Debates

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Thursday, 18 June 2009

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

Crimes Legislation Amendment Bill 2009

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.01): I move:

> That this bill be agreed to in principle.

The Crimes Legislation Amendment Bill 2009 amends a number of laws administered by the Department of Justice and Community Safety that effect the operation of the criminal justice system.

Some of the amendments serve to enhance the implementation of the raft of reforms that were introduced in the Sexual and Violent Offences Legislation Amendment Act 2008 to better address protections for the victims of sexual and violent offences, while other amendments serve to enhance the implementation of the reforms to the committal system contained in the Crimes Legislation Amendment Act 2008. These two pieces of legislation commenced operation on 30 May 2009. The process of implementing the legislation has enabled stakeholders to focus on the detail of the process and highlight areas where we can make further refinements to continue to support the policy decisions taken through these important reforms.

In relation to the Evidence (Miscellaneous Provisions) Act 1991, the Sexual and Violent Offences Legislation Amendment Act 2008 introduces special measures for victims of sexual assault and goes further to include victims of violent offences, making it less stressful and traumatic for them to give their evidence in court proceedings. It also delivers similar measures to other vulnerable people where the interests of justice require it. The main purpose of this act is to minimise the potential revictimisation that can be experienced by victims of sexual and violent offences when they interact with the criminal justice system.

My department has been working closely with key stakeholders to implement the Sexual and Violent Offences Legislation Amendment Act 2008, and a number of concerns relating to the practical operation of provisions in that act have been raised during this process.

Consequently, a number of amendments to the Evidence (Miscellaneous Provisions) Act 1991 are necessary to ensure that the amendments made to the act by the Sexual

and Violent Offences Legislation Amendment Act 2008 will operate as intended. One of the amendments is the addition of a further option for the court to appoint a person to ask a vulnerable witness questions on behalf of the accused person when the accused person is self-represented and has not appointed a legal representative to act on their behalf for the examination of the vulnerable witness. The current scheme allows a legal representative to be appointed for this purpose, and this amendment expands the scheme to allow persons who are not legal representatives to act effectively as the mouthpiece for the accused person. The court will have the option of appointing an appropriate person, who will not necessarily be a lawyer, to ask questions on behalf of the accused person that the accused person has formulated.

This expansion of the scheme ensures that, while vulnerable witnesses are still protected from the trauma of being asked questions directly by an accused person, the accused person's right to test the evidence against them is preserved, and the court has the opportunity to minimise delays to the proceedings that might otherwise occur if the court needs to repeatedly adjourn a case to allow an accused person to seek legal representation in circumstances where the person will not or cannot obtain legal representation.

In relation to the Magistrates Court Act 1936, the Crimes Legislation Amendment Act 2008 introduced the concept of hand-up committals. During the implementation of this act by my department, a number of practical issues concerning the implementation of these reforms, including questions that affect the transition from the previous scheme to the new scheme, have been raised. The bill I am introducing today makes a number of minor amendments to the Magistrates Court Act that provide clarity around the transition to the new scheme and to ensure that the intentions behind the policy decisions that the reforms were based on are articulated as clearly as possible.

The bill also makes amendments to the provisions of the Magistrates Court Act that determine the path to be followed when a defendant does not attend court to answer their charges. The bill amends the provisions to change the manner in which the human rights of defendants who do not attend proceedings are protected, while allowing the criminal justice system to continue to operate in an effective manner.

In relation to the Supreme Court Act 1933, the Crimes Legislation Amendment Act 2008 introduced amendments to the threshold at which matters become indictable matters that can be heard by the Supreme Court. The bill introduces a provision that removes uncertainty about the ability of the Supreme Court to find alternative verdicts when the alternative offence is now a summary offence.

In relation to the Crimes (Sentencing Administration) Act 2005, last year the Assembly passed the Children and Young People Act 2008, which was a significant piece of legislation which addresses a range of areas that impact upon the daily lives of children and young people in the territory, such as children and young people in employment, children and young people involved in the criminal justice system and children and young people for whom there are care and protection concerns.

Schedule 1 of the Children and Young People Act 2008 provides for modern criminal justice laws that apply to children and young people that focus on rehabilitation,

flexibility and consistency in sentencing. Many of these amendments commenced on 27 February this year, including amendments to the Crimes (Sentencing Administration) Act 2005 to introduce a new chapter that sets out particular provisions dealing with the administration of sentences imposed on young offenders. The bill makes a number of small and technical amendments to the Crimes (Sentencing Administration) Act 2005 to ensure that that act is consistent with the Children and Young People Act 2008.

In relation to the Crimes (Sentencing) Act 2005, schedule 1 of the Children and Young People Act 2008 also amends the Crimes (Sentencing) Act 2005 by inserting a new chapter setting out a sentencing methodology that specifically deals with courts' sentencing decisions that apply to children and young people. This includes specific dispositions relevant to children and young people, such as education and training conditions, accommodation orders and supervision conditions. The amendments that the bill makes to the Crimes (Sentencing) Act 2005 are also minor and technical and ensure that the provisions of the act that relate to children and young people are consistent with those set out in the Children and Young People Act.

In relation to the Bail Act 1992, the amendment to this act is a minor amendment to remove uncertainty about the manner in which young offenders are to be dealt with, to ensure consistency with the Children and Young People Act.

In relation to the Court Procedures Act 2004, the bill makes a minor amendment to correct a typographical error and to ensure consistency with definitions contained in the Crimes (Sentencing) Act 2005.

In relation to the Criminal Code 2002 and Criminal Code Regulation 2005, the bill amends the default date for the application of the general principles of criminal responsibility contained in the Criminal Code to replace an amendment made in the Criminal Code Regulation, and deletes the amendment contained in the regulation so that the dates are clear on the face of the code.

I commend the bill to the Assembly.

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

Justice and Community Safety Legislation Amendment Bill 2009 (No 2)

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.10): I move:

> That this bill be agreed to in principle.

The Justice and Community Safety Legislation Amendment Bill 2009 (No 2) is the 21st bill in a series of bills dealing with legislation within the Justice and Community Safety portfolio. These bills make minor and technical amendments to portfolio legislation. The bill I am introducing today makes the following amendments.

Minor amendments have been made to the Associations Incorporation Act 1991 to incorporate the recommendations of the Standing Committee on Public Accounts with regard to regulating incorporated associations. The amendments will allow for the Registrar-General to begin the process for cancelling an association's incorporation after the association has failed to submit an annual return for two consecutive years. The amendments will also allow for cancellation proceedings to begin if the association has filed an annual return with qualified audits where the auditor is unable to affirm whether or not the association has complied with the accounting requirements and other provisions of the act.

The bill clarifies the activities that are exempt from the operations of the Charitable Collections Act 2003. The Charitable Collections Regulation 2003 currently provides that entities that do not solicit donations or that do not conduct elections are not bound by the Charitable Collections Act simply because they receive a donation. The bill includes this exemption in the text of the act itself to ensure that there will be no dispute when reading the provisions of the act that these sorts of activities are exempt from the requirements of the act.

The bill makes changes to the Door-to-Door Trading Act 1991. The amendments to this act improve the ACT's consumer protection regime by clearly stating the manner in which the act applies to telemarketers. The bill would make it explicit in the act where and how its provisions apply to unsolicited telephone calls to consumers. This will ensure that when traders solicit business from ACT consumers by phone those consumers receive all the same protections and notices of their rights under the law as consumers who are contacted in person. Of particular importance, the bill would require telemarketers to provide all of the requisite notifications about a consumer's rights by reading the standing notices aloud and then providing the notices in paper form as soon as possible after the making of a contract by phone.

To improve convenience to consumers and to allow for businesses to comply with competing legal obligations, the act is also proposed to be amended to remove the prohibition on providing services during the standard 10-day cooling-off period. This change would still allow consumers to cancel agreements and to avoid being charged for services provided before the end of the cooling-off period.

The bill makes amendments to the Firearms Act 1996 to allow for the Australian Federal Police to continue to provide training to, and conduct joint training with, foreign police officers in the ACT. The amendments provide an exemption to the firearms regulations and prohibitions for foreign police officers so that those officers may possess firearms while engaged in training conducted by the AFP and carried out within the jurisdiction of the ACT.

Amendments are proposed to the Legal Aid Act 1977 to recognise the governance structure under which the Legal Aid Commission operates. A series of amendments

have been made to improve and clarify the commission's powers to engage private legal practitioners to provide legal assistance, to regulate those who do provide legal assistance and to govern the operations of the commission. These updates enhance the commission's ability to continue providing quality legal services to the community and will align the ACT's Legal Aid Commission with the current national standards for legal aid. To signify the changes and to reflect the relationship between the legal aid programs across Australia, the operating name of the commission is proposed to be changed to Legal Aid ACT.

Changes are proposed to the Machinery Act 1949. The bill would amend the provision allowing the chief executive to appoint a public servant as an inspector for the purposes of the act to allow the chief executive to appoint a person who is not a public servant as an inspector. Appointing a person other than a public servant is not currently possible under the law. This amendment allows for the chief executive to take advantage of the rare skill sets and expertise needed to conduct inspections of certain types of machinery by reaching outside of the public service where necessary to find a person with the requisite skills and experience.

The bill proposes changes to the Magistrates Court Act 1930 to allow for additional retirement on grounds of invalidity and to reform the provisions governing warrants to secure the attendance of witnesses at court. The amendment to the retirement provisions simply allows the Attorney-General to determine other superannuation schemes by notifiable instrument, besides those already listed in the act, for the purposes of retirement on grounds of invalidity. This adds flexibility to retirement provisions without altering or limiting the existing arrangements.

The warrants amendment modernises the act's provisions that deal with the issuance of a warrant for a witness who fails to attend as required or who is likely to fail to attend. The new provisions focus on human rights compliance to ensure that the rights of people who may not be a party to any proceedings before the court are protected where those persons are involved as witnesses.

Currently, the act does not provide much guidance as to when a warrant may be issued for a witness or for what powers the court has over a witness once a warrant is executed. The amendment will update the legislation to provide factors that must be considered before a warrant is issued, to clearly state what powers police officers have in the execution of the warrant and, finally, to clearly elaborate what powers the court has to issue orders once a witness is brought before the court pursuant to a warrant. Where necessary, the court will be able to remand witnesses into custody to ensure a later appearance or to release witnesses with a recognisance that requires the witness to appear at a later date. These powers are carefully prescribed and limited to ensure that witnesses are treated fairly and that when they must be arrested to secure attendance their circumstances are reviewed by a magistrate for further orders rapidly and efficiently.

The bill makes amendments to the Prohibited Weapons Act 1997 to create exemptions similar to those provided for in the Firearms Act amendments. This would allow foreign police officers while engaged in training provided by the Australian Federal Police to possess prohibited weapons such as police batons.

The bill makes changes to the Regulatory Services Legislation Amendment Act 2008 as part of the amendments to the Door-to-Door Trading Act. This amendment would clarify that the Door-to-Door Trading Act applies to all consumers in the ACT, whether those consumers are returning an unsolicited message by telephone or have received an unsolicited telephone call.

The bill makes an amendment to the Remuneration Tribunal Act 1995 to remove the position of "president of the human rights commission" from the Remuneration Tribunal's determination schedule. Because there is no position of president of the human rights commission, it is unnecessary for the Remuneration Tribunal to determine remuneration for that position.

The amendment to the Residential Tenancies Act 1997 is a minor clarification with respect to fixed-term tenancies under the Residential Tenancies Act. It clarifies the way in which the rent increase provisions apply during the term of a fixed-term tenancy.

Finally, changes are proposed to the Supreme Court Act 1933 to amend the provisions for retirement of the master of the court on grounds of invalidity, similar to the amendment introduced for the Magistrates Court retirement provisions. This adds flexibility to retirement provisions without altering or limiting the existing arrangements by allowing for members of superannuation schemes other than those already identified in the act to be retired.

I commend the bill to the Assembly.

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

Executive business—precedence

Ordered that executive business be called on.

Animal Diseases Amendment Bill 2009

Debate resumed from 5 May 2009, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (10.20), in reply: Mr Speaker, before closing the debate through this speech, I do draw members' attention to the legal affairs committee's report on the bill. The committee made some quite extensive and very valuable comments in relation to the bill and made some useful suggestions to clarify aspects of the explanatory statement to the bill. As a result of the legal affairs committee's report, a revised explanatory statement has been prepared for the bill, which I now table. It does pick up the recommendations made by the committee. I thank the legal affairs committee for its deliberations and their comments on the bill.

As members have discussed during their contribution to the debate on this bill, the bill amends the Animal Diseases Act 2005 to clarify the operation of aspects of the act and to facilitate the control of future outbreaks of animal diseases in the territory. I consider this a very important bill for a number of reasons: first, ensuring animal diseases do not breach the borders of our country is an important priority for all governments around Australia.

Here in Australia we are free of many of the diseases that inflict the rest of the planet. There are many reasons why it is necessary to control animal diseases or to stop them getting into Australia. These cover, of course, not only the health and wellbeing of our animals but also to protect people. There are some exotic diseases that can cross into human populations, such as rabies or mad cow disease, and, fortunately, Australia remains free of them. I draw the Assembly's attention to the fact that Australian governments and industry groups have agreed plans to fight these and other diseases should they find their way to Australia.

But in addition to human and animal health concerns, we also have to ensure that animal diseases do not jeopardise Australia's international trade. Animal disease outbreaks in one country are sometimes used by other countries to justify slapping import bans on the country where the disease has broken out. While sometimes these bans are justifiable if they are a genuine attempt to control the spread of the disease, sometimes they are nothing more than a form of back-door protectionism. Trade can be halted for some countries when a disease of significance spreads through their primary industries, and even when it does not. Only last week, 15 nations including Russia, China, Thailand, Indonesia and several Balkan nations banned pork imports from Mexico and the United States of America based on their concern about the spread of swine flu. This is despite medical expert opinion, indeed, all opionion, being that there is no link between pork products and the swine influenza.

I raise that example to show how tenuous trade can be between countries. Even when there is no good reason to prevent a product from being imported, bans sometimes are still put in place. In order to ensure that Australian producers are not adversely affected by any global animal disease outbreak, all governments of Australia need to ensure they take appropriate steps to ensure we can keep exotic animal diseases out of the country and to respond quickly and effectively if they do break out. Although the ACT's international agricultural trade input is small, our impact on Australia's international trade would be significant if we did not have the ability to detect, prevent and control an exotic animal disease outbreak in the ACT.

I mentioned on tabling this bill that the ACT is a signatory to the emergency animal disease response agreement. This response agreement between Australian governments and relevant industries outlines arrangements for emergency animal disease preparedness and responses to outbreaks of recognised diseases. The response agreement categorises a range of animal diseases and addresses cost sharing between Australian governments and industry for the control or eradication of each recognised disease. The proportion of costs borne by government or industry varies for each disease. The response agreement is underpinned by a number of AUSVET plans which provide the technical response to each disease.

The AUSVET plan for equine influenza was the blueprint for how all jurisdictions managed the quarantine restrictions that were required when the horse industry was brought to its knees during the horse flu outbreak in 2007 and 2008. When horse flu broke out in eastern Australia and the relevant AUSVET plan was activated, lawyers for the Department of Territory and Municipal Services had to check that the various agreed response actions under the plan could be done under the Animal Diseases Act.

Most of the actions were easily linked to provisions of the act, but some actions required a degree of legal gymnastics to identify the source of power under the act. I hasten to add that, in most cases, people with horses were only too happy to cooperate with authorities to control the spread of the disease. Fortunately we did not have any outbreaks of the disease here in the ACT. But it was a close call, with the disease moving gradually south towards us, until it petered out in the hotter weather in late 2007. It was both fascinating and frightening to look at the weekly outbreak maps and watch how equine influenza was spreading through New South Wales and getting ever closer to the ACT, how the disease was following the Hume Highway and along the Olympic Way and the other main roads and realising that it was people, wittingly or unwittingly, transmitting the disease as they moved their horses.

After the equine influenza outbreak was brought under control, the Department of Territory and Municipal Services reviewed its response to the outbreak. In doing so, there were a number of aspects of the Animal Diseases Act that were identified as needing clarification to ensure greater certainty and to simplify steps that may need to be taken to manage future animal disease outbreaks. I consider it vital that, in an emergency situation, the underpinning legislation provides as much clarity as possible to attend to these serious and urgent issues.

As I mentioned upon tabling the bill, there is an expansion to the object of the act to ensure there is no question that the Animal Diseases Act provides protection for all animals from exotic and endemic disease and not just providing protection for animals used to produce a product. Currently the purpose of the act is to protect human health and markets for animal products. The bill expands this object to clearly state that the act is to protect the health and welfare of humans and animals, as well as protecting all animal-related industries. There is no question in my mind that we should protect the health and welfare of all animals and not just those that have the potential to enter the market as an animal product.

The equine influenza outbreak was instructive. The 2007 quarantine could be entirely justified on the grounds that Australia's horse breeding industry had to be protected. But there are many horses, indeed most horses, that are not involved in that industry—from horses kept as pets to horses at riding schools to farm horses.

The bill amends the title of the Director of Veterinary Hygiene to the Chief Veterinary Officer. This amendment is appropriate and sensible in order to remove ambiguity and ensure there is no uncertainty in an emergency situation. All other jurisdictions use the terminology of Chief Veterinary Officer as a title description for that position, and it is impractical for the ACT to hold on to this outdated carryover from commonwealth administration when there is the potential for jurisdictional confusion

during an emergency animal disease outbreak. In an emergency situation it is imperative that confusion is minimised and a consistent approach taken across all jurisdictions. Amending the title will assure our interstate counterparts that they are dealing with the appropriate person during any disease incursion.

A similarly important clarification contained in the bill confers the ability for the chief executive to appoint appropriate public servants from other jurisdictions with responsibility for administering similar legislation to the Animal Diseases Act. The bill also confers the ability for the Chief Veterinary Officer to delegate his powers to such public servants from other jurisdictions. Presently, the phrase "public servant" is defined under the Legislation Act 2001 to mean an ACT public servant. This definition affects all ACT legislation. Therefore, this definition works to prevent any public servant from the commonwealth or another state or territory being authorised or delegated powers under the act.

The ACT has appropriate officers within its workforce to manage all day-to-day operations and, indeed, for handling most lockdowns or quarantines. However, it does not take blind Freddy to see that, in an extraordinary emergency situation, having access to additional qualified resources from other jurisdictions may ameliorate the situation. Should a serious animal disease outbreak occur in the territory, it may be necessary to call on our interstate counterparts to help combat the disease, just as we would lend a helping hand to them should they request it. It is vital at such times of emergency that we have access to as many people of skill as is required to eradicate the incursion. This is not unique to animal disease management; there are already similar provisions in the Gene Technology Act. The Emergencies Act also provides a mechanism to allow emergency workers from interstate to assist with emergency management here in the territory.

The bill also provides clarification on the types of directions that can be issued by the Chief Veterinary Officer in relation to the control of the spread of exotic or endemic diseases. Under the Animal Diseases Act, these powers are broad, and the most important powers are explicitly set out, but there is a catch-all power as well contained in section 14(1)(d). The review after the equine influenza outbreak identified that an explicit direction relating to the prevention of possible contamination or infection was not included in the act. As a result, had such a direction been required—fortunately it was not—it would have been necessary to rely on the broad, catch-all power to justify such a direction.

Preventing contamination or infection is just as important as the decontamination process itself. It is of little use to quell the spread of disease if you do not have the ability to prevent the contamination from occurring in the first place. Such an example of a possible direction to prevent a disease spreading might be to require a farmer to move their animals away from any farm's boundaries or to temporarily keep animals stabled. The bill makes clear that directions can now be given to people to not only decontaminate their premises, products or things in relation to exotic or endemic disease but also to prevent them from contaminating or infecting anything else. I am sure members will see this as sensible and practical.

I want to reiterate that the power to issue such a direction during the equine influenza quarantine could have been based on the catch-all power in section 14(1)(d). However,

I consider that such a power is so important as to warrant being explicitly listed in section 14, with a similar power also explicitly listed in the powers for management of endemic diseases contained in section 18 of the act.

Currently, the act contains a power to declare a quarantine area, and through that declaration there is the ability to impose restrictions on movements in the quarantine area. However, modern quarantine arrangements, as contemplated by the various AUSVET plans, do not necessarily require a total ban on movement or activities within a quarantine area. The severity of restrictions in an area will generally depend on whether the particular disease has been detected in that area and, if not, the proximity of the disease to the area. In areas at risk of infection, but not actually infected, it is unreasonable to expect the community to completely cease all movement and activities. However, it is reasonable to expect that some conditions be placed on activities within the area, both to minimise the spread of the disease and, should the disease actually spread, to be able to find possibly infected animals. Therefore, a particularly important precaution is to keep records of the movement of animals, and this is reflected in a variety of AUSVET plans.

The bill inserts new sections 24A to 24C into the act. The intention of these new sections is to provide a means of relaxing restrictions on movement imposed under a quarantine declaration made under section 21. The authorisation can also include imposing conditions, including a requirement to keep records for a period of 12 months after the expiry.

The bill also clarifies that either the entire ACT or areas within the ACT can be declared quarantine areas for exotic or endemic diseases. The size of a quarantine area will be dependent upon the severity of the impact of the disease, the speed with which it can spread and the difficulty in detecting or eradicating it. Sometimes a single farm can be quarantined. Sometimes, as with equine influenza, which is highly contagious, the entire territory needs to be quarantined.

The bill also provides further clarity concerning the searching of vehicles. I draw members'attention to the scrutiny of bills report on the bill in relation to the searching of vehicles. In their report, the legal affairs committee stated that "it might be that the amendment is unnecessary". I do agree with the committee's conclusion on this proposed amendment. It might be necessary; on the other hand, it might, as suggested, be unnecessary. In an emergency animal disease situation, the act needs to be crystal clear on powers available to the government and its officers. We cannot come to a point where authorised persons need to consult with the government or the Government Solicitor's office to ensure they have appropriate powers to inspect a vehicle and its contents.

Vehicles are also the usual means a person has to transport their animals, whether they are healthy or infected. There is a risk that vehicles could contain infectious material and, wittingly or unwittingly, the driver could be spreading the disease. It is appropriate that the act provides officers with the ability to enter any vehicle by a public road at any time if they have a reasonable suspicion that it is carrying infected animals or contaminated things or to prevent the spread of disease. This, of course, is particularly important for larger vehicles such as semitrailers and horse floats.

Members should note that the act already restricts entry to parts of vehicles that are used solely for residential purposes, such as caravans.

As I mentioned on tabling the bill, the outbreak of equine influenza in 2007 also highlighted the need to exchange information on the movement of animals across state borders and the owners of possibly infected animals. As members would be aware, the use and dissemination of personal information is regulated by the commonwealth Privacy Act.

I consider the finetuning contained within this bill necessary in order to accommodate forecasted change within interstate and international developments in Australia. Indeed, the ACT has managed to stay relatively free from animal diseases by effectively implementing our animal disease protocols. Consequently, productivity and trade competitiveness in our livestock and livestock products have been bolstered. I believe this bill will strengthen our ability to contain disease incursions and clarify the extent of intent of existing provisions. I support the concept of clarifying the scope of the act so that it clearly includes not only protection of production animals but all animals, particularly our recreational animals.

In conclusion, I do thank members for the contributions they have made to the debate and discussion on this bill and, indeed, I acknowledge the significant contribution made to the amendments by the legal affairs committee reflected in the scrutiny of bills report which, as I mentioned earlier, has been accepted in its entirety.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Duties Amendment Bill 2009

Debate resumed from 7 May 2009, on motion by **Ms Gallagher**:

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (10.36): Mr Speaker, the opposition will be supporting this bill. I would like to thank the Treasurer and her office for arranging a most useful briefing on the bill at short notice.

The bill comprises three measures. The first matter is correcting an oversight in legislation that was enacted in 2006. When the ACT government acted to remove most of the indirect taxes that were identified in the 1999 intergovernmental agreement, it overlooked retaining an exemption for certain conveyancing transactions. This is a perfect instance of the complexity of modern legislation, particularly tax legislation—that consequences can often be overlooked. It is what I guess we call unintended consequences.

The ACT has had a longstanding policy that long-term residential leases are exempted from duty. This bill ensures that the exemption for residential leases will be retained. This exemption would have been abolished under the terms of the 2006 amending legislation. I also note that under proposed section 73(D)(2) the exemption has been backdated to 29 November 2006. That is the date on which the relevant amending legislation commenced. This provision will ensure that there is continuity for the exemption in terms of the overall policy that has been applied both prior to and since 2006.

The second matter is intended to protect the ACT's revenue base. Under this proposal, where a trust is interposed in an ownership structure there will be no duty imposed providing there is no change in the underlying ownership interest. Of course, where there is a change in these interests duty will be triggered as is appropriate.

