used to help meet the costs of future travel; if so, what is the level of participation.

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

- (1) In the 2007-2008 financial year \$4,617.93 for airfares; \$1,276.00 for accommodation; and Nil travel allowance.
  - (2) In 2007-08 all travel was domestic.
  - (3) No international travel was undertaken for business purposes.
  - (4) Business class travel was approximately 33% of all travel undertaken.
  - (5) 100% travel was with QANTAS airlines.
  - (6) The Department is subject to whole of government travel guidelines which generally require the joining of loyalty programs (such as frequent flyers) to be met by the individual. Points accrued from such programs through work related travel are not for personal use as it is the responsibility of travellers to effectively manage points accrued as a result of travel or accommodation paid by the Territory and to ensure that these points are redeemed only for further official travel.
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**Public service—travel  
(Question No 75)**

**Mr Doszpot** asked the Minister for Education and Training, upon notice, on 12 February 2009:

- (1) How much did the Department of Education and Training (DET) spend on travel including itemised amounts for airfares, accommodation and travel allowance for the 2007-08 financial year.
- (2) What proportion of travel was domestic as opposed to international.
- (3) Did any officers from DET undertake international travel during the period listed in part (1); if so, what was the purpose of the trip and how much did each trip cost.
- (4) What proportion of airfares were for business or first class travel as opposed to economy.
- (5) What proportion of trips were on Qantas as opposed to Virgin Blue and other airlines.
- (6) Does DET have a scheme where frequent flyer points accrued on departmental travel are used to help meet the costs of future travel; if so, what is the level of participation.

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

- (1) In 2007-08 the Department of Education and Training spent \$443 000 on travel including airfares, accommodation, taxi fares, parking and allowances. Of this amount \$298 000 was spent on airfares.
- (2) Of all flights taken in 2007-08, 459 were domestic and 11 were international.
- (3) Six international trips were undertaken by 11 departmental officers in 2007-08. The purpose and cost of airfares for each trip are detailed below:
  1. Teacher Exchange to Nara - \$2761.11 (one officer);
  2. Attend Asia Education Foundation Conference -\$445.84 (one officer);
  3. Attend annual Meeting of the American Education Research Association - \$11 693.56 (one officer)
  4. Marketing International Education –

October	\$16 746.37 (five officers)
March	\$3213.43 (two officers)
May	\$3587.68 (one officer)

The total cost of airfares for these trips was \$38 447.99. Details of additional costs for individual parts of travel (e.g. taxi fares, accommodation, meals) are not available as the departmental accounts do not enable trips to be separately costed. The cost of extracting this data manually would require significant departmental resources.

- (4) In 2007-08 there was 1 business class flight taken by a DET staff member and no first class flights. This equates to 0.2% of all flights.
- (5) Of all flights taken in 2007-08, 84% were QANTAS and 16% were Virgin Blue.

- (6) The Department is subject to whole of government travel guidelines which generally require the joining of loyalty programs (such as frequent flyers) to be met by the individual. Points accrued from such programs through work related travel are not for personal use as it is the responsibility of travellers to effectively manage points accrued as a result of travel or accommodation paid by the Territory and to ensure that these points are redeemed only for further official travel.

**Note** – The above responses relate to the Department’s central office functions only. School based international travel primarily relates to school excursions. It should be noted that schools excursions are funded by the participants on a cost recovery basis. The financial data recorded by the schools on excursions are at an excursion total cost basis and data on individual elements, such as international airfares is not recorded in the financial system.

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### **Education—teachers (Question No 77)**

**Mr Doszpot** asked the Minister for Education and Training, upon notice, on 25 February 2009:

How many (a) permanent full-time, (b) permanent part-time and (c) casual teachers were employed in ACT government schools as at 1 February 2009.

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

- (a) Permanent full-time – 2894
  - (b) Permanent part-time - 450
  - (c) Casual teachers - 45
- were employed in ACT public schools as at 1 February 2009

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### **Education—universities admissions index (Question No 79)**

**Ms Hunter** asked the Minister for Education and Training, upon notice, on 25 February 2009:

- (1) How is it decided which students are encouraged to apply for a University Admissions Index (UAI) and is the ACT Scaling Test a factor in this decision.
- (2) What is the number of students who have had their UAI mark amended after approaches have been made to the Board of Secondary Studies (BSS) by the students, their family and/or their school.
- (3) Can the Minister provide a list of all the approaches made to the BSS for each of the past three years, the schools relevant to those approaches, and the number of instances where scores have been adjusted correlated with the schools.

