



Debates

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Tuesday, 5 May 2009

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

Retirement of Mr John Clifford **Motion of thanks**

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

That this Assembly places on record its thanks to John Clifford, on his retirement as ACT Parliamentary Counsel, for the outstanding contribution he has made to the Territory since self-government.

Mr Speaker, members may be aware that Mr John Clifford has recently retired as head of the ACT Parliamentary Counsel's Office. Mr Clifford was appointed as the Parliamentary Counsel in 2006, but he was the Deputy Parliamentary Counsel ever since the commencement of self-government. John has been an outstanding servant of the ACT, and this motion places on the record this Assembly's appreciation of his efforts and thanks for the outstanding quality of his work.

Mr Clifford was pivotal in the establishment of the Parliamentary Counsel's Office in the territory. Shortly before self-government he left the commonwealth for the new frontier of the self-governing territory. He was pivotal in establishing the Parliamentary Counsel's Office, its management and its systems.

With only five others to keep him company, in 1987 he began the task of converting commonwealth laws and writing new ones for the emerging self-governing ACT. Mr Clifford is passionate about publishing legislation and enhancing public access to the law. Before self-government, there was only one reliable set of territory laws, an old cut and paste set, I am told. So the task must have been daunting even to someone with John Clifford's natural enthusiasm.

Capturing these laws digitally was the start of a long march towards the ACT's legislation register. John was instrumental in establishing the register and he is justifiably proud of it as the most comprehensive legislation site in Australia. He has worked tirelessly for its continuous improvement and its ongoing success is largely due to his efforts. A recent achievement has been the development of an enhanced search engine to the register, which will be launched shortly.

John Clifford's fingerprints would be on almost every ACT law drafted since self-government. He has an unwavering commitment to excellence in drafting and a legislative style that combines precision, simplicity and clarity. This commitment has helped ensure that ACT legislation is of a uniformly high quality and that it is cohesive and consistent across the ACT statute book.

John has overseen a number of projects of significance to the territory, including the utilities package and, most recently, the ACT's Civil and Administrative Tribunal Act, which resulted in republication by the Parliamentary Counsel's Office of 160 pieces of legislation.

John Clifford brings a strong client focus to his work and this has helped to establish the excellent working relationships with clients that the Parliamentary Counsel's Office enjoys. His attention to detail and persistence with getting to the bottom of every issue makes him a formidable legislative drafter and it has earned him the respect of all those who have worked with him.

John Clifford has also built a great office culture at the Parliamentary Counsel's Office. He has a special talent for finding the good in every situation, seeking opportunities and bringing out the best in people. He has built an office with a strong and positive work culture. He has demonstrated commitment to excellence in drafting and to public access to legislation. This has always been an inspiration for those colleagues who work with him. Always good humoured and helpful, he makes everyone in his office feel that they are making an important contribution to the work of the office and, indeed, to the broader goals of the territory. He is quite simply, Mr Speaker, one of those quiet, understated public servants, but without whom this place and this territory would be all the poorer.

John's retirement plans now allow him to focus on his three beautiful grandchildren, and I know that he is looking forward very much to spending more time with his family. We will of course have to wait and see whether he has really finally discarded his legislative drafting tools or whether the lure of legislative drafting may be too much for him, as it has been for other heads of drafting offices who have sought retirement.

Nevertheless, Mr Speaker, on behalf of the Assembly I wish to extend a warm thank you and deepest appreciation to the work of John Clifford. He has, I know, worked closely with many members in this place. His contribution and his commitment to self-government have been outstanding and I ask members to join with me in thanking him for his public service.

MR SESELJA (Molonglo—Leader of the Opposition): We are pleased to support this motion today. The Parliamentary Counsel's Office is one of the most important resources available to this Assembly. Amongst other things, it is responsible for drafting legislation, analysing legislative proposals, ensuring ACT legislation is kept at a high standard and, importantly, is easily readable and understood. It is also responsible for maintaining the legislation register so that it is easily accessible by the Canberra community.

Mr Speaker, the PCO carries out these functions with the highest degree of professionalism and with good humour, a quality that often is needed in good measure when dealing with the demands of members in this place. The Parliamentary Counsel, John Clifford, has inspired this professionalism and good humour.

It is his leadership that has created a culture within the PCO that has engendered lateral thinking, good advice, high quality analysis, finding the way through minefields of legislative consequences, working with members in a proactive, respectful and patient manner and producing legislation that often leads the country and that always stands the test of time. As such, Mr Speaker, John Clifford is one of the great quiet achievers. He seeks no accolades in the quality of his work, yet his calm and patient willingness to take on technically complex assignments and deliver them against seemingly impossible timelines is surely inspirational. There is never a fuss; nothing is too difficult; no-one is less important than another.

Sometimes I wonder whether John Clifford carries a persona like that of a duck swimming. On the surface, all is calm and serene. Underneath, the legs are paddling like crazy. The proof is in the pudding, Mr Speaker. That calmness is a hallmark not only of John Clifford's work style and ethic but of the PCO as a whole. Perhaps the water is too murky to see what is happening underneath but if it is furious paddling, John Clifford and his team hide it with great skill. When he is able to relax, John Clifford loves to chew the fat on issues that confront society and the world. He has knowledge about and views on a very broad range of issues. He can discuss them at length and to a depth of understanding that few could emulate and many would envy.

In his retirement, John Clifford's mind will still work as it has during his career. It will continue to analyse, learn, be aware and be observant. It will continue to be patient and calm, and he will maintain, no doubt, his good humour. John Clifford the Parliamentary Counsel will be a loss to the ACT government and to the people of Canberra and particularly to this Assembly. John Clifford in retirement will be a wonderful asset to our community. Mr Speaker, on behalf of the Canberra Liberals I thank John Clifford for his dedication, his professionalism, his counsel and his leadership. I wish him a long, happy, busy and productive retirement doing all those things that he wants to do.

MS HUNTER (Ginninderra-Parliamentary Convenor, ACT Greens): Mr Speaker, the ACT Greens join with the Attorney-General in paying tribute to the great service given by John Clifford. John has been one of those quiet achievers who have worked tirelessly in the ACT's Parliamentary Counsel's Office, leading a team which has ensured our i's are dotted and our t's are crossed on legislation, so that the territory functions and MLAs appear as if they always know what they are talking about. Only last week, my staff had a briefing with the Parliamentary Counsel's Office to help learn a bit more about the complexities of preparing legislation. The Parliamentary Counsel's Office staff were lamenting John's departure, as he was the go-to person on legislation matters. They could not speak highly enough of his contribution and leadership.

This is easy to understand, as John left the commonwealth public service in 1987 to join the ACT public service as part of the team tasked with the converting of sections of the commonwealth legislation to ACT government legislation in preparation for self-government. John has said that his fingerprints are on just about every law made since 1987. This is a remarkable achievement and a sign of his patience and

dedication, not only in dealing with the MLAs wanting to change the world, but working through the intricacies of law and producing legislation that has stood the test of time. John lists the work done on the legislation register as one of his major achievements. This involved the conversion of the one reliable print set of territory laws into digital form and then the establishment of a legislation register. John has said that this is now the most comprehensive legislation site in the country and, given his experience across the commonwealth and the territory, he would know.

Not only has John worked tirelessly on this, but he continued to upgrade and improve the site. John was Deputy Parliamentary Counsel and then Parliamentary Counsel for his last three years with the office. He developed a strong client focus and he will be pleased to know that my staff remarked following the meeting with the PCO's office last week how helpful the staff were in briefing them on how the office and legislation work. John will be sorely missed not only by his dedicated staff at the PCO, but by MLAs and their staff for his wise counsel. He can, however, take great comfort in knowing that he has been a major contributor to the ACT Legislative Assembly's history. On behalf of the Greens, I wish him all the best in his retirement and hope that, as we mark off 20 years of the Assembly next week, he takes great pride in the part he has played in the life of the Assembly.

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): Mr Speaker, I wish very much to join with the Attorney-General, the Leader of the Opposition and the Parliamentary Convenor of the Greens in acknowledging John Clifford's sterling and wonderful service to the ACT, to the Assembly and, indeed, through the Assembly, his role in the drafting of the laws of the territory, most particularly since self-government.

I also wish to acknowledge 35 years of friendship with John Clifford. In fact, John Clifford was, I think, my second boss in my career as a commonwealth public servant. He was my supervisor in the department of health in a position that I gained in 1974, my first promotion as a public servant from the then department of education and science. I was successful in an interview. I still recall the interview panel. It was composed of Geoff Fisher, now sadly deceased, Dennis Sweeney and John Clifford. John became my supervisor in the legislation branch of the department of health from 1974 to about 1977.

John was my supervisor and someone I actually lived close to. We were fellow residents of Evatt. Indeed, we carpooled from Evatt to Phillip for the three years that we worked together, along with another member of the legislation branch at the time. It was a very successful and enjoyable period of joint travel and fellowship. Of course, it provided that extra bit of time to commune on the work that we were doing.

I was engaged as a legislation officer. My primary responsibility then was to draft the instructions for the preparation of legislation for the commonwealth in relation to health and quarantine. Even then, I recall John's deep interest in drafting. At that stage we were responsible for drafting instructions for the production of legislation and then to review that legislation to determine whether it met the government's or our policy imperatives.

I recall well the attention to detail that John would always bring to the task of legislation and the preparation of legislation. It was no surprise to me when John left the role of formal legal officer in a line department to join the Parliamentary Counsel's Office within the Attorney-General's Department as a draftsman. It was a career line which I did not quite understand. I did not have the same fascination with it.

It is interesting in relation to any career pursuit to understand what others see as a deep fascination in a particular art or craft that perhaps is just not evident to others. John left general legal advising and general legal work to become a specialist at Parliamentary Counsel. I think the fact that he pursued that career through the Commonwealth Attorney-General's Department, the Office of Parliamentary Counsel and the Office of Regulations to accept the position in the ACT over 20 years ago and to rise through that to head the Office of Parliamentary Counsel in one of the Australian jurisdictions is a fantastic achievement by a totally, thoroughly professional public servant. He is a public servant of the first order who in all of his dealings, and I think that is reflected in the presentations that have been made today, personifies everything about what it is to be a truly professional public servant in the true meaning of a professional public servant and public service.

He has a record of achievement not just over his 20 years as a senior drafter within the ACT Office of Parliamentary Counsel but prior to that within the commonwealth. It is a 20-year career with the commonwealth followed by a 20-year drafting career here in the territory. As each of the other three speakers to this tribute to John have indicated, he is a person whose touch might appear to be light. In many respects it is a touch that we do not acknowledge. However, he is somebody who can claim justifiably to have touched every single piece of legislation drafted or presented in this place over the last 22 years.

This is a very significant contribution. It is a contribution not just to the law and to the operation of this community but, indeed, to the establishment of this parliament and to the continuing strength of this democracy, which at one level is measured through the quality of its legislation and its legislative processes.

I wish John, his wife Dianne and his children and grandchildren all the best for the future. It has been a career that John has pursued with singular achievement, professionalism and integrity. John has a work ethic and a level of integrity and productivity of the highest standard. Congratulations to John Clifford on an outstanding career and all the best for the future.

Question resolved in the affirmative.

Standing and temporary orders—suspension

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

That so much of the standing and temporary orders be suspended as would prevent:

- (1) any business before the Assembly at 2.30 p.m. this day being interrupted to allow the Treasurer to be called on forthwith to present the Appropriation Bill 2009-2010;
- (2) (a) questions without notice concluding at the time of interruption; or
(b) debate on any motion before the Assembly at the time of interruption being adjourned until the question—"That debate on the Appropriation Bill 2009-2010 be adjourned and the resumption of the debate be made an order of the day for the next sitting" is agreed to;
- (3) at 2.30 p.m. on Thursday, 7 May 2009, the order of the day for resumption of debate on the question that the Appropriation Bill 2009-2010 be agreed to in principle, being called on notwithstanding any business before the Assembly and that the time limit on the speeches of the Leader of the Opposition and the ACT Greens Parliamentary Convenor be equivalent to the time taken by the Treasurer in moving the motion - That the bill be agreed to in principle; and
- (4) (a) questions without notice concluding at the time of interruption; or
(b) debate on any motion before the Assembly at that time being adjourned until a later hour that day.

Administration and Procedure—Standing Committee Membership

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

That Mrs Dunne be discharged from the Standing Committee on Administration and Procedure for today and that Mr Hanson be appointed in her place.

Justice and Community Safety—Standing Committee Scrutiny report 6

MS PORTER (Ginninderra): I present the following report:

Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 6, dated 4 May 2009, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MS PORTER: Scrutiny report 6 contains committee comments on four bills, 12 pieces of subordinate legislation and four government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Health, Community and Social Services—Standing Committee Report 1

MR DOSZPOT (Brindabella) (10.20): I present the following report:

Health, Community and Social Services—Standing Committee—Report 1—*Report on Annual and Financial Reports 2007-2008*, dated 29 April 2009, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

I have tabled today the first report for the Seventh Assembly of the Standing Committee on Health, Community and Social Services. The annual and financial reports for 2007-08 referred to the committee were ACT Health and sections of the Department of Disability, Housing and Community Services; namely, “output class 1—disability services and policy” and “output class 3—community and homelessness services and Housing ACT”. “Output class 2—early intervention” and “output class 4—children youth and family services” were referred to the Standing Committee on Education, Training and Youth Affairs.

The committee held three public hearings and heard from the Minister for Health, the Minister for Disability and Housing, the Minister for Multicultural Affairs, the Minister for Indigenous Affairs, the Minister for Women and the Minister for Community Services as well as relevant departmental officials. The committee appreciates the vast numbers of programs that agencies are required to report on each year but during the inquiry the committee found that more detailed information for some of the programs would have been valuable.

The committee made seven recommendations. Recommendation 1:

The Committee recommends that the Department of Disability, Housing and Community Services updates the information regarding the Commonwealth-State/Territory Disability Agreement (CSTDA) on its website, as a priority, and provide direct links to current and past agreements.

Recommendation 2:

The Committee recommends that details about the number of women supported through the various grants be provided in future annual reports.

Recommendation 3:

The Committee recommends that ACT Health provide more information, in future reports, about initiatives in relation to addressing the shortage of general practitioners in the ACT.

Recommendation 4:

The Committee recommends that ACT Health provide more information, in future reports, on action being taken to address category 2 elective surgery patient waiting lists.

Recommendation 5:

The Committee recommends that ACT Health provide further information, in future reports, relating to the strategies that will be adopted to meet the long term target of an 85 per cent bed occupancy rate.

Recommendation 6:

The Committee recommends that ACT Health provide further information, in future reports, on strategies that will be adopted to meet targets set for triage category 3 and 4 in 2009-2010.

Recommendation 7:

The committee recommends that ACT Health provide further information, in future reports, on category 5, non urgent patients, that leave the emergency department before treatment is received, in particular any information that relates to emerging trends.

On behalf of the committee, I would like to thank ministers, departmental officials and agency representatives for their time and cooperation during the inquiry. I would also like to thank the members of the committee, Ms Bresnan and Ms Burch, for the professional manner that was adopted during the inquiry and for the sharing of views in the final deliberations and recommendations. And in particular, I would like to pass on my personal thanks, as well as the thanks of all members of the committee, to the committee secretary, Ms Grace Concannon, for her advice, support and contribution to our first report.

Question resolved in the affirmative.

Public Accounts—Standing Committee

Statement by chair

MS LE COUTEUR (Molonglo): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts relating to inquiries about certain Auditor-General's reports currently before the committee.

On 17 December 2008, Auditor-General's report No 8 of 2008, titled *2007-08 financial audits* was referred to the Standing Committee on Public Accounts for inquiry. This report provides a summary of the results of the audits of financial reports and reviews of statements of performance completed during 2007-08, covering the territory and its agencies. The committee received a briefing from the Auditor-General in relation to the report on 19 March 2009. The committee has resolved to inquire further into the report and is expecting to report to the Legislative Assembly for the ACT as soon as practicable.

On 10 December 2008, Auditor-General's report No 7 of 2008 titled *Proposal for a gas-fired power station and data centre—site selection process* was referred to the Standing Committee on Public Accounts for inquiry. This report presents the results of a performance audit that reviewed the government's decision-making process relating to the selection and offer of a site for the proposed gas-fired power station and data centre. The committee received a briefing from the Auditor-General in relation to the report on 19 March 2009. The committee has resolved to inquire further into the report and is expecting to report to the Legislative Assembly for the ACT as soon as practicable.

Exhibition Park Corporation Repeal Bill 2009

Debate resumed from 29 March 2009, on motion by **Mr Barr**:

That this bill be agreed to in principle.

MR SMYTH (Brindabella) (10.26): The opposition will not be supporting this bill. This bill is symptomatic of the Stanhope-Gallagher government's approach to so many things. It lacks vision, it lacks innovation and it reeks of the dead hand of a government that has no ideas.

This corporation is a success story. The board has done a wonderful job in bringing EPIC to its current state of development over a number of years and, while doing this, has built up a reserve that can be now used to fund further development of the site. Moreover, the board has a vision for EPIC but this has, of course, been thwarted by the Stanhope-Gallagher government's complete lack of capacity to have a strategy or a vision for EPIC itself.

The board developed a master plan some years ago and Mr Stanhope and his government sat on it for years. Then, reluctantly, in 2008, he told the board to get about its business and leave development matters to the government.

A particular innovation from the board was to develop more accommodation options at EPIC, with lower cost options that would appeal to existing users, people such as those that have been recently at the Folk Festival, and which would attract new users, particularly grey nomads, and new events. This strategy would provide EPIC with a more sustainable flow of revenue, which is a very reasonable approach.

What was the response of the Stanhope-Gallagher government? They said, "Forget it. We will take this idea over and we will run with it." And this is a perfect example of how the Stanhope-Gallagher government operate: not having any sense of strategy or any sense of innovation but when somebody else comes up with a good idea they will simply snatch it away. Is it any wonder that no-one wants to work for a government that act in such a way?

The minister's claim was that the repeal of the corporation will reduce overheads by around \$50,000 per year. On one hand, of course it will. That is precisely the amount that is spent on the sitting fees for the current board. Sack the board, save \$50,000.

That is the easy way out and is not a particularly clever strategy. On the minister's own analysis, there will not be any other savings. So this cannot be a driver for change.

What the minister wants to do is bring EPIC under the Territory Venues and Events Unit in Territory and Municipal Services. This unit manages three of Canberra's premier sporting venues—Manuka Oval, the Canberra Stadium and the Stromlo Forest Park—but it has no experience in managing such a diverse facility as EPIC. Moreover, EPIC is not a sporting venue. What this would mean is that EPIC would move from being managed by a board that has a good combination of commercial, strategic and event expertise to being a facility that is managed by people who have no particular commercial imperative, who may not have any expertise in the nature of events that are suitable for EPIC and who may have no strategic planning experience whatsoever. Talk about throwing the baby out with the bathwater!