The essence of this proposal is to clarify the ACT's law. This follows decisions in New South Wales, in particular, that raise questions about this aspect of the law and that cost New South Wales considerable revenue. To this point there has not been any issue raised about the ACT law and therefore there has not been any loss of revenue. This proposal represents taking action before there are problems arising; I compliment the minister on covering this base.

The third matter concerns what is called top-hatting. Top-hatting is a relatively new concept that has emerged following the implementation of certain legislation by the federal government in relation to capital gains tax policy. In simple terms, it involves interposing an entity above an existing structure of entities or interposing a top hat over those existing entities. The purpose of the interposed or top-hatted entity is to provide a simplified structure for property transactions that take place over jurisdictional boundaries, particularly where these are international boundaries.

This proposal will ensure that certain property trusts are not precluded from being involved in certain transactions involving property assets solely because of the structure of the trust. This proposal will also ensure that the ACT remains competitive in the marketplace for property transactions. The implementation of this proposal will reduce administrative and reporting costs.

Mr Speaker, these are simple amendments, sensible amendments. The opposition will be supporting them.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (10:39): The ACT Greens will be supporting the three principal amendments proposed in this bill. The first is in relation to residential long-term lease exemption amendments. It essentially covers a legislative oversight from when the Duties Amendment Bill 2006 passed in 2006.

Duty on short-term commercial leases was one of the taxes scheduled to be abolished on 1 July 2009 as part of the intergovernmental agreement on the reform of commonwealth-state financial relations. These measures were covered by the 2006 act. However, duty on long-term leases was retained as an anti-avoidance measure. In that

process, we have been advised that long-term residential lease exemptions, for example for retirement homes, were not included. This 2009 bill will now realign the Duties Act with existing policy. This oversight needs to be corrected, and we support that.

The second change to the act in relation to the declaration of trust landholder duty amendments will enable the ACT to follow New South Wales and Victoria, which made similar amendments in 2008 and 2007, in closing a loophole in the act which enabled landholders to avoid paying duty by declaring a trust. This will promote taxation equity between indirect acquisitions of interests in and direct purchases of interests in land. Again this seems a fairly straightforward amendment and one which may increase revenue for the territory.

The third amendment, in relation to landholder duty top-hatting exemptions, will make ACT property trusts more competitive in domestic and international markets by bringing the ACT into line with other jurisdictions. The top-hatting arrangement enables the creation of a head trust over other trusts and companies in the group, which will correct a taxation inequity because of the potential for double duty to occur as a result of the top-hatting arrangement.

As no change of ownership of interests in the property trust occurs when top-hatting is implemented, it is inequitable to charge duty when the ownership interests have not changed. The safeguard in this system is that the reorganisation or top-hatting must qualify as a rollover scheme under subdivision 124-Q of the commonwealth act, the Income Tax Assessment Act 1997.

The amendments in relation to the top-hatting exemption have been modelled on corresponding provisions in New South Wales and Victoria which have been in place since 1997 and 2000. This change seems fair and reasonable, with an appropriate safeguard in place in order to ensure compliance.

Our advice is that the bill is expected to be revenue neutral, will streamline the act as it exists at present and will bring the ACT into line with other jurisdictions. Therefore we have no objection to the bill being passed in the Assembly.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (10.42), in reply: I thank members for their contributions this morning. The Duties Amendment Bill 2009 makes three separate amendments to the Duties Act 1999. Firstly, it ensures that the exemption for long-term residential leases will be retained when duty on short-term leases is abolished on 1 July 2009. Secondly, it clarifies that a declaration of trust is a means of acquiring an interest in a landholder for the purposes of landholder duty. Thirdly, it introduces an exemption from landholder duty for top-hatting property trust restructures.

The long-term lease amendments are necessary to fix an existing problem in the Duties Act. The problem exists due to the previous amendments that implemented the abolition of commercial lease duty in 2006. The previous amendments moved the long-term lease provisions in the Duties Act. However, the exemption for residential

leases was inadvertently omitted and not transferred with the long-term lease provisions. The amendments will align the Duties Act with the original intention and existing administrative practice. They will apply from 29 November 2006, which is the date that the previous amendments became effective. This will ensure that holders of long-term residential leases will not be disadvantaged by the previous omission.

The second of the amendments put forward by the bill is an anti-avoidance provision that aims to eliminate a potential landholder duty loophole that exists in the Duties Act. Landholder duty is imposed in order to ensure that an indirect transfer of land using a corporate or trust structure has the same taxation consequences as a direct transfer of land. The potential loophole exists where a person alters the capacity in which they hold an interest in a landholder and thereby avoid paying duty. An example of this is where a person who holds a unit or share in a landholder subsequently declares a trust over that unit or share.

It should be noted that this loophole was recently closed by New South Wales and Victoria in their respective duties acts. In light of the large amount of revenue previously lost in New South Wales due to the practice, it is prudent for the ACT to do the same in order to avoid potential losses in revenue. These amendments will address this issue by providing that duty under the landholder provisions occurs when a person who holds an interest in a landholder changes the capacity in which they hold that interest.

The third of the amendments made by the bill also relates to landholder duty. The amendment introduces an exemption for certain property trust restructures known as top-hatting arrangements. Top-hatting occurs where a group of unit trusts and companies interpose a unit trust to become the new head trust of the group. This means that the head trust acquires all the ownership interests of the group. Investors' interests are not changed as a result of the restructure.

The main advantage of interposing a trust in this manner is that it makes property trusts more competitive in both the domestic and international marketplaces. The commonwealth has recently implemented an exemption from capital gains tax for top-hatting restructures. New South Wales and Victoria have both made legislative changes implementing a landholder duty top-hatting exemption based on the commonwealth's capital gains tax exemption.

To ensure that the top-hatting exemption is not vulnerable to abuse, robust anti-avoidance provisions have been included. In particular, the provisions contain the ability for the Commissioner for ACT Revenue to impose conditions on the grant of the exemption and to revoke it in certain circumstances. These provisions have been modelled on corresponding provisions in Victoria and New South Wales, and will provide an effective mechanism to prevent abuse of the exemption. The bill also contains objection and appeal rights for decisions made in relation to the top-hatting exemption.

I thank members for their contributions and their support of the Duties Amendment Bill 2009.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Road Transport (Third-Party Insurance) Amendment Bill 2009

Debate resumed from 2 April 2009, on motion by **Ms Gallagher**:

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (10.47): The opposition will be supporting this bill. While the bill itself is rather long, at 52 pages, the subject matter is generally routine. I would like to thank the minister for arranging a very useful briefing on this bill.

This bill follows the significant changes that the Assembly made to the territory's compulsory third-party—CTP, as it is known—insurance scheme last year. I will come back to that in a minute.

This bill will make a number of technical amendments to the scheme. It will finetune the CTP scheme prior to the new regime commencing soon. These amendments include bringing traders plates and unregistered vehicle permits into the scheme; repealing the definition of "owner"; repealing a strict liability offence in relation to the selling of certain premiums; making it quite clear that there will not be any legal fees applicable to claims that are settled for amounts at or below $30,000; incorporating the new ACT Civil and Administrative Tribunal into the regime; and transferring certain regulations relating to public passenger services. Each of these amendments is relatively straightforward in principle, even if it does take 50 pages to achieve the desired outcome.

I will make a brief comment in relation to the matter of legal fees. A major criticism of the consideration of CTP claims has been the extent of fees that have been incurred in dealing with these claims, particularly applied to legal fees. The new CTP scheme will remove much of the concern about legal fees. As can be seen in these amendments, there will be no legal fees for claims that are settled prior to litigation for amounts that are $30,000 or less. Expert advice is that this would apply to 99 per cent of claims. I understand that lawyers are not particularly enamoured of this provision; nevertheless I favour the approach. It will achieve national consistency and will assist people who have relatively small claims.

I will return to the new CTP scheme for a few comments. I understand that preparations for the new CTP scheme are going well. Apparently the software that will support the new scheme is being tested right now and all should be ready for a start in a few weeks. I would like to commend all those who have been involved in the development of this new scheme, as it has been quite a complex process. The really interesting question will be as to whether we see any competitors to the NRMA, which currently provides the CTP service in the ACT, line up to operate in the ACT CTP insurance market.

Treasurer, I would like to thank you for the officials who came. It is very rare that one gets an opportunity to embarrass a public servant, but we had some excellent background material from Mr McDonald. Much to the dismay, I think, of some of the junior staff, he was reminiscing about CTP, being a young man in the 60s and the sorts of vehicles we drove and the music that we listened to, particularly the Beatles. I would like to commend him on his taste in fine music and the fast cars of the 60s. I am sure there will be some laughter back at the office about that, but congratulations to Mr McDonald and his team; he does a good job. Every briefing you get from Tom you can trust, and clearly the work that he does has significant benefits.

Through a long gestation I look forward to the success of the scheme when it starts. Hopefully the people of the ACT will get some benefits from having competition in CTP. Of course, that is not forbidden in the ACT at this stage—anybody could operate a CTP scheme in the ACT if they wanted to—but circumstances have not allowed that to happen. We look forward to a better future. And keep listening to those Beatles records.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (10.50): I would also like to thank Mr McDonald and his team for a very comprehensive briefing on this matter. The ACT Greens will be supporting this bill. The bill seeks to tidy up a number of amendments.

The Road Transport (Third-Party Insurance) Act 2008 established the new third-party insurance scheme which came into effect on 1 October 2008. I understand that there are some 20,000 cars and other vehicles in this category. The amendments are being drafted using best practice in third-party insurance legislation from New South Wales and Queensland.

While the changes essentially concern the incorporating of traders plates and unregistered vehicle permits into the new scheme, there was a concern around the ACT Civil and Administrative Tribunal not being a court having the power to levy a financial penalty on a licensed insurer, which is similar to the imposition of a fine for a criminal offence. I understand that this is not the first time the issue of the separation of powers has been raised in the Assembly. I note that the scrutiny report draws this to the attention of the Assembly in relation to this amendment bill.

The government has access to vastly greater legal resources than the Greens do. I can only assume that the departmental officers and the minister who put the amendments forward have a high degree of confidence that the amended scheme will not be overturned on appeal by a disgruntled applicant challenging the legality of an ACAT decision based on the blurring of administrative and judicial functions as raised by the scrutiny committee.

The amendment seeks to streamline the scheme in relation to third-party claims. We commend this course of action. When claimants are injured and faced with medical and legal bills, they do not need the added pressure of going through red tape to obtain the financial support needed to get their lives back on track.

As I said, the Greens will be supporting this bill.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (10.52), in reply: I thank members for their contributions to the debate today.

This bill seeks to make amendments to the Road Transport (Third-Party Insurance) Act 2008. The nature of these amendments is to finetune the legislation, providing necessary adjustments in advance of competition entering the compulsory third-party insurance market in the ACT. Members of the Assembly would remember that this bill was introduced on 2 April 2009.

While being necessary, these amendments are largely technical, as Mr Smyth pointed out, and somewhat esoteric.

When the new CTP legislation was introduced last year, coverage in relation to traders plates and unregistered vehicle permits were carried forward under transitional provisions which were set to expire in October 2009. This was to enable appropriate provisions to be drafted to incorporate them into the new scheme. These provisions have now been drafted, and they appear within the bill.

The amendment bill seeks to replace those transitional provisions with the CTP legislation to enable the legislation to pick up traders plates and unregistered vehicle permits so that they will operate as part of the new CTP scheme. In terms of the CTP scheme as a whole, this means that traders plates and unregistered vehicle permits will no longer be separately dealt with under the old third-party scheme. This is a positive outcome for the territory in moving to a scheme of CTP insurance that has the health and wellbeing of those injured in a motor accident at its core. Addressing traders plates and unregistered vehicle permits in this bill well before the October deadline is the key to allowing the benefits of the new CTP scheme to come into operation for these classes of vehicles.

Transitional provisions will remain in place for vehicles that have an existing traders plate attached until that plate is reissued under the new scheme. As traders plates have a common expiry date of 31 December, it is expected that by 31 December 2009 all traders plates will have been renewed, after which the transitional provisions will no longer be necessary.

In relation to the coverage of unregistered vehicle permits in the ACT CTP insurance scheme, this responsibility has been transferred to the Nominal Defendant. These permits were previously insured by the sole and default insurer currently operating in the ACT, being the NRMA. As the sole insurer, it was, simply and quite frankly, the easiest thing to have NRMA responsible for providing third-party insurance to cover unregistered vehicle permits. However, as competition in the CTP market in the ACT is expected to commence later this year, it is not considered appropriate to continue with this situation. In other states, the task of handling unregistered vehicle permits is either periodically tendered out among participating insurers or assigned to a single insurer. The ACT market is simply too small for these permits to be foisted upon an insurer that may not have a major market share with which to absorb the additional administrative costs.

Therefore, this bill will relieve NRMA of the responsibility of being saddled with accepting a default insurer position on unregistered vehicle permits where such responsibilities are best assumed by the Nominal Defendant.

As I indicated earlier, we expect competition to enter the market in the second half of this year once information systems currently being set up become operational on 1 July 2009. I am advised that a number of the major insurers already operating in other jurisdictions have expressed a strong interest in entering the ACT CTP market. In fact, one of these insurers has already presented its credentials to the CTP regulator in pursuit of an ACT CTP licence.

A clear objective of this government, and a cornerstone of the new scheme, is to focus on establishing an efficient system that allows those injured in a motor accident timely rehabilitation and improved health outcomes. One aspect of this was to place restrictions on the fees payable to lawyers under the new CTP scheme, in particular, under parts 4.8 and 4.9 of the CTP legislation. Part 4.8 of the CTP legislation deals with cases that are settled prior to litigation under the final mandatory offer procedures; part 4.9.of the CTP legislation deals will cases that are decided through litigation in the courts. Under the legislation, minor injury cases—where damages other than pain and suffering are settled at $50,000 or below—are subject to legal fee restrictions, as are court-awarded damages of the same magnitude.

It was the intention of the new CTP legislation which came into effect on 1 October 2008 to deal with both settlements and damages up to this level in a similar manner. Since then, it has become evident that a drafting inconsistency may exist in part 4.8 of the legislation that leaves open the issue of lawyers' costs in relation to settlements reached at $30,000 or less. In fact, the provisions may be interpreted such that lawyers have free rein over the fees they charge in a personal injury case where final mandatory offers are of the zero dollars to $30,000 range. This is clearly contrary to the objectives of the new CTP scheme, which concentrate on encouraging accident victims and obliging insurers to focus on return to health strategies for motor accident victims as opposed to lump sum damages.

This amendment will make provision for the treatment of lawyers' fees in relation to settlements in the amount of $30,000 or less under part 4.8 similar to damages under part 4.9 by making fees in this category zero. As a result, there will be a clear and consistent message in the new CTP legislation with regard to legal fees.

As members of the Assembly would be aware, the ACT Civil and Administrative Tribunal was only recently established. This tribunal consolidated the previous jurisdictions of different tribunals into one body to improve efficiency and ultimately provide better access to justice in the territory.

Under part 5.4 of the CTP legislation, the CTP regulator could previously apply to the jurisdiction of the Consumer and Trader Tribunal seeking disciplinary action against a CTP insurer. Given that the Consumer and Trader Tribunal has now been consolidated into ACAT, it is appropriate to make corresponding amendments to bring the CTP legislation within the jurisdiction of the ACAT. This amendment bill

makes those necessary amendments, which will see the ACAT being given jurisdiction in relation to occupational disciplinary orders pursued under part 5.4 of the CTP legislation.

Mr Speaker, given its relevance to this subject, I take the opportunity here to address the comments made by the Standing Committee on Justice and Community Safety in their scrutiny of bills report No 6, which was released on 4 May 2009. As I have indicated to the committee, there were no recommendations made in relation to their comments; additionally, the comments that were made are largely directed at ACAT rather than at the provisions of the bill per se.

In particular, the committee drew attention to the powers vested in ACAT by this bill—specifically, the conferring of a power to levy a financial penalty on a licensed CTP insurer where an occupational discipline order is made. I note that the committee describes this financial penalty as akin to the imposition of a fine by way of a penalty for a criminal offence. However, I would emphasise that this is essentially a civil penalty, and as such is significantly different from a criminal penalty, which carries with it an array of associated and potentially quite damaging costs by implication.

ACAT is an entity that in many respects exercises a range of powers, some similar to powers of a judicial nature and some more closely aligned with the traditional functions of a tribunal, being administrative in nature. While it is acknowledged that the power conferred by this law on the ACAT is close to being judicial in nature, any attempts to classify such an entity as a court or something like a court would be a barren exercise. The central question here is whether this is an appropriate power to be vested in ACAT.

In terms of efficiency, the public interest is likely to be best served by a single body with the power to conclude the matter in its entirety rather than several different bodies having to determine different parts of the same matter.

In terms of rights, noting the committee's comments with regard to the nature of the doctrine of separation of powers as it applies in the territory, it can ordinarily be expected that matters of this nature would be dealt with by a senior or presidential member of the tribunal. Additionally, there is judicial oversight within the ACAT process under division 8.2 of the ACAT Act, where the power to refer certain matters and appeals to the Supreme Court is conferred.

The ability to make a civil penalty order with respect to an amount to be paid to the territory or someone else is already envisaged within the existing ACAT legislation under section 66(2)(h). Additionally, since the Consumer and Trader Tribunal was established in 2003, its power also extended to the making of civil penalty orders. Hence, the provisions proposed in this bill are not unique and should be considered in this context.

Moreover, as I explained earlier, the role to be assumed by ACAT was previously conferred on the Consumer and Trader Tribunal under the CTP act, which came into effect on 1 October 2008. The previous jurisdiction of the Consumer and Trader Tribunal extended the civil penalties applicable so as to already apply a penalty limit

of $10,000 for individuals and $50,000 for corporations. In that respect, the ability to apply a civil monetary penalty is neither new nor unique to this bill. This provision merely sets the relevant limit within the changing landscape of tribunal bodies in the territory, consistent with what was previously applied.

Therefore, against the background of the ACAT legislation, it is considered that this civil penalty provision is appropriate in the context of the CTP legislation. I will be formally responding to the committee accordingly in due course.

Finally, this amendment makes a number of technical and consequential amendments to the CTP legislative suite. A number of these consequential amendments are specific to the provisions of the amendment bill which I have already outlined. In addition, there are a number of amendments that streamline a range of definitional provisions within the structure of the new act.

The amendment bill also provides the opportunity to repeal sections 12 to 14 of the CTP act. This amendment aligns the CTP legislation with the general suite of road transport legislation. Sections 12 to 14 currently retain as a key definition the definition of the owner of a vehicle from the old third-party insurance legislation when the suite of road transport legislation was passed in 1999. In contrast, the Road.Transport (General) Act 1999 uses the term "responsible person" in relation to a motor vehicle in all other contexts.

As these two terms, "owner" and "responsible person", are defined in essentially the same way, it is arguable that they essentially mean the same thing in the context of the overall road transport legislation. However, there is potential for confusion, given that they remain separately identified in the legislation.

The term "responsible person" is more reflective of the reality of vehicle drivers, ranging between registered operators, authorised drivers and the like. As such, this bill will make amendments to replace "owner" with the term "responsible person"; as a result, it is not necessary to retain sections 12 to 14 of the CTP act.

Section 13 of the CTP regulation is considered to be appropriate for repeal; as such, inclusion of the repeal within this amendment bill is timely and convenient. Section 13 of the CTP regulation carried over a strict liability offence that was to be applied in cases where an additional premium is due in relation to the change of construction or use of a motor vehicle. While in some cases an offence provision may serve as a deterrent, the new act now provides for a commercial means of addressing such a liability arising under the CTP legislation. Applying a commercial sanction is more appropriate in this case and reflects modern regulatory jurisprudence. Therefore, it is not considered necessary to retain section 13.

This amendment bill also provides a convenient and timely platform to transfer existing transitional regulations to relevant pieces of the road transport legislation. These transitional regulations were temporarily carried over to the new CTP legislation in anticipation of placing them within the most appropriate legislative framework. In particular, transitional provisions that relate to public passenger services will be transferred to the Road Transport (Public Passenger Services) Act

2001. These are provisions that relate to insurance matters for public passenger vehicles and, as such, encompass a different character of issues than those dealt with under the CTP legislation. For instance, ACTIA insures ACTION buses as part of its public liability and property portfolio. It does not insure them as an offshoot of CTP. It is therefore appropriate to keep insurance for public passenger vehicles a separate issue and permanently place those provisions within their relevant legislation.

The objectives of the new CTP legislation and the finetuning that this bill seeks to do are clear. I would like to thank members of the Assembly for their agreement to and support for this bill and for their contributions to the debate today. I would also like to acknowledge Tom McDonald and his team for the excellent work they do. I support the comments of other members of the Assembly in relation to this.

The reforms to the CTP scheme reflect an ongoing reform process undertaken by this government that focuses on providing improved outcomes for ACT motorists generally and, in particular, all parties who may be involved in a motor accident. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Children and Young People Amendment Bill 2009

Debate resumed from 2 April 2009, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (11.07): The opposition will be supporting this bill. This bill simply clarifies that children and young people can enter into a formal employer-employee relationship in an employment situation. Currently, the Children and Young People Act 2008 provides only that children and young people can enter into a contractual relationship to provide someone with services as an independent contractor without entering into a formal employer-employee relationship. Such a situation was unintended and is properly clarified by this amendment.

A child or a young person entering into an employer-employee relationship would have very different protections and working conditions from an independent contractor simply providing a range of services. Matters of OH&S, industrial relations and pay scales become more certain in formal employment. These are less certain in a contractual arrangement, which can leave a child or young person exposed if they are inexperienced in negotiating service contracts. For the employer it provides more scope for a range of duties that an employee can perform. This is a sensible and worthwhile amendment and the opposition is pleased to support it.

I must note, however, that these issues were flagged by me in the debate on this last year. I think that part of the problem arises from the previous minister's insistence that all matters relating to children and young people should be incorporated into one piece of legislation. The bulk of the consultation and the consideration went into the care and protection elements, which is rightly the case, and there have been a range of unintended consequences and fix-ups that have had to be carried out because this was a large piece of legislation and some of the detail was overlooked. We see this morning the minister's introduction of the Crimes Legislation Amendment Bill, which is another range of fix-ups that relate to problems from introducing such a large piece of legislation and trying to do everything at once. It was flawed policy and I suspect that we will be back again to fix up other aspects of the children and young people's legislation.

I am glad that the minister has brought this matter forward, because it had created considerable problems for young people who were seeking employment. This issue had been raised with me by constituents who had found that their children could not obtain employment under the provisions as they were proposed. I am glad that the government has seen fit to fix up its mistakes and I hope there will not be too many more fix-ups necessary.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.10): I would like to thank Mr Barr's office for providing me with information on this short and technical bill. The amendments to the act outlined in this bill are a clarification of the changes brought about by the Children and Young People Act 2008 and I am pleased to see that the ACT government is continuing its work to improve employment legislation for children and young people. It is vital that there is a strong legal framework that protects young workers, particularly in regard to issues such as wages and conditions and occupational health and safety.

I believe, responding to Mrs Dunne, that in fact having all matters relating to children and young people in one act is the way to go, and I support it. It was a major piece of legislation, one of the largest pieces of legislation to come before this Assembly, and I commend the people who worked on it.

On a related matter, I will be interested to see the feedback on and outcomes of the discussion paper on the employment of children and young people in the ACT, which was released in March this year, and request that the minister's office keep me informed of the progress of this work. The ACT Greens, as I said, will be supporting this bill.

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (11.11), in reply: In closing the debate, I thank members for their contributions and for their support of this relatively straightforward legislative amendment.

It is a very practical reform: it broadens the definition of employment for children and young people. It will make sure that all young people in the territory have the chance

to increase their work experience, undertake training and build their skills. But the reforms also make sure that employment conditions for young people in the territory are safe, appropriate and in the best interests of the child.

We have been busy developing and implementing the Children and Young People Act 2008, but there is more work to do. We are listening, and this human rights compliant act was developed with broad community consultation. Canberrans, particularly young Canberrans, have had their say on the security and safety of our young people. We will continue to listen as we develop a new young people's plan and review the children's plan. We will continue to listen as we develop our employment standards and subordinate law. We are investing and delivering.

We have introduced new youth justice principles. These principles emphasise rehabilitation. We have opened a new human rights compliant youth justice facility, on time and on budget, and the New South Wales Minister for Juvenile Justice, Minister West, recently visited the facility and commended the territory for its focus on rehabilitation at Bimberi.