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



- (1) All students who complete the requirements for an ACT Tertiary Entrance Statement receive a University Admissions Index (UAI). One of these requirements is that the student must sit the ACT Scaling Test.
- (2) A UAI is only amended by the BSSS following notification by a college of a change to a student's college course score/s or package of studies, or as a result of a Board Appeal. The number of students who have had their UAI amended after approaches have been made to the Board of Senior Secondary Studies (BSSS) by the students, their family and/or their school over the past five years is as follows:  
2004 – 11; 2005 – 54 (one college notified an error in the calculation of college course scores in a subject after UAIs were determined, UAIs were recalculated for students concerned); 2006 – 2; 2007 – 4; 2008 – 4.
- (3) The following is the data on approaches to the BSSS for amendments to the UAI for each of the past three years.

**2006**

<b>Approach</b>	<b>School</b>	<b>Outcome</b>
Letter from college notifying change to college course scores for a student following appeal.	Dickson College	UAI amended for student concerned.
Letter from college notifying package of study incorrectly identified for a student.	Erindale College	Student now meets requirements for Tertiary Entrance Statement, UAI calculated.

**2007**

<b>Approach</b>	<b>School</b>	<b>Outcome</b>
Letter from college notifying change of unit score and grade for a student, resulting in change to college course score.	The Canberra College	UAI amended for student concerned.
Letter from college notifying change of unit, unit score and grade for a student, resulting in change to college course score.	The Canberra College	UAI amended for student concerned.
Letter from college requesting transfer of unit from ungrouped section to relevant course, resulting in change to course type and college course score, for a student.	Dickson College	Transfer approved. Student now meets requirements for Tertiary Entrance Statement, UAI calculated.
Letter from college notifying change of unit grade and college course score for a student, resulting in change to college course score.	Erindale College	UAI amended for student concerned.

**2008 (as at 5 March 2009)**

<b>Approach</b>	<b>School</b>	<b>Outcome</b>
Letter from college requesting transfer of unit from ungrouped section to relevant course, resulting in change to course type and college course score, for a student.	Dickson College	Transfer approved. UAI amended for student concerned.

Letter from college principal notifying change to unit grade and score, and course score for a student.	Erindale College	Student now meets requirements for Tertiary Entrance Statement, UAI calculated.
Letter from college principal requesting transfer of unit from ungrouped section to course, resulting in change to course type and college course score, for a student.	Melba Copland Secondary School	Transfer approved. UAI amended for student concerned.
Letter from college principal notifying combining of courses consistent with course accreditation, resulting in change to course type and college course score, for a student.	Narrabundah College	UAI amended for student concerned.

### **Government—policies (Question No 82)**

**Mr Seselja** asked the Chief Minister, upon notice, on 26 February 2009:

- (1) Is the Government committed to implementing Labor policies within the timeframe outlined in the 2008 election campaign.
- (2) Is the Government committed to implementing the agreement with the Greens within the timeframe outlined in the agreement of 31 October 2008.
- (3) What will be the cost of implementing both Labor's election policies and the agreement with the Greens and what will be the consequent impact on the ACT Government's bottom line of implementation.
- (4) What process will the Government have to follow if it intends to change the timeframes agreed with the Greens.
- (5) Has the Government already reached agreement with the Greens on cancellation or deferral of some commitments; if so, what items in the agreement will be cancelled or deferred.

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

- (1) Yes, subject to the requisite Budget processes and capacity.
- (2) Yes, subject to the requisite Budget processes and capacity.
- (3) The costs of the Government's election commitments were outlined through the election costings process. The costs of the items in the Parliamentary Agreement will be subject to costings by Treasury and implementation decisions will be made through the requisite Budget processes.
- (4) Refer Section 9 of the Parliamentary Agreement.

(5) No

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**Legislative Assembly—library  
(Question No 84)**

**Mr Seselja** asked the Minister for Territory and Municipal Services, upon notice, on 26 February 2009:

- (1) What is the progress of negotiations to transfer the Assembly library to the Legislative Assembly Secretariat.
- (2) Will the library retain its responsibility as the ACT Government library; if so, will the Minister's department provide resources to the Secretariat to fund the ACT Government services; if not, what will the Department do to provide an ACT Government library service.
- (3) Will the transfer of the Assembly Library be completed within six months of the first sitting of the current Assembly on 5 November as specified in the Labor / Greens agreement; if not, when will the transfer be completed.