This is an entirely misguided proposal from the Stanhope-Gallagher government and should be opposed on a number of grounds. We will be opposing this bill. In fact, we want to see the board of the corporation able to manage EPIC effectively and develop EPIC into an even more substantial asset for the ACT and the region.

MR RATTENBURY (Molonglo) (10.30): In speaking to this bill today I would firstly like to note the value of the amendment to standing order 172 which was made late last year as a result of the Greens-ALP agreement. This is an amendment that has created a situation where a bill should not be passed in the same sitting period in which it was introduced unless otherwise considered urgent.

I think this bill has demonstrated very well the value of that approach because it has given us time to consider this bill and, at least in the case of the Greens, to go out and talk to some of the stakeholders involved in this issue, ask them their views, consider the government's plan, potentially enter into a discussion with the government about the content of the bill and then come to the floor of the Assembly today and actually have a substantive debate. That has been the process for my colleagues in the Greens and me. It has been very valuable and I think underlines the value of that amendment to that standing order. I commend that standing order to the Assembly in its new form and trust that it will become a permanent, not just temporary, standing order of this place.

That process of discussion and consultation with stakeholders has produced some very interesting feedback for us. I think it is very clear that EPIC is a venue highly valued by the Canberra community. It hosts more than 300 events annually, ranging from the National Folk Festival through to Summernats, the Royal Canberra Show and a large number of livestock and animal-related shows in between. It is a very diverse venue that brings in a large number of communities, not just from Canberra but from the region and from all around the country. I think it is a great asset for Canberra.

I think we have also learnt—and Mr Smyth has already noted this—the struggles of EPIC in recent years to progress, to be able to improve the facilities and to be able to continue to update EPIC and maintain it as a national, quality venue. I think those issues particularly relate to the ability to obtain new land and to proceed with building

on-site accommodation at the perhaps budget end of the market, which is of particular interest for many of the venues held there.

To me, a question which I still do not understand is: why, despite the fact that EPIC has been trying for a number of years to proceed with this plan, which strikes me as a very good plan, given the noted shortage of budget accommodation in the ACT, has EPIC not been able to proceed with these plans, despite their clear intent? And that is something that is still not clear to me. It is not clear to me why moving EPIC into a government department will necessarily improve that situation.

I think it would also be fair to say, from talking with stakeholders, that there has been some mixed commentary on the performance of the board. Some people have been very positive in terms of the energy, the expertise and the commitment that the board puts into running EPIC but I think there has also been a level of frustration about the board's ability to move forward, about getting things done. Again, I think this comes back to the fact there have clearly been some blockages somewhere in the process of EPIC reporting to government. The fact that there is still not quite a full strategic plan for EPIC strikes me as a very odd situation.

It is also very interesting to consider some of the other venues that have gone into the Territory Venues and Events Unit of the Department of Territory and Municipal Services. I think Manuka Oval is an interesting example. Previously the situation was that there was a board, jointly organised by the AFL and cricket organisations in the territory. They had two members each on the board, and the chair of the board was an independent party, a very experienced gentleman.

The feedback from those organisations is an interesting one. They said that the loss of the board and the movement into Territory and Municipal Services took away some of the real pride and energy that was brought to it by the groups that were the users of the oval. Instead it went into the department as part of a conglomeration, and you have lost that real value, that real community spirit, that was there in running a venue.

This is one of the key concerns for the Greens about the proposal for EPIC. Where does this leave us? I think, with the legislation and the situation we have, we are working with black-and-white options. The government has put forward, "We do it this way or we do not." I think that there are other options. We have formed the view that there is real value in retaining a board with a range of community input and experience.

Our primary concern is to retain a level of community input into the future of EPIC. We believe there is real value in that. Certainly if you look at the current qualifications and experience of the sitting members of the board, there is a breadth of experience from across the Canberra community: lawyers, businesspeople, union representatives. This brings a depth to the board that we believe there is some value in. I am not standing here saying the board is without fault or the board is perfect. There is perhaps room for improvement, and I think that there is opportunity there.

Certainly we welcome the fact that EPIC is now sitting in a portfolio under the Minister for Tourism, Sport and Recreation. Previously it sat under the Treasury

portfolio and I think to some large extent was probably lost in that portfolio. I think that is part of the problem. EPIC has struggled to get the attention and get the focus from government that was probably warranted as a territory facility, and I welcome the fact that the new minister is looking at putting more time and focus into this. I think that will be an improvement for EPIC, and I congratulate him on that already new energy. Hopefully it will continue to be the situation.

I also acknowledge the government's efforts to save money. I think that is something we should always be striving to achieve, particularly today in the context of the budget and the difficult economic times that are facing the territory and getting our budget balanced. I think that is a good initiative.

Recognising all of those things, the Greens came forward with a number of suggestions to the government. Rather than abolishing the board at this point, we thought there were potentially different ways to proceed: to postpone the abolition of the board for 12 months and assess how it performs in the new portfolio; and to ensure that, with this new portfolio, it gets the licence to move forward and do some of the things that the board has been striving to do and have the space to do that.

We suggested reducing the fees of the board if the money is the true issue here. My sense is that most of the board members are not in this for the money; they are in this to make a contribution and that, even in the event that there is a board member who really is offended by the loss of fees, I am aware that there are other people that would be very keen to play a role in the running of EPIC and that would step up to the board if invited. So I think that potentially there is an option there to save money. If in 12 months time, at the end of that period, we find that there is still a case that the board seems to be the issue, not the being in a backwater of the Treasury portfolio, then we can reconsider this issue.

These are the creative and constructive options that the Greens have put forward to the government. Unfortunately, it is unclear at this point whether the government is going to take up some of those options. We feel at this stage that, if there are not some further alternatives in lieu of the black and white, we will not be able to support this bill in its current form. We do not believe that there is a sufficiently strong case at this point to simply abolish the board and suck EPIC into the department. For the reasons I have outlined, we feel that there will be a loss of energy and expertise there; it is not a step forward; therefore, the Greens will not be supporting the bill in its current form.

MS PORTER (Ginninderra) (10.38): I rise to support the bill before us. The ACT is renowned for our fantastic sporting events and facilities, and the ACT government successfully runs three of Canberra's premier sport venues—Canberra Stadium, Manuka Oval and Stromlo Forest Park—through Territory Venues and Events, within the Department of Territory and Municipal Services. These efficiently run facilities accommodate world-class performers to the ACT and with them a significant injection of tourism, which is very important to the local economy.

Following changes to administrative arrangements, Exhibition Park in Canberra, more commonly referred to as EPIC, now sits with other territory venues operated by TAMS. There is an opportunity to achieve greater efficiency in the administration and

coordination of events, as well as some savings, as a result of the abolition of EPIC's board of management.

The abolishment of the Canberra Stadium Authority, the Australian Capital Tourism Corporation and the ACTION Authority in 2006 and their successful integration into TAMS provided a strong precedent for the incorporation of the EPIC venue and associated functions into TAMS. This has provided an excellent opportunity to merge the administration of the Exhibition Park Corporation with other territory venues operated by that organisation. This is the same process that the government went through previously with Canberra Stadium and Manuka Oval. This move will see all our major venues such as Stromlo Forest Park managed by the same professional team.

The ACT government, through our three premier venues, holds numerous national and international games. These events not only raise the profile of Canberra but also bring tourists and visitors to our wonderful city. As Minister Barr noted in February of this year, over 50 international sporting events will be held in the ACT in 2009, making this year perhaps the biggest ever in terms of sporting events. A great number of these events will be held at facilities run by the ACT government. Canberra Stadium was the scene of the Socceroos match against Kuwait earlier this year and will be the scene of the Wallabies international rugby match against Italy. Manuka was the venue for the women's cricket world cup, and Mount Stromlo Forest Park will set the scene for the 2009 version of the mountain bike world championships. These are but a few of the sporting events in the year's sporting calendar that offer variety and quality.

As I have always said in this place, Canberra is the nation's capital and we should expect and demand the best. The successful management of these facilities by the ACT government allows Canberrans to experience world-class sporting events in surroundings that do justice to these events. It also provides international standard venues for us to regularly experience the theatre of our national sports leagues.

Canberra Stadium is the ACT's premier sporting facility, playing host to the famous Brumbies and Canberra Raiders. With a seating capacity of over 25,000, it also hosts a number of minor community events and provides first-class function and conference facilities. Manuka Oval is Canberra's original cricket ground and host to the Australian Football League matches and the Prime Minister's XI. It also offers one of Canberra's unique function and event centres with the Bradman Room, overlooking the historic field and catering for up to 400 guests.

After the 2003 bushfires destroyed Stromlo forest, the ACT government bushfire recovery task force was established to advise the government on recovery and to act as a bridge between government agencies and the community. From this simple beginning, Stromlo Forest Park is now a one-of-a-kind facility with exceptional infrastructure for a variety of users, with a purpose-built event pavilion, criterium cycling circuit, grass cross-country running track, equestrian trails and mountain bike tracks to suit every level of rider.

Of course, we all know about the many and varied events that are run year-round at EPIC, attracting tourists to our city, improving our economy and bringing enjoyment

to so many. Mr Rattenbury mentioned some of them. We have all just witnessed or participated in the National Folk Festival which was conducted at EPIC all Easter; Mr Rattenbury made mention of this. The festival is in its 15th year of involvement with EPIC and making its permanent home in Canberra. I attended it in April, as I do most every year, and I was again struck not only by the large number of people who attended this event but by the excellent atmosphere that pervades EPIC during the time of the festival.

Whilst of course this is not a sporting event like those I have been talking about at the other venues, it is a wonderful example of what can be achieved and what the facility can successfully host. Of course I have a particular association with the national festival, through the work of Volunteering ACT, working in partnership with the organisers to develop the initial training for the “volunteer coordinators” so-called, whom I prefer to call “managers”, which led to such a well-regarded and renowned volunteer program which is the backbone of the national festival. However, I digress.

The abolition of the board and bringing EPIC into TAMS allow for greater coordination of events and an improved long-term strategy for the management of all venues. Dissolving the board will allow the team at TVE to manage EPIC and to bring it in line with our three other premier venues.

Mr Smyth: What’s TVE? Do you actually know what TVE is?

MS PORTER: Yes, I do, Mr Smyth, although I doubt that I should be talking to you. Thank you very much for your instruction.

There is a great potential for growth at EPIC, and the TVE team, working closely with EPIC staff, can make this happen.

Mr Smyth: Just so enthusiastic.

MS PORTER: Events, just for your benefit; right?

Mr Smyth: Events; okay.

MS PORTER: Surely this is what we all want—to make sure these wonderful facilities and these wonderful events can reach their full potential and work together to facilitate, support, enhance and promote all aspects of their function and their business. We do need to support this bill and I commend the bill to the Assembly.

MS BURCH (10.44): As a Canberran I have enjoyed many events at EPIC—the Royal Canberra Show and home and leisure shows, to name a few, and we have heard of others—that are well attended by Canberrans and indeed form part of our community. By dissolving the Exhibition Park Corporation, we are not putting a stop to these wonderful events; we are simply transferring the roles and responsibilities of the corporation to the Department of Territory and Municipal Services.

The Exhibition Park Corporation, EPC, is currently a statutory authority, established by the Exhibition Park Corporation Act 1976. The EPC administers the site known as

Exhibition Park in Canberra, or EPIC, and it is located, as we all know, in north Canberra. The EPC has a board of management established under the Financial Management Act of 1996 with staff employed under the Public Sector Management Act of 1994.

In order to facilitate the integration of the EPIC site into TAMS, it is necessary to dissolve the EPC and to repeal the Exhibition Park Corporation Act of 1976. The bill inserts provisions into the Financial Management Act 1996 that will facilitate the transfer of assets and liabilities from the EPC back to the territory. EPC permanent staff are already public servants and will continue to be so after 1 July 2009.

The November change to administrative arrangements provided an excellent opportunity to merge the administration of EPIC with the other territory venues operated by TAMS to achieve efficiency in administration, coordination of events and some savings as a result of abolishing EPIC's board of management. TAMS has been undertaking due diligence process of EPIC's operations to ensure that there is proper understanding of the possible liabilities that the territory will incur. EPIC's operations will continue and benefit by coming under TAMS.

There are many similarities between the nature of EPIC facilities, operations and business objectives and that of the other venues in the ACT currently being administered directly by TAMS, such as Canberra Stadium, Manuka Oval and the Stromlo Forest Park. The similarities include facilities that provide a focal point for a diversity of local and national sporting and community events; operational imperatives relevant to the nature of these events, such as partnerships with business and community sectors, flexibility and responsiveness to meet access and use needs, security and safety issues, neighbourhood issues such as traffic management and noise; and business objectives that balance maximising income with affordable use as well as minimising operational dependence on recurrent government funding.

Incorporating the EPIC venue within TAMS can capitalise on the expertise available within both existing organisations, particularly in relation to management issues such as event planning, contract management, asset management, security and insurance. In the longer term it can provide an array of opportunities such as consistency in policy application and regulatory compliance; common contractual arrangements such as catering; potential efficiencies in finance and administrative processes and systems; a review of marketing approach and event attraction strategies; and an alignment of the current master plan processes being undertaken.

Abolishing the EPIC board will result in annual savings to the territory in relation to board sitting fees, secretariat costs and reporting overheads. By dissolving the board we are simply bringing EPIC into line with all ACT government venues and providing savings for the ACT 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) (10.49), in reply: In closing the debate, I thank members for their contributions. As members would be aware, the bill seeks to 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 bill represents the latest stage in a more than 30-year evolution for this venue. In effect, as we have heard from many speakers, it proposes nothing different from what occurred at Manuka Oval and Canberra Stadium, which saw the dismantling of the Carnell management regime that oversaw the infamous Liberals' grass-painting debacle.

As members will be aware, the Exhibition Park Corporation, originally known as the Canberra Showground Trust, was established to manage and conduct events at the Canberra Showground. The trust was set up by the commonwealth in 1976, although the Canberra Showground had been established in the early 1960s. Whilst much has changed since then, what has remained constant is the need for a site that can change with the times and can deliver quality events and strong cultural and economic outcomes for the people of the ACT.

To this end, in 1982 the Canberra Showground became the National Exhibition Centre, or NATEX, and the trust was renamed the National Exhibition Centre Trust. Subsequently, the showground has morphed into Exhibition Park in Canberra, or EPIC, although its managing entity continued to be known as the National Exhibition Centre Trust. In 2005 the trust was reconstituted as a statutory corporation known as the Exhibition Park Corporation.

The creation of a statutory trust or corporation was appropriate in 1976. There was not a territory government, there was no commonwealth department capable of administering the showgrounds, and it was not something that could be done in-house. But those times have passed. As you would be aware, Madam Assistant Speaker Le Couteur—indeed all members are aware—this Sunday the territory will celebrate 20 years of self-government. A number of celebrations will be led by the Speaker. It is worth noting, of course, that times have changed considerably since 1976. Since 1982 the territory has had its own government.

EPIC, as a major event venue, needs to compete with other major venues and events from around Australia and it needs to be managed in a more efficient way that reflects changed times. Whilst the board has done a good job, it is time that EPIC takes the next step in its evolution. It is time it was managed by the same team of people who successfully run our other major venues and events—Manuka Oval, Canberra Stadium and Stromlo Forest Park amongst them.

The professional team at Territory Venues and Events—or TVE, Mr Smyth, in case you were wondering—has a proven capability in managing venues and events. In fact, over the past three years TVE has proven it can not only run venues; it can develop them. It has overseen the development and construction of Stromlo Forest Park. This world-class multi-use facility is used week in, week out by tens of thousands of recreational and professional users. It is a one-of-a-kind community facility. It requires close management to cater for the wide variety of users and the wide variety of infrastructure. This includes managing a purpose-built event pavilion, the criterium cycling circuit, grass cross-country running track, equestrian trails and mountain bike tracks. Besides being a great venue, which helps make ours the most healthy and active community in Australia, it is also a major drawcard for visitors and a major contributor to our tourism and events industry.

Madam Assistant Speaker, I am sure you will also be interested to know that, as part of their responsibilities at Manuka Oval and at Canberra Stadium, Territory Venues and Events are responsible for around \$5 million in capital works and upgrades at these venues this financial year. These works include constructing a new public address system and refurbishing the west lounge at Canberra Stadium. There are also upgrades to fire and emergency systems at the stadium.

To ensure the safety of Canberrans and visitors, TVE have installed an improved CCTV system at both Canberra Stadium and Manuka Oval. At Stromlo Forest Park, TVE have overseen works including a new access road to the bushfire memorial as well as a car park and ongoing vegetation and landscape works.

The professional management team at TVE have seen the ACT also attract a number of major events to Canberra due to the quality of these facilities and the quality of their management. This success in attracting major fixtures also demonstrates that the TVE team are highly experienced in the specialised area of negotiating with the proponents of national and international events. Their professionalism in this area has helped the ACT achieve first-rate fixtures including a Socceroos match, the Matildas and the Wallabies this year. An A league team is for the first time a real possibility, in part because of the facilities we have and the way that TVE manage them.

We have had national and world cup biking championships also brought to the territory. Last year Stromlo Forest Park was host to the Scott 24-hour mountain bike race, the world's largest 24-hour mountain bike event. This event drew elite riders to Canberra as well as international competitors from England, New Zealand, the US, Canada, Germany and the Czech Republic.

Stromlo Forest Park has also hosted the 2008 world mountain bike cup as a prelude to the 2009 world mountain bike championships. These championships are expected to attract around 750 of the world's top riders and around 30,000 visitors from about 40 countries. It is set to generate positive media for Canberra around the globe and it is a boon for our tourism industry in these difficult times.

Recently I announced that Canberra will host the Australian masters road cycling championships for 2009, again because of the quality of the venues and the professionalism of the team at Territory Venues and Events. That is why the professional team at TVE should be rewarded for their outstanding work, the outstanding management that they have shown of these venues. The calibre of specialist experience that they have, if it was extended to Exhibition Park Corporation, would see that venue make an even greater contribution to the territory.

We do have a vision for the future of EPIC, which includes the development of low-cost accommodation. This is something that ACT tourism operators are telling me they want. Through the master planning process that is underway at Manuka and Canberra Stadium, it is clear that TVE has the vision for the future of these venues and would be well placed to extend that vision to Exhibition Park.

From the well-advanced plans that Territory Venues and Events have for low-cost accommodation at Stromlo Forest Park, it is clear that EPIC would benefit from their

direct management of this project. Whilst it is true that this can progress under the current administrative arrangements, the extra level of bureaucracy will inevitably slow things down and be a cost to our tourism industry.

As I mentioned in the introduction of this bill, the bill will save Canberra taxpayers money. It would be wasteful of the government not to seize this opportunity for an amalgamation of the functions of the EPIC board with the operation of Territory Venues and Events. The government can see little point in having duplicated systems and disjointed development approaches. It is sensible now to wind up the operation of the Exhibition Park board and have Territory Venues and Events take responsibility for the EPIC site.