We are helping Canberra's most vulnerable families to help themselves. The Children and Young People Act 2008 supports children and young people in the foster care and care and protection systems. Members would be aware that $11 million of additional funding was provided in this year's budget for at-risk and vulnerable children and young people.

We will build a new child and family centre. This will improve early intervention and the health and wellbeing of the territory's children. This funding will increase the number and effectiveness of long-term foster care arrangements. We are making sure that young people transitioning from care to independent living are supported. We are also helping Canberra's families to balance their work and family commitments. We have created additional childcare places through our early childhood schools and the development of two new childcare centres.

The 2008 act introduced new provisions for the employment of children and young people in the ACT. These provisions will commence on 18 July this year. The government will also be developing employment standards, work experience standards, regulations about light work and declaration of high-risk employment.

In this economic climate we cannot overstate how important training and work experience is to young people. I, and I am sure all in this place, do not want to see any of our young unable to get a job in the next few years. There is no doubt that training, skills and education are the key. Many young people, families and small businesses benefit from work undertaken by young people. Clearly, for many children and young people work breeds independence, self-confidence, long-term skills, friendship and their first introduction to managing income.

For employers, this work provides an opportunity to work alongside and to train and mentor enthusiastic young people. Nationally, 6.6 per cent of children and young people undertook some form of work, according to the ABS. Extrapolated to the ACT, this indicates that approximately 2,500 children and young people are employed in the

territory. We all have an interest in making sure that this work is safe, appropriate in relation to young people's age and abilities and, of course, that work must be in the best interests of the child.

Young people tell me that transitions from school to work and on to study are one of their key priorities. That is why we will be replacing the school leaving age with a compulsory school participation age of 17. This means that young people will be earning or learning between the ages of 15 and 17. We will endeavour to have 95 per cent of our young people participating in training, education or employment. Through the youth compact, every young person from 15 to 24 years will be able to access an education or training place. We must ensure that this employment is safe, appropriate and in the best interests of the young person. Our legislation and our regulatory framework for the employment of children and young people will reflect young people's experiences. It will be practical and it will be realistic. It will be based on evidence and broad consultation.

Today's amendment is a practical reform. This chapter of the act regulates situations where businesses and individuals employ a child or young person. This reform broadens the definition of employment for children and young people. The current definition defines employment as performance of work under a contract for services, an apprenticeship, a traineeship, other work-related training for a trade, or work experience.

Legally, the definition of a contract for services means that employment is restricted to those circumstances where there is a contract between two principals. This does not include an employer-employee relationship or circumstances where an independent contractor is providing services. This amendment will add the phrase "a contract of service" to the current definition. This change will reflect the practical realities of young people's work experiences. It will enable employers to employ children and young people under school leaving age to perform work considered suitable as light work. It will allow families to employ their children in family businesses and will make sure that young people delivering newspapers in their local neighbourhoods, and babysitters, are covered by the law.

The government has been busy in this area, but of course there is more to do. Implementation of chapter 21 of the 2008 Children and Young People Act will require the development of subordinate legislation in relation to the employment of children and young people. As Ms Hunter indicated, I released a discussion paper in March this year. The feedback from this discussion paper will inform a range of regulatory issues, such as what role parents should play in providing consent.

Parents play an invaluable role in teaching, guiding and enabling children and young people to make independent decisions. They also play an important role in protecting children. We are considering the community's views on whether parental consent should be obtained. We are considering at what age this consent may be most appropriate. We are considering in what form this consent should be provided. The government is also considering how to ensure that obligations on employers and small business owners are not onerous. But I want to make sure that the rules allow parents to access information regarding their kids' conditions and duties of employment. I

believe that, with more information, parents can make better choices with their children.

Other issues we will consider include at what age children should work. The 1999 act currently legislates for the employment of children and young people to the age of 15 years. This corresponds with the Education Act 2004. This work will, in part, inform the development of our new earn or learn policy.

The issue of work in the entertainment or film industries raises a number of questions. Many children and young people have fun—clearly have fun—working in the entertainment or film industries. Being on stage or in front of a camera can be a great experience. We have an obligation, though, to ensure that demands on children in this setting are not overly demanding and that children are not exploited in any way. Children are just that: children. They should not be forced to grow up before their time.

Volunteer work in the children and young people's area forms a vital part in our communities. We want to make sure that our employment standards reflect the realities and practicalities of volunteering. We should all be encouraging our children and young people to volunteer with a range of organisations.

In conclusion, jobs, training and skills are important to young people. That is why the government has put forward this amendment. It will allow young people to improve their skills and to engage with a wide range of employment opportunities. A lot of work has occurred in this area. But, as I have indicated, there is more still to be done. We will continue to work to ensure the territory's young people are earning or learning and that the employment conditions for children and young people are safe, appropriate and in their best interests.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Health—H1N1 influenza
Ministerial statement

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women), by leave: I thank members for their agreement to allow this statement to be given this morning at short notice.

Since late April, when the ACT initiated its public health response to H1N1 influenza 09, or human swine influenza, our response has been guided by territory, national and international pandemic response plans. Monitoring of the disease at all levels has been excellent, and close liaison among health authorities at the commonwealth and jurisdictional levels has facilitated the sharing of vital

information. I would like to highlight the major events in Australia and the ACT in relation to human swine influenza.

As soon as the National Incident Room was notified by the World Health Organisation of outbreaks of a novel strain of H1N1 influenza 09 on 24 April 2009, ACT Health began liaison with the New South Wales health department, the Department of Health and Ageing, the ACT Division of General Practice and other key organisations to ensure the accuracy and consistency of information about the disease, its seriousness and its spread.

On 29 April 2009, six suspected cases were treated in the ACT under the agreed protocols, which included staying at home, not going to work or school or mass gatherings and generally minimising contact with other people. At the time, ACT Health commenced an extensive health information campaign titled "Help stop the spread of flu" in print, radio and television media. On 30 April 2009, WHO upgraded the influenza pandemic alert from phase 4 to phase 5. Australia was at "delay" level, continuing to focus on delaying entry of the virus in Australia using enhanced border surveillance measures and increased monitoring of the virus domestically. This would allow for measures to be taken to contain any outbreaks of human swine influenza before they spread.

ACT Health efforts continued to focus on monitoring the situation locally, nationally and internationally, following up suspected cases, setting up distribution points for antiviral medication, providing information to the health sector and answering public queries. The ACT Health public health emergency management plan was at the standby response level. By 4 May, when the public health emergency operation centre became operational, 13 suspected cases were being investigated in the ACT. The first confirmed case of human swine influenza in Australia was notified on 11 May 2009. At the time, 14 suspected cases were investigated in the ACT. On 20 May 2009, two new cases were notified: one in Victoria and one in New South Wales. In the ACT, the number of cases under investigation was rising, with 18 suspected cases investigated at the time.

On 22 May 2009, the federal health minister again increased the pandemic threat level in Australia, from "delay" to "contain", focusing on preventing the spread of human swine influenza within the community for as long as possible by quarantining confirmed cases. Since the outbreak of human swine influenza was first identified, there were 11 confirmed cases reported in Australia. At the time, WHO confirmed 11,034 cases in 41 countries, including 85 deaths. Eighteen suspected cases were investigated and cleared in the ACT.

On 25 May 2009, the ACT Health public health emergency management plan was elevated to the "response" phase to reflect the increase in confirmed cases and the national shift from "delay" to "contain". It also gave formal recognition to the escalation of the activity involving the deployment of resources and personnel. On 25 May 2009, the first ACT case was confirmed. As a precautionary measure, the ACT implemented a policy whereby children attending primary and secondary school who travelled to Mexico, the United States, Canada, Japan and Panama be excluded from school for seven days following their return.

On 3 June 2009, ACT Health opened an influenza assessment centre at Calvary hospital. The centre offered an alternative to emergency departments and GP surgeries for people who needed to have their flu symptoms assessed and treated. There were four confirmed cases in the ACT and 504 confirmed cases in Australia, mostly in Victoria at that time.

On 11 June, the World Health Organisation raised the level of influenza pandemic alert from phase 5 to phase 6, confirming widespread human infection and community-level outbreak. There was a cumulative case count of 22 confirmed cases in the ACT at that time, and all have recovered. On 12 June 2009, the second influenza assessment centre opened at the Canberra Hospital in response to a rise in the number of cases. I understand that 10 new cases were confirmed in the ACT late yesterday—17 June—bringing the number to 75. We have had five additional cases this morning. So there have now been 80 confirmed cases in the ACT to date. No confirmed cases in the ACT have required hospitalisation.

By moving to phase 6 in its pandemic response, the World Health Organisation has recognised wide international spread of this disease. The severity can vary from one country to another, and the disease will need to be monitored closely for any changes that indicate it may be becoming more severe. While some deaths have occurred in other countries and some people within Australia have needed treatment in hospital, most people have had a milder version of the infection and have recovered after a few days at home. There are particular concerns about people who, because of pre-existing conditions, are likely to be particularly vulnerable to this virus, as they are to other strains of influenza. Overseas about two per cent of cases have been severe, involving complications such as pneumonia.

Another characteristic of this disease is that it has been predominantly affecting younger people. In Australia and overseas, the majority of cases have occurred in people under the age of 25. Overall, however, the Australian experience of H1N1 influenza 09 is that it has not been as severe as originally envisaged when the Australian health management plan for pandemic influenza was written in 2008. All Australian jurisdictions except Victoria to date have based their response on the "contain" level of the national response plan. Victoria, because of the large number of cases there, has been in a modified "sustain" phase.

The commonwealth minister for health has announced that states and territories will move to a new "protect" phase in the Australian health management plan for pandemic influenza, and that announcement was made yesterday. This phase will take effect from this coming Monday, 22 June. It will mean a number of changes to our approach to diagnosing and managing human swine influenza. This decision was made by the Australian government based on advice provided by the Australian Health Protection Committee, taking into account the scientific and medical evidence on the current outbreak. This new phase takes into account the fact that the disease is mild in most cases and that most people make a rapid and full recovery. It also acknowledges that the disease can be severe in some people.

The new phase will allow the ACT and other jurisdictions to focus attention on minimising the adverse health impact on people for whom the disease may be severe.

These include pregnant women and those with respiratory disease, heart disease, diabetes, renal disease, morbid obesity and those whose immune systems are compromised. We will be urging people with underlying conditions to ensure that they seek medical attention if they have flu-like symptoms. These include fever with cold and/or sore throat and may also include headache, muscle or joint pain and chills. Children may also experience nausea, vomiting or diarrhoea.

Nationally, the special border protection measures that were introduced in late April will be removed, but airlines will still be reporting any passengers who are unwell. These special measures have served to delay and diminish the entry of the virus into Australia. Now that the virus has spread within Australia, these measures are now being removed.

In the ACT, the move to "protect" phase will be accompanied by a number of changes to our current approach, and we will have the flexibility to determine some responses on a case-by-case basis. In the new phase, pathology testing of all potential cases will no longer occur. However, there will be increased identification and monitoring of hospital admissions for H1N1 influenza infection and monitoring of clinical outcomes throughout the flu season. There will also be influenza testing at sentinel sites in the community to identify levels of transmission and to monitor which strains of flu are circulating. For outbreaks in closed environments such as schools, respiratory tract sampling and testing can still occur.

Under the new phase, school exclusion policies will be modified. Children who have visited Melbourne and the countries with high levels of the disease will not automatically be excluded from attending school for a period of time. However, it does remain particularly important that children who are unwell should not go to school and should stay at home until they are well. In the "protect" phase, states and territories will still have the flexibility to close single schools or classrooms following confirmation of a case, if this is considered an appropriate public health measure. This is expected to be most useful in jurisdictions with currently low levels of community transmission. Voluntary home isolation will still be recommended for people with mild disease, and people are urged to stay at home if they are unwell. Antiviral medication will no longer be provided to everyone who may have the disease and will be reserved for people who may be vulnerable to more severe outcomes.

Under the new phase, people who are healthy but are contacts of confirmed cases will generally no longer be placed in quarantine. However, measures such as this can be tailored to particular circumstances. Contact tracing will no longer be conducted to identify contacts of confirmed cases, and antiviral medication will not be given to direct contacts.

This new phase has no implications for mass gatherings, and these will continue unrestricted. However, people who are vulnerable to serious complications of influenza are urged to carefully consider their attendance at such events, where the risk of coming into contact with the infection will be increased. People who are concerned about flu-like symptoms will still be able to be referred to the ACT's influenza assessment centres. These centres are expected to remain open throughout the current flu season. Additional information about what the "protect" phase means will be available on the ACT Health website within the next few days.

In closing, I put on the record my thanks to the broader ACT community for their willingness to work with us on this very important public health management exercise. This has been unfolding for the last six weeks and, to date, we have had enormous levels of support and acceptance of advice coming from the health authorities. This is going to be a long flu season. We will be dealing not only with seasonal influenza but with an additional strain of flu. The fact that we have so many cases so early in our flu season means that the next several months until October are going to be incredibly busy for anybody who works in the health area.

I also put on the record my thanks to the ACT public service for their response to date. This has been whole of government, including agencies such as the department of education, the Chief Minister's Department, and Justice and Community Safety, who have all been working closely with the ACT government's lead agency—ACT Health—on our response to this pandemic.

In relation to ACT Health, I would like to acknowledge the efforts right from the top, from the Chief Executive of ACT Health to the Chief Health Officer and, indeed, the Acting Chief Health Officer—so Dr Charles Guest and Dr Eddie O'Brien—and also their team and officers from the Health Protection Service out there in Holder where the incident room is located, and it has been staffed for the last six weeks. Extraordinary effort has gone into protecting the ACT community. It is behind the scenes; not that many people see it, but members can imagine the amount of work that has gone into contact tracing, disseminating information, getting the influenza assessment centres, working with the Division of General Practice to make sure that general practitioners are equipped to deal with the increase in demand that they are seeing, the running of public information campaigns, and the willingness of the Chief Health Officer, in particular, to give regular and frequent public updates on H1N1 and its impact on the ACT.

It has been an extraordinary effort to date. They have been six long weeks, with many people working very long hours. It is going to continue for some time. This is going to be a marathon response from the ACT public service and, to date, I think they have done an incredible job. I would just like to put that on the table, acknowledge their efforts today and thank them on behalf of the government and, if I can, on behalf of the Assembly—although I do not dare speak on behalf of the Assembly and I will allow other members to do that. I think our response to date has been very solid, but we have got a long way to go.

MR HANSON (Molonglo), by leave: Minister, thank you very much for the statement you just made. I will get to it a bit later on, but I echo your sentiments fully and I certainly express the opposition's full support. There has been some commentary in the media about the appropriateness of some of the government's actions that have been taken. I would like to express for the record that the opposition supports the measures that the government has taken and the approach it has taken and will continue to do so. The government can certainly rely on the opposition's continued support in this matter. I would like to thank the minister for the information provided to me by her staff as this matter has proceeded, and I ask that we continue to be informed. Obviously the minister's speech is part of that process.

Obviously an immense amount of pressure has been put on the public service through the swine flu epidemic. That has affected all departments, but obviously in particular the health department. I also express my full support for and admiration of all of the staff, both the administrative staff, who are often forgotten in this mix, and the front-line staff from the CEO down. In particular, I would like to thank Dr Charles Guest and his staff. I really believe that the reassurance and information that he has given the community through his excellent presentations in the media and also the public information campaign that has gone on has been an important part of informing and reassuring the community.

Obviously we do need to remain vigilant as we move forward, and we obviously will keep an eye on what is going on from the opposition's point of view. I confirm and reiterate our confidence in the health system as we move forward. I have, from time to time, identified points where there is room for improvement in our health system, but with regard to the management of this pandemic so that the community can move forward with confidence, the health system has done us proud. I certainly urge the community at large to take that message on board and that, as directions and advice are given by the ACT health system through Dr Charles Guest and the CEO and others, they do adhere to that advice.

Sitting suspended from 11.38 am to 2 pm.

Ministerial arrangements

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage): Members will know that two of my colleagues, the Attorney-General and the Minister for Disability and Housing, are unavailable today, unable to be present for question time. If there are questions for my colleagues, I will seek to assist. I ask for the forbearance of members in relation to detail, but I will do my best and if I am unable to meet members' needs I will respond in full.

Leave of absence

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

> That leave of absence be granted to Mr Hargreaves for this sitting to attend to ministerial business interstate.

Questions without notice

Budget—borrowing program

MR SESELJA: My question is to the Treasurer. Treasurer, your latest estimates show that the ACT government will borrow up to $550 million over the next few years to fund infrastructure projects. Treasurer, largely due to the borrowing program that is being undertaken by governments around the world, including the Australian government, the cost of borrowing funds has increased in recent months. Treasurer,

what is the effect of the increased cost of funds on the ACT's proposed borrowing program?

MS GALLAGHER: As Mr Seselja will be aware, the money that we have highlighted, the projected borrowings that we have highlighted, in the 2009-10 budget and the update to that budget are for around $550 million for borrowing due in about June 2011. The impacts of current rates of interest on borrowings are probably not as relevant as the situation will be when we need to actually embark on those borrowings.

We have factored in some costs for the borrowings. I am just looking for the exact figure. We did outline that in the budget papers—the recurrent impact of the cost of borrowing. I just do not have it at my fingertips, but I can certainly update the Assembly on that when I locate it in my papers.

What we will do when we move to borrow—we have indicated that the $550 million projected is at the upper limit of what we expect we will need to borrow—is look for the best borrowing interest rates that we can at that point in time. The fact that attention is drawn to it by Mr Harris in his analysis of the budget indicates that it is because of the strength of our position that we are able to see through the next couple of years without borrowings, but the decision we took in the budget was that we were not going to wind back our infrastructure program because of the global financial crisis. That in turn meant that we would need to seek some borrowings to deliver it. But we will not need to do that until June 2011. The actual cost of interest in June 2011 is uncertain. We have factored in some costs in our budget and we will revise those as we need to.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Thank you, Mr Speaker. Treasurer, are you considering any alternative strategies to gain access to funds for the territory's infrastructure program, and if so what are they?

MS GALLAGHER: No, I am not currently considering any alternative strategies to fund the infrastructure program, but I have sought advice from Treasury around our borrowings and what advice they are going to give to government about where we look for those borrowings, whether they are long-term borrowings or short-term borrowings. That advice has not been given to me at this point in time, but that is not surprising considering the fact that the government will need to embark on this borrowing program in June 2011. The advice will be received well before then.

Land—blocks 9 and 11, National Circuit, Forrest

MS HUNTER: My question is to the Chief Minister and relates to the sale of the prime block of land on the corner of Canberra Avenue and National Circuit, Forrest, on 12 June 2009. Can the Chief Minister confirm that blocks 9 and 11 of National Circuit, Forrest, were auctioned recently as one lot, at a sale price of $11 million? In relation to the sale, can he confirm that the National Press Club of Australia and Canberra developer Nicex offered to purchase block 11 only for $16 million?

MR STANHOPE: I thank Ms Hunter for the question. I must say I do not have in my head, and I am not confident in saying, that the two blocks were blocks 9 and 11 and that they were sold together but I certainly can confirm that a significant piece of land on the corner of Canberra Avenue and National Circuit was recently auctioned. I believe, from memory, the price achieved for that sale was just over $11 million and that a significant, well-known and entirely respected Canberra developer, the Willemsen group, were the successful bidders.

It is not the case that the ACT government was offered $16 million for a single part of that site. At no stage has the government ever been offered $16 million by anybody. In fact, it is fair to say that prior to the auction the government had received no offers of any amount from anyone in relation to that particular site.

It has, of course, as you know, as it is the subject of your question, been reported in the *Canberra Times* on two occasions that this land had been offered by the government for $16 million. That is quite false. It has been a matter of some concern to me, when it was originally put to me by the *Canberra Times* and published, that an offer of $16 million had been made. I, in response to questions from the *Canberra Times*, insisted that that was not the case. Nevertheless, the claims—

Mrs Dunne: Did you write a letter to the editor?

MR STANHOPE: I have written a letter to the editor, yes, but it has not yet been published.

Mr Smyth: I wonder why.

MR STANHOPE: It is interesting that you ask. Subsequent to that, my office, in seeking to determine the basis of the claim published by the *Canberra Times*, made inquiries of relevant journalists with the *Canberra Times*. The *Canberra Times* did make available to my office copies of the correspondence which they purported substantiated their claim of a $16 million offer.

We then sought to substantiate those claims with the department, and it is a matter of enormous regret to me that the letter that has been provided to the *Canberra Times* has been revealed to be either a forgery or a draft of a letter which was subsequently supposed to have been sent to the ACT government but which was never sent.

Mr Seselja: Can you tell us about it?

MR STANHOPE: I am more than happy to give you full information on this. I must say that we have not fully concluded our discussions with the *Canberra Times* in relation to this matter but the *Canberra Times*, in good faith, has reported a matter, an allegation made to them by people that I understand have some associations with Nicex. I believe the *Canberra Times* is now considering how to respond to the fact that it relied on information which it was provided and which it now, I understand from advice received in my office, accepts is completely false. That, of course, is a matter of grave concern. This has yet to be formally concluded or resolved.

As I said before, there are two possibilities. One is that a draft of a letter which was never provided or sent containing reference to a sum of $16 million and an offer of $16 million has been provided to the *Canberra Times*, with an assertion by the person who provided it that this was the letter provided to me, to the government; or, alternatively, that the letter has been forged. I have the original of the letter on which the *Canberra Times* relied which contains no reference to an offer of any sort or $16 million. *(Time expired.)*

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Can the Chief Minister explain why the selling agent advised my office this week that blocks 9 and 11 had been sold as one lot?

MR STANHOPE: I will have to take advice. As I say, Ms Hunter, I have not retained information in relation to the nature or the configuration of the land that was sold, but I am more than happy to provide for you the basis of the decision taken by the LDA in relation to the land that was identified for sale and made available for sale and which was ultimately sold.

As I say, I am more than happy to take advice, too, from my officials in relation to the correspondence that it had been alleged to the *Canberra Times* purported to contain an offer of $16 million. I can provide you with the original letter. I can do that, but I will just check in relation to issues around privacy and confidentiality.

I have a letter from the proponents which is not the same as the letter which was provided by somebody to the *Canberra Times*. The *Canberra Times* relied on the draft unsigned letter which they had and which was represented to them by their informant as a true copy of the letter that was sent to the government. That claim was false. The letter is false. The letter is either an early, not sent draft or a forgery. The letter that was provided to me by the proponents makes no reference to $16 million at all.

As I have explained in my responses to this, we do not sell land on that basis—ever. We do not—ever. It is unfortunate that people have been misled in the way that they have in relation to this matter.

Planning—Exhibition Park in Canberra

MR SMYTH: My question is to the Minister for Tourism, Sport and Recreation. Minister, yesterday you revealed that the Stanhope-Gallagher government is seeking four new members for the board of the Exhibition Park Corporation. You also announced that a community advisory committee for Exhibition Park would be established. Minister, why are you proposing to establish a new committee for Exhibition Park when you could nominate some people from the community on to the board of the corporation?

MR BARR: It is the government's view that, given the Assembly's position in relation to the way forward for Exhibition Park, it would be appropriate to expand the

circle of advice for the board and for the government in relation to a community advisory body. In fact, you and I discussed this very matter and how it would in fact be perhaps beneficial for Exhibition Park to have an advisory focus from the users of the facility. This would be, of course, a voluntary committee and would not attract any fees. It would be the opportunity for users of the facility and other community groups to have some input into the future operations and use of the facility. In relation to the board, a number of members' terms expire on 30 June and I have simply sought expressions of interest.

Mr Smyth: Who will they advise—you, the board or the department?

MR BARR: I have simply sought expressions of interest. An appointment to a board is not a job for life and we will always look for a range of representatives from the community, and I look forward to seeing the range of applicants for those board positions.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Minister, what savings to the budget will be achieved by introducing a new level of administration into the operations of Exhibition Park in Canberra, and who will the community advisory committee advise—you, the board or the department?

MR BARR: There are no savings associated with establishing a voluntary community advisory board.

Mr Seselja: And costs?

MR BARR: There will be no costs associated with that either.

Mr Smyth: No costs? It's free.

MR BARR: Yes, it is possible to seek input from the community through existing resources and it will come at no cost. I would envisage that advice can be provided to all three, and it would appear that the only people who are opposed to more community involvement in Exhibition Park are the Canberra Liberals.

Alexander Maconochie Centre and Bimberi Youth Justice Centre—needle and syringe program

MRS DUNNE: My question is to the Minister for Health. Minister, the adult corrections health services plan 2008-2012 outlines the government's plans in relation to developing policies around a needle and syringe program at the Alexander Maconochie Centre. Can you advise the Assembly if there are similar plans that extend to the Bimberi Youth Justice Centre?

MS GALLAGHER: For a needle and syringe program?

Mr Dunne: Yes.