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

1. Discussions are underway between officers of Territory and Municipal Services (ACT Library and Information Service) and the Clerk of the Assembly to identify the best model for the governance and operation of the Assembly Library in relation to the Assembly Secretariat.
  2. Whichever model is decided upon, library services will continue to be provided to ACT Government agencies. The funding of library services to both the Assembly and to government agencies will be determined as part of the assessment of options and will be subject to 2009/10 budget deliberations.
  3. Discussions with the Speaker have identified that it is preferable to establish a workable, cost effective model that takes into account the needs of library users, the transparency of government, the staff of the library service and the overall budget considerations for the ACT Government. Therefore the appropriate time is being allocated to consideration of structure and service delivery.
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**Waste disposal—Glebe Park recycling bins  
(Question No 87)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 26 February 2009:

- (1) Is data about recycling bins from Glebe Park still being collected and used.
- (2) Has the Government done anything to improve signage and bin design for recycling bins in Glebe Park given that this has been identified as an issue in improving peoples' use of recycling bins.

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

1. No. In early 2007 environment consultant Dr David Carpenter was commissioned to audit the effectiveness of the recycling facilities in Glebe Park in separating recyclables from non recyclable waste stream. The audit report was provided to Parks, Conservation & Lands in mid 2007. The results of the trial are positive enough to justify continued use of recycling bins in Glebe Park.
2. The existing signage and bin design has proven to be effective in separating recyclables from the non recyclable waste stream. However, there is always room for improvement. It is planned to replace the shrouds on the existing recycling bins with an improved design as the current shrouds deteriorate. The new design should improve the collection of waste paper and large recyclable containers.

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### **Waste disposal—landfills (Question No 89)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 26 February 2009:

- (1) What is the estimated amount of greenhouse gas equivalent annually created by methane expelled from Canberra's landfills.
- (2) What is the approximate cost that the Government could recover from selling composted organic waste collected in an organic collection trial, or in a Canberra wide collection scheme.
- (3) What is the price that business is currently charged for waste that they send to landfill and do the charges increase with the quantity of waste.

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

1. Landfills emit methane as the landfilled waste breaks down. Landfills do not usually emit significant amounts of carbon dioxide or other greenhouse gases.

Canberra has one operational landfill at Mugga Lane. A company called Energy Developments extracts methane from the Mugga Lane landfill and then burns it in an internal combustion engine to produce electricity. Energy Developments estimates that the methane emitted from the Mugga Lane landfill in 2007-08 was approximately 167,000 tonnes CO<sub>2</sub> equivalent (net).

Landfills may continue to emit greenhouse gases after they have been closed and are no longer operational. This may occur for more than 20 years from the time that waste is last deposited (see 'Discussion Paper – Coverage of Landfill Emissions August 2008' on the Department of Climate Change website at [www.climatechange.gov.au](http://www.climatechange.gov.au)). ACT Government does not monitor emissions from all non-operational landfills but has a contract with Energy Developments to extract methane from one of the non-operational landfills, West Belconnen. Energy Developments estimates that the methane emitted from the West Belconnen landfill in 2007-08 was approximately 38,000 tonnes CO<sub>2</sub> equivalent (net). Figures cannot be given for other non-operational landfills at this stage.

Energy Developments base these figures on the estimate that around 75% of the total methane that is emitted is captured.

2. Nil. It is intended that the contract be negotiated to take into account the value of the composted organic waste.

If the Government instead chose to sell the composted organic waste rather than allowing the contractor to sell it, the Government would need to pay a higher gate fee to the contractor and would be highly unlikely to save money overall. Further, the contractor will be better equipped and incentivised to engage in market development and sales of composted organic waste.

3. Charges for general commercial waste sent to landfill from 1 July 2008 – 30 June 2009 are \$27.50 for an amount up to 0.25 tonne and \$110 per tonne for amounts larger than 0.25 tonnes. Fees increase with the amount of waste delivered but there is no exponential increase (ie. the charge for two tonnes of waste is \$220).