I repeat that this is not to say that the board of EPIC have not administered the venue in a wholly professional manner; they have. And I would like to take this opportunity to pass on my thanks for the stewardship shown by Mr Brian Acworth during his tenure as chair of the board, as well as to the board itself, comprising Mark Love, Gil Anderson, Robyn Hendry, Jean McIntyre and Peter Barclay.

However, it just does not make any financial sense to duplicate the administration and management processes when there is a department that is more than able to provide oversight for the management of the site. The staff of the corporation are already public servants and they would continue to be public servants with the passage of this legislation. I particularly want to take this opportunity to acknowledge the excellent work of the General Manager of EPIC, Mr Tony Sadler. I look forward to continuing to work with him and his team.

Initially, if this bill were passed, I would envisage that EPIC would be integrated into the department structure over the next 12 months. This integration will allow the administration of EPIC to capitalise on the project management expertise within Territory Venues and Events and, as Ms Burch alluded to, there would then be further opportunities for savings to be achieved and streamlining of administrative processes in catering, cleaning, waste management, security and ticketing as part of this amalgamation. Importantly, it would provide the opportunity for getting one consistent approach to the development of the territory's major venues, so it would be extremely foolish not to use such an opportunity to amalgamate operations and to save the Canberra taxpayer from paying for the duplication of an administrative function.

This is something that we should not be frightened of. There is no hidden bogey man here. It is not frightening. Nothing other than administrative savings will come from this. It is exactly the same process that we went through with Canberra Stadium and Manuka Oval. It was admirably successful then, just as we know it will be successful now.

In his contribution Mr Rattenbury highlighted a range of options that the Greens have put forward to the government, including postponing the abolishment of the board and looking at making the savings through not paying the board members. I can indicate to Mr Rattenbury that the government will consider all of those options. If this legislation fails today, I will explore all of those possibilities.

There are concerns clearly around some of the detail of what the Greens have proposed. I do at least give the Greens credit for putting forward a constructive alternative that can be considered. It was not just opposition for opposition's sake, so I can indicate to the Greens that, should this bill be unsuccessful today, we will investigate these possibilities. I advise the Assembly that we can expect to be revisiting this matter as a regular occurrence. The Greens have indicated that 12 months would be the appropriate time line. I am happy to work within that time frame if this legislation is not successful today. It is disappointing that it would appear that the Greens will not support this legislation. We will see; we will move forward on that.

What is not surprising, though, is the position of the ACT Liberals. Without any defensible rationale, they oppose the bill. What is this about? It is opposition for opposition's sake—nothing more. It shows that on this budget day the first signal that the Liberal opposition are sending is that they are not interested in saving taxpayers' money on even the most minor of administrative changes. Since the election, they have been permanently locked in a position of opposition for opposition's sake. I really look forward to some time later today the po-faced shadow treasurer getting up in this place, or outside, and trying to explain to the people of Canberra why it is that he will not support the most simple administrative change in this piece of legislation to save the taxpayers over \$200,000 over the next four years.

If this challenge is too big for the shadow treasurer, the want-to-be Leader of the Opposition—if this change and this challenge are too difficult—the question that every member of the media needs to ask is: how is this Assembly going to go about the difficult task of making the sorts of administrative changes that will be necessary in the long term to restore the territory's finances to balance if the Assembly is going to balk at this minor administrative change?

We know it must be a source of continual embarrassment for the Liberal Party that their shadow treasury spokesperson has never, ever, met an industry that he does not feel can be bought off by a certain amount of Liberal Party largesse. That is really what this is all about: it is a shadow treasurer who talks the big talk and asks all the questions about microeconomic reform, but, when it comes to the most micro of microeconomic reform, stumbles at the hurdle—cannot even bring himself to vote for a sensible minor administrative measure that will save taxpayers \$200,000 over the next four years.

This is symbolic of the sort of position the opposition will take, because how could anyone anticipate support for any sort of serious microeconomic reform if something as minor as this administrative change is being blocked by the Liberal opposition? Something as minor as this is being blocked by the Liberal opposition. They have no stomach for microeconomic reform. They have no stomach for efficiency. They have no stomach for the future of what is an important venue for the territory. Their appalling position here will be shown for what it is: opposition for opposition's sake.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 6

Noes 9

Mr Barr

Mr Stanhope

Ms Bresnan

Ms Le Couteur

Ms Burch

Mr Coe

Mr Rattenbury

Mr Corbell

Mr Doszpot

Mr Seselja

Mr Hargreaves

Mr Hanson

Mr Smyth

Ms Porter

Ms Hunter

Question so resolved in the negative.

Roads and Public Places Amendment Bill 2009

Debate resumed from 26 March 2009, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

MR COE (Ginninderra) (11.08): I rise to speak on the Roads and Public Places Amendment Bill 2009. The opposition recognises the need to ensure that abandoned vehicles are removed quickly and do not become a blight on our public land, a hazard to Canberrans or a magnet for crime. The opposition also recognises that the current provisions of the Roads and Public Places Act, as they stand, lead to significant delays in removing abandoned cars and some confusion to TAMS officials who are administering the provisions and practice.

If there is a registered operator of a suspected abandoned car, I understand the procedure of TAMS is that they attempt to contact them by telephone or visit them at their address. A police check can also be made to determine if the car has been reported as stolen. Under the current provisions, the TAMS officer can then send a notice if contact cannot be made. The department must wait two days after receipt of the notice by the registered operator before they can move the car to a retention area. There is significant confusion as to the length of time that city rangers must wait, and this can sometimes be up to a week. By that time there is a significant risk of vandalism.

Under the new proposed provisions, notice will be deemed to have been made when a city ranger affixes a notice to the vehicle. Then, after a two-day period, the car can be moved to a retention area and the written notice is posted to the registered operator explaining their obligations. This will ensure that abandoned vehicles are removed quicker than they are under the current regime.

However, whilst understanding that in most cases telephone contact will be made or a visit will be made to the registered operator before a notice needs to be issued, the opposition believes it is sensible to provide an opportunity for the registered operator to receive written notice before the car is removed. That is, if, for some reason, they are not at home when a telephone call is made or a visit conducted, they still have the opportunity to be notified before the car is removed to the retention area.

When we are talking about the potential for government to be confiscating someone's private property, we must be careful to ensure that we do not unfairly or unreasonably impinge on their rights. To this end, the opposition also proposes some modifications to the new legislative scheme. The first modification will be to require that when a notice is placed on a vehicle TAMS sends a copy of that notice in the post if there is a registered operator. This will give the registered operator another opportunity to be informed about the imminent removal of the car and to be able to remove it before it costs them money to obtain it from the retention area. The requirement to provide written notice, in my amendment, does not change the legal effect of notice being given when the notice is attached to the car. This will ensure that city rangers have sufficient certainty as to the time limit for the car to be removed.

The second modification will be to change the time period between notice and removal from two days to three days. This will provide an opportunity for a registered owner who receives notice in the mail to remove the car before either the territory or the owner incurs the cost of it being impounded. Whilst this is an extended period on what has been proposed, I believe it is a sensible initiative to give people a better opportunity to remove their cars, should they not be abandoned.

These amendments are a sensible compromise. They meet the government's objectives by ensuring a better defined time frame for the removal of abandoned cars and also ensuring that written notice is posted to a registered operator as soon as possible, as is the case currently.

I understand the Greens will be moving some amendments in relation to information to include on the notice, and the opposition will be supporting these. The new information the Greens propose to include on the notices will also be included in the written notice sent to the registered operator. I will move my amendments later in the debate.

MS LE COUTEUR (Molonglo) (11.12): The Greens will support the changes made by the Roads and Public Places Amendment Bill. We will, however, propose two clarifying amendments to the bill, which I will introduce during the detail stage. I understand from Mr Coe's comments that he will propose amendments to the bill. While the Greens support Mr Coe's intention with these amendments, which is to protect property owners, we believe that, on balance, the amendments are not necessary.

As is now required under the standing orders due to the Greens-Labor agreement, we are debating the bill in this sitting period rather than the sitting period in which the government introduced the bill. This change has allowed us to scrutinise the legislation properly, to review the remarks from the scrutiny of bills committee and to consult with the community. I can say, for example, that representatives of road users such as the NRMA and the Council of ACT Motor Clubs have had time to give feedback to us. They are content with the legislation and I am comfortable with supporting it.

The bill proposes to change the process by which government officers can remove abandoned vehicles from public places. Under the bill an officer would be able to

affix a notice to the abandoned car—something like a parking ticket. This would serve as a notice for the owner. From this time the owner would have two days to remove the car. There would be additional days if the period goes over weekends or holidays. If the time expires, the car can then be impounded. At this point, written notification must be sent to the owner.

Under the current system, if a roads and public places officer suspects that a vehicle is abandoned, he or she must first write to the owner, allow time for the letter to arrive and then wait two days before the vehicle can be removed and impounded. Obviously, this can considerably extend the time before a vehicle can be removed. Initially, this existing process, which allows more time for notification, does sound sensible. The owner of a vehicle might not know, for whatever reason, that their vehicle is vulnerable to being impounded. They might have left the car somewhere while they went bushwalking or a friend might have taken the car and left it somewhere. It seems sensible that some time passes during which the owner can return to the vehicle or can learn that something is wrong and that they need to move the vehicle. I believe that that is the sentiment behind Mr Coe's amendments.

I would be concerned if I thought the proposals in this bill would impinge on a person's property rights by imprudently allowing the removal and impounding of vehicles. However, I believe that the changes in this bill will still implement an appropriate notification system and, at the same time, ameliorate problems that come with leaving vehicles in public places.

Perhaps the most significant problem is that abandoned cars left in public are frequently vandalised. Most of us have probably seen vehicles abandoned around the ACT and seen that they quickly attract vandals. I understand that last year eight per cent of abandoned cars in Canberra were vandalised after the notification was mailed to owners. This is quite a high risk of property damage. Even a person who is unaware that their car has been impounded would probably be thankful that it was spared from vandalism by being taken off the street. I can see that one of the government's motivations for introducing this bill is to protect people's property. This was also an important consideration for me when I looked at Mr Coe's amendments, which, if passed, would add an extra day before a vehicle can be removed.

An additional benefit of placing a notice on the actual vehicle is that the public are notified that the seemingly abandoned vehicle is being dealt with. When a vehicle is in an owner's local area, a notice on the vehicle may also alert the owner's friends or neighbours that the rangers will be removing the vehicle. The friends or neighbours may then contact the owner.

I am also comforted by the fact that, under the existing section 12E of the act, a roads and public places officer cannot begin the abandoned vehicle process unless they suspect, on reasonable grounds, that the vehicle has been abandoned. Examples of grounds that might indicate a vehicle is abandoned include a vehicle not being registered or being in a state of disrepair or being run down and covered with dust and debris. These examples are listed in the principal act and I think it is unlikely that my or anyone else's car would be in such a condition if I merely left it somewhere to go on an overnight bushwalk.

My inquiries to the department, through the Chief Minister's office, reveal that part of developing a reasonable suspicion involves the officer conducting a vehicle registration check. If an owner can be identified, the ranger's office will call or visit the owner. If no contact is made, then the notice will be affixed. This also allays my concern that an officer might use the new streamlined process to slap abandoned vehicle notices on vehicles without first going to proper efforts to find the owners. A vehicle owner is already likely to have a number of free days of their vehicle sitting in public before the notice is affixed.

These considerations lead me to the decision that the amendments put forward in the government's bill are appropriately balanced. They also lead me to believe that change in the notification method and increasing the time before the vehicle may be removed, as per Mr Coe's amendments, are not the best approach. In addition, Mr Coe's amendments would potentially reintroduce notification by mail that could potentially occur at two different times. I think that this could cause administrative difficulties and possibly frustrate both the rangers and the owners of vehicles, who could easily misunderstand what constitutes notification.

Nevertheless, I want to put on the record my concern that the government and empowered officers remain cautious about how they exercise these types of powers. This is particularly so in the context of a bill like this, which is basically about fast-tracking the removal of property. Some discretion will always be needed to ensure that the exercise of these powers does not cause adverse outcomes. No-one wants, for example, a person to lose their rare, prized vehicle because it was impounded and then auctioned off following a series of unfortunate events and miscommunications. Likewise, I understand that in the past citizens have had to appeal to their local members after unusual circumstances resulted in threats to impound their vehicles.

I will point out one other good amendment made by this bill. The proposed new section 12F removes the element of strict liability for an offence committed if the person was the registered operator of an abandoned vehicle and does not provide information about the owner of the vehicle. This is a sensible amendment. Strict liability offences should be used sparingly as they potentially warp the foundational principles of criminal justice. The 12F offence is a circumstance where I believe it is appropriate to consider the reasonableness of a person's belief.

I am also pleased to see that the government has taken on board the majority of comments from the scrutiny of bills committee regarding the explanatory statement. The revised statement is clearer. Explanatory statements often seem to have been drafted without a lot of thought for the reader, but clear and unambiguous explanatory statements are very important in demystifying the law for the public. They are also necessary to explain the operation and intention of the act for the Assembly and for judicial interpretation.

On this note I will briefly mention my minor amendments, which also seek to clarify the processes set out in the bill and to ensure the public receives proper information about the laws. The bill introduces a penalty for interfering with a notice placed on an

abandoned vehicle. It also introduces a penalty if a person who is not the registered owner receives the notification letter but does not provide information about the registered owner. The bill sets out the information that must be provided on these notices and in the letter. My amendment simply requires that the information on the notice and in the letter must also point out to people these new penalties.

MS BURCH (Brindabella) (11.21): Legislation that provides a mechanism to ensure that public places are not compromised by people using them to dump abandoned vehicles is something that should be supported. Providing the city rangers with a mechanism to rapidly deliver notification of a potentially abandoned vehicle will hasten the process of attending to these abandoned vehicles.

This bill introduces the use of prominent notices to be placed on the vehicles to inform the owner of the action that city rangers will be taking in respect of that vehicle. The use of a notice stuck on the car will do more than just inform the owner of the vehicle of the government's intentions; it will also inform the neighbourhood of the government's intentions in regard to that vehicle.

Providing notification by way of a notice being put on the windscreen of the vehicle will reduce the time that a vehicle is required to be left in place before it can be removed. This regime has been effectively used in a number of councils throughout Australia, such as the Greater Dandenong Council in Victoria and the City of Swan in Western Australia.

Having such a mechanism in place to inform the neighbourhood of the actions that will be taken will provide reassurance to the residents that something will be done. If there is not a notice on the car, then members of the public will know that this vehicle has not yet been reported to the city rangers.

I would like to take this opportunity to encourage any Canberran to contact Canberra Connect regarding any vehicle that they believe to have been abandoned. It is imperative that these vehicles are reported to Canberra Connect to ensure that the city rangers are aware of their location. This will allow for notice to be provided and for the vehicle to be removed.

Canberra Connect provides an appropriate venue for complaints and will ensure that the vehicle receives the attention of city rangers. It should never be assumed that the government knows that vehicles have been abandoned. The citizens of Canberra need to be our eyes and ears. People need to be involved and let Canberra Connect know where abandoned vehicles are.

Unattended vehicles left for a period of time can also attract unwanted attention from vandals and thieves. I am advised that there were approximately 1,300 potentially abandoned vehicles reported to TAMS last financial year. Of those 1,300 reported vehicles, 250 vehicles were impounded, with only 19 vehicles being claimed by their owners. The rest were sent for scrapping as they were of low value. I am further informed that, of the vehicles that were not retrieved by their owners, many received additional damage after they came to the attention of the department but before they could be legally moved. It is important to have these vehicles removed as quickly as possible.

Abandoned vehicles left in situ can allow for opportunistic vandalism to spread throughout the area. Additional incidental crimes may occur in the vicinity of an abandoned vehicle. Windows of the vehicle can be smashed and parts of the vehicle removed. The vehicle itself can be set on fire, releasing a toxic cocktail of fumes and chemicals. The vehicle and surrounding property may be hit by graffiti taggers or people taking the opportunity to dump unwanted goods and belongings. Private and public property in the vicinity of the abandoned vehicle can also be caught within this wilful destruction and damage. Streetlights have been smashed and broken to ensure that it is difficult for any passers-by to easily identify the people committing such crimes.

I know that such ignorant and disorderly defacement of our public areas is intolerable to our community and I support this move to address the issue of abandoned vehicles. What beggars belief for me is that a person will take the time and effort to remove a car from their own premises and leave it in a public place when there are businesses out there which will remove the vehicle and, in some cases, provide payment for the goods. Why would anyone not utilise such recycling facilities? It can take just one phone call—one phone call to arrange for a business to remove your excess-to-requirements vehicle will see that vehicle collected and recycled appropriately. I believe that it is reasonable to expect that a person will appropriately dispose of any vehicle that they no longer require, rather than leave it in a public place and dismiss their responsibilities.

However, abandoned vehicles should not be considered just as a street inconvenience. Abandoned vehicles can increase a person's fear of other incidental crimes, as I have mentioned previously. Abandoned cars are a blight on our neighbourhood and public spaces. They can be potentially hazardous in some cases, especially to 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 complements other reforms to litter and dumping that were recently passed by the Assembly. I commend the bill to the Assembly.

MS PORTER (Ginninderra) (11.27): I rise to support this bill. The government has implemented a range of strategies to enhance our urban environment to ensure safe, clean and orderly public areas. When it comes to the issue of littering, the ACT government has initiated or supported several programs aimed at raising public awareness to address the issue of littering and the pollution of waterways. These programs include Landcare; Adopt-a-Road, which includes businesses; Adopt-a-Wetland; Clean Up Australia Day; a butt-free city campaign in conjunction with the Butt Littering Trust; and a campaign targeting illegal dumping at charity collection bins and litter and dumping in public laneways in Civic and main shopping areas.

As members know, I conduct regular mobile offices out in the community, particularly on the weekends, and people come up to me frequently to talk about how

disturbed they are about how careless some people are about their environment and how they seem to think it is okay to leave their rubbish behind them at a cost to all of us.

Recently the Assembly passed new laws increasing penalties for dumping. However, it dismays me that people continue to do this. It is depressing really. I really thought that, as a society, we had got over littering. It would appear that many people do not even bother about leaving such a large item as a vehicle for someone else to clear away. Leaving such a large item as an abandoned vehicle in a public place for someone else to remove is hard to comprehend really.

Vehicles that are no longer working or no longer needed should not be left in a public area for someone else to attend to. Sadly, more frequently than people may realise, this is happening around our cities, in our suburbs, along the roads that we travel on on a daily basis. As Ms Burch and Ms Le Couteur have already mentioned, they stand a great chance of being vandalised. This occurs, of course, again to the cost of all of us.