MS GALLAGHER: No, there are not. The decision the government took, as far as I can recollect—I would have to go back and have a look at the youth detention corrections health policy—but I am pretty certain that the decision around a needle and syringe program was restricted to the Alexander Maconochie Centre. The view was that we would review 18 months after commissioning, because we have not operated a gaol before where we have operated a youth detention facility.

That was the decision that we took at that time, but I will take further advice on that just to make sure. I am pretty positive that our decision around a needle and syringe program was to review after 18 months—that Corrections Health would gather evidence in that first 18 months and the government would make its decision at that point.

These are not easy issues. There is a lot of support for a needle and a syringe program at the Alexander Maconochie Centre. In fact, at the forum that was held yesterday it was indicated that certainly there is a level of community support for a needle and syringe program. Those desires have to be balanced against the views of those working in these centres. There are some very difficult industrial issues that would need to be worked through if the government did agree to a needle and syringe program at the Alexander Maconochie Centre. But let us wait and see. We had said we will review after 18 months, and we will do just that.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Minister, can you explain why there appear to be two different policy directions for detention centres in the ACT, especially considering that, from time to time, inmates of Bimberi are 18 years or older?

MS GALLAGHER: That is a rare situation. It does occur if a young person is sentenced prior to their 18th birthday and they might serve their sentence at Bimberi if their sentence carries through to their 18th birthday.

I think the issues around juvenile detention are different to adult corrections. Some of the issues that prisoners at the Alexander Maconochie Centre have, including their level of illicit drug use, are usually established over a long period of time, as is their exposure to things such as blood-borne viruses such as hepatitis C. I think the issues in managing a population that is, on average, between the years of 12 and 17 are a little different to those of dealing with an adult population where some pretty complex and long-held illicit drug use issues need to be responded to, as are the sentences that are often served in the Alexander Maconochie Centre as opposed to the juvenile justice centre.

I must say, I do not recall ever being lobbied around establishing a needle and syringe program at Bimberi, but we are a pretty progressive government; we are prepared to look at these issues. If Mrs Dunne is arguing for a needle and syringe program at a youth detention facility, I am happy to look at a submission. In fact, it would probably go to the Minister for Children and Young People. Presumably, if there is support for one in the youth detention facility, the issues around establishing one at the Alexander

Maconochie Centre must be fairly straightforward for the Liberals as well. We look forward to the Liberals maybe having a view on this matter.

Budget—independent analysis

MS BURCH: My question is to the Treasurer. Treasurer, can you inform the Assembly of the findings of any independent analysis undertaken of the 2009-10 budget?

MS GALLAGHER: I thank Ms Burch for this very important question, leading into the debate of the territory's 2009-10 budget next week. As members are aware, the government supported and welcomed the motion for the engagement of expert advice by the Select Committee on Estimates, to facilitate and assist with the assessment and analysis of the Treasury's budget. We welcomed the provision of independent, informed and objective analysis of the state of the territory's economy and finances. I note that the estimates committee engaged Mr Tony Harris, the former New South Wales Auditor-General and now a professorial fellow in accounting and finance at the University of Wollongong—an expert consultant with a wealth of experience and expertise in financial, economic and budgetary issues.

Members would be well aware that Mr Harris has provided expert commentary in the past on the ACT budget—an area of his own interest. As such, Mr Harris proffered the committee with not only his insight into this budget but also his knowledge of past budgets—expertise that is not commonly found.

The estimates committee report outlined that Mr Harris provided the committee with support and advice on technical aspects of the budget throughout the estimates process, including: a review of the 2009-10 budget; daily analysis of hearing outcomes pertaining to the financial issues raised; analysis on the outyear funding for both health and education; and comments on the effects of the ACT budget of commonwealth funding and the potential impacts of the International Monetary Fund's prediction of slower than expected economic growth.

Mr Harris provided the committee with eight individual papers on a range of issues, within what I understand to be extremely fast turnaround times, and these reports can be found on the committee website. I should say that, notwithstanding the short time frames available to him, Mr Harris has provided some succinct and thoughtful reports.

I should start with two observations within Mr Harris's main report that was done on the review of the budget as a whole. Mr Harris recognised, firstly, the difficulty in formulating a budget during these difficult economic times. In fact, his main report on the budget starts with this observation:

> Formulating budgets during these difficult economic times is a fraught exercise. For a start, forecasting—never an exact science—is more difficult when the direction of the economy is changing significantly. Trying to determine accurately the timing and extent of a turning point—in this instance from recession to recovery—makes the task harder. The atypical nature of this recession, in its depths and its causes, added to problems of forecasting revenues and expenditures. These uncertainties probably made the 2009-10 budget significantly harder to frame than most.

Interestingly, he does not say that the nature of the deficit was solely due to my role as Treasurer in the ACT. In other words, Mr Harris recognised the context in which—

Mrs Dunne: Perhaps he's too polite to say so.

MS GALLAGHER: Mr Harris has acknowledged that there is a global financial crisis which has impacted on our budget. That is the point I was making there—a point that has been missed by the opposition. Mr Harris also recognised the transparency and adequacy of the budget information to assist an external reader. He said:

> The ACT government also had to take into account and properly reflect in its budget the significant distortions of temporary Commonwealth fiscal stimuli as well as its own responses to the recession. The unique nature of the ACT budget also means that approaches used in analysing budgets of other Australian jurisdictions cannot be simply applied to the ACT budget. In particular, the ACT government's reliance on its almost unique superannuation arrangements has to be carefully considered.

He went on to say:

> Fortunately, the ACT government has recognised these issues and has provided sufficient information to assist in preparing this analysis.

That is an endorsement, again, of the approach that we followed in presenting—

Mr Barr: Was any of that in the estimates committee report?

MS GALLAGHER: No, there is not huge coverage of this in the estimates report. Mr Harris found the information useful in analysing the budget and cautioned against a simplistic approach. He provided his own analysis of the budget estimates based on past forecasts and actual results. An interesting quote in the report is when Mr Harris went on to say:

> The ACT general government—

operating result, I think it is; that is a misquote—

> has one of the strongest, if not the strongest, balance sheet of all Australian states and territories. Even though it is embarking on a large capital works and capital investment program, its budget suggested that it would emerge in four years time with no net debt.
>
> This strength enabled the government to bear operating deficits (at least on some measures) in the budget year and over the forward estimates period without having to take immediate steps to reduce expenses or increase revenues.
>
> That deferral of action might have been justified but recent downward revisions to the estimates … means that the ACT government is facing a $200 million loss of revenues over four years. This would further endanger the government's

> policy of fully funding superannuation by 2030. It would also add to the government's financial liabilities and would imperil the government's no net debt position …

(Time expired.)

MR SPEAKER: Ms Burch, a supplementary question?

MS BURCH: Indeed. Will the Treasurer be taking account of this independent report in framing her government response to the Select Committee on Estimates?

MS GALLAGHER: Thank you, Mr Speaker. The government will be taking account of the independent report because it makes a lot more sense than the estimates report itself. In fact, I was very surprised. I think there is only one point in the estimates report—paragraph 1.10 of the estimates report—that even acknowledges that Mr Harris provided any analysis on the budget via the government.

We have looked at Mr Harris's analysis and views and we will be taking into account the independent reports in framing the response to the Select Committee on Estimates, especially where it appears the committee has ignored almost all his views and analysis. It is extremely disappointing to observe that the Select Committee on Estimates, through its chair, has chosen to ignore the comments. Maybe ignore is a bit strong, but I cannot find the analysis that Mr Harris performed for the estimates committee actually reflected in the body of the estimates report. Mr Seselja, we are happy to give you leave to correct that if that is the case.

We will be looking at the comments by Mr Harris. He obviously spent a fair bit of time looking into the ACT government's 2009-10 budget. I think he has acknowledged that the ACT government has a plan. He acknowledged that we did not have to make immediate responses to our revenue base, indeed our expenditure, because of the strength of our budget and because of the fiscal responsibility that this government has shown since 2001. He does not necessarily agree with the length of time that we take and have outlined in our budget plan, but he does agree that our budget can withstand the shock that it has endured and a longer recovery period.

This is in stark opposition, of course, the fact that we have a budget plan, to the opposition. The opposition has no plan on anything, and if there is one thing that we have learnt this week through the antics of this place, it is that the opposition stand for nothing and have no ideas about the future. Indeed, in that very reputable paper that we all avidly wait to be delivered to our offices every week, the *City News*—it is quite a famous journal in Assembly circles—there is an interesting article—

Opposition members interjecting—

MS GALLAGHER: When they start yelling you know that you have touched a raw nerve. I have got to them. Finally, 7½ minutes in, they start to interject. I must be doing something right.

Not only does the article acknowledge, but the man himself acknowledges that that is right; they have no plan for the budget. They had a plan. They went to an election

with that plan. What they forget is that that plan actually does not deal with the issues that are being faced by the budget now. Their savings that they outlined in the pre-election plan only got them to square one. That was to pay for all the promises they made, their drunken spending spree that they went on in the election. They made all these commitments and then, oops, they have to work out how to actually pay for them.

Opposition members interjecting—

MS GALLAGHER: That is right. They had to have a bigger surplus than the Labor government. Whatever happened, they had to have a bigger one. So that got them to square one. Then this little tsunami called the global financial crisis came. And what happened then? What happened to everyone else? Everyone else has to revise their plans. The mistake the opposition has made, oops, is that they forgot that they have to revise their plan as well. The plan that they went to the election with was never going to address the issues that they would have had to face if they had won the election.

What does Zed say on 16 or 17 July, some eight or nine months since the election result was declared? He said, "We had a plan." That plan that he took to the community in September is still his plan.

Mr Coe: Do you mean July?

MS GALLAGHER: In June, sorry. I correct the record. Still, eight months or so since the election, they are dusting off that plan that they took to the election that everyone said no to. That is still their plan. Then, when they realise that that is a bit old, that plan, does he have a plan? He says, "No, sorry. I have no plan." That is one thing we have got out of the Assembly this week. It has almost been worth turning up to find out that the Liberals have no plan—confirmed by the great man himself, Mr Seselja. There is no plan. It has taken time, but it is out. *(Time expired.)*

Roads—funding

MS LE COUTEUR: My question is for the Minister for Territory and Municipal Services. Yesterday, minister, you may remember that I asked your colleague the Minister for Planning about the environmental impact statement for the proposed Majura parkway. He informed me that he was not responsible for this—that the proponent was, who I believe must be ACT Roads. My question is basically a repeat. Given that the government has not yet secured funding to build the parkway and the EIS says that major environmental impacts will result from the road, does the government accept that it could extend the time to consult on the EIS without affecting the project's timing?

Mr Stanhope: Sorry, could you just repeat the last part of the question.

MS LE COUTEUR: Given that the EIS says that major ecological impacts will result from the road, does the government accept that it could extend the time to consult on the EIS without affecting the project's timing—given that there does not appear to be funding secured for it as yet?

Mr Seselja: You won't even support consultation on a hospital.

MR SPEAKER: Order! The Chief Minister has the floor.

MR STANHOPE: Thank you, Mr Speaker, and I thank Ms Le Couteur for the question. At one level what you say is quite right, Ms Le Couteur: the ACT government had been hopeful that our bid to Infrastructure Australia for funding to complete the connection between the Federal and Monaro highways through the Majura parkway would have been accepted or successful. Indeed, it was accepted. It has been recognised by Infrastructure Australia as one of the 11 high priority infrastructure projects within Australia. Nine of the 11 have been funded; two have not. We therefore remain hopeful that the Majura parkway or the connection of those two highways will in time, and hopefully in a short time, attract funding from the commonwealth.

We believe it is important that we continue the design and development approval process for a potential Majura parkway. At this stage we do accept, and of course it is reflected in the documentation that has been released for consultation, that there are some significant environmental and heritage issues that do need to be considered as part of the assessment. In the context of that, there have been discussions in the development of the plan with ACT Heritage, with Parks, Conservation and Lands and with the commissioner for the environment and sustainability. We have also had some consultations with Canberra Airport.

It is a major road. The road will be in the order of 10 kilometres and will cost somewhere in the order of $250 million in 2009 costs. Importantly, it does need to be understood in relation to time lines for the design and development approval of the road that $30 million has already been allocated by the commonwealth through the strategic regional road network program for stage 1, which essentially crosses the Molonglo and Duntroon and enters the mouth of the Majura valley. We have begun the process for approval for that particular stage of the Majura parkway—namely, the initial and important one.

It is the need for us to design and complete that $30 million entrée into the Majura valley that is the reason to finalise design flows. At this stage, we need to make decisions in relation to stage 1, the $30 million first stage at Majura parkway. Work on that is proceeding now.

I understand the thrust of the point that you make—if we are not contemplating the construction of the Majura Parkway immediately, in the very near future, why can't we extend out? I think a response to that is this: what is the case for suggesting that we need to extend the normal statutory time frames in relation to consultation or approval arrangements in relation to an EIS?

What is it about this particular project that suggests that the statutory requirements in relation to any major project attracting the need for detailed environmental assessment, that demands that the time frame—I have received no representation as the Minister for Territory and Municipal Services except your question, which is not necessarily a

representation. I have received no representations from interested or affected citizens, parties or organisations that they will not have the time or the capacity to meet the time line in relation to their desire to respond.

If there is a genuine concern, genuinely expressed and verifiable, in relation to why, for this particular project, there are issues of an order such that the normal statutory time frames are inadequate, I would be interested to hear those arguments, but I would have to say that at this stage I have had no such representations and I have heard no such arguments. It has not been put or argued to me that there is any issue with the time frames. If there are—if there are genuine issues or concerns, if there are organisations or individuals who think that they will need an extension of time—I would like to see that represented to me and a position put and argued cogently.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Yes, thank you, Mr Speaker. Continuing on the same subject, given the complexity and seriousness that certainly has been represented to me about the EIS, could you guarantee that the government will in fact hold some public information sessions on this so that people can actually discuss the issues, and the alternative route options in particular?

MR STANHOPE: Thank you, Ms Le Couteur. I will take some advice on the consultation on the plans that are currently afoot. I know, for instance, that the Department of Territory and Municipal Services, and Roads ACT I believe, has personally contacted and met with every single lease holder in the Majura valley. Significant steps and effort have been made to date. I am more than happy, Ms Le Couteur, to take advice on what the department's plans are in relation to an opportunity to fully engage with this project. Of course, if you have regard to some other projects being pursued now and recently by Roads ACT, the community forums, the community meetings, the potential to engage, the information sessions, the documentation that has been provided and the access that has been made has been enormous. On a project as significant and as major and as important as this, and a project where, as we have both acknowledged, there are significant environmental impacts, of course there will be a full engagement with the community in relation to whether or not the preferred route takes account of our capacity to ameliorate environmental impacts to the greatest extent possible, which is what we would want in a reasonable sense.

I have had discussions with Roads ACT. I have received a full briefing on those environmental impacts and the consequences of the route that has been selected and the consequences of other routes on environmental values. I have had a very brief discussion with the Commissioner for the Environment and Sustainability in relation to these very same issues and she has been engaged in the process, is fully across it and recognises, again, the significance of the environmental impacts. But the difficulty with this road and this particular project is that there is no area where this road could be routed that does not have a significant environmental impact. It is a question of choosing a route which has the least significant impact, and that is the position we face.

I asked this question of the commissioner for the environment, and it is simply not possible to provide an upgrade of freeway joining the Federal Highway with the Monaro highway without environmental impacts, and of course we are determined to seek to minimise those to the greatest extent possible. But at the end of the day there will be environmental impacts.

Municipal services—questions

MR COE: My question is to the Chief Minister. Chief Minister, you stated when becoming minister for TAMS that you did so because you wanted to be seen as the mayor of Canberra, yet you have as recently as this week criticised questions from the opposition on the core issues of roads, rates and rubbish. Chief Minister, are these not precisely the type of questions that a so-called mayor would and should be answering?

MR STANHOPE: I have absolutely no idea what the member is talking about, Mr Speaker, and I find myself unable to answer the question.

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Thank you, Mr Speaker. Chief Minister, given your contempt for territory and municipal services, are you complaining about the questions that were put to you because they are beneath you?

MR STANHOPE: I must admit, Mr Speaker, that I reserve my contempt not for the questions but for the questioner.

Hospitals—Calvary Public Hospital

MR HANSON: My question is to the Minister for Health and is in relation to the government's proposal to purchase Calvary hospital. Minister, given that discussions for this proposal began in August 2008, can you advise the Assembly what the status of the negotiations were when you stated on 7 October that "we have put our plans on the table"?

MS GALLAGHER: The status of those discussions were—as I think I have gone through in estimates with members—initial meetings were held and they had not progressed any further than that. We were discussing the idea that the government had indicated to the Little Company of Mary that we would like to purchase the public hospital. Meetings had been held; discussions had taken place; no decisions had been made.

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: Minister, can you advise the Assembly if any proposals or commitments in any form had been made by the government prior to the last election in relation to the purchase of Calvary hospital?

MS GALLAGHER: Sorry, can you repeat that? I don't know what the question is.

MR HANSON: The question is: can you advise the Assembly if any proposals or commitments in any form had been made by the government prior to the last election in relation to the purchase of Calvary hospital?

MS GALLAGHER: There had been no commitments made. We had certainly started discussions. Those discussions had been in meetings with me and then through ACT Health with Little Company of Mary. The only commitment that was made was to continue discussions.

Recycling—Aussie Junk

MS BRESNAN: My question is to the Minster for Territory and Municipal Services and is in regard to Aussie Junk and its contract with ACT NOWaste. Are you aware that during the 2007 Mugga Lane recycling tender process, prior to the contract for the Mugga recycling site being announced, ACT NOWaste was provided with a statutory declaration that Aussie Junk was breaking the law regarding staff payments and environmental matters?

MR STANHOPE: Thank you, Ms Bresnan. I was not aware, that I recall. I will have to take some advice and perhaps refresh myself and certainly take advice from the department in relation to information that may have been available to them at that time in relation to that contract. Bear with me for half a second.

I must say that I am not equipped today to answer that question in relation to what information was available to the department at the time that they made decisions in relation to the letting of the contract through the tender process that was pursued at the time. I have faith in Procurement Solutions and the tender process and I have faith in the rigour and significant and utter faith in the integrity of our procurement processes, of our tender processes and of those officers that we charge with responsibility for the assessment and analysis of tenders.

This is a very important area of government. It needs to be rigorously controlled and managed and I believe the system's checks and balances and the arrangements we have in place serve us well in relation to the rigour of our processes. I am prepared to say that. I was not the minister at the time and I simply do not have that level of detail. I am more than happy to seek it.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Thank you, Mr Speaker. Chief Minister, if ACT NOWaste was given this information, was due diligence potentially not followed? Will you appoint an independent person to review the 2007 contracts for the Mugga landfill?

MR STANHOPE: I will not make that commitment here and now, Ms Bresnan, but I am more than happy to ask for and receive advice on the issues that you raise. They are serious issues and they will be genuinely and seriously pursued. I will be more than happy to provide you with the outcome of that.

Hospitals—Calvary Public Hospital

MR DOSZPOT: My question is to the Minister for Health and is in relation to the proposal to purchase Calvary hospital. Minister, I refer you to the ACT government community engagement service charter, which appears on one of your department's websites and which outlines explicit and unambiguous guidelines about how your government will engage the community in the decision-making process. On what basis did you determine that community engagement was not needed for the purchase of Calvary hospital?

MS GALLAGHER: I thank the member for the question. The argument the opposition are trying to put forward in this is that prior to—

Mr Seselja: It was a question; it wasn't an argument.

MS GALLAGHER: Well, an argument put through the question.

Mr Seselja: I know you don't want to answer the question.

MS GALLAGHER: I have no problem answering the questions that have been asked. What the opposition is trying to say is that before we should speak with the Little Company of Mary and before the Little Company of Mary should speak to us, we should have undertaken a wide community consultation process around whether or not we were allowed to enter into discussions with Little Company of Mary. If we had got the green light from the community to actually commence those discussions, we were then allowed—

Mr Hanson: No, are you going to do a wide community consultation process? We haven't dictated the timing. Are you going to have a wide community consultation process?

MS GALLAGHER: What a joke! That really sums up why the opposition are where they are. They fundamentally do not understand the discussions that government is involved in every day. I can honestly stand here and say that I imagine every minister here is having discussions with business, stakeholder groups and industry representatives that are not subject to broad community consultation about whether or not we have those discussions in the first place. Governments have discussions all the time with third-party organisations around a whole range of matters that are not subject to broad public consumption at that time.

What the opposition do not realise—of course, we still have not heard what they actually think about the proposed sale of Calvary—

Mr Hanson: You've heard what we think about it.

MS GALLAGHER: No, we have not heard what you think about it at all. You have no view on it; just like the bush healing farm, just like needle and syringe programs in jails, just like the budget—absolutely no view at all!

The issue with Calvary, as members understand, is that Little Company of Mary indicated a willingness to engage with us, and during that engagement they asked that the discussions be kept confidential—

Opposition members interjecting—

Ms Burch: Mr Speaker, can we have some quiet from over there?

MS GALLAGHER: —for that period of time.

MR SPEAKER: Are you raising a point of order, Ms Burch, or are you just standing there?

MS GALLAGHER: Obviously if the opposition were in government—

Mr Stanhope: On a point of order, Mr Speaker, a member actually asked for some order in the house so that she could hear the answer that was being provided. I think that was a legitimate point of order, and I think it was a point of order that should have been taken note of by you.

MR SPEAKER: Ms Burch chose not to use the forms of the house, so I was not in a position to take her point of order seriously. Ms Gallagher, you have the floor.

MS GALLAGHER: Mr Speaker, the line that the opposition have been running this week is that the government, in discussions with another provider, if asked by that organisation to keep those discussions confidential for a period of time, should ignore those requests and should say, "Well, thanks very much for asking, but, no, we're not going to abide by your request to keep those discussions confidential." That was what guided my decision making at the time. What you do not understand is that these discussions are in the initial phases. No decision has been taken. Absolutely no decision has been taken. I presume you are putting all these questions to Little Company of Mary as well—

Mr Smyth: You're the minister responsible.

Mr Hanson: What about community consultation?

MS GALLAGHER: They are the party that is involved in these discussions, and they are the party that asked us to keep these discussions confidential. So, presumably, you are asking the same questions of Little Company of Mary, except that the opposition are too lazy. I think we would have heard if they had been meeting with Little Company of Mary. You have not met with Little Company of Mary since this first appeared in the paper back in April, I am sure, because you do not actually do your job. I do not know what you do when you turn up to work, but it does not appear to be delivering anything to the ACT community.

Mr Stanhope: Looking at Facebook!

MS GALLAGHER: That is right, a bit of online work.

Mr Stanhope: What were you doing behind those closed blinds the other day?

MS GALLAGHER: At the right point in time, the proposed sale of Calvary—

Mr Stanhope: Were you doing it by yourself?

MS GALLAGHER: I will just finish, Mr Speaker. For your benefit and mine, at the right point in time the community will have a say on this. You will have a say on it. We cannot wait for the Liberals to have a view on something.

Mrs Dunne: On a point of order, Mr Speaker, I would like you to ask the Chief Minister to withdraw the comments that he made about what went on behind closed blinds. They were inappropriate and unparliamentary.

Mr Stanhope: Mr Speaker, on that point of order, I interjected—one interjection in about 500 that have been going on over the last half hour—and my interjection was innocent: "What were you doing behind those closed blinds? Were you on Facebook?" and then I asked, "Were you doing it by yourself?" What else could I have—

Mr Coe: You're disgusting.

MR SPEAKER: There is no point of order.

Opposition members interjecting—

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: Minister, why is it satisfactory to consult the community on cuts to the budget but not on budget spending?

MS GALLAGHER: The proposal to purchase Calvary Public Hospital will come to the Assembly. I am actually consulting with various stakeholders as we speak. Indeed, I have done so this morning with a group of stakeholders. I will continue to do my job, and the Assembly will do theirs at the appropriate point in time. Everything will be transparent about this. There are no secret deals. There are no conspiracies. There is opportunity for everybody to get involved if they want to. But, as we have come to expect, we presume we will not be getting anything from the opposition other than criticisms and cries from the sideline—unless, of course, they surprise everybody and participate in the debate in a genuine and helpful manner.

Green economy

MS PORTER: My question is to the Chief Minister. Can the minister advise the Assembly what the government is doing to ensure that the ACT is able to position itself as the leader in the green economy into the future?

MR STANHOPE: I thank Ms Porter for her interest in this important question. As members know, the government's vision for this city is an ambitious one and one that

seeks to take full advantage of the raw materials that we have at our disposal. Most particularly, of course, they are the people that work here—our people, our strongest resource. Our research facilities are the best in Australia and in much of the world. Indeed, we have an education sector and a small business sector that are very good at making links with others to produce new products and services.