There are separate prices for waste that is not general commercial waste, for instance commercial waste that contains asbestos. See 'Guide to Waste Disposal Charges' - [http://www.tams.act.gov.au/\\_\\_data/assets/pdf\\_file/0018/31554/2008\\_Brochure.pdf](http://www.tams.act.gov.au/__data/assets/pdf_file/0018/31554/2008_Brochure.pdf)

There are price incentives to minimise waste sent to landfill. Many recycling options are either free of charge or cost significantly less than general commercial waste fees. See 'Other Recycling Options in the ACT' - [http://www.tams.act.gov.au/live/Recycling\\_and\\_Waste/Recycling\\_Options\\_in\\_the\\_ACT](http://www.tams.act.gov.au/live/Recycling_and_Waste/Recycling_Options_in_the_ACT)

## **Planning—East Gungahlin (Question No 94)**

**Ms Le Couteur** asked the Minister for Planning, upon notice, on 26 February 2009:

Given that there is agreement to not develop all of Throsby, as originally proposed in Draft Territory Plan Variation 231, when will ACTPLA be issuing a new Structure Plan for East Gungahlin to reflect this, to replace Structure Plan 1.8 of Volume 3 of the Territory Plan.

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

Variation to the Territory Plan No. 231 (East Gungahlin – suburbs of Kenny, Throsby and part Harrison and Goorooyaroo Nature Reserve) commenced on 25 August 2006. This Variation was incorporated into the (new) Territory Plan that commenced in March 2008 as the East Gungahlin Structure Plan.

The provisions in the Territory Plan relating to Throsby reflect an earlier decision of Government to set aside a significant part of Throsby as nature reserve. The Territory Plan map and the outline plan for Throsby found in the Structure Plan for East Gungahlin show a significantly smaller area for the suburb of Throsby compared with that shown in the draft variation.

**Roads—Coulter Drive  
(Question No 96)**

**Mr Coe** asked the Minister for Transport, upon notice, on 26 February 2009:

- (1) What safety assessments and traffic studies have been completed on Coulter Drive between Shumack Street and Springvale Drive and what were the results.
- (2) If no safety assessments and traffic studies have been completed, are there any plans to conduct any in the future.
- (3) Does the Government have any plans to change (a) speed limits or traffic flow arrangements and (b) pedestrian arrangements for this part of Coulter Drive.

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

1. There has been no recent traffic studies carried out covering this midblock section of Coulter Drive.
2. There are currently no plans to have this midblock included in a traffic study.
3. a) Roads ACT are reviewing speed limits on the arterial road network in the ACT. Coulter Drive was assessed as part of this study and the speed limit is considered to be appropriate.  
  
b) There are currently no plans to change pedestrian arrangements for this part of Coulter Drive.

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**Environment—household vegetation clearing  
(Question No 97)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 26 February 2009:

- (1) In relation to clearance of vegetation in front of residential blocks around roads and footpaths, what is the Department of Territory and Municipal Services policy in asking individual households to conduct clearing.
- (2) What is the Department's procedure for informing people of their obligations to conduct clearing.
- (3) How many notices has the Government issued to clear vegetation to individual householders each month for the past year.

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

1. The *Roads and Public Places Act 1937* (the Act) requires that the occupier of land must not obstruct or inconvenience any passers by on public land by any overhanging tree, sapling, plant, shrub or timber. The Act also requires that the safety of a person using a public place must not be endangered by any of these items. This includes obstructing the vision of road users.

The Act provides that a Roads and Public Places officer can issue a Prescribed Object Notice to the occupant, directing them to cut or remove the offending object. Penalties apply if the notice is not complied with.

The Act also requires that a permit be obtained from the Minister to place objects in, over or across a public place. These permits are frequently issued to people wishing to develop their nature strips. No developments are approved where the proposed garden bed, structure or development would encroach closer than 1.2 metres to the kerb. This is a requirement where a footpath has not been provided to enable pedestrians to travel in safety without walking on the roadway and to allow people to exit parked vehicles without danger or obstruction.

2. City Rangers deal with specific issues around overhanging foliage along public footpaths and nature strip obstructions on an ongoing basis. In specific instances when a street or address is brought to the Rangers attention, they will respond and take action consistent with the Act. Where minor obstructions are detected, the Rangers may complete the pruning on the spot. In other instances, a Prescribed Object notice may be issued to the occupier, with a 14 day period in which to comply with the notice.
3. Over the last twelve months, City Rangers have dealt with a total of 534 overhanging foliage and line of sight issues. Spring and summer are typically the busiest months. A break down by month is as follows:

Feb 08 – 109  
Mar 08 – 67  
Apr 08 – 37  
May 08 – 37  
Jun 08 – 35  
Jul 08 – 17  
Aug 08 – 79  
Sep 08 – 43  
Oct 08 - 36  
Nov 08 – 25  
Dec 08 – 23  
Jan 09 - 26

**Total - 534**

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