As Ms Burch mentioned, there are a number of scrap metal merchants that can be contacted to remove such vehicles. In some cases this service will come at no cost to the owner of the vehicle. In other cases the owner of the vehicle might receive recompense for their efforts. However, even if they receive as little as \$50, surely that is a better outcome for everyone than leaving a vehicle in a public place for the government inevitably to have to deal with.

This bill changes notice arrangements for the removal of registered vehicles that appear to be abandoned. It will allow a city ranger to securely attach a notice, similar to a defective vehicle notice, on the vehicle, in a conspicuous position, once the city ranger has come to the conclusion that the vehicle has been abandoned. I am advised that, in addition to the general appearance of the vehicle and prior to the notice being affixed to the vehicle, the city ranger will conduct a vehicle registration check in the first instance. Should it be possible to identify an owner at that stage and a phone number can be found to contact them, I am told that the rangers will try to call the owner to confirm ownership and ascertain what the owner is intending to do with the vehicle. If no phone contact can be established, then the city ranger will attend the registered owner's address to make the same inquiry. However, I am also advised that these steps will only occur for ACT registered vehicles.

I understand that the city rangers will continue to make those checks even with the passage of this bill. If the bill is passed, when no contact can be made, the notice will be affixed to the vehicle. The proposed notice will be an adhesive fluorescent yellow sticker measuring approximately 10 centimetres by 15 centimetres. As mentioned by Ms Burch, this is similar to schemes administered by councils in other jurisdictions. The notice will advise that the person responsible for the vehicle has two working days—and I emphasise working days—to remove the vehicle from the public place, and if this does not happen the department will remove it. As mentioned by the Chief Minister, an offence provision has also been included to make it an offence to remove, deface or interfere with the notice placed on the vehicle. The maximum penalty for those found guilty of such an offence is \$2,000.

In order to ensure that the owner of any collected vehicle is aware of what has happened to their vehicle, procedural change will also be introduced. This change will see a second written notice sent by mail to the registered operator if the vehicle has been moved to the government retention area. This second notice will advise the registered operator what actions will be taken if they do not take steps to retrieve their vehicle from the retention area.

I think we would all agree that Canberra is a beautiful city. It is renowned as one of the world's great planned cities. I think I am not alone in having an aversion to anything that detracts from the beauty of this city. As I said, through my mobile offices I am reminded on a weekly basis of how important this is.

Let us all encourage each other and others to be proud of this city and to come to the realisation that if they litter someone else has to clear up after them. That someone else is the territory government, particularly the city rangers in the Department of Territory and Municipal Services. Their job in maintaining our environment will be greatly improved with the passing of this bill. Remember, it is all of us that have to pay for cleaning up this problem.

If we can make a difference through this legislation to streamline the processes and make it easier for our rangers to do their job, this must be for the better. I commend the bill to the Assembly.

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) (12.32), in reply: Before discussing the bill, I draw members' attention to the scrutiny of bills committee's report, which Ms Le Couteur touched on, too. The committee had no issue with the bill but made some constructive suggestions to clarify aspects of the explanatory statement to the bill. As a result, a revised explanatory statement has been prepared for the bill, picking up the first two suggestions made by the committee and clarifying the intent of proposed section 12F, particularly in relation to why the offence in that section is not a strict liability offence, and that is an issue which Ms Le Couteur has just touched on. I thank the committee for its work.

The bill will modify existing provisions of the Roads and Public Places Act to allow for the more timely removal of abandoned vehicles in the ACT. The bill streamlines the process of notifying the owner of a potentially abandoned vehicle. This is important as abandoned vehicles regularly attract unwanted attention from vandals or thieves if left unattended. Indeed, I noticed just two weeks ago that a car that had been abandoned at Glenloch Interchange, after having sat on the side of the road for three days, was turned onto its roof by vandals—just, I presume, as a result of whatever it is that vandals do things like that for. That incident two weeks ago reinforces the government's attempt to try to do something about that sort of situation.

Mr Hanson: It wasn't just a car stuck on the GDE, was it, Jon?

MR STANHOPE: No, it was an abandoned vehicle that vandals had turned on its roof—for fun, presumably, or whatever it is that vandals do.

To give some background to the amendments in this bill, I believe it would be of benefit to the Assembly if I explained how the current arrangements for the removal of vehicles work. At present, a vehicle that presents a danger to traffic or obstructs traffic can, under certain circumstances, be removed immediately by police or authorised government officers. In particular, this applies to a vehicle that is on a road and is likely to cause a danger to the public.

Where a vehicle is neither dangerous nor an obstruction, city rangers have to form a suspicion that the vehicle has been abandoned before they can commence action to remove it. Simply having a vehicle parked in a public area for any length of time is not usually sufficient grounds for suspecting that it has been abandoned. The Roads and Public Places Act already provides some examples of what might support a suspicion that a vehicle has been abandoned, such as the vehicle being in a state of disrepair or having a very poor general appearance, including a build-up of dust or other debris. If a vehicle is left in a built-up area, the city rangers make inquiries of locals to try to ascertain if it has been abandoned.

It is very important to remember that the city rangers must suspect a vehicle of being abandoned before they can move it. That is already a requirement of section 12E of the act. It is an important initial step that the rangers must comply with, and this bill does not alter that requirement. If a city ranger suspects a vehicle is abandoned and is unregistered, he or she can arrange to have it removed immediately. This bill does not change that arrangement.

However, when a vehicle appears to be abandoned but is still registered, the city rangers have to take an additional step to try to contact the owner by sending a notice to the registered operator of the vehicle. At present, that notice is required to be mailed to the address of the registered operator. The registered operator has two days, from the date that they are given the notice, to remove the vehicle, before it can be moved to a retention area. The current regime unravels when it comes to working out precisely when the two-day period expires.

City rangers need to take into account delays for weekends and public holidays. They need to consider the possibility that the notification letter missed collection. Sometimes the residential address itself may delay mail delivery, particularly in cases where a car registered in another state is abandoned in the ACT. Of course, there may be times when the registered operator has moved but not updated their registration details, so the notice fails to reach them in any event. The end result is that the city rangers in the past have erred on the side of caution and have left some apparently abandoned vehicles in situ sometimes for up to a week, often resulting in vandalism or theft and in some instances the complete destruction of the vehicle by fire.

The bill circumvents these problems by allowing a city ranger to serve notice on the registered operator or owner by simply affixing a notice to the vehicle. The bill treats the affixing of the notice to the vehicle as the giving of notice to the registered operator. The time period for removal of the vehicle commences when the notice is placed on the car. However, should that time frame expire on a weekend, sections 151 and 151A of the Legislation Act provide for an extension of time.

I would like to assure members that every possible effort will continue to be made by the city rangers to contact registered operators of vehicles. Initially, this contact will be via the adhesive notice prominently affixed to the vehicle. I consider it more than reasonable for anyone who has left a vehicle in a public area for a considerable length of time with the genuine intention of eventually removing it, to check on that vehicle periodically whilst arranging for its removal. Therefore, I believe that a notice attached to the vehicle itself should be received by the registered operator well before any mailed notice would be delivered to their address.

If the operator sees the notice on their car, then all they have to do is contact the city rangers and let them know that the car is not, in fact, abandoned. The contact details of the city rangers will, of course, be on the notice. However, once the two-day period has passed and the owner or registered operator either has not removed the vehicle or at least contacted the city rangers to let them know that it is not abandoned, the department can step in and move it to a government retention area. Then, in the interests of ensuring that the vehicle really is abandoned, an additional notice will be posted to the last known address of the registered operator. The bill also requires a registered operator who is not the owner of the vehicle to tell the department who the owner is, if they know who that is.

There can be a number of good reasons why a person has left their car in a public place and not been able to return for its collection within two days. The second notice posted to their address will alert them to where their vehicle is being held and let them know what will happen to it if it is not claimed. I have heard that a question has been raised about what happens to a person's registered vehicle if they are overseas for an extended period of time and leave it in a public place. The answer is exactly what happens at present when a registered vehicle has been left in a public place and the owner does not remove it within a given time frame. If the vehicle looks like it has been abandoned, it will be removed to a government retention area.

I believe it is advisable that anyone that leaves Canberra for an extended period of time not store their vehicle in a public place. I think that is reasonable and, in fact, just common sense. I would suggest that it would be in their best interests to secure their vehicle on their premises or to store it with a friend or relative to ensure that it is not stolen or vandalised or, indeed, removed under these provisions.

The bill also provides for a new offence of removing, defacing or interfering with a notice. The maximum penalty for a person found committing such an offence is 20 penalty units. Naturally, registered operators or owners of vehicles are permitted to remove the notice, as are government officials acting in their official capacity under the act.

Ms Le Couteur has just given notice of amendments which she proposes to move to require information on the notice itself advising that it is an offence for anyone but the registered operator to tamper with the notice, and the penalty that can be applied. While I am confident that this issue would be addressed by the department in the implementation of the bill, I am happy for it to be addressed through the amendment which Ms Le Couteur proposes. Ms Le Couteur also proposes an amendment that will

require that it is made clear in the letter to the registered operator that they will be committing an offence in the case that they are not the owner of the vehicle and do not provide advice of this fact within seven days.

Once the vehicle is in a government retention area, provisions of the Uncollected Goods Act come into play and that act outlines the actions that can be taken in respect of the vehicle. Goods of low value are any goods with a worth of between \$20 but under \$500. Goods of low value are retained for at least one month prior to disposal. Vehicles in this price range are usually given to a vehicle recycler. Goods of significant value are goods valued at \$500 or more. Vehicles meeting this price range description are retained for at least three months before being sold at auction. It came as no surprise to me to learn that there have been no vehicles sent to auction in the last seven years. Vehicles are abandoned for many reasons, but the fact that they are worthless and not worth fixing is probably the dominant reason why people dump cars on our roads.

Once a vehicle has been moved to a retention area, costs begin to mount for the owner should they wish to retrieve their vehicle. Currently there is a towing charge of \$90, a daily storage charge of \$2.55 and a release charge of \$141. However, in cases of genuine hardship or unusual circumstances, these charges are not imposed. As you can imagine, most abandoned vehicles have little value and there is no incentive for an owner to pay the government to get their car back. It is usually the low worth of the vehicle that is the reason the vehicle has been dumped in the first place.

In reality, of course, vehicles that are of no value to their owner are of no value essentially to someone else. There are a number of scrap metal dealers in the ACT who will arrange for the collection of unwanted vehicles from an owner's premises, and even pay for some types of vehicles. Such businesses are a valuable link in the materials and parts recycling chain. There is no reason for people to abandon their vehicle—ever.

Opportunistic dumping, and the vandalism that so frequently follows, is unsightly and sets a bad example. The presence of vandalised or abandoned vehicles lowers the civic pride of a community and encourages other forms of antisocial dumping. We have to ensure that the city rangers can move as quickly as is reasonable to remove what are, after all, very large pieces of junk.

I look forward to these changes coming into effect. I believe they represent an improvement on the former system. They will mean abandoned cars can be moved more quickly. I consider the notice on the windscreen is a more effective means of alerting an owner who has not abandoned their car to the fact that the car needs to be moved, and to the consequences of not moving it. The notice also lets concerned members of our community know that action is actually being taken in regard to that particular vehicle.

I intend to ensure that constant improvements are made in managing municipal issues for the community to provide the level of service that the community rightly expects of government. However, I also expect, of course, that the community will come to the party and manage their responsibilities appropriately. I thank members for their

contributions. I am aware there are a couple of amendments to debate. However, I commend the bill to the Assembly.

MR SPEAKER: Thank you, Mr Stanhope. Are you going to table the new explanatory statement?

MR STANHOPE: Yes.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 4, by leave, taken together and agreed to.

Proposed new clause 4A.

MR COE (Ginninderra) (11.44): I move amendment No 1 circulated in my name which inserts a new clause 4A [*see schedule 1 at page 1927*].

As I addressed in my speech earlier, I believe that we should increase the number of days from two to three. I think this would be consistent with my subsequent amendment which would require notice to be given in writing as well. I think, given we are impounding people's vehicles—it is often a prized possession and a valuable asset and often a significant proportion of their overall assets—giving written notice would be appropriate. I do not think an increase in the number of days from two to three would cause significant problems and I do not think it would significantly increase the risk of the vehicle being damaged.

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) (11.46): The government understands the intent of the amendments that Mr Coe proposes for the opposition but we believe that each of the amendments that have been proposed actually works against the essential general intent of the bill. The government is seeking to streamline and provide clarity and indeed provide assistance to city rangers in relation to the process for notification and the time frames in which a vehicle can be appropriately dealt with. I understand the essential sympathy that the opposition seeks to bring to the issue but we believe that it militates against the qualities that we are seeking to achieve in the intent of the bill.

Through the current process, which is to provide written notice, rangers have all of those other issues that I addressed in relation to the uncertainties about whether or not notification is received in any event and the ambiguity that two methods of notification would provide. Which form of notification is to prevail in the event that there is written notification and notification on the windscreen? It appears to us that it essentially maintains some of the confusion or the difficulty which our rangers currently face and, as I say, it works against the general intent of the bill.

Similarly, the proposal to extend the period of notification from two to three days, again, simply negates a central purpose of the bill and we do not believe, in relation to the issues that rangers currently face, that to actually move a day back out to three days would allow the legislation, as amended by the bill the government has introduced, to be as effective as if the bill is left as is.

MS LE COUTEUR (Molonglo) (11.48): While the Greens support the intentions behind Mr Coe's amendments, for the reasons which have also been outlined by Mr Stanhope, we are not confident they will actually achieve their desired outcome and so we will not be supporting them.

MR COE (Ginninderra) (11.48): Of course I do disagree with both the government and the Greens on this issue. As I said in my speech, I do not think that sending a letter would put in jeopardy the original notice as put on the car. I think the letter could make that very clear and could state that this is just simply a notification, as a courtesy, that your car has been officially noted as a potentially abandoned vehicle. Given we are talking about substantial assets, I think increasing the number of days from two to three to accommodate this is quite reasonable and should be adopted by the Assembly.

Amendment negatived.

Clause 5.

MR COE (Ginninderra) (11.49), by leave: I move amendments Nos 2 and 3 circulated in my name together [*see schedule 1 at page 1927*].

Amendments negatived.

MS LE COUTEUR (Molonglo) (11.50): I move amendment No 1 circulated in my name [*see schedule 2 at page 1928*]. As I mentioned in the in-principle debate, my amendments are very minor and seek only to provide more information to the public about the abandoned vehicle process.

The first amendment requires some extra information to be included on the notice which is placed on the abandoned vehicle. It would say that it is an offence for a person to remove or interfere with the notice if they are not the registered operator or owner. It should be easy to include this information on the notice and would alert anyone who might interfere with the notice that there would be a penalty for doing this. Clearly, we do not want people removing the notices from abandoned vehicles.

The second amendment is very similar to the first. It simply requires that, when a vehicle is impounded and a notification letter is sent out, the letter includes information about the penalty for not providing information about the registered owner. The bill already sets out the other information that must go in the letter and so I think this is a small, sensible addition so that people know what the penalties are for not doing the right thing.

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) (11.51): As I indicated in my earlier remarks, the government will support these amendments. They do provide some clarity and we are happy to support them. I regret that I was not able to find the revised explanatory statement earlier. The Clerk has kindly provided me with one. I now table the following paper:

Revised explanatory statement to the bill.

MR COE (Ginninderra) (11.52): Consistent with my earlier comments on this bill, I believe that the amendment proposed by the Greens does provide additional safeguards and does protect the process that will be implemented and will protect the property rights of the owners of the vehicle, so we will be supporting the amendment.

Amendment agreed to.

MR COE (Ginninderra) (11.52): I move amendment No 4 circulated in my name [*see schedule 1 at page 1927*]. As I have already highlighted to the Assembly, I believe giving written notice would be appropriate, given the consequence of having a car impounded. I think written notice is an appropriate form of communication for such a severe act.

Amendment negatived.

Clause 5, as amended, agreed to.

Clause 6.

MS LE COUTEUR (Molonglo) (12.53): I move amendment No 2 circulated in my name [*see schedule 2 at page 1928*].

Amendment agreed to.

Clause 6, as amended, agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill, as amended, agreed to.

Animal Diseases Amendment Bill 2009

Debate resumed from 26 March 2009, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

MR COE (Ginninderra) (11.54): The opposition will be supporting this bill. The bill is a refinement of the principal act, developed as a result of what was learned from the

equine influenza outbreak of 2007. And we know that the equine influenza outbreak cost the ACT and Australia in general millions upon millions of dollars, not to mention the stress and distress it caused animals and humans alike in the equine industry and in the equestrian community.

The purpose of this bill is to clarify operational aspects of the ACT and to facilitate improved management of future outbreaks of animal diseases in the ACT. As noted in the explanatory memorandum to this bill, its main elements are to make it clear that the purpose of the act is to protect the health and welfare of animals and humans and animal-related industries; change the title of the Director of Veterinary Hygiene to Chief Veterinary Officer, in line with other jurisdictions; allow for the effective secondment of public servants from other jurisdictions during animal disease outbreaks; clarify the power to issue directions under the principal act to control the spread of exotic or endemic diseases; clarify that restrictions associated with quarantine can also include a system of authorisations to relax restrictions on a case-by-case basis; clarify that vehicles may be inspected on public roads at any time; and clarify that sharing of information across jurisdictions is permitted, notwithstanding the Privacy Act.

Mrs Dunne wrote to over 28 equine industry organisations and community groups and other bodies, inviting them to comment on the government's bill. One of the groups told her that the equine influenza outbreak of 2007 had a devastating effect on them. They had to cancel an international event that attracts over 200 horses to the ACT. Such effect also affects other industries such as the tourism and hospitality industries; so any event like the 2007 outbreak reaches far into other sectors of business in our community. So it is in the interests of the community at large that we should do everything we can to streamline management processes and empower professionals to deal with situations like the 2007 equine influenza outbreak as and when they arise.

It is a pity that this government did not take a similar approach to the recommendations of the various reviews and inquiries into the 2001 and 2003 bushfires in the ACT. Indeed, digressing for just a sentence, I am in a state of *deja vu* when I hear the stories that are coming out of the royal commission in Victoria.

All of the groups who responded to Mrs Dunne's invitation to comment on this bill told her that they supported improvements to the legislation. One of them recognised that it only takes a single act of selfishness to undo the work and cooperation of everyone else in the community in events such as the 2007 outbreak. They said, "Hopefully these amendments will make the business of managing similar outbreaks easier in the best interests of all of us." I can only agree with those views.

Accordingly, the opposition is happy to support this bill. I hope that, if a similar event occurs in the future, these provisions will strengthen even further what appeared to be a well-controlled and successfully managed but potentially disastrous outbreak in 2007.