It is a vision that seeks to position Canberra as the solar capital of Australia and that also seeks to allow us to take full advantage of emerging opportunities and sustainable industry sectors—opportunities that are emerging very much as a result of decisions which this government has taken in relation to a commitment to fund a solar power station and in relation to the world-leading solar tariff scheme.

Unlike so many other parts of Australia and, indeed, many parts of the world, we are not historically beholden to the fossil fuel industry in the context of there being no mines here, no heavy industry, no industry that fits within that category of heavy emitters. Our raw materials are very much a very highly educated workforce and community, and that gives us an edge that we can exploit.

As I have been saying in recent days in this place, it is very important that we make policy according to evidence, that we do not act instinctively just to be seen to be doing something that allows us to feel good, that allows us to parade our green credentials. It is not, I think, all that productive to jump on the bandwagon of a new idea that comes along just to buy credibility in relation to this issue that really is the most significant issue facing the world; namely, the dangers that climate change presents.

We do want and need innovation but we want and need genuine innovation, innovation that is sustainable. We do want and need green industries that are suited to this economy so that we can leverage the natural advantage that we have.

It is in that sense that the government is pursuing a study to shape a green economy strategy or policy for the ACT. We have taken what I think is a very major but crucial step in the development of a robust and achievable strategy that will position us to maximise the opportunities that are presented by the need for us to respond to climate change.

It is in that sense that I am delighted today to have announced that we have secured the services of a very significant and senior team from the University of Canberra headed up by Dr John Howard, the Director of Innovation Engagement at the University of Canberra. He will lead the development of a green economic policy strategy or framework for the ACT.

Dr Howard will be joined on the team by Professor Carole Kayrooz, Pro Vice-Chancellor, Education at the university and Professor Shane West, Chair of Building and Management at the university. Other university staff who will be involved in the project are Dr Margi Bohm, the course convenor in environmental science, Associate Professor Barbara Pamphilon, Director of the Australian Institute for Sustainable Communities and Mr Andrew MacKenzie, lecturer in landscape architecture and planning.

Joining the team on a consultancy basis will be Professor Will Steffen from the brand new ANU Climate Change Institute, which the ACT government has contributed $2.5 million to the establishment of, and Professor Stephen Dovers, the Director of the Fenner School of Environment and Society of the ANU, who will both be engaged in the project.

I must say that it is fantastic, even just in the last two weeks as we turn the first sod for the construction of major extensions to house the Climate Change Institute, that it is already involved in this major and, I think, significant step in the development of a green-tech and clean-tech industry capacity for the Australian Capital Territory.

I look forward to receiving the advice that I know will be sound and coherent and that will allow us to avail ourselves of the skills that we do have available here and the skills requirements of green businesses both locally and nationally as we develop a green industry policy, strategy or framework to allow us to develop a sector that has enormous potential for the Australian Capital Territory.

I ask that further questions be placed on the notice paper, Mr Speaker.

Paper

Mr Speaker presented the following paper:

> Auditor-General Act—Auditor-General's Report No 4/2009—Delivery of Ambulance Services to the ACT Community, dated 17 June 2009.

Land rent scheme—government response
Paper 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): In accordance with the resolution of the Assembly of 25 February 2009, I present the following paper:

> Land Rent Scheme—Information paper, dated June 2009.

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

Leave granted.

MR STANHOPE: In February this year, as members will recall, a resolution was passed on the land rent scheme calling on the government to again consult with industry groups and community organisations. The consultation was to focus on negative equity and affordability for households. Today I wish, as requested by the Assembly, to update it on this consultation process and the outcomes achieved.

The Consumer Law Centre, the Legal Aid Commission, the ACT Law Society, the MBA, the HIA, ACT Shelter and the Australian Property Institute were all invited to

participate in the consultation process and to provide a comment on the scheme. Only the Consumer Law Centre, legal aid and the ACT Law Society chose to meet one on one with the government officials to discuss outstanding concerns with the scheme. All other groups were satisfied that the design of the scheme resolved the concerns of the Assembly and expressed their continued support for the scheme.

Ms Harris from the ACT Law Society did not have any concerns with the design of the scheme. However, she did comment on the many negative perceptions about the scheme in the ACT community. In order to address these misconceptions, Ms Harris suggested changing the scheme to more closely resemble previous land rent schemes in the ACT through fixing the price of the land. The proposed change was discussed at length in the meeting. It was concluded that fixing the land price was not a viable option as it would distort the ACT property market.

Representatives from legal aid and the Consumer Law Centre met with government officials in late May. Both groups expressed their support for the scheme and did not raise any major concerns around the design of the scheme. As expected, both groups raised issues about the welfare of lower income participants, including overall costs, interest repayments, home insurance and information sharing between the government and financial institutions.

Both groups were reassured of the many provisions which ensure affordability for lower income participants, particularly through the cap on land rent repayments and the income test. At no stage during the consultation process did any of the groups consulted request a change be made to the policy. Therefore, the government remained confident that the scheme deals with all areas of concern raised by the Assembly and that no changes to legislation are necessary.

Just for the information of members, so that there is no confusion here, during the consultation process, which engaged the Consumer Law Centre, legal aid, the ACT Law Society, the Master Builders Association, the Housing Industry Association, ACT Shelter and the Australian Property Institute, they each advised that they supported the scheme in its current form—

Mr Seselja: What about financiers? There are no financiers on your list.

MR STANHOPE: and recommended that no changes be made.

Mr Seselja: Why didn't you consult with the mortgage brokers and bankers?

MR STANHOPE: Let me just repeat that, over the interjections from Mr Seselja: they recommended that no changes be made to the legislation.

Mr Seselja: You did not consult the financiers.

MADAM DEPUTY SPEAKER: Mr Seselja!

MR STANHOPE: The Assembly had some concerns around the issues of affordability for participants and that of negative equity. I would like to progress those today. The land rent scheme reduces the entry and ongoing housing costs for lessees.

Lessees will not need to borrow capital payment for a large one-off lump sum on the crown lease and will only need to fund the purchase or construction of a house on a rented block of land. The rental payments are likely to be less than the mortgage payments required to fund the up-front capital payment of the crown lease. A household with an after-tax income of around $58,000 would pay around 45 per cent of their weekly income on a traditional mortgage for the house and land. However, under the land rent scheme the same household would only pay around 30 per cent of their weekly income on mortgage repayments and rent upon the land—15 per cent less.

This scheme will ensure affordability for households, especially those on a lower income, and make the dream of home ownership a reality for them. The land rent scheme mitigates a number of risks and provides additional protections compared to a traditional crown lease, including a rental cap and income test. The income test means that the participants can move between the two rental rates as their circumstances change. For example, if their income falls below $75,000 at any point during the year, the lower rental rate will apply.

There is no other scheme which provides such a high degree of protection for participants against a change in their circumstances. The rental cap protects lessees from significant increases in rental payments, increasing rent in line with wages growth to hold rental payment constant as a proportion of income over time, ensuring affordability over both the shorter and longer run.

The cap will ensure the lessee is not burdened with an extreme increase in land rent at any one time. In circumstances where the unimproved value increases by 20 per cent, land rent payments will be capped at average weekly earning growth which, on average, is around five per cent. In essence, lessees will benefit from a drop in land values but are protected from sharp spikes in land values.

If the value of the participant's block of land falls, the amount of rent paid will also fall. However, if the block of land appreciates, household rental increases will be modest as they will be capped. This scheme has been designed to be flexible and to respond to changes in participants' circumstances. Remembering that the households in the scheme have a crown lease and they are paying a mortgage, this is the only scheme of its kind which adjusts housing costs according to changes in personal circumstances and the market conditions.

Contrary to suggestions by the opposition, there is a lower risk of financial stress under the land rent scheme as participants will only need to borrow for the construction of the house. These lessees are also under less risk from rising interest rates than households borrowing for both the house and the land.

There have been recent suggestions that lessees with blocks on hold under this land rent scheme will be financially worse off and incur a range of penalties and fees. This is not true. There is no fee or charge for those lessees holding a single block of land under the land rent scheme who are waiting to exchange contracts. Participants are free to exit the scheme at any time they wish without any additional costs.

Investors holding more than one block will be charged a non-refundable deposit of $1,000 to avoid land banking. This scheme has been designed to be flexible and as affordable as possible. The government and all groups consulted are content that the scheme will remain affordable to consumers over the long term and bring the dream of home ownership into the hands of many.

The issue of negative equity does not apply solely to the land rent scheme. Households with a traditional house and land package can find themselves in a position of negative equity. Negative equity occurs when the amount owed to the lender is more than the value of the property. As I have said before, it is not the government's place to provide protection against the risk of negative equity.

Households may end up in a position of negative equity due to a range of factors beyond the government's control, including changes in market conditions, the amount borrowed relative to the value of the property, lending criteria of financial institutions, and the maintenance and upkeep of the dwelling.

It is therefore difficult to provide a guarantee or protection against this risk. Ensuring that a lessee does not end up in this position is a matter that financial institutions and lessees consider as part of entering into a financial mortgage arrangement under the current circumstances. Participants will be immune to the risk of a drop in land prices to which other lessees are currently exposed. As such, people accessing land under this scheme have less financial risk if the market drops.

The land rent scheme brings the dream of home ownership closer to reality for many families. Whilst support from financial institutions is important, it is not the role of government to arrange finance. Likewise, rationing of credit by lenders is not the fault of the government. Whether a lender formally commits to providing finance under the scheme or not, it would be difficult to justify the winding up of the scheme as suggested in the Assembly resolution. Why would you do that? When the market changes, we believe that lenders will respond. In the meantime, the government will not wind up the scheme. Households interested in land rent in the future will need to make an informed decision about whether the scheme will be right for them, taking into account their circumstances and their ability to secure finance.

The land rent legislation is sound. It is good legislation and lessees are now able to land-rent new blocks of land in the ACT. In fact, there has already been one settlement, and it is understood some other households are in the process of arranging independent finance.

Households can finance construction on land-rent blocks in a number of ways, although mortgage over the property is the predominant method. The government does not want to take away the choice of using land rent from Canberrans who have already accessed the scheme or who see it as a way to achieve a home of their own.

In response to the concerns of the Assembly, Chief Minister's Department and Treasury have compiled an information paper addressing the issues of concern in the resolution. This paper outlines the consultation process undertaken and addresses Assembly concerns about affordability and negative equity.

In response to the resolution of the Assembly, I have presented that information.

Financial Management Act—instrument
Paper and statement by minister

MADAM DEPUTY SPEAKER: Ms Gallagher, do you have a paper to present? There is some confusion.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women): I do have a paper to present. For the information of members, I present the following paper:

> Financial Management Act, pursuant to section 19B—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 dated 16 June 2009.

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

Leave granted.

MS GALLAGHER: As required by the Financial Management Act, I table an instrument issued under section 19B of the act. The direction and a statement of reasons for the above instruments must be tabled in the Assembly within three sitting days after it is given. Section 19B of the Financial Management Act 1996 allows for an appropriation to be authorised for any new commonwealth grants where no appropriation has been made in respect of those funds, by my direction.

The territory has received additional grant funding of $6.596 million from the commonwealth under the nation building and jobs plan and the social housing national partnership agreement. This funding provides for capital works, repairs and maintenance in relation to public housing properties and the on-passing of commonwealth funding to non-government schools for various capital repairs and maintenance projects to be undertaken.

I commend the instrument to the Assembly.

MADAM DEPUTY SPEAKER: Thank you, Ms Gallagher. So you don't have any further paper that you need to table?

Ms Gallagher: That is the one I was given, but I think I have done it before.

Indigenous education—annual report
Paper and statement by minister

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation): In accordance with the resolution of the Assembly of 24 May 2000, as amended 16 February 2006, I present the following paper:

> Indigenous Education—Performance in Indigenous Education—Annual report 2008.

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

Leave granted.

MR BARR: I am pleased to present to the Assembly the performance report on Indigenous education for the 2008 calendar year. Each year a half-yearly report and a more comprehensive annual report covering achievements in the calendar year are submitted around this time. Today the report I present to the Assembly covers the period January to December 2008.

2008 saw the continued implementation of a number of ACT government budget initiatives. These included the Koori preschool program operating in five sites across Canberra and reporting a total enrolment of 119 Indigenous students after the August 2008 census. The report I am presenting today shows the Koori preschool program continues to provide enhanced opportunities for Indigenous children to participate in early childhood education.

2008 was the first year of the national assessment program in literacy and numeracy, NAPLAN. The results for Indigenous students on NAPLAN will be used to develop strategies to track the performance of Indigenous students over time and to inform appropriate allocation of resources needed to assist Indigenous students with their learning.

Public schools in the ACT continued to build on the success they have experienced in engaging families of Indigenous students at the time of the national apology to the stolen generations by continuing to discuss what can be done to improve or enhance Indigenous education at the local level. In July 2008, three clusters of schools began working on building relationships with Indigenous communities. That number increased to six by the end of the school year. I am pleased to report that at the end of 2008 a total of 78 public schools in the ACT were members of the dare to lead program. This figure represents 94 per cent of all public schools in the territory, an increase of eight schools since 2007.

In 2008 the Department of Education and Training designed a program of professional development in Indigenous education to be delivered to all public school principals and deputy principals in the territory. The program was officially launched in July 2008 with a theme of "accepting the challenge, improving learning outcomes, of Indigenous students". I advise the Assembly that a total of 178 educational leaders participated in the first year of this professional learning program.

Following on from this program, schools incorporated a research strategy to begin compiling evidence about what is working successfully to improve learning outcomes for Indigenous students. The professional learning program is continuing in 2009.

Throughout 2008, the Department of Education and Training participated with the Department of Disability, Housing and Community Services and the Department of

Health to implement a project aimed at integrating a number of services being accessed by Indigenous young people and their families. The project is beginning to suggest signs of success and will, again, be supported by a core team of officers in 2009.

The Department of Education and Training continues to implement initiatives such as the school leadership in Indigenous education and Indigenous literacy and numeracy officer support for targeted kindergarten to year 4 students. These initiatives are funded by the ACT government.

In the 2009-10 budget funds have been allocated to provide scholarships for Indigenous students in the senior years of schooling. This initiative will build on existing achievements and support the retention of Indigenous students to the successful completion of year 12. It will also provide pathway options for Indigenous young people into higher education and employment.

I commend the performance report on Indigenous education for the 2008 calendar year to the Assembly.

Planning and Development Act 2007—schedule of leases
Papers and statement by minister

MR BARR: (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation): For the information of members, I present the following papers:

> Planning and Development Act, pursuant to subsection 242(2)—Schedules—Leases granted for the period 1 January to 31 March 2009.

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

Leave granted.

MR BARR: Section 242 of the Planning and Development Act 2007 requires that a statement be tabled in the Legislative Assembly each quarter outlining the details of leases granted by the direct sale. Section 458 of the Planning and Development Act 2007, as amended by the Planning and Development Regulation of 2008, also provides transitional arrangements for all direct grant applications made under the Land (Planning and Environment) Act 1991, an act now repealed, to be decided under the repealed act.

The schedule I have tabled covers four leases granted for the period 1 January to 31 March 2009. In addition, 20 single dwelling house leases, one of which was a land-rent lease, were granted by direct sale for this quarter.

Air quality in Tuggeranong Valley
Discussion of matter of public importance

MADAM DEPUTY SPEAKER: Mr Speaker has received letters from Ms Bresnan, Ms Burch, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Ms Hunter, Ms Le Couteur,

Ms Porter, Mr Seselja and Mr Smyth proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Mr Speaker has determined that the matter proposed by Ms Le Couteur be submitted to the Assembly for discussion, namely:

> Air quality in Tuggeranong Valley.

MS LE COUTEUR (Molonglo) (3.16): Madam Deputy Speaker, I thank you for the opportunity to discuss this matter of public importance, being air quality in Tuggeranong Valley. As winter is descending upon us, many of the residents in Tuggeranong Valley will be lighting up—in fact, they have already lit up—their wood heaters. Unfortunately, there are consequences to their use. Given the nature of the valley, wood smoke builds up and may cause local residents to suffer ill health as existing lung and heart problems are aggravated. The problem is so bad that Tuggeranong Valley has previously been declared one of the worst areas for wood smoke pollution in Australia.

The Tuggeranong Community Council recently wrote to the minister for environment informing him of a motion passed at the general meeting of the Tuggeranong Community Council on 7 May 2009. The motion read:

> The Tuggeranong Community Council notes with extreme concern statistics released by Professor John Todd of the Clean Air Society of Australia and New Zealand showing that more than 53 percent of air pollution in the Tuggeranong Valley is generated by domestic wood burning for heating.
>
> The council also notes average monthly air pollution readings taken at Monash between 2004 and 2008 show that the level of fine particle air pollution more than doubled in the Tuggeranong Valley every winter, and exceeds acceptable national levels.

It is at an exceptional level, I guess we could say. It continues:

> Therefore the Tuggeranong Community Council calls on the ACT Government to take immediate and decisive action to rid Tuggeranong of winter domestic smoke pollution and protect the health of Valley residents through the following measures: Ban the installation of new slow combustion wood burning heaters by January 2010, followed by a total ban of all such heaters by 2015.

The Tuggeranong Community Council is making a strong call on the ACT government and I understand that the minister for environment is due to appear at the next Tuggeranong council general meeting on 2 July. In the lead-up to this I think today's debate provides an important opportunity for all sides of the chamber to put on the record to the residents of Tuggeranong where they stand on this very important issue. The Greens acknowledge that the build-up in wood smoke in the Tuggeranong Valley is an important health problem. Tuggeranong used to be regarded as the second most smoke polluted valley after Launceston, Tasmania.

I appreciate that the ACT government has taken positive steps since 2003, such as through the wood heater replacement scheme, to alleviate the problem, but I am

concerned that the air quality in winter is yet, unfortunately, to qualify as acceptable. Wood smoke is comprised of a number of chemicals similar to tobacco smoke that are associated with health problems, including respiratory diseases, particularly the aggravation of asthma, colds and flu, heart attacks, some forms of cancer and middle ear infections. Studies show that wood smoke reduces the ability of lungs to fight off infection, so people get more colds and flu and require more time off work or school to recover.

Of particular concern are the fine particles emitted, because they are the ones that cause the most damage. The particles are so small that they infiltrate the smallest recesses of people's lungs, where they cause inflammation which leads to heart and lung disease. According to the World Health Organisation, there is no safe level of fine particle pollution. In June 1998, recognising the importance of air quality, the National Environment Protection Council prescribed the ambient air quality national environment protection measures, which set uniform standards across Australia for ambient air quality. Measurements relevant to the Tuggeranong Valley are taken at the Monash station. Measurements taken include particulate matter less than 10 and less than 2.5 microns in size, which are often referred to as PM10 or PM2.5.

Reports to the Australian government associate PM10 with adverse health effects, including respiratory problems, aggravation of asthma, increased hospital admissions and premature death. The risk is highest for the elderly, children and people with asthma or heart disease. The national standard for PM10 requires levels below 50 micrograms per metre cubed. The Monash station measurements show that we exceeded that five times in 2007, two of which were attributed to wood smoke from burning for winter heating and the other three to bushfires or hazard reduction burning. Even if we take out the bushfires, we see that the high levels of the pollution happened during the Canberra winter, especially in June, because people get cold and light their fires. The government have recently argued through the estimates committee process that measures of Canberra's air quality have, in fact, been improving over the last few years. I would appreciate an explanation from them of the basis of that claim, because if you look at the PM10 readings since 1999 you see that, while things have not actually got a lot worse, they have not really got better either.

With regard to PM2.5, which is an even smaller particulate matter, the New South Wales Chief Health Officer, Denise Robinson, told the public inquiry at Parliament House in 2006 that between 600 and 1,400 deaths each year could be attributed at least partially to Sydney's air quality. The pollution of most concern was PM2.5. International research has also confirmed that PM2.5 is the pollution most likely to be linked with adverse health effects. Unfortunately, the measurements of PM2.5 at the Monash station prior to April 2007 have been declared invalid. This is because, apparently, the measuring equipment was set up too close to the temperature or humidity measuring equipment. It is a real shame that we do not have the data.

While the government is developing its response to wood smoke pollution and the Tuggeranong council's concerns, I think it is important to take a triple-bottom-line approach to this. It is not a black-and-white problem. The solutions are not all easy and straightforward. Some wood heaters can well be considered inefficient, but not all wood heaters are in fact a problem. If you have an efficient wood heater, use it

properly and use it with timber which comes from a reasonably sustainable place, wood heating can be a fairly sustainable form of heating. The problem arises when people use inappropriate wood that has not been sustainably sourced, when they manage their fire incorrectly and produce excessive pollution or when the wood heater itself is inefficient or produces excessive pollution. This often happens with inefficient wood heaters.

In 2004, the Department of the Environment and Heritage published its audit of the most nationally popular wood heaters. Seven of the 12 wood heaters failed to meet the necessary standards for emissions. In addition, 55 per cent of wood heaters had deviations from the original design and 72 per cent had labelling faults which could affect emissions performance. So it is very likely that many of the wood heaters used in Tuggeranong Valley are of inefficient design.

Looking at the type of wood used, I understand that the government provides on its website details around 20 accredited firewood merchants. But, of course, not everyone gets their firewood from these people. There are quite a number of unaccredited firewood merchants and also people burn rubbish, driftwood, painted or treated wood. That is a particular problem because you can, in fact, create poisonous gases when you burn arsenic and cyanide treated and painted wood. We should also be aware that some of the firewood is collected from forest floors and this has an impact on the habitat of a number of species who inhabit forest floors. Deadwood or dropped wood is the home of a number of birds, animals and insect species.

Looking at ACT government actions, in 2004 the government introduced the wood heater replacement scheme and allocated $200,000 for subsidies ranging from $400 for an electrical installation to $600 for a gas installation. An additional $200 was available for pensioners or low-income earners. It had good intentions but it has not been well advertised or accompanied by a strong public education campaign. With time, the level of subsidy has dropped and the eligibility criteria have tightened. I am informed that only about 600 wood heaters have been replaced under the scheme since it began. Given the estimates of around 25,000 wood heaters when it started, I think you would have to be very optimistic to think we had made any dent in the problem.

I have been told that the government has a program called don't burn tonight. There are a couple of references on the internet to two media releases from the Chief Minister, one in 2005 and one in 2007. My colleague Ms Bresnan asked the minister about this program yesterday and, unfortunately, he was unable to recall it. As I say, it is not a successful program. At this stage it probably does not even qualify as a program.

If the ACT government were to take the problem and its role in reducing wood smoke seriously I think one of the things it would do would be to publicise an air quality index in the weather reporting, in the same way as there is a UV index, so that we could see some media from the relevant minister telling people when pollution was peaking and then encouraging people to use alternative forms of heating other than wood heaters. I think there is a lot of scope for creative innovation and certainly for improvement on how we deal with this issue.

As to other actions we could pursue, we could follow the lead of Launceston where, from 2001 to 2004, 4,000 wood heaters were removed and pollution levels were halved. This came from a very strong public education campaign. Smoke patrols targeted Launceston households with smoky chimneys and the entire city was surveyed every three or four weeks. A friendly notification card was left in the letterboxes of households. Previous market research had shown this was an acceptable way of telling residents and these cards indicated that during particular periods unacceptable smoke levels were observed. If the levels were observed a second time a first warning letter was issued and, if necessary, on a third occasion a final warning letter was issued. Up until 2004 no fines were imposed, but incentives for changing to cleaner wood heating alternatives were offered. This was a staged funding scheme offered to owned and rented residences and to properties operated by community groups and associations.

Another easy and obvious step the government could take to reduce wood smoke is by banning the installation of wood heaters in new housing stock and mandating that all new housing meets energy efficiency standards and, in particular, mandating passive solar orientation so that we can all take advantage of the free non-polluting heat from the sun. Good insulation, which can, of course, be retrofitted—and here I would have to commend the federal government's program in particular—will reduce the need for heating. But I would also like to stress the need for the insulation to be installed properly. We have had some disappointing comments from constituents about poor insulation and, in particular, Housing ACT not always managing to do good insulation installations. One constituent was so cold afterwards that she ended up buying a wood heater. For some people, this is a very cheap form of heating if they can find a cheap form of firewood.

We would like to see greater incentives for the replacement of wood heating, at the same time as offering to improve the insulation of houses so that they are at least up to a three-star level, if not higher. Whatever solution the ACT government pursues, we think it is important to take a triple-bottom-line approach because in some cases wood heating can be a fairly sustainable form of heating if the wood heater is efficient and the wood comes from a well-managed, sustainable, renewable source. Of course, electric resistance heating is probably the worst form of heating in Canberra, given the fact that most of our electricity comes from coal-fired sources.