MS LE COUTEUR (Molonglo) (11.58): The Animal Diseases Amendment Bill makes a series of amendments to the Animal Diseases Act to clarify its operation and to add a small number of new powers. These amendments should improve the ability

of the territory to respond to outbreaks of animal diseases. Outbreaks of animal disease can have serious impacts on Australia's food security, damage the economic wellbeing of Australia's rural sector, threaten public health and, of course, cause morbidity and mortality in animals. It is important that Australia and the territory can manage these diseases effectively if they occur.

Destructive as they may be, outbreaks such as the recent equine flu outbreak do present the opportunity to review our practices and procedures and to improve them. Diseases such as this present a transborder threat, and successful implementation of national policies requires organisation and cooperation between jurisdictions. An ambiguity or gap in legislative process can cause serious consequences in a time of emergency. The most noticeable recent spread of an animal disease is the equine flu outbreak which occurred in Australia in August 2007. At that time the motivation of acts seemed to come, possibly disproportionately, from a wish to protect the racing and betting industry.

But there were also many other critical reasons for controlling this disease, and the equine flu outbreak led to an inquiry by former High Court justice Ian Callaghan. It identified serious flaws in Australia's quarantine processes. His report recommended a number of changes, particularly in relation to the importation of live animals.

I am informed that following the equine flu outbreak the ACT also conducted its own review of its response to the outbreak, which resulted in the introduction of this bill. I would have been interested to see a formal report on the performances of the ACT agencies and the areas which were identified for improvement. However, this was an internal review only, so I trust that it was undertaken thoroughly and that the changes in this bill appropriately reflect the changes that are required. The Greens agree that the amendments made by this bill appear to be sensible clarifications, and we will be supporting its passage through the Assembly.

I will briefly comment on some of the proposed amendments. The bill makes a number of changes to bring the ACT into line with other jurisdictions. For example, it changes the title of the Director of Veterinary Hygiene to Chief Veterinary Officer, which is the title used by other states. I understand that there were some communication issues during the horse flu outbreak. Harmonised terminology is a good first step in overcoming this.

The bill also elaborates on the powers the Chief Veterinary Officer may exercise. It amends the act to articulate a power that had been previously exercised under the ambit of a catch-up power. It is certainly preferable to make explicit the powers that are used most frequently. The bill makes amendments that effectively allow for the secondment of qualified public servants from other jurisdictions to assist the ACT in the time of an animal disease outbreak. The legislation allows for the Chief Veterinary Officer to delegate powers to these out-of-state secondees. I understand that it is important to have adequate resources on the ground during the time of crisis.

I note, however, that the addition of this spare power to the act may need to be complemented with cooperative arrangements between the jurisdictions which formalise the use of these powers. For example, will seconded officers' line of

authority lead to the ACT Chief Veterinary Officer or to an officer from their home jurisdiction? Of course, a muddy chain of command will not help in a crisis. I expect that these arrangements are being clarified through the meetings of the emergency animal diseases subcommittee.

Similar corroborative powers are in place for similar scenarios such as in the Emergency Act. I and my staff have closely examined provisions which clarify when an authorised person can search a vehicle to check for animals or other material that may be carrying a disease, and these sorts of powers always throw up issues of property rights and personal liberty. However, in this instance I am satisfied these powers are justified.

The amendment clarifies that vehicles on a public road can be inspected at any time, day or night. Previously, they could only be inspected during normal business hours. But, of course, diseases do not keep normal business hours. The legislation requires the powers to be used reasonably—that is, when the person has reasonable grounds to suspect that an animal or other material in the vehicle is infected with a disease.

The night-time search is only available for vehicles which are travelling on a public road, not when a vehicle is located at someone's residential property. The searching is limited, therefore, to times at which vehicles are travelling and potentially transporting the disease. This, of course, is a key way to prevent the spread of these diseases.

I want to comment on one further aspect of the bill. I note with great interest that the amending bill provides scope for regulations to be made that require vendors to provide a broader range of declarations about the animals they sell. For example, vendors currently may need to declare certain health issues about their stock or certain chemicals that are used on them.

The new amendment recognises that diseases and their prevention may also be connected with the use of certain farming practices, and in particular the use of genetically modified organisms. I appreciate very much that the ACT government has left the door open to the possibility of requiring these declarations, and I hope that it reflects a deeper understanding that GM technology does raise serious agricultural and human health issues.

I would urge the government to explore how it can fully apply this precautionary principle when it comes to genetic modification. I am sure the government now knows that New South Wales and Victoria are growing and harvesting genetically modified canola for the first time, and this now will become part of our food chain.

The ACT government has an obligation to look at the canola products that enter our jurisdiction where we still maintain a moratorium on growing GM canola. With the moratorium lifted in New South Wales and Victoria, the ACT must strongly represent Canberrans at the Food Regulation Ministerial Council to ensure that food labelling declares the presence of all genetically modified organisms. The meeting is on this month, I understand, and this is an area where the ACT can lead rather than casually defer to other states.

MS PORTER (Ginninderra) (12.05): This past week has seen increasing worldwide concerns regarding a potential pandemic occurring and involving an outbreak of swine influenza. A number of countries have imposed import bans on pork products from Mexico and the United States. These trade bans have been made despite the fact that health authorities, including the World Organisation for Animal Health and the Food and Agriculture Organisation of the United Nations are unanimous on the fact that swine influenza cannot be contracted through eating pork or pork products. Members might recall that when equine influenza broke out in Australia, New Zealand immediately imposed an import ban on Australian horses.

The reputation of the Australian horse breeding industry was battered and the international restrictions placed on trade as well as the national restrictions placed on animal movements during the equine influenza outbreak saw the Australian horse industry placed under incredible pressure whilst Australia government-associated equine industries tackled the task of containment and eradication. Although Australia can now declare itself equine influenza free, it will be some time before the industries will fully recover from the biosecurity and quarantine restrictions that were required to be imposed.

I know a number of jockeys, trainers and racehorse owners as well as people who run TAB agencies in the ACT. I am well aware of the hardship and distress that these individuals and their organisations experienced at the time. Of course, there are also others who make their living through other equine activity such as competition, recreation activity and trading. As I said, it will be some time before these people will fully recover.

This legislation is designed to protect their future livelihood and protect the animals that are so important to them. But if the outbreak had occurred without the emergency animal disease response agreement or its supporting action plans and underpinning legislations being in place, there is a strong possibility that there would have been an entirely worse outcome for Australia's horse industry. Australia remains only one of two countries that have eradicated horse flu. South Africa also was able to eradicate the disease, but it was a much longer and drawn-out process compared to the quick response that was able to be made here under the emergency animal disease response agreement.

The emergency animal disease response agreement provided for the containment of this disease by providing a framework and incentives to take certain actions. Immediately upon a notifiable disease being detected in this country, it must be reported to that jurisdiction's control authority. The response agreement facilitates this reporting by providing financial disincentives for failing to report the disease in a timely manner. The response agreement outlines the funding ratios for government and industry participants affected by a specific animal disease.

In some cases, the response will be entirely funded by the government participants to the agreement. In other cases, the entire cost of eradication will met solely by the affected industry participants. In between, there are a number of diseases where costs will be shared between government and industry. The response agreement outlines

that any failure to report the potential notifiable disease will have an impact on the percentage share that an affected industry must contribute towards the eradication cost.

This action ensures that there is an incentive for all industries and governments to be up-front about any new exotic disease incursions that may arise in their jurisdiction. The response agreement also outlines comprehensive actions to be taken to ensure containment of the disease. These actions are supported by a series of AusVet plans which have in turn received acceptance from all governments and concerned industries. However, the response agreements and the AusVet plans all require supporting legislation to be enacted in each jurisdiction to underpin the actions that are required to be taken in such emergency animal disease situations.

As the Chief Minister identified upon tabling this bill, certain aspects of our principal animal disease legislation will benefit in any future disease incursions with some tweaking to provide greater clarity and certainty during such emergencies. I will not be discussing all amendments contained in the bill today. Instead, I will be focusing on the issues which will provide improved powers, declarations and resources for authorised persons in managing any animal disease outbreak in the ACT.

The first amendment I would like to address within the bill is clause 18. This clause will allow the Chief Executive to appoint public servants from other jurisdictions, provided they have the responsibility for administering similar legislation to our Animal Diseases Act. It will also allow the Chief Veterinary Officer to delegate his or her power to these public servants from other jurisdictions.

I believe that this is a very important inclusion in the principal act. Similar provisions already exist in other legislation on our statute book, such as the Gene Technology Act 2003. The Emergency Act 2004 also allows interstate emergency service workers to provide assistance here in the ACT, as we know. Also, the Animal Welfare Act 1992 allows the Chief Executive to appoint non-public servants to be inspectors for the purposes of the act. That is how the RSPCA is authorised to provide inspector services for the government.

As members would be aware, the ACT has comparatively minor animal industries within its borders. As such, the government resources for dealing with such industries are also similarly modest. To put it simply, it is not feasible for this jurisdiction to fund a large number of positions to be on standby in case an exotic or endemic animal disease is detected within our boundaries. Should an animal disease be detected within the ACT, it is imperative that the ACT is able to access expert public servants from other jurisdictions to help manage, control and contain the outbreak.

As the Chief Minister identified, should such a serious animal disease outbreak occur here, it may be necessary for us to utilise the skills of our interstate counterparts to combat the disease, just as we would help them should they request it. Emergency situations require assistance immediately. This is not a case of fudging our responsibilities; it is just the cold, hard face of reality, Mr Speaker.

The ACT does not employ the number of specialised public servants that would be necessary in such an extreme situation. Let us face it: should the ACT be the epicentre

of such an outbreak, all other jurisdictions would want to ensure we have the number of staff at our disposal as is necessary. As the Chief Minister identified, international trade for this nation is dependent on the ability of all jurisdictions to manage and eradicate any identified serious animal disease. As such, this amendment provides greater certainty for the ACT in addressing such an emergency disease situation. I commend this bill to the Assembly.

MS BURCH (Brindabella) (12.12): I would also like to address the amendments proposed by the Animal Disease Amendment Bill 2009 to the Animal Disease Act 2005. I note from the bill that the first amendment to the principal act will be to clarify that the objects of the act include protection of the health and welfare of all animals and humans as well as protecting all animal-related industries. I believe it is a valid and useful amendment to make to the Animal Diseases Act. As members are aware, the Department of Territory and Municipal Services reviewed its management of the equine influenza outbreak in 2007-08.

A number of areas in the principal legislation were identified that would benefit from clarification to provide greater certainty to officers, industry members and the general public. As members would appreciate, it was identified during the actions undertaken to contain and eradicate the equine influenza outbreak that many of the affected and potentially affected horses were not within the racing industry or the horse breeding industry. However, if actions were not taken to appropriately quarantine, contain and in some instances vaccinate these horses, the outbreak may still be crippling our horse industry now.

I move to the proposed amendments to the change of the title of Director of Veterinary Hygiene to that of Chief Veterinary Officer. I would like to place on record that I support this change. The title of Director of Veterinary Hygiene no longer has a place in the modern animal disease control legislation. When the next animal disease emergency arises in Australia—we all prefer that it would not happen but I think the realists here understand there is a likelihood that it will happen again—it will assist the national emergency animal disease management group to have the ACT using the same terminology for this key controlling position as used by other jurisdictions.

Anything that is likely to cause confusion or uncertainty in an emergency situation needs to be addressed as a priority. I am informed that during the equine influenza outbreak, representatives from various jurisdictions met and questions were raised as to what functions the Director of Veterinary Hygiene fulfilled. This is not appropriate in such circumstances. We need to ensure that our officers come together to protect the interests and biosecurity of this nation and that there is no confusion as to what roles certain people perform in the ACT. I believe that this is an entirely sensible amendment.

Mr Speaker, I would now like to move to clause 20 of the bill, which will authorise the exchange of information between jurisdictions relating to the detection, prevention and controls of outbreaks of endemic and exotic animal diseases in the ACT and other jurisdictions in Australia. We are all aware of the Commonwealth Privacy Act, which prevents such exchanges of information from taking place unless it is absolutely

authorised or a person consents to its release. This law now authorises such an exchange. The Chief Minister in his introductory remarks and Ms Porter in her remarks have discussed various aspects of the emergency animal disease response agreement that the ACT is signatory to. This response agreement contemplates the use of personal information held or controlled by any party to be used to fulfil its obligations under the response agreement.

The response agreement also requires all signatory parties to take all reasonable measures to ensure that such information in its possession or control in connection with this deed is protected against loss and unauthorised access, use, modification or disclosure. The use of such information exchanges between signatory jurisdictions will enable appropriate officers to continue to process the detection of the disease and assist in informing the effective response to the emergency animal disease outbreak.

Including the ability to exchange information relating to residents to other authorities is not a decision that is ever taken lightly—not at all. However, while confronting the seriousness of an exotic animal disease and taking steps to detect, contain and eradicate it, it is vital that jurisdictions are able to assess all the appropriate information that would assist in locating potentially infected animals. Imagine a situation where we knew where an affected animal had moved from but we could not tell our interstate counterparts who the owner was. That is not acceptable in an emergency situation.

Mr Speaker, I would now like to discuss the amendments proposed for the regulation-making power of the principal act. The principal act currently allows for regulations to be made on a number of matters. These matters range from prohibiting entry into the ACT of infected animals, moving animals within, into and out of a quarantine area, treating or decontaminating any premise or thing that may spread an exotic or endemic disease, and seizing and destroying infected animals. The regulation-making power also provides for allowing declarations to be given by sellers of animals about the health of the animals or the chemicals or biological products used for them.

The bill proposes to broaden the range of vendor declarations that can be made under regulations to include declarations by sellers of animals about the health and welfare of the animals or farming practices, chemicals or biological products used for the animals. This broadening of the scope of regulations that can be made recognises that animal diseases and their prevention may be caused not only by the use or non-use of chemicals or biological products but also by the adoption or non-adoption of farming practices. These practices might include disease management, genetic modification or breeding practices.

It was identified in the UK following their inquiry into the mad cow disease outbreak at the end of the last century that no cases of mad cow were found associated with any of the organic producers there. This is due to preventative management practices rather than the use of chemical substances which are followed by such enterprises. Proactive, preventative management undertaken by organic farmers might include the use of strategies such as grazing management, stock management, breeding management and monitoring of the results.

I understand that there are ongoing discussions, both internationally and here in Australia, about what might be required to be included in vendor certificates. These discussions have not yet been finalised and perhaps agreement will not be reached, but at least here in the ACT we will have a regulatory framework ready to go in case agreement can be reached. I support the inclusion within the regulation making powers for declarations to be considered relating to such farming management practices.

Finally, Mr Speaker, animal disease outbreaks cannot be trivialised. Any outbreak of a significant animal disease encountered in this country will affect us all. I support this bill.

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

Sitting suspended from 12.21 to 2 pm.

Questions without notice

Gaming—compliance audit

MR SESELJA: My question is to the minister for gaming. Minister, the ACT Gambling and Racing Commission has conducted a compliance audit program for 2008-09, paying particular attention to websites. Minister, what level of compliance did the ACT Gambling and Racing Commission find as a result of this audit?

MS GALLAGHER: I will have to take that question on notice and get back to the member.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Thanks, Mr Speaker. Minister, were there any high areas of non-compliance and, if so, what were the problem areas?

MS GALLAGHER: I will take that on notice as well.

ACT Insurance Authority—newsletters

MR SMYTH: My question is to the Treasurer in relation to the ACT Insurance Authority. In the statement of intent for the ACT Insurance Authority for 2008-09, it undertook to issue a regular newsletter to clients. However, its website indicates that no newsletters have been issued since 2006. Why isn't the ACT Insurance Authority issuing regular newsletters to clients as promised in its statement of intent for 2008-09?

MS GALLAGHER: I do not have the detail of the answer to that question in front of me. Again, I am very happy to undertake to find out the reasons behind what happens with the newsletter—whether one is being done—and the issues raised by the member's question. I just do not have that detail in front of me.

MR SPEAKER: A supplementary question, Mr Smyth?

MR SMYTH: Thank you, Mr Speaker. Treasurer, why is the ACT Insurance Authority using out-of-date performance indicators?

MS GALLAGHER: I am not sure that it is but I will check with the detail of the question. It is a pretty specific question; I just do not have that level of detail in front of me. I will get back to you.

Council of Australian Governments

MS BURCH: My question is to the Chief Minister. Can the Chief Minister provide us with an update from the Council of Australian Governments meeting in Hobart last week and any impacts on the ACT?

MR STANHOPE: Thank you, Mr Speaker. I thank Ms Burch for the question. I am sure members know that last week both the Treasurer and I, along with other first ministers and treasurers, joined the Prime Minister and federal Treasurer in Hobart for a meeting of the Council of Australian Governments.

COAG continues to be an effective forum for decisions on key national issues and for fostering unified commitments to support Australians during these uncertain economic times. I appreciate the opportunity to be able to briefly outline, for the information of members, some of the key outcomes from last week's COAG meeting.

As you would expect, the global financial crisis and the latest economic data was a key discussion point at the COAG. Both the Prime Minister and the federal Treasurer briefed COAG. In particular, the federal Treasurer, Wayne Swan, provided an update on the national and international economic situations, and quite clearly the outlook shows no sign of improving in the short term.

The ACT Treasurer and I also spoke to treasurers from all other jurisdictions about the economic picture across their states and the Northern Territory. Like us, every other jurisdiction in Australia is wrestling with shrinking GST revenues, rising unemployment and a gloomy outlook for at least the next 12 months. It is against that backdrop that collectively we have all been framing, I am sure, the most challenging budgets in the history of the Australian federation.

Certainly one of the most sobering messages coming out of the COAG is that no Australian jurisdiction is immune from the impact of this global crisis. Indeed, I think it is probably fair comment that at this point the ACT is performing as well as, if not better than, other jurisdictions around Australia.

In light of the Victorian bushfires and the Queensland floods early this year, COAG considered a range of issues in relation to our responses to natural disasters and agreed to pursue a national telephone early warning system for emergencies. It has also endorsed work being done by our officials for consideration by COAG later in the year on national arrangements for responding to national disasters.

The agreed national telephone early warning system will be a great advance in relation to the capacity of jurisdictions to inform and notify residents of a particular area under threat of the threat that they face. It is a significant advance. The telephone early warning system will be, I think, an incredibly useful additional tool in communicating with the community in an emergency, adding to the current approaches which we have around the support we receive from our local radio stations, the ESA website and Canberra Connect.

COAG also received a briefing from the deputy national security adviser on Australia's response to the human swine influenza outbreak and resolved to take all necessary measures to prevent, where possible, the introduction, establishment or spread of swine influenza in Australia. I endorse COAG's encouragement of Australians to be vigilant in their observance of basic personal hygiene, such as the washing of hands as a significant preventive measure against the spread of diseases such as influenza. I might add that the ACT cabinet has been briefed each of the last two weeks by the Chief Health Officer in the ACT in relation to preparations in hand here within the territory.