We also have to remember that electric heating is expensive. It is, unfortunately, about double the cost of running a wood heater. I come back to the need for good design in the first place. Heat pumps can be good but in Canberra they have their Achilles heel. When it is really, really cold they are only as efficient as an electric resistance heater. Still, as that is not all the time, they are a plus. I suggest that heat pumps be added to the list of things that the government will fund in its wood heater replacement program.

In conclusion, this is a very complex issue. In considering it I would like the government to take a proper triple-bottom-line approach in terms of looking after people's health, people's costs and the environment.

MRS DUNNE (Ginninderra) (3.31): I thank Ms Le Couteur for bringing this matter forward. It seems that it is an issue of some concern and it is something that from time to time as members we receive complaints from our constituents about—the inappropriate use of wood fires. I need to place on the record that I suppose it could be seen that I have a conflict of interest in that most of my domestic heating comes from a wood fire, which I seek to maintain at as high a standard as possible, and I also happen to be the owner of a pizza oven which gets fired up from time to time. I also do use a reputable wood merchant.

The most recent data available about air quality is contained in the 2007 ambient air quality report, which is a measure of our performance against the ambient air quality national environment protection measure which is available on the National Environment Protection Council website. That information is derived from data collected at the performance monitoring station located at Monash in the Tuggeranong Valley. It is appropriate that the monitoring station is in the Tuggeranong Valley because it seems that the Tuggeranong Valley, because of its geography, is an area of considerable concern. This station is located so as to be generally representative of what is called the upper bound pollutant concentrations and it is hence called a GRUB station.

The report notes that by using GRUB stations to monitor the ambient air across a region, we can be reasonably sure that, if the national environment protection measure standards are met at those sites, then most of the total population of the region would be exposed to air at or below these pollutant levels. In this way, the National Environment Protection Council's desired environmental outcome of adequate protection of human health and wellbeing should be assured.

A number of different types of readings are taken at the GRUB station in Monash. One of them measures the particulate matter of less than 10 microns, as Ms Le Couteur has said, and this is the measure that is most impacted by wood smoke. The NEPM standard for this measure is approximately 50 micrograms per cubic metre. Whilst the report notes that the levels were elevated during winter, with the main cause coming from wood smoke, there were only five occasions during 2007 when the standard was exceeded. One of these occurred in January and was due to the bushfires in Victoria and two occurred in April. The highest was, in fact, in April and was due to fuel reduction activity in the Tumut region.

It is worth noting that there were only two exceedences in the period where the use of wood fires would be usual to occur, and they were in the very early part of June, and these two exceedences in June could be attributed to wood smoke.

It is interesting to note that for the remaining colder months of the year there were no exceedences, with the highest occurring in late June, and both of the exceedences being 10 milligrams per cubic metre or 20 per cent less than the national standard. As Ms Le Couteur said, there is another measure, which is the 2.5 micron measure, which has only been reliably and authoritatively collected since April 2007, and in the period of that collection there were a number of exceedences. It was exceeded eight times during 2007. Most of those exceedences were in the April period that coincided with

the Tumut land-clearing hazard reduction. There were two exceedences of 2.5 microns in the winter period. In fact, if you look at the table, it will show that for 2.5 microns there was almost no registration for most of the period from late June, July and most of August; there was no perceptible measure of 2.5 micron particulate emissions from the station.

Generally speaking, the data shows that, while there is an increase in particulate matter in the high period of wood fire burning, the general case is that we are well within the national environment protection measures, and we are well below most of those measures on most days. The very few occurrences tend to be at the early part of the year.

That is not to say that there is not a perception of a problem. The issue of visual pollution certainly arises; it is quite well known, and it has been quite well known for as long as I have lived in Canberra, that the inversion layers in the Tuggeranong Valley do create visual pollution. But as we can see from the evidence from the national environment and protection measure reporting, the occasions when there is a departure from the standard are very few and far between. I think that over the years that I have been associated with this place a range of measures has been introduced to reduce pollution, not just in the valley but across Canberra. They include a range of advice and publications on how to burn your fire so that it burns efficiently and you get full combustion. When you have full combustion, you have much less particulate emission. There has been a series of advices and registration of wood merchants to ensure that not only does the wood come from sustainable sources but also that the wood that is sold is suitable to be burnt in the year that it is sold, that it is well seasoned et cetera.

In addition to that, there have been the replacement scheme incentives, which have been of some use. Ms Le Couteur said that only 600 subsidies have been given, but it is hard to tell whether there are other people who have ripped out their old wood heaters and replaced them with something else and not availed themselves of the subsidy because they may not have known about it. There are lots of renovations that go on where people reassess their heating requirements.

There has been a bit of a push from a small number of people over a long period to see quite a substantial change in policy, essentially the outlawing of wood-burning heaters in the ACT, and I am not sure that the evidence is there to support that policy. I would be encouraging the government today, especially at this time of the year, to perhaps revisit the advice and information that goes out to people.

It is worth considering a more proactive approach in relation to people who do burn their wood inappropriately. The clear evidence from places such as Launceston shows that good public education can actually turn things around. There are times when we all drive around—I suppose I am attuned to it because I am someone who owns a wood fire—and tend to look critically at other people's flues, at the amount of smoke coming out of them, and pass judgement on whether they are burning their wood appropriately. Perhaps we should be using the environment protection agency to have a better public information and public education process and to go down the path of perhaps helpful notes and warning letters. There may be some amendments to the environment protection legislation that we need to look at.

I am not a great fan of banning things if you can possibly avoid it and perhaps imposing considerable costs on people who do not have the means or the desire to change the way they heat their house. We really should be encouraging people and educating people how best to heat their house with their solid wood heaters, rather than banning them.

I thank Ms Le Couteur for bringing this matter forward. I am conscious of the issues that this raises in the community, and there are many ways that we can progress and improve our environment even more than it is before we get to the stage of taking draconian measures to perhaps outlaw the burning of wood for heating in the ACT.

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) (3.42): I, too, thank Ms Le Couteur for proposing this matter of public importance in the Assembly today. The issue of air quality in the Tuggeranong Valley is not a new one, as members have obviously said. The variables that contribute to the air quality are well known, and this government and previous governments have worked with the community for over a decade to seek to minimise those adverse impacts. There is some evidence that indicates that air quality in the Tuggeranong Valley has improved over the past few years, despite population increases.

As we examine this matter, we do need to acknowledge that Canberra's overall air quality, compared to other cities, is excellent, and tourists to this city often comment on the beautiful clear days and smog-free environment that our capital possesses. I must say that the most frequent comments I receive from visitors, particularly international visitors, are on our beautiful city, our clear blue sky and our beautiful air.

That said, in winter on cold nights when the air is still, Canberra, and most particularly the Tuggeranong Valley, does experience a particle pollution problem, due principally to emissions from domestic wood heaters. The government acknowledges this problem and is continually improving the measures it is taking to address the issue to ensure a satisfactory outcome for all Canberrans.

I will just set some background for the Assembly on the matter of air quality. In June 1998, environment ministers agreed on a national environment protection measure for ambient air quality. This set a target for ambient air quality that allows for the protection of human health and wellbeing. The measure covers common pollutants such as carbon monoxide, nitrogen dioxide, ozone, sulphur dioxide, lead, and particulate matter with an aerodynamic diameter less than 10 microns, or what is described by technicians as PM10.

In Canberra, as I said, we live in a city with clean air. We do not experience any concerns with these pollutants, except for particulate matter. Of concern for residents of Canberra, and most particularly the Tuggeranong Valley, is wood smoke which emits fine particles at a level of PM2.5, which are known to produce respiratory and cardiovascular illness.

Monitoring of this level of fine particles commenced at the ACT Health Monash air quality monitoring site in June 2003. This monitoring shows a regular increase in particle levels during winter, due to emissions from wood heaters. In 2005 and 2006, as part of the wood smoke initiative, a network of specific air monitors which monitor for PM2.5 were set up across the ACT. This information was published by the Chief Health Officer in the 2006 report, as well as in the National Environment Protection Council's annual report.

In 2004, there were 15 days when the particulate level was above the standard, in 2005 there were 14, in 2006 there were 20 occasions, in 2007 there were eight, and the current unpublished data for 2008 shows that there were four occasions. So, whilst there is an issue, and yes we are trying to deal with it, the number of occasions that we were affected by an excess of that level was very few.

The ACT government acknowledges the potential for significant health benefits from more stringent emission limits for wood heaters. As a former minister for the environment, I can assure you that at ministerial council level the issue is one of considerable importance.

In November 2008, the Environment Protection and Heritage Council, that is the environment ministers council, agreed the need for a nationally consistent regulatory approach to wood heater emissions management. Working across the country on a unified approach to the regulation whilst working locally on community education campaigns is, I believe, the most appropriate and ultimately the most effective way to deal with the issue. As a previous environment minister, I can report that localised efforts by Australian environment agencies to reduce wood heater emissions have reportedly met with limited success. National wood heater regulation, when achieved, will help to send a clear message to the community, retailers and producers of what is acceptable across Australia.

This sort of national regulatory action being explored would establish a consistent regulatory framework that will enable governments to set performance standards for wood heaters, specify an appropriate test method and establish effective appliance certification and auditing procedures. Without a consistent approach, we would end up with a situation where wood heaters would be sold in some jurisdictions and not others.

I do understand and accept that for some individuals the intergovernmental and ministerial negotiations do not operate at the speed at which they would like and that they want fast and localised action. That is not to say that the government is not responding locally. My colleague Ms Burch will, time permitting, describe that shortly.

One of the areas where the ACT government is working with industry and is meeting with success is through working with local firewood retailers. The Environment Protection Authority must license all firewood retailers. Retailers are only able to sell dry seasoned timber. They must provide consumers with information on how to operate that heater correctly, by way of a detailed fact sheet which is also available on the EPA website. Both of these conditions relate specifically to reducing air pollution.

A retailer must provide information to consumers on the type of wood they sell and where it has come from. These simple measures provide consumers with the information they need to make informed decisions about their wood heater purchases. Community education, combined with local regulations and national standards, has the potential to solve this issue without the more draconian measure of introducing a ban. Further, the government, in partnership with ActewAGL, has for a number of years run the wood heater replacement program and the "don't burn tonight" campaign.

Every winter there are some in the community who call for a ban on wood fire heaters. We have heard the suggestion made again today. This government has considered this approach but has found that it would be both costly and, we believe, essentially ineffective. In 2000 it was estimated there were about 25,000 wood heaters in the ACT, with 6,000 of those in the Tuggeranong Valley. Many of the heaters were installed at the time of building the house and were manufactured prior to 1992; that is, prior to more stringent wood heater standards being introduced to make heaters more efficient and potentially less polluting. Heaters installed after 1992 would have met this standard and would be more prevalent in the newer suburbs of Tuggeranong, and certainly in Gungahlin. Improvements in slow combustion, fan-supported wood heaters in recent years have seen even more efficiency and resultantly less polluting heaters being installed.

To introduce a ban would no doubt see residents seek compensation regardless of the type of wood heater and how often it is used. It is only through a more consultative approach that a solution involving everyone can be achieved.

As we are heading into the colder months of winter—indeed, I think they have arrived—it is timely that we as an Assembly discuss and acknowledge the issue of air quality in the Tuggeranong Valley, and I again thank Ms Le Couteur for bringing the matter forward. I do remind the Assembly that of all the capitals in Australia we have, by far, the cleanest air, accepting that on relatively few occasions the fine particulate level is above what we would like. The government will continue to work with our colleagues in other jurisdictions, with local retailers and with the community to seek to continue to address this issue.

MR DOSZPOT (Brindabella) (3.49): I am pleased to discuss the matter of public importance today and I thank Ms Le Couteur for raising it.

I am well aware of statements that there has been a decrease in air quality, particularly over the Tuggeranong Valley, in my electorate. I am also well aware of the Greens' plans to gauge community opinion on the phasing out and ultimate banning of wood heaters, which I am sure underpin Ms Le Couteur's message here today.

Our cold winters, influenced by high pressure systems, create temperature inversions which make it difficult for air pollutants to disperse through the air evenly. This would explain the view from my lounge room on a cold winter's morning, looking over the valley and seeing a layer of what appear to be pockets of pollution clearly visible.

Whilst we can all attest to the clean, clear Canberra air in comparison to other Australian cities, it has been assumed that we do have a winter particle pollution problem due to emissions from wood heaters used for home heating. But, as Mrs Dunne has said previously, recent data collected from the monitoring centre at Monash, which measures particulate matter, puts this assumption in perspective.

I have received representations from members of the community who are concerned about the usage of wood heaters and the potential for wood smoke pollution, particularly in the Tuggeranong Valley. However, I can say that these representations can be counted on one hand.

I do take notice of public opinion, however, and there have been some letters to the editor appearing in the *Chronicle* that followed on from a vox pop and a story on the issue. It can be said, using this one publication as an indicator, that public opinion is divided.

This topic has also been discussed in detail at meetings of the Tuggeranong Community Council. Ms Le Couteur read some of the minutes of a recent Tuggeranong Community Council meeting, but I think she left out a portion that I would like to read into this record. I read from the minutes of the Tuggeranong Community Council meeting of 7 May 2009:

> Therefore the Tuggeranong Community Council calls on the ACT Government to take immediate and decisive action to rid Tuggeranong of winter domestic wood smoke pollution and protect the health of Valley residents through the following measures:
>
> > Ban the installation of the new slow combustion wood burning heaters by January 2010, followed by a total ban of all such heaters by January 2015.
>
> The revised Motion was carried by the members unanimously. A further motion was presented … as follows:
>
> > The Tuggeranong Community Council supports plans for a new Southern Cemetery on the following conditions:
> >
> > 1. Any crematorium developed on the site does not impact on nearby residents and does not add to air pollution in the Tuggeranong Valley.
> >
> > 2. A cemetery and crematorium does not impact on current public use of nearby land.
> >
> > 3. Mugga Lane is upgraded to handle any increase in traffic generated by a new Southern Cemetery.

Anecdotal evidence would suggest that there are also a number of health issues, including asthma and other chronic lung conditions, that can be exacerbated by air quality. This was certainly one of the concerns relayed to me throughout the electorate during the election campaign when discussion turned to the proposed power station.

I personally do not have a wood heater, but I know that they were an essential inclusion in, and sometimes addition to, most of the new houses that were built in the valley in the 1970s and the 1980s. In the days when wood fuel was cheap and plentiful, the wood heater provided an efficient heating method to combat our cold winters.

There are a number of residents in Tuggeranong who still rely on these wood heaters as their only form of household heating. These residents may be unable to take advantage of the wood heater replacement program currently being offered by the government—only until August this year—for various reasons.

I note from the information provided on the department of the environment website that:

> Only new mains supplied natural gas heater installations will attract the $600 subsidy. There are no additional funds for low income earners or pensioners.

I also note that there are a number of requirements associated with this program that would prevent the take-up of the offer by some in the community, notwithstanding the cost aspects and the fact that the site mentions "significant delays in having your wood heater removed and recycled, and your new mains supplied gas heater installed". These restrictions would explain the poor response. According to the minister, there have been only 76 applications under the scheme this year; and in total since 2004 only 721 households have taken advantage of a rebate scheme to replace wood heaters.

It would seem logical that a more targeted awareness campaign on how to use your wood heater properly and on the alternatives, and a rigorous consultation program combined with more effective monitoring of our air quality, may prove to be the best way forward with this issue.

As a number of speakers have already stated, there are quite a number of varied opinions on this. Nevertheless, discussion about it is good. I am pleased that Ms Le Couteur has raised this issue and I thank her for it.

MS BURCH (Brindabella) (3.55): I thank Ms Le Couteur for bringing this matter to the Assembly and I appreciate her interest in the Brindabella electorate. As a member for Brindabella and a Tuggeranong Valley resident, I am only too aware that on some winter days when the air is still there appears a haze across the valley. This is disappointing for locals, because often on the way down to Tuggeranong along Isabella Drive the view of the Brindabellas is really quite magnificent; in winter we hope to see snow-capped Brindabellas.

On another level, before coming into this place—and since coming to the Assembly—I have knocked on hundreds of doors across the Tuggeranong area, talking to local folk. The issue of wood smoke haze across the valley has been raised with me a number of times. Local residents are particularly concerned about the health effects on their children. As we have heard here today, the fact is that sustained inhalation of wood smoke can lead to serious health problems, both in the short and the long term.

The issue of wood fire heater smoke is an issue that is often talked about in the electorate. I believe that community education will allow the Tuggeranong community to take its own actions to improve the quality of air. I am aware that if wood heaters are not used properly it can increase emissions by up to a factor of 10. Careless operation typically doubles the emissions. Given this, the correct use of wood heaters by the majority of wood heater users would significantly reduce wood smoke problems.

In the ACT the fact sheets have been made widely available by wood retailers and on the internet. By following some simple steps, we would reduce and minimise smoke emissions. Whilst I will not go through all the tips, I would recommend that all members here are across some of these facts so that, when we are dealing with constituents regarding this issue, we can take on a community leadership role and educate those who make contact with us.

One of the first tips is around purchasing your firewood from a licensed provider; storing it in a dry, well-ventilated space; using kindling to get a good, hot fire started quickly; and not overfilling the wood heater or letting your fire smoulder when not in use. These simple steps are easy to follow and have a potential to greatly reduce the smoke pollution which is the contributor to air quality concerns in the valley.

Members will be aware that the ongoing wood heater replacement scheme is run in partnership with both ActewAGL and the ACT government. I have noticed the advertisements for this program in the *Chronicle* in recent weeks. The wood heater replacement program provides a rebate to ACT residents of $600 for householders for replacing an old wood heater with a new gas heater. This incentive scheme has been operating since 2004 and allows households to make the switch, if they wish, to gas heaters.

The ACT government wood heater replacement program has been successful in removing over 700 wood heaters from residences in the Tuggeranong Valley. In 2008 there were about 115 wood heaters replaced with the assistance of this rebate. Already this year—and we are only just coming into the coldest months—a further 76 applications have been received.

There are still wood fire heaters being installed across Canberra, and there will be some wood fire heaters being replaced without the assistance of such a rebate scheme. However, without national regulation, community education will have the greatest effect on reducing air pollution.

The 2007 *State of the environment report* noted:

> … the air quality is a problem in Tuggeranong in the winter months due to air temperature inversions, but there is a slight indication that air quality there is improving. This is likely to be due to the ACT Government's Wood Heater Replacement Program that provides subsidies to ACT households to replace old wood heaters with new gas heaters.

The success of this program is known to nearly 800 residents who have taken up the program. It has been recognised as a success story by the commissioner for the

environment and I would say that it has been recognised by a number of residents in the valley who have experienced fewer nights of pollution as a result.

I am aware that the Tuggeranong Community Council has recently put forward the suggestion of a compulsory phase-out of wood heaters across Canberra. Since this was raised in the *Southside Chronicle* last month, I have received a number of emails and phone calls on this matter from constituents and stakeholders on both sides of the debate. I am keen to hear more feedback from the broader community on this suggestion, while noting the importance of finding a solution that will not unfairly or abruptly disadvantage families or wood-fire related business.

As the Chief Minister outlined, the ACT regulates wood fire merchants in Canberra, and this ensures that consumers make an informed choice when it comes to purchasing their firewood. In this area, we have evidence of a significant drop in firewood sales in the past few years. In 2001 licensed merchants sold 20,740-odd tonnes of firewood. In 2008 this was 15,070 tonnes. That equates to around a 75 per cent reduction in firewood sales. While it is no great statistic for the merchants, it is an indication that Canberrans are indeed reducing their use of wood fire heaters.

Another community education campaign that has met with some success is the "don't burn tonight" campaign, operating since 2001. It takes into account weather conditions and pollution levels. When the levels are likely to be high, the campaign runs voluntarily to encourage Canberrans to use alternative heating on those cold, still nights. The campaign predominates during June, July and August of each year. "Don't burn tonight" campaign snippets are played on radio and TV as well as being displayed on the EPA website.

In conclusion, let me say that the residents of my electorate of Brindabella are very well aware of air quality in the Tuggeranong Valley. On the days that we are denied the clear blue skies and the wonderful views to the Brindabellas due to excessive wood heater smoke pollution, we do want something done about it. I think we are slowly getting there through community education and community ownership of the issue, supported by local regulation and incentive programs. Ultimately, I hope to see a nationally agreed approach that sees all Australians protected from particulates generated by wood smoke.

MS BRESNAN (Brindabella) (4.03): I appreciate the opportunity to discuss Tuggeranong Valley's air quality problems today, given that it is in my electorate and it is an issue I have discussed with many constituents.

The appropriate response to the wood smoke problem is one that needs to consider several factors. Firstly, wood heaters, when run properly, can provide a cheap source of heating. Another advantage of wood heaters is that, when used properly, they emit fewer greenhouse gas emissions. The problem comes when they are not used properly—for example, if bad wood is being used.

As previously outlined by my colleague Ms Le Couteur, some wood heaters are inefficient in design and never could be run properly. A few wood heaters emitting wood smoke by themselves may not be a problem. For Tuggeranong, however, it

appears that a number of people are using their wood heaters ineffectively, causing a build-up of fine particles in the air and resulting in a number of public health concerns for people with respiratory and cardiac associations. As has been said before, the Tuggeranong Valley is one of the three worst areas in Australia for this type of pollution. Obviously, this is because of how Tuggeranong is situated.

Separately from the issue of those constituents who have written to me about wood heaters, I have sought to consult with residents of the Tuggeranong Valley as I appreciate that there are a number of different views on this issue. For example, at stalls I have recently run I have provided questionnaires for people on the issue of wood heaters. The responses were varied. Some people had respiratory problems and suffered somewhat during winter; others did not notice it all. A lot of the respondents used gas or electric heating; very few people used wood heaters.

It has also been informative to read a number of letters that have been published in the *Chronicle*. Letter writers included the Australian Home Heating Association and a person suffering lung cancer. Proposed solutions ranged from better education campaigns to getting rid of wood heaters altogether. Interestingly, though, one view did not vary: whether there was an air quality problem. There was a fairly consistent view that air quality in the Tuggeranong Valley is problematic and needs to be improved. Therefore, recent statements by the government that air quality is improving and that little change needs to occur need to be explained.

In preparing for today's MPI, I found that the thing that was most disappointing to me was going back over the record and realising that we have not come very far on this issue over the last 10 years, mainly because there has not been a decent education campaign and resources to police the regulations.

In 2000 Kerrie Tucker moved changes to environmental protection legislation regarding firewood; but, because there was little policing of the law, problems remain. In 2004 the government introduced the wood heater replacement scheme, but the scheme has had little take-up; this may be because of limited awareness. Any change in strategy that the government adopts will need to include a strong educational campaign. It is disappointing that the minister responsible for the "don't burn tonight" campaign could provide little detail about this campaign when asked questions about it. Ms Burch raised a number of ways in which pollution issues can be addressed, but government should be taking a lead on promoting these.

I am encouraged to hear that there is action occurring at the national level. However, we need to look at areas such as Launceston, which has the same problems as Tuggeranong, where they have had a high take-up rate of their wood heater buyback and are now looking to phase out wood heaters. Looking at other successful programs is important, as is considering the cost of heating for low income families. But we cannot ignore the fact that health issues from wood smoke do occur and must be factored into any course of action we take on this issue.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): The discussion is now concluded.

Adjournment

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

That the Assembly do now adjourn.

Legislative Assembly—members' behaviour
Estimates 2009-2010—Select Committee

MRS DUNNE (Ginninderra) (4.07): I would like to take some time in the adjournment debate to contemplate, but not reflect on, some of the issues that have come before us in the week. We have seen some low points during this week, and I think the people of the ACT are not getting particularly good service, especially from the government. We saw the particular low point from the manager of government business when he moved dissent from the Speaker's ruling because the Speaker had ruled that he had made no ruling from which he could dissent. It was a foolish and ludicrous situation and a huge time waster.

It was interesting to note, of course, that the Chief Minister bemoaned that, because of the time wasting by the manager of government business, we did not get on to any executive business during all of Tuesday. There was so much executive business, of course, that despite the fact that all of Tuesday's business had been brought forward to today, we are going to adjourn before half past four.

The Chief Minister's low point, I think, was his endorsement of the behaviour of his minister who refused to answer the summons of the chairman of the estimates committee, and he went so far as to say that if the situation arose again he would encourage him to do it again. I thought that it was a pretty low point and showed a lack of collegiality for ACT Labor to fail to vote on the censure motion. They could not bring themselves to come downstairs and vote in support of their own colleague. That showed, as I said, a complete lack of collegiality, and it highlighted the real rift between the left and the far left in the Labor Party.