In light of rising unemployment rates from the global financial crisis, COAG agreed to establish a youth compact whereby young people aged 15 to 19 years will have an entitlement to an education or training place for any government subsidised qualification, subject to admission requirements and course availability. In addition, young people aged 20 to 24 will have an entitlement to an education or training place for any government subsidised qualification which would result in the individual obtaining a higher qualification, subject to admission requirements and course availability.

The commonwealth also agreed at COAG to provide \$100 million in competitive performance-based funding to support delivery of the compact. These reward payments will recognise increases in Year 12 school retention rates, or apparent rates. As a result of representations I made at the meeting and importantly for the ACT, which already is at the head of the pack in this regard, these payments will recognise current achievement and increase over current baselines. It is a fact that the target set by COAG is 90 per cent of target, which the ACT is well in advance of the rest of Australia in achieving. It is important that we not be penalised for effort we have already made.

COAG also agreed the national framework for protecting Australia's children. The Australian government is providing \$61 million over four years to help protect Australia's vulnerable children from child abuse and neglect under this new national framework.

In addition to this, COAG reaffirmed its commitment to introduce a comprehensive national strategy for energy efficiency.

MR SPEAKER: A supplementary question, Ms Burch?

MS BURCH: Yes. Chief Minister, at last week's COAG the ACT agreed to the implementation of a new compact with young Australians. Could the Chief Minister explain how this compact will work and how it will benefit young people in the ACT?

MR STANHOPE: I thank Ms Burch for the additional question. In addition to the matters which were just a very brief summary of the issues that were dealt with at last week's COAG—it was a very comprehensive agenda and I have just touched on only two or three of the more significant initiatives that were pursued and agreed by COAG last week—I might just say, before going on to respond directly to the compact with young Australians, that at the meeting I did sign, on behalf of the ACT, a memorandum of understanding on the development of the national strategy for energy efficiency.

It is pertinent that all jurisdictions have agreed to a new national renewable energy target of 20 per cent. I also signed the intergovernmental agreement for a national licensing system for specified occupations and I also signed a national partnership agreement to establish a national road safety council.

In relation to the youth compact, which as I said just now targets 15 to 19-year-olds and 20 to 24-year-olds, the youth compact arose from the February 2009 COAG meeting where ministers acknowledged the importance of developing the skills needed in the Australian labour force during the global economic downturn. This will ensure the economy and individuals, most particularly young people, are well placed to take advantage of new opportunities and to support long-term productivity growth.

It is a fact that young Australians, those not yet in the workforce or those just recently arrived in the workforce, face perhaps the greatest risk of unemployment or of longer-term unemployment as a result of an economic downturn, and the COAG, under the leadership of the Prime Minister, was very determined to ensure that we do not create what the Prime Minister has described as a lost generation or a major lost opportunity for young people just on the cusp of joining the workforce or just at that point where they do not have a qualification but have begun to train for a lifetime of employment. The youth compact seeks directly to address that particular issue.

As a result of the compact, the commonwealth will adjust eligibility for social security benefits to reinforce the compact. There will be a mandatory requirement for all young people to participate in schooling, or an approved equivalent, until they complete year 10. In addition, there will be a mandatory requirement for young people who have completed year 10 to participate in educating, training or employment, or a combination of these activities, until they reach the age of 17. This initiative aims to stop a number of young Australians, as I said, from falling through the cracks. We need to put an end to the stigma and difficulties attached to high school dropouts.

The compact will also help better prepare our community and our nation for when the economic good times do return; we will have a cohort of better-educated young Australians to accept the opportunities that will present when we do come out of this difficult economic time.

As the ACT Minister for Education and Training, Andrew Barr, has already announced, it is our intention to increase the school participation rate and to introduce a mandatory participation requirement to age 17 in the ACT. This will ensure that every young Canberran is studying, training or working after year 10 in a way that

suits their needs, abilities and their plans for the future. While we recognise that not all children are studious and their talents can lie in other areas, this initiative will help foster their potential and ensure that, if they do not go to year 12 or to university, they do not get left behind.

As the minister for education, Mr Barr, announced last month, this is an initiative that has been strongly supported by the Canberra community. *Pathways to the future—a consultation paper on increasing young people's engagement in education, training and work* was publicly released in August 2008. It provided an opportunity for broad community consultation. We were pleased to see the Youth Advisory Council, young people, their parents, carers, teachers and the wider community provide input into this decision-making process. The report and surveys undertaken by the Youth Advisory Council show strong support for making it compulsory for students to be at school, in training or at work, until 17.

The ACT government recognises that staying at school through to year 12 and university is not the best choice for all students. That is why we will be reforming the Education Act and providing a range of alternative educational pathways and transitions for students.

This government's learn or earn policy is in line with the COAG's youth compact and is just one of the ways in which we have as governments across Australia agreed to work together to support younger people during uncertain economic times and to provide them with the opportunity to develop their skills for future employment prospects when the economic conditions begin to improve to ensure that they are ready to take advantage of the opportunities that will be presented.

Education—school leaving age

MS HUNTER: My question is to the Minister for Education and Training and concerns the issue of raising the school leaving age and the concept of earn or learn. Can the minister advise what additional resources will be provided or new programs developed in schools, the CIT system or the community for the 16 or 17-year-olds who will now continue in education or training.

MR BARR: I thank Ms Hunter for the question. A number of these programs will be contained—we will hear about them in the very near future in relation to this year's budget, but there are a number of programs that were funded in previous budgets that I draw Ms Hunter's attention to, most particularly the expansion of the funding and the size and capacity of the CIT's vocational college and its capacity, through the access 10 and access 12 programs, to provide alternative settings outside the traditional mainstream schooling structure to enable students to get those year 10 and year 12 qualifications—particularly useful for students who find the mainstream schooling environment challenging.

It is, of course, pleasing to note, in the context of this national discussion, that the sorts of goals that the commonwealth government is setting for the rest of Australia are around achieving a year 12 retention rate of about 90 per cent. I understand that COAG has sought to bring that forward to 2015. It is very pleasing from an ACT perspective that we are already at that national goal.

However, as the Chief Minister just indicated in his answer to Ms Burch's question, there are possibilities for the ACT to go further. We have a range of initiatives and commitments, most particularly contained within the Canberra plan and the Canberra social plan, around getting our year 12 retention rates up to 95 per cent by 2013. We are working towards those goals through a range of initiatives, most particularly around the CIT and the extra funding for the vocational college.

But another initiative of last year's budget was the creation of an additional vocational careers advisory position within each of the ACT public secondary colleges to work with students, particularly around vocational education and training opportunities. There have been a number of commitments made in relation to joint partnerships between the ACT and the commonwealth government around things like trades training centres in schools, most particularly support for disadvantaged students as well, through the national partnerships that the ACT has been discussing with the commonwealth for some time.

Through those initiatives, we will be looking to direct additional resources into this important area, because the government recognises, as we indicated in our discussion paper last year on this matter, that it simply was not enough to make a legislative change in the Education Act. We recognised that commensurate with that change would be a need for additional resources and additional opportunities in education and training. It is important that, through previous budget measures, through the national partnership with the commonwealth and through some further measures, some of which have already been made public in relation to this year's budget, the government is investing in this area. And we will continue to do so.

My view is that, given our very high school retention rates, particularly in the public sector, the bulk of the challenge in the ACT falls in training provision and the alternative education settings and in working with the non-government school sector, because, according to ABS data, the year 12 retention rate for public schools is at or above 100 per cent.

So public schools are attracting additional enrolments. Part of the reason for that figure is students coming from New South Wales to complete their studies in the ACT or moving from the non-government system—having completed year 10 in the non-government system, moving into the public system for year 11 and year 12. But public sector retention rates for year 12, according to the ABS, are at or above 100 per cent. It is in the non-government sector, where they are around the Australian average of 75 per cent, that we are going to need to focus some effort.

So the trades training centres and a range of other partnerships with training providers are where we are going to need to focus our attention, as well as on the creation of additional school-based apprenticeships through programs such as the breakthrough 500 target. We have been working diligently with local industry to increase the number of school-based apprenticeships that are on offer in the territory.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: My supplementary question is about the consequences that there may be for 16 and 17-year-olds who do not attend school or training and who are not employed. That is my understanding of the mandatory nature of staying at school till 17.

MR BARR: I think the question in there was: what are the consequences? I would draw the member's attention to chapter 2 of the Education Act that talks about school attendance and enrolment. There are a series of penalty provision that do apply in those instances; so there are consequences. There are penalty units that are attached to different levels of offence. I happen to have that in front of me. I am happy to table that if that would be useful for the member. I table the following paper:

Extract from Education Act 2004—extract—chapter 2, pages 7 and 8.

The matter in relation to the withholding of commonwealth government payments, of course, rests with the commonwealth. The Prime Minister has made a series of commitments and announcements at the COAG meeting last week in relation to changes that the commonwealth government intends to make. The ACT will, of course, through the proposals that I intend to bring to the Assembly, seek to increase that youth participation age. It will be a matter, of course, for the Assembly to debate. I do note that every other Australian jurisdiction has made or is in the process of making this change, the Northern Territory being the last, following the ACT's announcement of its intention last month.

We have a national agreement, it would seem, in relation to these reforms. The penalty provisions are in the Education Act. In terms of monetary penalties in relation to allowances, that relates to the commonwealth government and it will be a matter for them to determine.

Distinguished visitor

MR SPEAKER: Members, I draw your attention to the presence of the ACT senator, Ms Kate Lundy, in the gallery today. I welcome Ms Lundy to the ACT Assembly.

Questions without notice

Health—breast screening

MR HANSON: My question is to the Minister for Health. Minister, the December quarterly performance report shows that waiting times for breast screening services are above the national average. Further, the percentage of patients treated on time declined from 78 per cent to 73 per cent. Minister, why is this so?

MS GALLAGHER: As I understand it, this result is down to workforce pressures—that is, radiographers have not been able to do the amount of assessment that they were doing—and an increase in the number of women seeking to be screened. I can say that we are certainly working on improving our processes in BreastScreen to make sure that we improve the time between asking for an appointment and getting one and focusing on getting as many women assessed as we can and then responding to those who need further treatment.

There is a lot of work going on in the Capital Region Cancer Service at the moment to improve our performance in this area. But one of the issues we do struggle with is workforce. Again, measures are being put in place to address that as well. I am very hopeful that we will see improvement in BreastScreen results in the next quarter.

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: Minister, what have been the outcomes of BreastScreen ACT's investigation of the decline?

MS GALLAGHER: What has been BreastScreen ACT's investigation of the decline in performance? It is down to those reasons that I have just explained. There have been some workforce pressures; there have been more women seeking screening. And that has placed pressure on women being seen on time. But the focus has been on high-risk women being seen and getting their follow-up assessment done.

There is a whole process of work. In fact, the access improvement program, which we implemented across a whole range of areas in the hospital, is now going to BreastScreen to work on all the processes around appointments, assessments and looking at strategies on workforce.

We have opened a new BreastScreen service in Philip and that certainly has taken some pressure off Civic. These are competing pressures on BreastScreen and we are looking at it in terms of a work performance audit right from the beginning of a woman's journey to the end of a woman's journey. As I have said, I am very confident that with the new executive director in the Capital Region Cancer Service that we have appointed, particularly to focus on issues of business continuity and performance, we will see significant improvement in BreastScreen results in the longer term.

Health—home births

MS BRESNAN: My question is for the Minister for Health. It concerns midwifery. Minister, today is International Midwives Day. However, in the ACT we no longer have any independent midwives registered and no-one to perform home births. Would you please advise what strategy the government has in place to deal with the increased proportion of women that could currently be choosing to free-birth?

MS GALLAGHER: Yes. The issues around independent midwives are essentially around insurance. Nobody can get insurance to perform home births, and the government is no exception to that. We have sought insurance for our own midwives who may be put in a position where they attend a birth which occurs at home—not an organised home birth—and we have been unable to get insurance from any provider across the world.

The only option for us as an employer of midwives to cover midwives attending a birth at home is to self-insure. With that comes risk; certainly comes cost. I think it is what insurers call a low-risk, high-cost situation where the chances of something

going wrong are low, but when they do go wrong the hit financially is high. That is the reason that there is no opportunity for insurance coverage in the private system at the moment.

We have been looking because we would like to insure our community midwives so that they are covered if they are attending a woman who home births, but we have been unable to as well. Certainly in the private, independent midwifery area, whilst we are not looking to cover the field in that regard, we are looking at how we work with our own work force. But even that comes with a significant cost—in excess of a million dollars a year to cover our own work force just for attending an accidental home birth, not even a planned home birth with an independent midwife. We are not even at the point of looking at that because of the cost involved.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Thank you, Mr Speaker. Given that that is the case, is it the ACT government's intention to see both independent and government employed midwives providing homebirths in the future?

MS GALLAGHER: I have to say that in regard to independent midwives the government is certainly not considering moving in to provide insurance to that profession. In relation to our community midwives, there are, I know, within women who are pregnant at the moment and indeed women who have had babies, a proportion of that group that would like to birth at home with the support of the community midwives program.

That is something that we are not philosophically opposed to, but it is something that comes with risk to government and we have to work through all of those risks. At the moment, even to insure a midwife for an unplanned homebirth would cost the ACT taxpayer \$1 million a year. They are the challenges—particularly when our budget is facing the pressures that it is at the moment—of changing our policy in regard to this.

We are working with the community midwives program to look at it. Overall, it provides an excellent service. Of all the letters I get about the health system in thanks for the health system, the majority come from the community midwife program. So we understand that women like that continuity of care. They like being cared for in their home.

There is a proportion of them who would like to birth at home in a planned way, but at the moment, with the constraints on us and the lack of insurance availability, it is just something that we are finding it very difficult to work through.

Distinguished visitor

MR SPEAKER: Members, I draw your attention to the presence of Ms Karin MacDonald, a former member of the Legislative Assembly, in the gallery today. I welcome her to the Assembly.

Questions without notice

Hospitals—endoscopies

MR COE: My question is to the Minister for Health. The December quarterly performance reports show that waiting times for elective endoscopies across all categories increased. Minister, why is this so?

MS GALLAGHER: I do not actually have the quarterly performance report in front of me, so I will check the detail of that question. But usually if waiting times are increased it is because higher priority patients are being seen; that is, clinical decisions that are being made by the doctors at the time. Firstly, we go to emergency surgery, then we go to category 1, then we go to category 2 and category 3, and the decisions around that are made by clinicians, as they are quite rightly.

But I can assure the member that we will this year deliver record amounts of elective surgery; that is record amounts of Canberrans will be having access to elective surgery. It will be in excess of 9,500 procedures for the year and that is directly attributable to the investment that this government has put into elective surgery and indeed into removing long-wait patients from the list. From time to time and from quarter to quarter you will see fluctuations in those results, but the overall health of the elective surgery program is very healthy, I am pleased to say, both in throughput, clinical urgency and more people than ever getting access to elective surgery.

I can see what the opposition have been spending their time on since we last sat, from the questions that I am getting at the moment. Obviously a couple of you have been reading the statements of intent. A couple have been reading the quarterly performance report. I presume the whole team has signed up to the “try to trip Katy up” program that was started six months ago and has failed to produce a result yet—

Mr Seselja: She must not have been in the same Assembly as us for the past couple of months.

MS GALLAGHER: and I imagine a significant proportion—indeed I imagine Mr Seselja and Mr Hanson—have been holed up watching Facebook, putting their posts on, supporting offensive content, embarking on a little bit of web browsing, a little bit of fraudulent posts on walls.

It is actually good to see how you have been spending your time. I actually thought you had all gone on leave for a few weeks; I had not seen any of you. But I guess you can peruse Facebook at home, in the privacy of your own home.

Mr Hanson: Katy, I don't often see your car when I turn up to work or leave at night, let me tell you—too busy out there for a little walk in the sunshine instead of at an organ donors thing you have been talking about lately.

MS GALLAGHER: Mr Hanson, your fascination with me borders on unusual, to say the least, and I—

Mr Hanson: You know why? It's because I want your job!

MS GALLAGHER: What I can tell you is that I have had a whole lot more experience in this job than any of you ever will: 6½ years as a minister, six months as the Treasurer—

Opposition members interjecting—

MR SPEAKER: Order! Ms Gallagher. Order, members!

MS GALLAGHER: two appropriation bills and, wait, more to come, here comes the budget—none of which you will ever, ever—

Opposition members interjecting—

MR SPEAKER: Order! Order, members!

MS GALLAGHER: And do you know why? Because we have seen your true colours on Facebook. And the silence out of you, out of politically distancing yourselves from that, has been very loud indeed—absolute silence.

It being 2.30 pm, questions were interrupted pursuant to the order of the Assembly.

Appropriation Bill 2009-2010

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (2.30): I present the Appropriation Bill 2009-2010 and the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 5 May 2009.

Budget 2009-2010—Financial Management Act, pursuant to section 10—

Speech (Budget paper No 1).

Investing in our community (Budget paper No 2).

Budget overview (Budget paper No 3).

Budget estimates (Budget paper No 4).

Infrastructure statement (Budget paper No 5).

Title read by Clerk.

MS GALLAGHER: I move:

That this bill be agreed to in principle.

Mr Speaker, today the ACT Labor Government delivers a budget for the times we are in.

This is a prudent and carefully targeted budget to meet the challenges of the times.

This is a Budget that invests in our community.

Mr Speaker, at last year's election we made commitments to the people of Canberra. Commitments to build a better city and a stronger community. Since the election, we have been listening, investing and delivering.

We continue this investment in our community and in our infrastructure through the 2009-10 Budget.

We are supporting jobs. We are planning for the future. We are meeting the challenges that these demanding financial times are placing on us, and we are doing so in a measured and deliberate manner.

We are tightening our belt, as so many in our community are doing.

And we are delivering on our commitments to the Canberra community.

Mr Speaker, the 2009-10 Budget has been formulated in an unprecedented economic environment.

Over the past six months those global financial events that found their origins in the boardrooms of the US and took effect on trading floors across the world, have impacted severely and deeply on the global economy.

We are witnessing the most synchronised and the sharpest slowdown in the world economy since the great depression of the 1930s.

Estimates of growth in the world economy have been successively revised downwards. The global economy is now forecast to contract by 1.3 per cent in 2009.

The Australian economy is now almost certain to be in recession.

Governments around the world have undertaken unprecedented actions to improve liquidity in the credit markets, and to stimulate their respective economies.

While Australia is better placed to withstand the effects of a global recession, due in large part to the actions of the Rudd Government, an uncertain global economic outlook invariably leads to an uncertain national economic outlook.

The pace and the scale of deterioration in the world and the national economic outlooks are bound to cause concerns for consumers and businesses.

Mr Speaker, in the ACT our economy traditionally performs better than the economies of other jurisdictions during times of national recession, due to our major strength of being a stable public sector town.

And during the unfolding of the global financial crisis, the Territory's economy has shown remarkable resilience.

However, the ACT economy cannot remain isolated from the effects of the freeze on credit markets or turmoil on equity markets.

Overall, the ACT's economic growth has been moderating. This is to be expected given we are coming from a peak of extraordinarily strong growth of more than 10 per cent in 2006-07.

Mr Speaker, the ACT economy is forecast to grow by 2 per cent in 2009-10.

In 2008-09, State Final Demand is forecast to grow by three-quarters of a per cent. This is as a result of a sharper than expected softening in the housing market in the earlier part of the financial year, and relatively flat consumer spending in the environment of increasing interest rates that existed last year.

While the engine room of our economy—the labour market—remains strong there are emerging signs of some softening. Although we have remained close to full employment throughout the unfolding of the global crisis, our forecasts suggest that unemployment in the ACT will reach 3½ per cent by the middle of next year, still below the national rate.

Mr Speaker, the impact on our budget has been more severe.

Since our last Budget, our revenue base has dropped by around \$230 million in 2009-10, and annually across the forward years.

This is due to contraction of the national GST pool, loss of income on financial assets, interest earnings on general cash and investments, and the subdued activity in the housing market.

These factors alone contribute to a revenue loss of around \$1.1 billion since the last Budget, and around two years growth off our revenue base.

The loss of superannuation investment assets is around \$350 million against a forecast growth of \$200 million. Our superannuation liability is now only 47 per cent funded compared to 65 per cent coverage at June 2008.

Mr Speaker, these are unprecedented contractions in our operating budget capacity and our financial assets over a very short period of not much more than six months.

An immediate adjustment to reduce expenditure to respond to this contraction is simply not possible without severely impacting on the services we provide to the community.

The Government carefully considered all the options available to us. The easy option would have been to remove our provision for growth in health services, to remove our wages provision or to make massive spending cuts to get us out of deficit.

But this approach would be counterproductive at a time when jobs and confidence in our community need to be supported and services need to be maintained.

There are no quick fixes to such a large reduction in our revenue base.

The Government has decided that it is not the time for rash decisions nor is it time for drastic cuts. This results in temporary General Government Sector net operating deficits across the forward estimates period.

Mr Speaker, although the global financial crisis presents us with challenges it does not mean that we are unable to progress the commitments we made to the Canberra community just seven months ago.

This Budget makes further investments in services to meet the growing needs of the community. New spending initiatives include a modest average annual spend of \$49 million

New services and programs will be delivered in health and education, in supporting Canberrans to live more sustainably, in enhancing community safety and our city's amenity and in supporting those most vulnerable in our community.

All the things a responsible, compassionate and disciplined Government should do.

Our new programs are measured and targeted. Our recurrent spending is largely offset by our savings program.

This is a budget that puts our community first. This is a budget that preserves services to the community. This is a budget that delivers on our commitments.

Mr Speaker, the Government is committed to restoring a balanced budget. We will outline a seven-year recovery strategy. We remain committed to our Fiscal Strategy and prudent financial management. Our budget recovery and the requisite adjustment task will take time. The return to surplus will occur beyond the forward estimates.

A sharp adjustment now in the form of a drastic expenditure reduction or tax increase would be irresponsible economic management. This is not the time to pull back on our expenditure. Instead, this is the time to ensure jobs are supported.

The Government will take a measured and longer term approach to addressing the deficit.

This is not deferring the problem. This is meeting the challenge in a steady and realistic approach, appropriate for the times.

And in doing this, we will ensure that our core services are maintained, community wellbeing is not compromised and that we are taking a prudent approach to risk mitigation and protection.

This is what the Canberra community expects of their Government. This is what we are committed to delivering.

Mr Speaker, our Budget Plan is a strategy to restore a balanced budget by 2015-16.

The strategy is honest and upfront.

The seven-year Plan determines the magnitude of the task, taking into account the current uncertainty, and the eventual recovery.

It has the robustness to be relevant in the face of economic and fiscal circumstances. It incorporates flexibility for adjustments should circumstances change.

Mr Speaker, the Plan sets a goal and a clear path towards that goal.

The Budget provides an unambiguous and transparent indication of the Government's progress towards that goal.

The savings task over the forward estimates is \$51 million in 2010-11, increasing to \$102 million in 2011-12, and \$153 million in 2012-13. Some of this has been achieved and incorporated in the Budget by way of an internal savings strategy for agencies starting in 2010-11, as well as wage constraint. But further savings will be required.

We are increasing some fees, charges and levies (such as parking fees and penalty payments for traffic infringements and court imposed fines) in order to support key policy outcomes and to keep pace with increases in costs.

The remainder of the savings targets will be identified in future Budgets after extensive conversation and consultations with members of the Assembly, our employees, the business community, the community sector, and interested community members throughout the 2009-10 financial year.

These are challenging times and we are all in this together.

Mr Speaker, with this Budget I can announce that an Expenditure Review and Evaluation Committee, to be chaired by the Under Treasurer and the Chief Executive of the Chief Minister's Department, will be established. It will report to the Budget Committee of Cabinet with options on savings, efficiencies and resource allocation priorities.

Agencies will also provide implementation plans on their internal savings strategy well before the commencement of the 2010-11 Budget.

The Budget Committee of Cabinet will meet every two months to consider agencies' budget positions, emerging costs, savings and efficiency plans.

Mr Speaker, through this Budget we are investing in the community:

- investing in our city's future;
- investing in supporting jobs and building up the productive capacity of the economy; and
- investing in our community's needs.

I turn now to the particulars of the key new initiatives outlined in this Budget.

Building the future—Infrastructure

Mr Speaker, last year the Government delivered a budget that included a billion-dollar infrastructure program—an investment in the physical nature of our city unmatched in our history.

This was a cohesive package. One that aimed at increasing the productive capacity of the economy, reducing future costs, and supporting the growth of the city and its economy.

We provided for investments in the health system for the next decade. Investments in transport. Investments in the environment. This was an investment in *Building the Future*.

Mr Speaker, this Government remains focused on future building. Our previous commitments to infrastructure continue to be rolled out across this Budget. We continue to invest in the productive capacity of our economy.

We will continue to build our future schools and our future health system.

In the 2009-10 Budget, the Government will not only progress its *Building the Future* program of investments, but the program will be enhanced.

A further \$274 million in capital is being allocated for new projects.

The ACT Government investments are also supplemented by the funding from the Commonwealth Government under its *Nation Building and Jobs Plan* as part of the Economic Security Strategy. Investments in the Territory's schools and public housing under this plan total \$334.5 million.

In total, the Budget is committing \$762 million of cash expenditure in 2009-10. The total budget capacity being allocated to capital investments over the next few years is over \$2 billion.

A million dollars of capital expenditure supports an average of around three jobs in the construction and associated industries. The total capital allocation would support more than 2,000 jobs in the economy.

These are unprecedented commitments to the Territory's infrastructure. They will increase the Territory's asset base by more than 20 per cent, and boost the productive capacity of the economy in the longer term.

It is an ambitious four year program. It is a program that takes a long-term focus in providing confidence and stability for industry to support jobs in the short term. It is measured and targeted to increase the productive capacity of our economy in the longer term.

A very large part of our capital investment over the coming years will be funded from our past surpluses.

However, we find ourselves now looking at the need to borrow to deliver this comprehensive and future-building program. This should not come as a surprise given that \$1.1 billion has been taken off our budget and forward estimates due to the effects of the global financial crisis.

And for Governments such as our own, with a strong balance sheet, it is widely recognised that it is appropriate to incur some debt, provided that debt is used to finance high quality assets in areas of community need.

These assets provide benefits to the community over a longer period of time. The level of debt is prudent and sustainable.

Mr Speaker, over recent years, we have been improving on the delivery of our capital works. The value of the works completed has been increasing to a new high every year.

The Government is taking further steps to ensure that projects become available to the market on time.

With this Budget I can announce that the Budget Committee of Cabinet will receive a report from each department every second month on the progress of the Capital Works Program. As Treasurer I will meet monthly with each department to oversee the capital works progress.

Health

Mr Speaker, Health remains a key focus of attention and resources in this Budget.

The budget funds health services to meet continuing growth in demand and continues our prudent approach, adopted in 2006 to budgeting for growth in health expenditure across the forward estimates.

We have allocated \$272 million over four years taking our total estimated annual recurrent expenditure on health services to \$980.3 million in 2009-10.

Our investment in health services delivers on our election commitments in critical care and acute care services in our public hospitals, as well as elective surgery, the health needs of older Canberrans, emergency transport for critically ill patients and a walk-in centre at The Canberra Hospital to improve access to care.

We will establish a 16-bed Surgical Assessment and Planning Unit at the Canberra Hospital at a cost of \$25.4 million to provide quick transfer of surgical patients from the emergency department to specialist surgical care.

An additional \$2 million in each of the next four years is provided to meet the growth in demand for surgery, building on the \$49 million already put into surgery over the past six years which has resulted in record levels of access to surgery and a significant reduction in the number of people waiting too long for treatment.

We have allocated \$10.5 million over four years to provide an additional two intensive care beds at the Canberra Hospital.

Medical retrieval services will be boosted by \$5.4 million over four years and \$10½ million is allocated to establish a walk-in centre at the Canberra Hospital.

A new public diagnostic mammography service will be established at the Canberra Hospital with \$3½ million over four years.

We are experiencing an increased demand for cancer services. \$4.2 million over the next four years has been invested for the Capital Region Cancer Service to meet this growth in demand and fulfil a key election commitment.

Mental health services in the ACT will receive \$19 million over the next four years to help meet the demand for services, and support mental health workforce initiatives. \$8.4 million has been allocated in the ACT's 2009–10 Budget to meet the growth in demand for mental health services in our community.

The provision of \$9.7 million over four years will enable the establishment of a Mental Health Assessment Unit to provide quick transfers to a specialised service for mental health patients who present at an emergency department.

The Budget has also allocated \$600,000 over the next two financial years for mental health training for police, emergency service workers and teachers.

In addition \$275,000 over the next two financial years expands the ACT Forensic Mental Health Court Liaison Team.

The Budget has allocated \$11 million over three years to address issues such as childhood obesity, tobacco use in Aboriginal and Torres Strait Islander people, adolescent health and healthy workplaces.

Our health system simply couldn't function without the doctors, nurses, therapists, psychologists and the many others who, through their hard work and dedication, provide world-class care to the people of Canberra.

More than \$20 million of initiatives have been funded, aimed at strengthening the health workforce, expanding the role of allied health professionals, establishing new health professional support roles and supporting and growing the Territory's GP workforce.

As part of the 2008 election campaign ACT Labor committed \$12 million over four years to support and grow the GP workforce. This Budget honours those commitments. We will establish an “in hours” aged care GP locum service, fund scholarships for medical students, reimburse GPs for the costs of taking on medical students and kick off our GP infrastructure fund.

More than \$4.2 million over four years has been provided to meet the growth in demand for health services by older Canberrans, the first stage of our election commitment.

We have kept our \$150 million capital commitment to continue to fund our health system rebuild in time for the rise in demand for health services which will peak between 2016-2018.

This Budget provides an unprecedented level of investment in technology—an e-health package of \$90 million for a suite of initiatives that will put us at the forefront of e-health technology in Australia. Giving all Canberrans an opportunity for an electronic health record, improving technology in our hospitals to ensure safety and quality of care and linking up the health system with cutting edge technology with a focus on improving efficiency across the board.

\$51.3 million is allocated for the forward design and construction of an Enhanced Community Health Centre at Belconnen which will allow us to transfer appropriate services out of the hospitals and support the expansion of community based health services.

Education

Mr Speaker, the ACT Labor government is committed to ensuring Canberra students have the best start in life, with access to an engaging and high quality education. Investing in educational programs for students, teacher development and literacy and numeracy outcomes are priorities for the government.

In recognition of our key election commitment to lowering class sizes, this Budget invests \$22.7 million over four years to employ 70 additional staff members in ACT schools, to reduce class sizes and improve educational outcomes. Capital funding of \$6 million has also been provided to accommodate the additional class rooms.

Literacy and numeracy skills are a vital element of a student’s education and development. This Budget provides \$6.4 million over four years for specialist literacy and numeracy teachers to assist students at risk of not achieving national benchmarks. This is in addition to the \$1.9 million over four years flowing into the ACT from the Commonwealth for further literacy and numeracy programs.

The ACT is also receiving \$1.7 million in funding from the Commonwealth to improve teacher quality through initiatives that target attracting, training, developing and retaining teaching staff, the development of a new classroom teacher salary structure and, in the longer term, an ACT Teacher Quality Institute.

In addition, this Budget provides \$3.1 million over four years for eight additional support staff for students with English as a Second Language.

To boost the numbers of Indigenous teachers and education professionals, funding of \$691,000 over four years is provided for ten scholarships and three university scholarships to study teaching.

This Budget also invests \$984,000 over four years for the provision of programs for gifted and talented students. This funding will provide additional training for teachers and support for parents.

Primary schools in the ACT will benefit from access to ICT in this Budget. Funding of \$5 million over three years is being provided to replace old computers, and install new technologies including smart-boards, in our public schools, with non-Government schools receiving over \$2.5 million in 2009-10 to purchase and install ICT equipment.

In addition, 5,837 computers will be funded through the Commonwealth's Digital Education Revolution Partnership through which the ACT received \$39.5 million over five years.

We are also continuing the improvement of school facilities with a capital investment in education of over \$206 million.

A new high school, accommodating 800 students, will be built in Harrison, with an investment of \$44 million. The Gungahlin College will benefit from \$5.4 million additional funding in 2010-11 for community library and CIT facilities at the College. Canberra College will receive a new \$7.6 million performing arts centre, with specialist space for music, dance, drama and performance.

This significant capital investment will also benefit the environment, with \$2 million for water tanks at schools and another \$2 million for the installation of solar panels.

Young people in training

Mr Speaker, support is also being provided for a range of initiatives in this Budget to help build the productive capacity of the ACT workforce, with a particular focus on young people.

The Government recognises that young people could become long-term casualties of the financial downturn, and is working to assist every young person to access an education or training place.

Significant funding has been provided in this Budget for initiatives to increase young people's engagement with education, training and employment pathways.

Through the COAG Productivity Places Program, the ACT will deliver up to an additional 10,000 training places over four years for existing workers and job seekers,

with an emphasis on young people and the number of School Based Apprenticeships is being increased.

Funding of \$1.4 million over four years is being provided to expand the CIT's scholarship program to assist around 1,000 students per annum with materials and fees in courses in areas of skills shortage.

Capital funding of \$9.9 million over four years is being provided for a new purpose built facility for electro-technology training at Fyshwick Trade Skills Centre. CIT's Information Communication Technology infrastructure is being enhanced through \$4.5 million funding provided over two years to fund online education material. CIT will also receive \$5 million over four years to purchase equipment to keep them within industry standards.

The Government is also committed to helping employers and apprentices during the economic down turn. ACT apprentices at risk of losing their job, are being supported through a new service to help them stay in work and continue their studies.

Sustainability

This Government is committed to building a greener Canberra and to helping our community and local businesses make more sustainable choices every day.

Through our election policies we confirmed our focus on environmental sustainability, water, energy and climate change.

Late last year we established the Department of the Environment, Climate Change, Energy and Water and this Budget provides \$35 million to support a range of programs and initiatives.

In this Budget we have put \$19.1 million over four years towards the *Switch Your Thinking* initiative which will provide a virtual one stop shop for householders and businesses in the ACT for advice, support and programs to make sustainable choices.

Two new wetland ponds at Dickson and Lyneham will be funded with an investment of \$13.9 million over two years. The ponds will reduce demand on potable water for sports grounds and ovals, and improve the quality of Sullivans Creek.

This Budget provides \$3.3 million over four years for the Mugga Lane Recycling transfer station which will reduce the amount of waste going to landfill and increase the amount of material that is recycled. This Budget will also fund new waste initiatives addressing plastic bags and commercial and industrial waste.

\$2.5 million will be provided for a water plant that will reuse effluent water for irrigation of Exhibition Park grounds, reducing our reliance on potable water.

One of the things that makes Canberra such a wonderful place to live is the amazing natural environment in and around our city.

This Budget provides funding to protect the unique and rare flora and fauna of the Territory with \$950,000 over three years for conservation programs at Mulligan's Flat, Goorooyaroo and Tidbinbilla Nature Reserves. \$830,000 over four years will go towards the Lower Cotter Restoration Project to support the efforts of Canberrans and Greening Australia in replanting in this iconic area.

The Canberra International Arboretum and Gardens is being supported by \$8.1 million over four years in this Budget, for additional planting of rare, endangered and symbolic trees and ongoing maintenance.

If we are to create a sustainable future and address climate change we need all of the community to join the journey. In this Budget \$1.3 million is provided over four years for Community Partnerships for Sustainability and the Environment.

Community Safety and Protection

Mr Speaker, this Budget puts the safety of the Canberra community front and centre.

Community safety will be enhanced in the areas of Civic, Manuka and Kingston through the provision of \$1.6 million over four years for monitoring CCTV systems in place in these precincts.

The capacity of the Office of the Director of Public Prosecutions is being strengthened in this Budget through \$3.5 million over four years and an additional \$2.6 million over four years is being provided to the ACT Government Solicitor's Office to ensure it is able to provide timely advice on procurement and infrastructure investment issues.

\$4 million will be provided over two years for the design of a modern Supreme Court facility to replace the current building. Funding of \$125,000 is provided to look at streamlining courts administration to enhance our responsive judicial system in the ACT.

Emergency services are enhanced in this Budget, with \$6.3 million to be provided over two years for the establishment of a purpose built training centre for emergency services, an upgrade to the aero-medical base located at Hume and the relocation of the National Aerial Fire Fighting Helicopters.

In addition to this funding, works will be undertaken at the ESA Jerrabomberra and Rivers sheds. Funding of \$2.3 million this year will ensure that emergency vehicles are housed in secure space and appropriate areas are provided for office and training space.

To improve our emergency response, this Budget provides \$2.8 million to replace the mobile data system, improving the stability and reliability of the computer aided dispatch (CAD) system and improving the ESA's Wide Area Network infrastructure.

Community Fire Units will be provided with \$289,000 over two years in this Budget to further train and equip residents in the outer urban areas to undertake defensive fire

fighting activities to support the ESA at fires in their local areas. Additional funding of \$351,000 over four years will be provided to support the fire units' operations.

And Neighbourhood Watch will continue its important role within the community though the provision of \$84,000 over four years in this Budget.

Children

Mr Speaker, no government can ignore those most vulnerable and children in need of care and protection are perhaps the most vulnerable in any community. In light of continuing increases in demand \$11 million has been provided in additional funding to support the growing number children in need of a safe home through the out-of-home care sector. This is an area where this government has consistently responded when increased resourcing is required.