I thought it was unfortunate that the Greens' approach on Calvary hospital was that they should bring forward a motion that called for a survey on users' requirements as a substitute for consultation. I think it shows that the Greens have already made up their minds. In fact, Ms Bresnan said that they had already made up their minds about the sale of Calvary hospital, that they were in favour of public services being provided by public ownership and that that was the end of it. At the same time, there has been considerable discussion about extending consultation on the building of a road. Now, I am in favour of consultation, but I think we should have it the same all the way along. If it is important to have consultation on the building of a road, it is equally as important to have consultation on the possible sale of Calvary hospital.

But the absolute low point, I think, came up with the dissenting and additional comments on the appropriation bill from Ms Burch and her performance during the estimates in the times that I was there. I was not there all the time, but I did spend a long time in the estimates process and I have spent a very long time in estimates over

the past seven or eight years. Mr Gentleman had brought estimates performances by government backbenchers to a pretty low ebb, but I think they were exceeded this year. There were times when Ms Burch was actively seeking advice from government advisers in the gallery about which questions to ask. The highlight was always for me: "Minister, there's an initiative here. Would you like to tell me about it?" That was not questioning; it was the basis of an opportunity for a dorothy dixer.

I shall comment on some of the recommendations that Ms Burch made that probably will not be commented on during the appropriation debate next week. Recommendation 5 of her dissenting report is a recommendation that the Canberra Liberals be asked to explain the rationale behind their questions and explain how the answers will improve key outcomes for the ACT. I would say in response that through scrutiny we find out how the government will be spending taxpayers' money, and that includes questions on newspaper ads when the Chief Minister gets cranky.

Paragraph 8.4 of her report states:

> In contrast, in the face of these unprecedented economic times, the Government has been busy making tough decisions about the economy.

Well, Ms Burch, the only decision that this government made in this budget was not to make a decision about how to fix up the economy.

In relation to students with special needs, a very important issue, Ms Burch says:

> There was robust debate about the Opposition's desire to have the current Shaddock review extend to non-government schools.

She goes on three paragraphs later to say:

> This line of questioning by the Opposition was out of order and should not have been facilitated by the Chair.

Well, I am sorry, but since Ms Burch wrote this her factional colleague has done a spectacular backflip on this.

Neighbourhood Watch

MR DOSZPOT (Brindabella) (4.12): I was pleased to offer my support last week to a group of residents of Theodore who met to discuss the formation of a Neighbourhood Watch group in their suburb. The objective of Neighbourhood Watch is to prevent harm to person and property and assist the community to be aware of safety issues, working in partnership with police as they do the job of implementing law and order.

There was an extraordinary turnout at the Theodore meeting; close to 75 people came along to the Calwell Club last Sunday afternoon. The group included a mix of business owners, residents of the area and community groups. There was a guest panel at the meeting to answer myriad questions, including ACT Policing, safety house representatives, the President of Neighbourhood Watch ACT, Ursula Macdermott, and her colleague Margaret Pearson, the secretary, as well as the Tuggeranong Neighbourhood Watch convener, Nick Tsoulias. Theodore primary was represented

by principal Lyn Woodbury and members of the P&C who are keen to be part of the safety house initiative.

There was a good cross-section of the community. Family groups attended, including kids and teenagers, parents and grandparents, each group bringing with them an issue relating to the community, not always just criminal activity. Many at the meeting spoke of the need to galvanise the community and build community spirit. It was reiterated how important it is to get to know your neighbours. Milan from the Theodore 5 Star supermarket relayed the sorry tale of chronic criminal activity occurring in and around his shop. Milan raised his concerns about what he calls the revolving door of justice—criminals that are arrested for crimes are back at his shop the next week laughing at him and ready to rob, or assault or intimidate him again.

Some heartfelt stories were heard, including one man who was fed up to the back teeth with ongoing criminal activity and disrespectful attitudes of some people. Everyone at the meeting expressed their appreciation for the job that the ACT police do, but all were critical of the lack of action from the Stanhope-Gallagher Labor government, and there was no-one from the government there to refute these claims. While she was formally invited, Ms Burch chose not to attend the meeting. Minister Hargreaves was also missing in action, and there were a number of issues raised in terms of housing that sorely needed the attention of the minister. People were hoping that he would be there to address those issues. A Neighbourhood Watch committee was formed out of this group of concerned residents, which will be headed by Mr Russell Morrison. I understand that another meeting will take place at the Calwell Club next Saturday at 4 pm.

Neighbourhood Watch performs a vital role in our community, and I have been privileged to be involved in the inception of Calwell's Neighbourhood Watch committee. The Calwell Neighbourhood Watch committee, one year old this week, is comprised of local, dedicated volunteers and it meets regularly to discuss issues of concern to Calwell residents while working in partnerships with ACT Policing, business owners and residents. I have seen first hand how Neighbourhood Watch has the ability to galvanise a community, creating a community spirit that does not just revolve around criminal activity. I commend the residents for their initiative and encourage all other communities to do the same.

Bubble Day

MR COE (Ginninderra) (4.16): During May I attended some Bubble Day celebrations at a few schools in Belconnen. I was fortunate to be able to join students at Melba preschool, Weetangera primary school and the Cranleigh school. The month of May is Autism awareness month, and this year during the week of 18 to 22 May Autism Asperger ACT coordinated a number of activities to raise awareness and understanding of autism spectrum disorders. I was pleased to be able to attend the International Autism Day event hosted by Autism Asperger ACT at Canberra Stadium and sponsored by Canberra Stadium and All Leisure Hospitality. The event also featured awards for families, individuals and professionals.

This year was the first year that Bubble Day was held. It has been named Bubble Day because blowing bubbles is an activity that helps children with autism spectrum

disorders and other speech impediments. Autism Asperger ACT says that the benefits of blowing bubbles can include the improvement of oral motor skills, exercising and strengthening eye muscles by watching bubbles float away, attention skills, hand-eye coordination and relaxation. In addition to these benefits of blowing bubbles, Bubble Day has a special symbolism in that many sufferers of autism spectrum disorders feel like they are living in a bubble.

The aim of Bubble Day is to break out of this bubble and seeks to develop a better understanding in the community about ASDs and the specific needs of children with ASDs and the needs of families. It is also to help develop the social skills of those suffering from disorders. There are some simple things that children can do at school and in the community to help children with ASDs. For example, someone with a disorder, if they are distressed, might forget to ask for help. This day is all about telling students that if they are aware someone is suffering from a disorder and is in distress, they need to tell their teacher to ensure that that person can be looked after.

The schools I visited organised a range of activities to promote Bubble Day and awareness amongst their student body. Each of these schools had a unique approach to Bubble Day but with a common outcome—a better awareness and understanding about autism spectrum disorders. I enjoyed visiting Melba preschool and learning of the proactive ways staff are engaging with students. The students all benefit from the strong parent body and very committed staff. My visit to Weetangera primary school was very informative about the modern techniques used to teach all students about autism spectrum disorders. The school is a leader in building a positive and inclusive culture about the disorder. I found my visit to the Cranleigh school a pleasure, as the work that is undertaken there is an absolute inspiration. The dedication of the teachers, assistants, administrators, parents, friends and students is exceptional.

I would like to thank Robin Tobler, the convener of the fundraising subcommittee at Autism Asperger ACT, for coordinating my visits to the schools for these events. I was very touched by the hospitality I received at the schools. Thank you to all the teachers and school communities involved in this year's Bubble Day, and I look forward to many more bubble days to come.

Canberra BusinessPoint
Estimates 2009-2010—Select Committee

MS BURCH (Brindabella) (4.19): I have two matters I want to raise. Firstly, I want to share with people the Canberra BusinessPoint gala dinner and awards night that occurred last week. These awards are a fitting tribute to another successful year of Canberra BusinessPoint and an opportunity provided to the Canberra community. It is particularly encouraging to see that so many businesses have taken advantage of a range of services offered by the Canberra BusinessPoint team at Deloitte Growth Solutions. There was an overwhelming number of nominees and entries in this year's awards. There were awards across five categories.

I think it is fitting for Canberra business to be recognised so I would like to make note of the winners across five categories. The Wise Academy took out the business plan award, mHITs Ltd took out the innovation and commercialisation award, Virids E3

Pty Ltd took out the employee growth award, Lucy Media Pty Ltd took out the sales growth award and Formulate Information Design took out the emerging entrepreneur award. There was an overall winner. Canberra BusinessPoint enterprise of the year 2009 was won by Virids E3. That company specialises in cost-effective environmentally sustainable development and property consulting services. That is a very good news story for Canberra businesses, and their recognition, I think, should be hailed far and wide across Canberra.

I want to make a very quick response to Mrs Dunne—and I note that she comes in, makes comments and scurries away as quick as she is able—because she referred to my dissenting report. There seems to be a theme that I do not ask solid questions. It beggars belief that someone who asks questions around programs for rehabilitation and education of prisoners at AMC is not asking worthy questions. Again, the opposition have no stomach for it so they leave the room. I am glad they are listening upstairs, because they cannot hide forever in this building. I stand by my questions around rehabilitation and education at AMC.

I also stand by my comments about the behaviour of the opposition during some of the proceedings. Mrs Dunne went to special needs comments. It was a public hearing and members of the opposition were making inappropriate comments and references to other committees' work. Indeed, one of the fellows who has just walked out of this room felt that a committee of this Assembly may not have the expertise up to a standard to undertake an inquiry.

Mrs Dunne also made comments around Liberals' questions. The matter of green paint raised by Mr Coe may be important, but for the life of me I cannot understand why he needed that answer within five days. If he can explain that to me I will be very happy. Again, they said that the budget had no plan. Given that the opposition seemed to cite and refer to the research activities by local media, I again refer to *CityNews*—the heading, "Zed, the man with no new plan" and the comment, "Despite prolonged filibustering the answer was 'no'." He has no plan.

Estimates 2009-2010—Select Committee
Facebook website

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (4.23): I would like to draw to the Assembly's attention a missed opportunity after the antics of this week whereby a public servant—or Actew managing director, Mark Sullivan, I should say—wrote directly to a member of this place correcting comments that she had made. He not only wrote directly to her but also wrote and copied the letter to the Chief Minister and me, the Auditor-General, the Speaker and the Parliamentary Convenor of the Greens. The letter drew the attention of all of those people to comments that had been made in the Assembly which the managing director of Actew felt were not correct and he outlined his reasons for thinking that. He then went on to request that the member in question—in this case it was Mrs Dunne—actually clarify and correct the public record and that she do so at the earliest opportunity.

This letter was sent on 17 December and was copied to a number of individuals. There was a request in the letter to correct the public record. I note that the Assembly

did not convene a privileges committee to inquire into that matter at the time the letter was issued. Following the debates we have had today and the position the Assembly has taken on that matter, I think it is important to bring that to the Assembly's attention.

Another matter relates to the fraudulent Facebook site relating to me. In comments made in the last sitting, the Leader of the Opposition, Mr Seselja, said that the Liberal Party had made a number of inquiries but, given that this was an anonymous posting and the creator had deliberately hidden their identity, those inquiries had failed to uncover the origin of the site and with the information at hand the person responsible had not been identified. That was from Mr Seselja's statement to the Assembly. He went on to say that the staff of Liberal Party members had been spoken to regarding this issue. He had spoken to the President of the Liberal Party and asked for inquiries to take place, although it was not clear that there was any real inquiry held, because he was unable to table any information relating to that inquiry. But he then went on to say, "The inquiries have been made by the Liberal Party and we do not know who created this site."

Just further to this, I table a picture of a person that appears on the fraudulent Facebook site. It is a picture of an unidentified male. I do not know who this person is, but it appears as part of the profile pictures. It is the second of two photos. The other photo was the fraudulent picture of me. I guess I am offering a bit of assistance to Mr Seselja, as his inquiries have failed to uncover the origin of the site, that simply a couple of double-clicks on the fraudulent site would have uncovered this individual's photo.

He did not go to that in his speech to the Assembly—just to the extent that he did check the site and see all the material that was posted on that site as part of his investigation. I am sure he did and that, if he had done his investigation properly, he would have located this individual. I imagine it was quite an easy response for him. I am seeking confirmation from the Liberal Party, through the Leader of the Opposition, that this person is not known to Liberal MLAs or their staff or, indeed, that this person is not a member of the Liberal Party of the ACT. I look forward to Mr Seselja reopening his thorough investigation and providing me with advice on that matter.

Question resolved in the affirmative.

The Assembly adjourned at 4.28 pm until Tuesday, 23 June 2009, at 10 am.

Answers to questions

Courts—litigant guidelines (Question No 131)

Mrs Dunne asked the Attorney-General, upon notice, on 24 March 2009:

(1) How many reported breaches of the Model Litigant Guidelines were there for (a) 2004-05, (b) 2005-06, (c) 2006-07, (d) 2007-08 and (e) 2008-09 to date.

(2) What was the nature of those breaches outlined in part (1) and how were they dealt with.

(3) Were there any cases that resulted in disciplinary action; if so, what was the nature of the action taken.

(4) What processes are in place to ensure that government agencies, officials and other relevant persons and entities and Members of the Legislative Assembly are aware of their obligations under the Model Litigant Guidelines.

(5) What measures are in place to ensure that those outlined in part (4) comply with the guidelines.

(6) Who takes responsibility for the behaviour of those outlined in part (4) *vis-à-vis* the guidelines.

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

(1) The Territory adopted the Model Litigant Guidelines by a policy decision in 2004.

The Guidelines apply to all "civil claims and civil litigation" involving the Territory, including litigation before all courts and tribunals and alternative dispute resolution.

They are modeled on the Model Litigant Guidelines of the Commonwealth which were developed in respect of an outsourced model of legal services for government. Accordingly, while the primary responsibility for compliance rests with each agency, separate responsibility is placed on legal practitioners, whether public or private.

The Guidelines were written before the decision to centralise the provision of legal services.

Under the *Government Solicitor Act 1989*, and subsequent decisions by the Government particularly in 2006, the ACT Government Solicitor (ACTGS) has primary responsibility for all litigation on behalf of the Territory. The conduct of litigation (or any other legal service) may only now be outsourced with the agreement of the Chief Solicitor. All persons conducting litigation on behalf of the Territory within the Government Solicitor are ultimately responsible, through the Chief Solicitor, to the Attorney General for their actions.

I am unaware of any formal reports from ACTGS or my Department relating to a breach of the Guidelines for the period 2004-2006 before services were centralised through ACTGS.

For the period 2006-09, I have been briefed by ACTGS on less than five matters which have involved actual or possible complaints relating to a breach of the Guidelines.

(2) The complaints during the period 2006-09 generally reflected a person's dissatisfaction with the decision by the Territory to contest their claim rather than a specific concern in relation to the Guidelines. None of the complaints were found to disclose a breach of the Guidelines. Most reflected some misunderstanding of their purpose and effect.

Invariably such complaints have their source in the person feeling aggrieved as to the outcome of a matter and that it thereby must be because the Territory failed to act fairly – that is, to accept the claim made without question. The complaints can range from differing views by lawyers as to the procedure to be adopted in particular matters, to a fundamental misunderstanding as to the nature of model litigant obligations and the Territory's right to properly test allegations that are being made.

The model litigant guidelines expressly provide that:

4.1 The obligation does not prevent the Territory and its agencies from acting firmly and properly to protect their interests. It does not prevent the Territory and its agencies from taking all legitimate steps in pursuing Litigation, or from testing or defending claims made against them.

4.2 In particular, the obligation does not prevent the Territory and its agencies:

- enforcing costs orders or seeking to recover costs;
- relying on claims of legal professional privilege or other forms of privilege;
- pleading limitation periods;
- seeking security for costs;
- opposing unreasonable or oppressive claims or processes; or
- requiring opposing litigants to comply with procedural obligations.

What may be considered acting firmly and properly to protect the Territory's interests from one perspective may be seen by another as requiring the other party to prove a matter about which they have no doubt regarding the truth of that matter. Any complaint is drawn to the attention of the Chief Solicitor and in a small number of appropriate circumstances I am provided with a brief with an outline of the matter and the action taken or proposed.

(3) There have been no instances of disciplinary action for a breach of the Guidelines.

(4) No formal processes exist, but the centralisation of legal services through the ACTGS, and the common law duties attaching to the Crown, make this largely unnecessary.

The obligation of the Territory to act as a model litigant, is well established in the law. The Territory's obligation is independent of the adoption of model litigant guidelines; the guidelines only provide standards to aid compliance with an existing obligation recognised by the Courts. A comprehensive statement of the general obligation of the Crown to behave as a model litigant in all proceedings is found in the decision of the Full Federal Court in *Scott v Handley* [1999] FCA 404 and it has been the subject of subsequent judicial comment. The ACT Supreme Court commented favourably on the model litigant behaviour of the ACTGS, even before the model litigant guidelines were formally adopted, in *Harrison v Commissioner for Housing* [2003] ACTSC 22.

In addition, the management structure of the ACTGS is designed to promote compliance with these model litigant principles and to secure minimum standards of accountability.

The ACTGS comprises three operational Sections providing the administrative framework for addressing allocation of instructions, resourcing and personnel issues. The conduct of the operational sections and the several practice groups that are functionally aligned to the work undertaken by the ACTGS, is generally the responsibility of the two Deputy Chief Solicitors, who are responsible to the Chief Solicitor. The leader of each operational section has responsibility for the allocation of matters in accordance with practice groups and individual workloads. Practice groups are, in turn, headed by practice group leaders.

New instructions will broadly fall within practice groups and practice group leaders will either directly supervise individual solicitors to whom the matter has been allocated or coordinate supervision of these solicitors with other senior lawyers. Practice group leaders monitor their areas of practice for consistency of advice work and practice within the Office and for external developments in law and practice.

All new instructions are received by or referred to the Chief Solicitor. The Chief Solicitor, acting in consultation with Deputy Chief Solicitors, refers new instructions to section leaders for allocation to individual solicitors. The Chief Solicitor will for larger, more complex, matters consider the coordination of matter within two or more practice groups. All incoming hard copy correspondence is sighted by the Chief Solicitor and relevant Deputies and, in addition to addressing any other relevant issue, matters of sensitivity or suggestions that the ACTGS or its clients are not acting as model litigants are directly pursued with the lawyers concerned.

The use of practice groups is designed to increase the expertise of lawyers, ensure consistency of advice and share the practice management workload amongst the senior lawyers to enhance the operational outcomes within the ACTGS. The leaders of the practice groups have as one of their principal responsibilities acting as mentor and supervisor to staff working on matters within those areas.

Reporting lines for individual matters are, therefore, from acting solicitor to supervisor (usually practice group leader) to section manager and/or Deputy Chief Solicitor or Chief Solicitor. Solicitors are required under the internal performance recording systems of the ACTGS to record timeframes for completion of matters and to record compliments and criticisms. Criticisms are referred directly to the Chief Solicitor for appropriate response.

These internal measures have enhanced the ability of the ACTGS to assist its clients to act as model litigants by provided timely advice to clients; complying with court-imposed deadlines and acting consistently in the conduct of litigation.

(5) The processes, including measures to ensure compliance, are described in part (4) above.

(6) Consistently with the Guidelines, primary responsibility lies with the relevant agency. Given the centralisation of legal services, a key role is played by the Chief Solicitor. Ultimate accountability is with the Attorney General under the Government Solicitor Act.

Finance—unclaimed trust money (Question No 149)

Mr Smyth asked the Treasurer, upon notice, on 2 April 2009:

(1) What amount of unclaimed trust money was held by the Territory as at 1 January for each of the past ten years.

(2) If there was unclaimed trust money in any of these years, was a statement prepared of the status of the trust banking account for each year; if so, when was this statement prepared; if not, why not.

(3) If any such statements were prepared, were these statements published in a newspaper published in the ACT; if so, on what dates; if not, why not.

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

(1) The amount of moneys declared and remaining unclaimed as at 1 January for each of the past ten years in accordance with section 53A(2) of the *Financial Management Act 1996* is as follows:

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
$	$	$	$	$	$	$	$	$	$	$
46,978	79,372	82,440	82,440	82,440	82,440	82,440	116,859	109,485	109,485	109,485

cumulative balance as at 1 January each year

(2) In accordance with the requirements of section 53A(3) of the *Financial Management Act 1996* a statement was prepared in respect of those moneys declared unclaimed at the time they were declared unclaimed.

(3) In accordance with the requirements of section 53A(5) of the *Financial Management Act 1996* a statement was advertised in the Canberra Times in respect of those moneys declared unclaimed at the time they were declared unclaimed. April 1999, February 2000, February 2001 and February 2006.

Finance—general government sector (Question No 150)

Mr Smyth asked the Treasurer, upon notice, on 2 April 2009:

(1) What was the outcome of expenditure incurred in the General Government Sector, for the 2008-09 financial year, up to 28 February 2009.

(2) What was the outcome for revenue received in the General Government Sector, for the 2008-09 financial year, up to 28 February 2009.

(3) What was the estimated outcome of the expected long term capital gains on superannuation investments for the 2008-09 financial year, up to 28 February 2009.

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

(1) Total expenditure up to 28 February 2009 is $2,188 million.

(2) Total revenue up to 28 February 2009 is $2,164 million.

(3) The estimated outcome of the expected long term capital gains on superannuation investments for the 2008 09 financial year is $49.6 million, as published in 2008-09 Budget Mid Year Review. The February year to date expected long term capital gains on superannuation investments is $8.1 million.

Trees—seedlings (Question No 165)

Mr Seselja asked the Chief Minister, upon notice, on 2 April 2009 *(redirected to the Minister for Territory and Municipal Services)*:

(1) How many seedlings have been provided under the Refrigerated Transportation, Management and Cold Storage of Pine Seedlings contract.

(2) How many of these have been planted.

(3) How many are currently in storage.

(4) How much has been paid to date to Roadmaster Pty Ltd.

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

1. A total of 770,000 pine seedlings have been transported under the contract.

2. With the exception of one load of 48,200, seedlings all seedlings have been planted. The load of 48,200 seedlings was frozen in transport and a subsequent insurance claim resulted in reimbursement to the Territory.

   Seedlings have been planted within existing plantations to prevent weed incursion and responsibly maintain the quality of the plantation.

3. No seedlings are currently in storage.

4. A total of $59,000 was paid for services under this contract in the 2007/08 and 2008/09 financial years.

Legislative Assembly—parliamentary privilege (Question No 172)

Ms Le Couteur asked the Minister for Planning, upon notice, on 2 April 2009:

(1) What obligations is the Minister for Planning subject to under principles of natural justice to ensure that he does not tarnish an individual's reputation when speaking about them under parliamentary privilege, particularly if the Minister suggests the person may have broken the law.

(2) What precautions does the Minister for Planning take to ensure that the facts of a case are verified before answering questions in the Assembly in a way that identifies an individual, and could possibly tarnish the individual's reputation.

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

(1) As Minister for Planning I am subject to the same natural and parliamentary obligations which bind all Ministers. I am not aware of any suggestion of any breach of these principles. Any suggestion of any breach of these principles should be dealt with by a substantive motion of the Assembly.

(2) I take every appropriate precaution. I am not aware of any suggestion to the contrary. Any suggestion to the contrary should be dealt with by a substantive motion of the Assembly.

A more extended discussion of privilege in the ACT Legislative Assembly can be found in the *ACT Legislative Assembly Members' Guide* (in particular, section 3.6 Privilege) and in the *Australian Capital Territory (Self-Government) Act 1988* (in particular, section 24).

Other standard references include *House of Representatives Practice* (see Chapter 19 of the Fifth edition) and *Odgers' Australian Senate Practice* (see Chapter 2 of the 11th edition).

For further advice the Member may also wish to contact the Clerk (50191) or Deputy Clerk (50171).

Finance—City centre marketing and improvements levy (Question No 180)

Ms Le Couteur asked the Treasurer, upon notice, on 2 April 2009:

(1) How much money has been collected from the City Centre Marketing and Improvements Levy each year since the levy was established.

(2) Could the Treasurer please give a breakdown of how much money has been spent from the levy each year since the levy was established (a) in total (b) on the Braddon and Turner areas (c) on the City West area and (d) on the central/City East area.

(3) What projects has this money been spent on.

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

(1) The City Centre Marketing and Improvements Levy (CCMIL) was introduced in 2007-08.
- For 2007-08, $1,533,420 was collected.
- For the period 1 July 2008-31 March 2009, $1,851,404 was collected.

(2) During 2007-08, expenditure of $463,000 was incurred.
During 2008-09 (YTD) $2,498,600 of expenditure is expected to be incurred.

The CCMIL monies collected are appropriated to TAMS and granted to Canberra CBD Limited for the provision of services in accordance with a performance agreement. As such, the Government does not have direct control over, nor detailed information on particular projects. Information is not available, therefore, to allocate

expenditure against particular geographical locations as contracts entered into by Canberra CBD Limited such as for the provision of banners, flowers, and cleaning are city wide and not readily broken down by geographic precinct.

(3) The monies have been spent on the following projects:

- Events and Promotions (Floriade, Christmas in the City, 'Groovin in Garema')
- City Improvements (cleaning all private areas of the City, Murals to cover graffiti, Bin enclosures, Flowers, Banners and Decorations, West Row Park Landscaping)
- Newsletter to members
- Study undertaken of City stakeholders; and
- Business Development (Consultancy work – Sydney and Melbourne buildings).

Public service—positions (Question No 201)

Mr Seselja asked the Minister for Planning, upon notice, on 2 April 2009:

(1) How many people in your Department have been retrenched or made redundant from 1 July 2008 to 31 March 2009, and what was the reason for these retrenchments or redundancies.

(2) How many temporary employees in your Department have not had their contracts renewed from 1 July 2008 to 31 March 2009, and what was the reason for the failure to renew contracts.

(3) How many unfilled vacancies exist in your Department as at 31 March 2009, and how many positions does your Department intend to fill between 2 April 2009 and 30 June 2009.

(4) How many of these positions will be advertised internationally between 2 April 2009 and 30 June 2009, and what is the proposed expenditure for these advertisements.

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

(1) None

(2) During the period 1 July 2008 to 31 March 2009, six employees of the ACT Planning & Land Authority (ACTPLA) completed temporary contracts which were not renewed. Reasons for these non-renewals were:

Employee chose not to renew:	Three
Completion of the specific project to which the temporary contract applied:	Two
Restructure of the work area resulting in the temporary position being no longer required:	One

(3) Over several years ACTPLA has had difficulty in filling all of its positions with suitably qualified and experienced staff. Greater success with recruitment and

retention over the last 12 months resulted in the organisation achieving its full employment provision of 273 FTEs on 1 April 2009.

(4) None.

Actew—travel
(Question No 209)

Mrs Dunne asked the Treasurer, upon notice, on 5 May 2009:

(1) In relation to the answer to question on notice No 108 and the attached itinerary, given that the travelling ACTEW officer spent some six days of the almost two-week itinerary on non-ACTEW business, what proportion of the total costs for the trip was met from the officer's personal financial resources, including flights, accommodation, ground transport, meals and other out-of-pocket expenditure.

(2) If the officer outline in part (1) did not meet any costs from personal financial resources, why not.

(3) In relation to the first class travel (a) on which particular flights did the officer travel first class, (b) what was the duration of each flight, (c) why wasn't economy class travel used instead of first class and (d) why weren't other flight or airline alternatives considered.

(4) On what basis was a desalination plant in Monterrey, Mexico (noting it is located some 250 km inland from the Gulf of Mexico) selected for inspection over other plants elsewhere, including those in Australia.

(5) Did the travelling officer write and submit a report on the trip; if so, what were the major outcomes and/or recommendations; if not, why not.

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

(1) I am advised by ACTEW that the Member has incorrectly calculated the number of days the officer spent on ACTEW business and non-ACTEW business. The officer departed Australia on Friday 31 August 2007 and returned early morning on Friday 14 September 2007 making his total absence fourteen days. During this time, the officer travelled on five days (including to and from Australia and within the United States), there were two weekends (four days), four days on ACTEW business (two days at the desalination plant and two days at the water symposium) and three personal days. It should be noted that the officer travelled on one of his personal days and on one day on one of the weekends. These are included in the five travel days outlined above. All personal arrangements and expenses for the non business days were met by the officer.

(2) As above.

(3) ACTEW's travel policy is for officers to travel business class overseas. If business class travel is not available on internal overseas flights, officers may travel first class if it is available. In relation to internal flights in the United States, I am advised that there are only two classes of travel available, first class (equivalent to business class in Australia) and economy. The flights taken by the officer were considered appropriate

in order to meet commitments. The officer travelled first class on the following flights:

5 September 2007 Delta Airlines DL 926 Boise to Dallas departed 8.05am arrived 1.43pm

9 September 2007 American Airlines AA 1482 Dallas to Tampa departed 6.15pm arrived 9.30pm

12 September 2007 American Airlines AA 685 Tampa to Miama departed 1.30pm arrived 2.35pm

12 September 2007 American Airlines AA 267 Miami to Los Angeles departed 4.05pm arrived 6.35pm

(4) The officer was invited to visit the desalination plant in Monterrey Mexico by the owner and operator of the salt crystallisation facility. At that time, ACTEW, as part of its investigations and assessments of options for a water purification scheme, was considering plants that used processes for the treatment and disposal of salt. The Monterrey plant, which is inland, is only one of a few similar plants around the world.

(5) Yes. One of the findings of the visit was that the technology used at the Monterrey plant would be suitable for Canberra and that an inland city can operate and run a water purification plant of some significant size and dispose of the salt stream.

Public service—travel (Question No 211)

Mrs Dunne asked the Attorney-General, upon notice, on 5 May 2009:

In relation to the answer to question on notice No. 73 on the subject of the travel budget for the Department of Justice and Community Safety for 2007-08, specifically the schedule included with the answer to question 3 and in relation to each of the three overseas trips described as "Legal Matter" and costing $27 146.29, $3 309.51 and $123 345.63 respectively, (a) what was the subject of the "Legal Matter", (b) why was it necessary for officers of the department to travel overseas for the "Legal Matter" to be dealt with, (c) what was the itinerary for the trip, (d) what was its duration, (e) how many officers of the department were in the travel party, what were their classifications and what classes of travel did they take, (f) how many persons who were not officers of the department were in the travel party, (g) what costs were borne by the department for persons who were not officers of the department and (h) were those costs included in the costs given in the answer to question 3 of question on notice No. 73.

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

The $27,146.29 was paid for from the Territorial Expenses account and was for the Deputy Chief Solicitor (Litigation) and one junior counsel to attend and interview critical witnesses and conduct investigations in North America and elsewhere from 18 January 2008 to 1 February 2008 in relation to a matter. No further details can be released at this stage as to do so could jeopardise the ACT's position, as the investigation is on-going and litigation is anticipated to ensue.

The $123,345.63 was for travel taken on instructions from the ACT's reinsurer. These expenses were paid from the Territorial Expenses account and recovered under the ACT's insurance arrangements. Two solicitors from the ACT Government Solicitor along with one senior counsel and three junior counsels travelled to several locations in the United States to interview a number of expert witnesses critical to the ACT's case over a period from 3 March 2008 to 20 March 2008. A solicitor acting for the reinsurers also attended. No further details can be released at this stage as the matter is ongoing and to do so could jeopardise the ACT's position until the evidence of the experts is disclosed. The $123,345.63 was a mixture of economy and business class and the $27,146 was also economy and business class, dependent upon internal or international flights.

The $3,309.51 was for the Chief Solicitor to travel to Wellington, New Zealand to attend the annual meeting of the Crown Solicitors of Australia and New Zealand from 29 August 2007 to 1 September 2007, with the meeting taking place on 30 and 31 August. This was paid for from departmental funds. The class of travel for Chief solicitor's trip to NZ was business class.

Children—protection (Question No 212)

Mrs Dunne asked the Minister for Children and Young People, upon notice, on 5 May 2009:

(1) In relation to Output Class 2.1 – Child and Family Centre Program referred to on pages 33-9 of volume 1 of the 2007-08 annual report for the Department of Disability, Housing and Community Services, how many families in the ACT entered the Care and Protection system and were diverted to the Integrated Family Support Project (IFSP).

(2) Is IFSP systematically suggested to families who have received Differential Responses from Care and Protection; if so, what were the outcomes.

(3) Who are the members of the IFSP Management Committee.

(4) What improvements have been made to the IFSP as a result of the on-going evaluation work of the IFSP by the Institute of Child Protection Studies.

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

(1) The Integrated Family Support Project currently has fourteen families (thirty eight children) involved in the project. All families involved in the project have been reported to the statutory child protection system over the course of the children's lives and ten of the families currently involved in IFSP had a case worker with Care and Protection Services at the time of referral to the project.

(2) The Integrated Family Support Project (IFSP) has specific criteria for referral. If following assessment within the differential response, CPS identify that the family meets the criteria for IFSP, then a referral will be made.

(3) The Management Committee consists of members from across the ACT Government and community agencies. The committee members are:

- Ms Fiona MacGregor – Marymead
- Ms Sue Sheridan – Parentline
- Mr Chris Redmond – Woden Community Service
- Ms Dira Horne – Belconnen Community Service
- Ms Mary Pekin – Relationships Australia
- Ms Alison Taylor – Barnardos (Co-Chair)
- Ms Lyndall Read – Department of Education and Training
- Ms Yvonne McCann – ACT Health
- Ms Maria Kanellopoulos – Care and Protection Services - DHCS (Co-Chair)
- Ms Helen Pappas – Early Intervention and Prevention Unit - DHCS
- Ms Austin Kenny – Strategic Policy and Programs -DHCS
- Ms Narelle Rivers – Project coordinator
- Ms Denise Morris - Secretariat

(4) The Institute of Child Protection Studies has run two Progress Evaluation Workshops with the IFSP Management Committee and Selection Advisory Panel. These workshops were held on 30 June 2008 and 24 November 2008. Actions followed up by the IFSP as a result of these workshops include:

- Action research training;
- Increasing the qualitative feedback from families involved;
- An additional support and mentoring position created within the project;
- Use of a Common Assessment Tool across those participating; and
- Increased cohesion within the governance structure.

Children—protection (Question No 213)

Mrs Dunne asked the Minister for Children and Young People, upon notice, on 5 May 2009:

In relation to Output Class 2.2 – Child Youth and Family Support referred to on pages 39-42 of volume 1 of the 2007-08 annual report for the Department of Disability, Housing and Community Services, what is the status of development of the Standards Assessment Tool by Children's Policy and Regulation Unit.

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

(1) A Standards Assessment Tool has been developed and is currently in use by Children's Policy and Regulation Unit.

Children—protection (Question No 214)

Mrs Dunne asked the Minister for Children and Young People, upon notice, on 5 May 2009:

(1) In relation to Output Class 4.2 – Care and Protection Services (CPS) referred to on pages 68-71 of volume 1 of the 2007-08 annual report for the Department of

Disability, Housing and Community Services, during the functional realignment in October 2007, insofar as it related to CPS, were there any cuts to services or staffing numbers; if so, to what extent were these cuts.

(2) What changes did the realignment bring to staff workloads.

(3) What process is involved in providing a family with a differential response and what follow-up or further referral action is taken.

(4) What improvements have been made to the differential response approach as a result of the ongoing evaluation of the approach.

(5) What child protection management and process improvements were made as a result of the Demand Management Strategy.

(6) Is ACT Policing involved in the Common Assessment Framework; if not, why not.

(7) What was learned from the Common Assessment Framework pilot.

(8) Will the Common Assessment Framework become a permanent program.

(9) What is the status of the Out of Home Care Framework 2009-2012.

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

(1) There were no cuts to services or staffing during the functional realignment in October 2007. The realignment was a process of changing the structure of Care and Protection Services (CPS) to improve the continuity of a client's journey through the service. This was achieved by reducing four operational teams into three teams and bringing together policy and practice support under the new Practice Support Unit. This allowed for the consolidation of policy development, compliance monitoring and the establishment of practice leader positions to support operational staff.

(2) The realignment process required some staff to move teams/units however there was no substantive change to the workloads of individuals.

(3) When a report is made to CPS the decision to apply the differential response model is contingent on the level of risk and need assessed for the children/young people involved. When undertaking the assessment caseworkers will assess the safety and wellbeing of the children. If there are immediate concerns CPS staff may be required to take Emergency Action or seek a Voluntary Care Agreement to ensure the child or young person's safety.

The assessment and support response is undertaken by the Centralised Intake Service and involves contact with a range of agencies dependant on the needs of the children/young people and their family.

(4) CPS constantly evaluates its processes to refine and improve service delivery. Changes to improve the approach have been the development of two child protection workers in the Child and Family Centres linkages through the Integrated Family Support program and referral pathways directed to the non government agencies. CPS have also introduced an Initial Safety Visit policy and more efficient recording mechanisms to improve service delivery outcomes.

(5) In May 2007 the Demand Management Strategy (DMS) was implemented to provide detailed reporting on reports, appraisals and related activities and trends in CPS. Weekly reporting continues to occur demonstrating significant improvements in the management of demand and responses by CPS to child protection issues within acceptable parameters. Resources have been allocated to specifically manage the monitoring and reporting of service demand across CPS.

(6) The Common Assessment Framework pilot is an initiative being lead by the OCYFS. The pilot has involved the development and implementation of a common assessment tool that may be used by a range of agencies to gather information on the needs of children, young people and parents within a family. Following client consent this information is then able to be shared with all agencies working with the family reducing the need for families to re-tell their story and also provide consistent information to all involved. The initial pilot targeted government and non government agencies to control the sample size and to make necessary changes to the program before it was launched to all major providers of services to children young people and families. The AFP will be engaged as part of the ongoing roll out of the program especially in the referral process.

(7) The final stage of the pilot will include an evaluation process. This will provide valuable information on the implementation process and outcomes for clients. There has already been some valuable information and learning's gained during the pilot relating to training needs of professionals involved and also on the actual use of the tool.

(8) The Common Assessment Framework (plus supporting tools) is currently being considered for the suitability of implementation across all services in DHCS, working with children, young people and their families. The results of the pilot evaluation will provide further evidence as to the value of a broader implementation of the tool across the Department as well as other government and non-government agencies.

(9) Procurement for services required under the Out of Home Framework 2009 - 2012 is expected to commence by mid June 2009.

Children—services (Question No 215)

Mrs Dunne asked the Minister for Children and Young People, upon notice, on 5 May 2009:

(1) In relation to the work of the Public Advocate of the ACT in connection with monitoring the provision of services to children and young people as referred to in the Public Advocate of the ACT 2007-08 annual report on pages 32-8, what management and process improvements were made as a result of the monitoring activities of the Public Advocate.

(2) What improved outcomes were achieved for clients.

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

(1) The Office for Children, Youth and Family Support (OCYFS) actively engages the Public Advocate of the ACT (PA ACT) to assist with the improvement of its management and processes in providing services to children and young people.

Where a child or young person has complex issues and is deemed highly vulnerable the OCYFS liaises with the PA ACT with regard to case management processes and directions. Care and Protection Services (CPS) invites the PA ACT to participate in care teams and other professional case management meetings. This participation allows for the sharing of professional advice. Where a child or young person may be subject to guardianship orders after 18 years the PA ACT and CPS are able to facilitate a smoother transition in planning.

OCYFS provides information to the PA ACT about all allegations of abuse in care that proceed to appraisal, as defined under the section 507 of the *Children and Young People ACT 2008* (the Act). The PA ACT attends monthly reviews at which the child protection report and the appraisal outcome report are presented. This face-to-face meeting allows for the identification of both systemic and individual matters regarding children under the care of the Chief Executive. The process also allows CPS to meet its statutory responsibility of informing the PA ACT of the child protection matter.

Under section 879 of the Act, the PA ACT can seek *information, advice, guidance, documents, facilities or services* regarding matters pertaining to the care and protection of a child or young person known to CPS. This process enables the PA ACT to review case management decisions and seek clarification on matters regarding children and young people.

Under section 879 of the Act the PA ACT undertakes random file reviews to ensure a child centred focus, quality record keeping and compliance by agencies providing services to children and young people. Feedback from the PA ACT allows for CPS to ensure that it is meeting statutory and policy requirements in record keeping and case management processes with regard to children and young people.

The PA ACT undertakes visits to Bimberi (Youth Detention Centre) on a regular basis meeting with young people. The PA ACT liaises with management within OCYFS regarding individual and systemic issues arising. OCYFS management respond to the issues raised and work with the PA ACT to ensure that best interests principles are being facilitated regarding young people within Bimberi.

In addition, the PA ACT and CPS representatives meet on a scheduled fortnightly basis. This meeting identifies systemic issues regarding compliance matters and in particular focuses on quality matters. CPS has invited the PA ACT to collaborate on the development of quality standards for the writing of section 494 reports (Annual Review Reports).

(2) The following improved outcomes were achieved for children and young people:

- Current amendments in policy and procedural documents include systemic processes identified from discussions arising during meetings.
- Best interest principles regarding case management decisions and processes are highlighted by the audits undertaken by the PA ACT and remain a focus for CPS.
- Vulnerable children and young people receive considered and collaborative case management enabling complex matters to be addressed more effectively.
- Ongoing improvement in the quality of annual review reports written under section 494 of the Act. The review of quality processes has led to a joint project between CPS and PA ACT to develop standards for annual review documents

Kangaroos—culling
(Question No 216)

Mr Smyth asked the Minister for Territory and Municipal Services, upon notice, on 6 May 2009:

(1) When were kangaroo cullers first required to be accredited in the ACT.

(2) What changes to this accreditation system (a) have been made since it was first introduced and (b) were introduced in 2008.

(3) Are people who have been accredited to cull kangaroos required to seek re-accreditation after a fixed period.

(4) How many shooters have been accredited in each of the years in which the system has been in operation.

(5) When are accreditation tests conducted, who conducts them and how are they conducted.

(6) How many (a) police officers, (b) rangers and (c) members of the firearms registration office are involved in conducting accreditation.

(7) Are external consultants engaged to assist in conducting, or to conduct, accreditation tests; if so, what qualifications do these consultants have and what functions do they fulfil.

(8) Who is, or what agencies are, required to approve the issue of licences to shooters.

(9) What is the total cost, including overtime, of conducting each accreditation.

(10) Do all shooters who receive licences satisfy the accreditation requirements.

(11) Are shooters and leaseholders notified of the time and nature of each accreditation.

(12) Was each ACT rural lessee, who participated in the 2008 season, written to and advised of the need to ensure that their nominated shooters were re-accredited for the 2009-10 season.

(13) Were rural lessees who had not participated in the 2008 season contacted with advice about the arrangements for the 2009-10 culling season; if not, why not.

(14) Were rural lessees and shooters contacted individually about the arrangements for the 2009-10 culling season; if not, why not.

(15) Was information about the arrangements for the 2009-10 culling season provided through any relevant associations, such as the Rural Lessees Association, to rural lease holders.

(16) What action is taken after a person, such as a leaseholder who has obtained a shooting licence, has missed for whatever reason the accreditation for a particular year.

(17) Does the current accreditation system include an accuracy test.

(18) On what ranges or locations has accreditation, including accuracy tests, taken place.

(19) How often are these tests conducted.

(20) Are the targets of people seeking accreditation kept and made available for inspection.

(21) Does the ACT Government maintain a firearms registry of qualified shooters; if so, can this register be accessed by leaseholders who have culling permits who wish to utilise a licensed shooter; if not, why not.

(22) Is it necessary for licensed shooters to be sponsored by leaseholders to take the accreditation test; if so, what is the purpose of this requirement and has this always been the case.

(23) Is it possible for potential cullers to take (a) an accuracy test on the range of their own choice and have the targets witnessed by a Justice of the Peace and (b) a species recognition test at a Parks and Wildlife office or similar facility.

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

1. Accreditation for kangaroo culling commenced in the ACT in 1994/95.

2. (a) The changes made to the accreditation system since it was introduced are:
   - In 2005 shooter accreditation testing changed from every 5 years to 2 years as required by the ACT Firearms Registry;

   (b) In 2008 changes introduced were:
   - Only rural lessees who participated in the culling process the previous year and the secretary of the Rural Landholders Association (RLA) were provided with information associated with the proficiency test. The RLA may provide the information to rural lessees currently not involved in the cull process; and
   - Prior to 2008 proficiency tests were conducted during February/March, but conflicted with the cull season which runs from March to July. The proficiency test for the 2009 and 2010 seasons was conducted during September and November 2008 to ensure rural lessees had an up-to-date list of accredited shooters prior to the culling season. The proficiency testing was brought forward to ensure that shooters, nominated on licence applications for 2009 culling programs, would be formally accredited for the entire 2009 cull season rather than having nominated shooters whose licences may expire during the cull season if they did not successfully complete the shooter proficiency testing if otherwise held in February/March.

3. Yes. Lessees or their nominated shooters are required to undertake shooter accreditation testing every two years as required by the ACT Firearms Registry.

4. In accordance with PCL Records Disposal Schedule, licences to collect, keep, control or trade native plants and animals are destroyed seven years after the licence is issued. Details held by PCL are shown below for the years 2000-2009 only.
   - 2000 – (2000/05 season) 39 accredited shooters;
   - 2005 – (2005/06 season) 36;
   - 2007 – (2007/08 season) 32;
   - 2008 – (2009/10 season) 29.

5. Proficiency tests were previously conducted during February/March, but conflicted with the cull season which runs from March to July. The proficiency testing for the 2009 and 2010 seasons was conducted during September and November 2008. The accreditation was conducted by:
    - First Response Security (responsible for assessing shooter accuracy);
    - PCL (responsible for conducting a macropod identification test); and
    - the ACT Firearms Registry (provide licence checks and assist with weapons safety requirements).

6. Personnel involved in proficiency testing include:
    - two staff from the ACT Firearms Registry;
    - two members of Programs Coordination Section, PCL;
    - two members from First Response Security; and
    - the rural police may occasionally attend.

7. Yes. Two Firearms Instructors (Authorised by the Australian Federal Police) (AFP) were engaged as a Range Officer and Range Safety Officer to ensure compliance with range safety requirements and provide a recommendation as to the shooters competency and skills. At least one of these persons is required to hold a Certificate IV in Training and Assessment.

8. No licences are issued to shooters. Shooters who pass the proficiency test are issued with a 'Kangaroo Cull Permit' by the AFP. Landholders are issued a 'Licence to Cull Kangaroos on Rural Land' by PCL.

9. Approximately $6,440.

10. No licences are issued to shooters (see 8 above). All participants must fully meet the accreditation requirements in order to be issued with a Kangaroo Cull Permit.

11. Only rural lessees are provided information regarding the upcoming proficiency test. Rural lessees then nominate shooters. Once expressions of interest/nominations have been received, PCL contact nominees to inform them of the nature and time of the program. It is up to landholders to nominate to PCL either themselves and/or a shooter to attend the accreditation.

12. Yes.

13. Yes.

14. No. PCL sent information packs to rural lessees about the upcoming 2009 culling season. Shooters have never been sent information packs regarding upcoming culls.

15. Yes. An information pack was posted and emailed to the Rural Landholders Association.

16. If a person did not participate in the proficiency test then their 'Kangaroo Cull Permit' would lapse. The person is then removed from the list of Accredited Kangaroo Shooters.

17. Yes.

18. McIntosh Rifle Range, Majura Road.

19. Shooter proficiency testing is held every two years.

20. The targets used during accreditation are retained and provided to the AFP for reference.

21. Yes. PCL and the AFP hold a list of details including names, contact numbers and licence numbers of those who have successfully completed proficiency testing. These details are provided to all lessees with the cull application. Lessees can also obtain details by contacting staff within the Programs Coordination section of PCL.

22. Yes. This restriction was introduced at the request of the RLA to ensure that only shooters who will be utilised during the two culling seasons become accredited. This has not always been the case. At the first proficiency test conducted in 1994/95, any person with a current firearms licence could nominate. However, some successful applicants complained that rural lessees would not use them and rural lessees complained that shooters were continually contacting them.

23. No. Lessees are not provided the opportunity to undertake an accuracy test or macropod identification test other than that coordinated by PCL. It is a requirement of the proficiency testing process that the AFP Registrar of Firearms (or his representative) must be in attendance, along with AFP certified and qualified range officer and safety officer.

Education—languages (Question No 218)

Ms Hunter asked the Minister for Education and Training, upon notice, on 6 May 2009:

What action is being undertaken by the ACT Government to move the Languages Policy, and particularly languages education, from the Multicultural Strategy into a broader framework document such as the Canberra Plan, as suggested by the Minister in August 2008 at the multicultural languages forum.

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

(1) An internal ACT Department of Education and Training document entitled the *Languages Support Plan* is sometimes confused for a 'Languages Policy'. There is no 'Languages Policy'. The *Languages Support Plan* (the Plan) provides guidelines for language teachers to implement the 2007 ACT Curriculum Framework *Every chance to learn*. The Plan outlines initiatives and support provided to schools to ensure they meet the curriculum requirements for compulsory languages education in years 3 to 8 in public schools by the end of 2010.

The *Multicultural Strategy* has been developed by the Multicultural Affairs Department and focuses on language provision by the ACT Ethnic Schools Association for community languages not taught in ACT public schools. Languages education in ACT schools is unrelated to the *Multicultural Strategy* and was never part of this document.

The Member seems to be misinformed in regard to my comments in August 2008.