In addition, \$2.28 million in funding will be provided for Play Therapy Services for children with a disability, fulfilling a key election commitment. \$3.5 million over four years will provide 8 additional speech pathologists and services for young children with high priority needs, meeting another election commitment and addressing a key area of concern within the ACT community for parents of young children with speech disorders.

Childcare and community facilities will be upgraded and refurbished in this Budget with the provision of \$815,000 in 2009-10.

A third child and family centre will be built in West Belconnen through a joint Commonwealth and ACT initiative.

Housing, Homelessness and Community services

Mr Speaker, this Government has a proud history of providing services to the most vulnerable in our community and supporting those who need a helping hand. We have made strong investments in support for those experiencing homelessness, public housing, multicultural and Indigenous programs and community services.

This Budget enhances our work in providing services for those experiencing homelessness or who are at risk of homelessness.

Access points for homelessness and social housing services are being centralised within ACT Housing.

\$1.2 million over four years is being provided to assist people with mental health issues to access and maintain appropriate housing.

This Budget provides \$898,000 over four years for community outreach to rough sleepers through the *Street to Home* initiative which will target rough sleepers and provide outreach and support services to people with the aim of assisting them into safe secure and appropriate long-term accommodation. An additional \$948,000 over

four years is provided to enhance the *Building Housing Partnerships* initiative to assist homeless and disadvantaged people and families with living skills and employment.

\$292,000 will be provided over four years to provide assistance to people exiting crisis accommodation. Domestic violence victims will benefit from a \$100,000 initiative that will support them to remain housed in their home.

We will continue our productive working relationship with the Commonwealth through the *A Place to Call Home* and the *Social Housing National Partnership Agreements* with over \$7 million in capital funding delivering 40 properties that will provide long-term accommodation for homeless families in the ACT. In addition, up to 300 social housing units will be constructed, and repairs and maintenance will be undertaken on 240 dwellings under the Commonwealth's *Nation Building and Jobs Plan*.

Mr Speaker, the Government is committed to engaging with the ACT community, and this Budget provides \$968,000 in funding for the *Reaching Out to the Community* initiative which supports a broader community conversation on issues that affect Canberra's future.

Our regional community facilities will continue to be progressed with \$4.2 million allocated to develop the sites in Cook, Village Creek and Holt.

A suite of initiatives has also been funded to assist people experiencing disadvantage including the ACT Companion Card, the Expanded Flexible Support fund for Carers, and \$3 million over four years to assist people with disabilities living in hospital to move into the community for their ongoing care.

\$50,000 per annum will be provided to the Migrant and Refugee Settlement Service.

This Government has a proud history of supporting Indigenous Canberrans and this Budget delivers on our key election commitments including \$90,000 for Indigenous Traineeships and \$200,000 for a professional facilitator for an Indigenous Elected Body.

Older residents in the Tuggeranong area will benefit from \$1.5 million over two years for the refurbishment or construction of a seniors' facility in that area.

Improving Municipal Services

This Government is building a better city through our commitment to delivering quality municipal services and investing in improving our city's amenities. Through this Budget we are making additional investments in public transport, upgrading cycle paths and improving services throughout the ACT.

We will invest \$7.8 million in providing Canberrans with new cycle and foot paths, funding feasibility studies into two additional Park 'n' Ride facilities at Erindale and Mitchell and trialling two new cross-town transport services as well as new seats and signage at bus stops.

Providing quality municipal services is enhanced through our investment of more than \$10.3 million over the next four years for maintenance of our stormwater systems, streetlights and traffic lights.

In this Budget, \$83 million is provided for the Gungahlin Drive duplication and \$8.5 million for a range of works at the Gungahlin College precinct. A further \$98 million has been provided over four years for a range of infrastructure works associated with land releases in Molonglo and Gungahlin.

Funding from the Commonwealth of \$61 million will go towards the Airport Road upgrade, Lanyon Drive and Kings Highway.

We will be improving our community places through an investment of \$8.2 million over four years for additional paths, the replacement of paving, sheltered BBQs, a performance stage at Tuggeranong Town Park, and the maintenance of pumps, refurbishment and replacement of aged infrastructure and gates installed to prevent vandalism.

The area around our iconic Civic buildings—the Sydney and Melbourne Buildings—will be improved through a \$12 million investment over four years. In addition we are providing funding for a Civic Revitalisation Master Plan, forward design for infrastructure improvements to the City West precinct and the development of a Master Plan for Dickson Town Centre.

The provision of library services is an important service for the Canberra community. In this Budget \$7.1 million over four years is being provided to enhance the ACT Library and Information Service collections and to provide a library shopfront and collection in inner south Canberra which will deliver easily accessible services to residents.

Mr Speaker, the Government is making further investments in protecting our precious heritage assets and developing the arts community.

This Budget supports new programs and improvements at the Strathnairn and Manuka Arts Centres and \$3.7 million will be invested in a major package of conservation and upgrade works at Lanyon, Calthorpes House and Mugga Mugga, plus additional work at Hobday's Cottage and English Gardens at Weston Park and the Albert Hall.

We will also fulfil our election commitment with \$150,000 going towards the installation of a series of interpretive signs in Canberra's heritage precincts, including Forrest, Barton, Griffith, and Acton.

Tourism, Sport and Recreation

The Budget delivers sensible and targeted investments in the Territory's sports and tourism sectors aimed at protecting local jobs, keeping the economy strong, and delivering the facilities and services that make Canberra the most active community in Australia.

The Budget delivers new and enhanced infrastructure for community and elite sport including funding for stage two of the Lyneham Sports Precinct, the Gungahlin enclosed oval and a basketball centre of excellence.

The Tourism sector will be supported through a four year \$5.3 million marketing and event package delivering on Labor's commitment to establish a new autumn event from 2010.

This Budget also provides \$14 million over four years for the Centenary of Canberra Program, which will provide for the appointment of a Creative Director to guide the development and delivery of an official program for the celebration.

Supporting jobs and the economy

Mr Speaker, this is a Budget for the times.

As such we have ensured that at the heart of our efforts are measures to support local jobs and our local economy.

At this time many businesses are feeling the effects of this uncertain economic climate.

That is why we have allocated funding of \$3.5 million over four years to support businesses accessing overseas export markets.

We are also codifying the Change of Use Charge in response to industry's concerns around the uncertainty in charge determinations, and the delays in development approvals from the complexities that result.

Pending codification, this Government will reduce the Change of Use Charge rate from 75 per cent to 50 per cent for a period of one year. This initiative is a short term measure to support investment.

A temporary moratorium on fees for delay in commercial developments will also be implemented for eligible developers, in recognition of current economic difficulties.

This Budget also provides incentives to owners of commercial properties to retrofit premises in order to achieve a reduction in energy use and emissions.

The capacity of ACT Planning and Land Authority to provide professional and timely services to ACT business and the building and construction industry is also being enhanced with additional funding of \$9.7 million over four years being provided.

Conclusion

Mr Speaker, the Government has considered all requests for additional expenditure through this Budget process. In this Budget you will find modest additional expenditure where key election commitments have been delivered upon, commitments contained in our Parliamentary Agreement with the ACT Greens

progressed and additional expenditure to meet agency pressures in key areas of government service delivery such as child protection have been funded.

These are difficult times. These are also uncertain times.

These are times when we all must work together to support our community and to engage in a conversation about how we work towards recovery. This is as true for the Government as it is for the Opposition and cross-bench, for industry and the community sector, for workers, business owners, unions and academics.

We all have a stake in the Territory's future. We must all work together at this time.

The Territory's economy is sound, and it has the strength to withstand the shock progressing through the world economic system.

It will be supported by our prudent and targeted response.

We have seen more than \$1 billion wiped out of our revenues since the last budget. We have seen more than \$500 million wiped out of our financial assets.

Our community can have confidence as our financial position demonstrated through our balance sheet is sound. It provides us with capacity to withstand the financial shock. It provides us with capacity to preserve, and in fact meet the growing need for services. It provides us with capacity to invest at a time of need to support the economy and jobs.

It provides us with the time to embark on our adjustment task.

The Government is committed to returning to a balanced Budget—this is one of our financial policy objectives.

The Government has a proven track record of making the hard decisions when they're in the best interest of the community. But these are not the times to cut expenditures or raise taxes.

The times call for a measured approach.

The Budget puts our community first and delivers the services it needs. It invests in infrastructure. It provides stability and confidence. It supports jobs.

It meets the challenges of today while investing for tomorrow.

We are investing in our community.

This is a Budget for the times.

Mr Speaker, I commend the Appropriation Bill and 2009-10 Budget to the Assembly and to the community of the ACT.

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

Paper

Mr Speaker presented the following paper, which was circulated to members when the Assembly was not sitting:

Auditor-General Act—Auditor-General's Report No 2/2009—Follow-up Audit:
Implementation of Audit Recommendations on Road Safety, dated 1 May 2009.

Executive contracts

Papers and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage): For the information of members, I present the following papers:

Long-term contracts:

Leanne Cover, dated 27 November 2008.

Mark Collis.

Mark Whybrow.

Rosemary Kennedy, dated 3 March 2009.

Short-term contracts:

Alan Franklin, dated 31 March and 1 April 2009.

Brett Phillips, dated 11 March 2009.

Craig Hooper, dated 16 and 18 March 2009.

David Dutton, dated 16 and 18 March 2009.

David Foot, dated 16 and 17 March 2009.

John Bissell, dated 11 March 2009.

Paul Wyles, dated 8 April 2009.

Peter Donnelly, dated 27 March 2009.

Rachael Taylor, dated 5 March 2009.

Simon Kinsmore, dated 13 March 2009.

Stephen Goggs, dated 13 March 2009.

Stephen Ryan, dated 3 and 5 March 2009.

Contract variations:

Bren Burkevics, dated 11 March 2009.

Carol Harris, dated 22 February 2009.

David Butt, dated 18 March 2009.

Floyd Kennedy, dated 11 March 2009.

Gary Byles, dated 30 March and 6 April 2009.

Gregory Newton, dated 9 April 2009.

Janet Davy, dated 3 April 2009.

Mark Cormack, dated 23 and 27 March 2009.

Marsha Guthrie, dated 12 March 2009.

Stuart Friend, dated 18 March 2009.

Timothy Swift, dated 1 April 2009.

Tom Elliott, dated 1 April 2009.

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

Leave granted.

MR STANHOPE: These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all chief executive and executive contracts and contract variations. Contracts were previously tabled on 24 March 2009. Today I present four long-term contracts, 12 short-term contracts and 12 contract variations. The details of these contracts will be circulated to members.

Papers

Ms Gallagher presented the following papers:

Financial Management Act, pursuant to subsection 62(1)—Statements of Intent 2009-2010—

ACT Building and Construction Industry Training Fund Authority, dated 20 and 27 April 2009.

ACT Cleaning Industry Long Service Leave Authority, dated 21 and 27 April 2009.

ACT Construction Industry Long Service Leave Authority, dated 21 and 29 April 2009.

ACT Gambling and Racing Commission, dated 21 and 27 April 2009.

ACT Insurance Authority, dated 24 and 27 April 2009.

ACT Public Cemeteries Authority, dated 23 and 27 April 2009.

Canberra Institute of Technology.

Cultural Facilities Corporation, dated 21 and 27 April 2009.

Independent Competition and Regulatory Commission.

Land Development Agency, dated 28 April 2009.

Legal Aid Commission (ACT), dated 23 and 29 April 2009.

Public Trustee for the ACT.

Financial Management Act—instrument Papers

Ms Gallagher presented the following papers:

Financial Management Act—

Pursuant to section 18A—Authorisation of expenditure from the Treasurer's Advance to the Department of Territory and Municipal Services, including a statement of reasons, dated 23 April 2009.

Pursuant to section 16—Instrument directing a transfer of appropriations from the Department of Territory and Municipal Services to the Department of the Environment, Climate Change, Energy and Water, including a statement of reasons, dated 14 April 2009.

Rhodium Asset Solutions Ltd—statement of corporate intent Paper

Ms Gallagher presented the following paper:

Territory-Owned Corporations Act, pursuant to subsection 19(3)—Statement of Corporate Intent 2008-2009—Rhodium Asset Solutions—Revised, dated March 2009.

ACT Building and Construction Industry Training Fund Authority—revised statement of intent Paper

Ms Gallagher presented the following paper:

Financial Management Act, pursuant to subsection 62(1)—Statement of Intent 2008-2009—ACT Building and Construction Industry Training Fund Authority—Revised, dated 15 and 23 April 2009.

Financial Management Act—instrument Paper and statement by minister

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women): For the information of members, I present the following paper pursuant to section 19B of the Financial Management Act:

Instrument varying appropriations related to the Nation Building and Jobs Plan—Housing ACT and the Department of Education and Training, including a statement of reasons.

I move:

That the Assembly takes note of the paper.

Debate (on motion by **Ms Bresnan**) adjourned to the next sitting.

Papers

Mr Corbell presented the following paper, pursuant to section 19D of the Financial Management Act 1996, as circulated to members when the Assembly was not sitting:

Instrument amending performance criteria for the Department of the Environment, Climate Change, Energy and Water, including a statement of reasons, dated 14 April 2009.

Mr Corbell presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Canberra Institute of Technology Act—

Canberra Institute of Technology (Advisory Council) Appointment 2009 (No 1)—Disallowable Instrument DI2009-52 (LR, 9 April 2009).

Canberra Institute of Technology (Advisory Council) Appointment 2009 (No 2)—Disallowable Instrument DI2009-53 (LR, 9 April 2009).

Children and Young People Act—Children and Young People (Research) Standards 2009 (No 1)—Disallowable Instrument DI2009-34 (LR, 26 March 2009).

Court Procedures Act—Court Procedures Amendment Rules 2009 (No 1)—Subordinate Law SL2009-11 (LR, 27 March 2009).

Domestic Violence and Protection Orders Act—Domestic Violence and Protection Orders Regulation 2009—Subordinate Law SL2009-10 (LR, 27 March 2009).

Education Act—

Education (Government Schools Education Council) Appointment 2009 (No 1)—Disallowable Instrument DI2009-42 (LR, 6 April 2009).

Education (Government Schools Education Council) Appointment 2009 (No 2)—Disallowable Instrument DI2009-43 (LR, 6 April 2009).

Education (Government Schools Education Council) Appointment 2009 (No 3)—Disallowable Instrument DI2009-44 (LR, 6 April 2009).

Education (Government Schools Education Council) Appointment 2009 (No 4)—Disallowable Instrument DI2009-45 (LR, 6 April 2009).

Education (Non-Government Schools Education Council) Appointment 2009 (No 1)—Disallowable Instrument DI2009-50 (LR, 9 April 2009).

Education (Non-Government Schools Education Council) Appointment 2009 (No 2)—Disallowable Instrument DI2009-51 (LR, 9 April 2009).

Legislative Assembly (Members' Staff) Act—

Legislative Assembly (Members' Staff) Continuation of Employment Direction 2009—Disallowable Instrument DI2009-47 (LR, 9 April 2009).

Legislative Assembly (Members' Staff) Deemed Date of Termination of Employment Of Members' Staff 2009—Disallowable Instrument DI2009-48 (LR, 9 April 2009).

Planning and Development Act—Planning and Development (Amount payable for, and period of, further rural lease) Determination 2009 (No 1)—Disallowable Instrument DI2009-38 (LR, 30 March 2009).

Public Places Names Act—Public Place Names (Casey) Determination 2009 (No 3)—Disallowable Instrument DI2009-33 (LR, 26 March 2009).

Public Sector Management Act—

Public Sector Management Amendment Standards 2009—Disallowable Instrument DI2009-46 (LR, 9 April 2009).

Public Sector Management Amendment Standards 2009 (No 2)—Disallowable Instrument DI2009-54 (LR, 14 April 2009).

Road Transport (Public Passenger Services) Regulation—Road Transport (Public Passenger Services) (Authorised Fixed Fare Hiring) Approval 2009 (No 1)—Disallowable Instrument DI2009-49 (LR, 9 April 2009).

Territory Records Act—Territory Records (Advisory Council) Appointment 2009 (No 1)—Disallowable Instrument DI2009-35 (LR, 25 March 2009).

Training and Tertiary Education Act—

Training and Tertiary Education (Accreditation and Registration Council) Appointment 2009 (No 1)—Disallowable Instrument DI2009-39 (LR, 9 April 2009).

Training and Tertiary Education (Accreditation and Registration Council) Appointment 2009 (No 2)—Disallowable Instrument DI2009-40 (LR, 9 April 2009).

Training and Tertiary Education (Accreditation and Registration Council) Appointment 2009 (No 3)—Disallowable Instrument DI2009-41 (LR, 6 April 2009).

Utilities Act—

Utilities Exemption 2009 (No 1)—Disallowable Instrument DI2009-37 (LR, 30 March 2009).

Utilities Exemption 2009 (No 2)—Disallowable Instrument DI2009-55 (LR, 16 April 2009).

Adjournment

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

That the Assembly do now adjourn.

The Assembly adjourned at 3.14 pm.

Schedules of amendments

Schedule 1

Roads and Public Places Amendment Bill 2009

Amendments moved by Mr Coe

1
Proposed new clause 4A
Page 2, line 28—

insert

4A **Removal of abandoned vehicles from public places**
Section 12E (3) (b)

omit

2

substitute

3

2
Clause 5
Proposed new section 12E (4) (b)
Page 3, line 6—

omit

2

substitute

3

3
Clause 5
Proposed new section 12E (4) (c)
Page 3, line 11—

omit

2

substitute

3

4
Clause 5
Proposed new section 12E (7)
Page 3, line 28—

insert

- (7) If notice is given under subsection (5) for a vehicle, the chief executive must give the registered operator—

- (a) written notice that the notice has been given under subsection (5); and
- (b) a copy of the notice given.

Schedule 2

Roads and Public Places Amendment Bill 2009

Amendments moved by Ms Le Couteur

1

Clause 5

Proposed new section 12E (4A)

Page 3, line 20—

insert

- (4A) Also, a notice must state, in a conspicuous position on the notice—
- (a) that it is an offence under this Act, section 12EB to remove, deface or interfere with a notice placed on, or attached to, a vehicle if a person is not the registered operator or owner of the vehicle; and
 - (b) the penalty for the offence.

2

Clause 6

Proposed new section 12EA (3) (e)

Page 4, line 21—

omit proposed new section 12EA (3) (e), substitute

- (e) if the notified person is not an owner of the vehicle—
- (i) state that the notified person must tell the chief executive, within 7 days after the day the notice is given—
 - (A) that the notified person is not an owner of the vehicle; and
 - (B) the name and address of anyone that the notified person believes is an owner of the vehicle; and
 - (ii) state that—
 - (A) it is an offence under this Act, section 12F not to tell the chief executive the information mentioned in subparagraph (i); and
 - (B) the penalty for the offence; and