



# Debates

WEEKLY HANSARD  
SEVENTH ASSEMBLY

Legislative Assembly for the ACT

15 OCTOBER 2009

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**Thursday, 15 October 2009**

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

### **Leave of absence**

Motion (by **Mrs Dunne**) agreed to:

That leave of absence be granted to Mr Hanson for this sitting due to ill health.

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

That leave of absence be granted to Mr Stanhope for this sitting due to a bereavement in the family.

### **Petition**

*The following petition was lodged for presentation, by **Ms Le Couteur**, from 40 residents:*

#### **Planning—Gungahlin**

##### **To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that: the Gungahlin residents below do not endorse the proposed Well Station Drive Extension road joining Horse Park Drive in its current form.

Your petitioners therefore request the Assembly to: consider minor changes to the proposed alignment of Well Station Drive where it adjoins the intersection with Horse Park Drive to reroute the road to the East side of the hill on vacant land, rather than between the existing houses and the hill.

*The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister, the petition was received.*

### **Payroll Tax Amendment Bill 2009**

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

Title read by Clerk.

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (10.02): I move:

That this bill be agreed to in principle.

Mr Speaker, the Payroll Tax Amendment Bill 2009 amends the Payroll Tax Act 1987 to change the current nexus provisions that determine where payroll tax is payable for wages paid to employees who provide services in more than one jurisdiction in a month.

The current nexus aligns with the location of an employee's bank account. For example, if an employee works in three states and territories in one month, then the payroll tax payable in relation to those wages is payable to the jurisdiction in which the employee's bank account is held. Given today's modern electronic banking practices that allow the centralising of banking operations, the existing nexus as a determinant of payroll tax liability is outdated and no longer appropriate.

As such, for those few employers who pay wages to employees who work in more than one jurisdiction in a month, the new nexus provisions contained in this bill will align with the employee's principal place of residence. As a secondary nexus, if the employee does not have a principal place of residence in Australia, the nexus will align with the employer's registered Australian business address.

To avoid disadvantaging the few taxpayers affected by the change in the nexus, the new arrangements have been in operation administratively in all jurisdictions since 1 July this year. All Australian states and territories have worked together to bring about this change as part of the ongoing payroll tax harmonisation regime.

The government is committed to continuing its involvement in national payroll tax harmonisation and the amendments contained in this bill are the next step in achieving that end result. I commend the Payroll Tax Amendment Bill to the Assembly.

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

## **Unlawful Gambling Bill 2009**

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

Title read by Clerk.

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (10.05): I move:

That this bill be agreed to in principle.

Mr Speaker, the Unlawful Gambling Bill 2009 will improve the control and regulation of gambling and illegal gambling in the territory. It will replace the existing Unlawful Games Act 1984 and two other outdated acts, the Games, Wagers and Betting Houses Act 1901 and the Gaming and Betting Act 1906. As such, it brings together for the first time unlawful gaming and unlawful betting provisions within the one act.

In simple terms the bill makes all gambling unlawful except to the extent that it is permitted under the bill or another gaming law. This provides an important safeguard

for the community by ensuring that a positive decision must be made in order for new gambling activities to be lawful in the ACT, rather than the legislature having to catch up with developments in the gambling industry.

This approach is consistent with achieving the government's gambling policy objectives, particularly in relation to minimising criminal or unethical behaviour and reducing the impact of problem gambling. It is also consistent with the legislative approach in other jurisdictions.

The provisions in this bill have been developed following a public review of the Unlawful Games Act 1984 by the ACT Gambling and Racing Commission. The commission identified that it was necessary to review the act as it has become outdated, does not address a number of current gaming issues and is unclear in some of its provisions. The commission's review focused on the ability of the legislation, in conjunction with the Games, Wagers and Betting Houses Act 1901 and the Gaming and Betting Act 1906, to achieve the government's gambling policy objectives.

The commission undertook a two-stage consultation process with the community, which focused on four key policy issues: how to define an unlawful game, whether public gaming tournaments such as poker—

*Opposition members interjecting—*

**MS GALLAGHER:** Mr Speaker, it is normal practice in this place for ministers to introduce bills without constant interjections.

**Mrs Dunne:** It depends whether they've got a conflict of interest or not.

**MS GALLAGHER:** Well, I can see we are going to continue the day as we have all week.

**MR SPEAKER:** Let us hear the minister in silence.

**MS GALLAGHER:** Three, whether private gaming should be lawful and, four, whether charitable gaming should be allowed for fund-raising purposes. After considering community and stakeholder submissions, the commission has prepared a final policy paper with recommendations for the new Unlawful Gambling Bill. This policy paper can be found on the commission's website.

The government has accepted all of the commission's recommendations in the drafting of this new bill. In relation to the definition of an unlawful game, the government agreed with the commission's recommendation that there should be an updated general definition in conjunction with modifying provisions.

This approach is needed because it is not possible for a general or fundamental description of an unlawful game to capture all of the games that are intended without inadvertently capturing some common non-gambling games. It also provides a mechanism for declaring games such as those designed specifically for betting to be consistently unlawful where otherwise they may only have been captured by the general description in some circumstances. This approach is common amongst

jurisdictions and provides certainty for operators, players and regulators in relation to particular games.

The commission's review also recommended that public gaming tournaments outside of the casino continue to be prohibited for both regulatory and social policy reasons. While poker tournaments are available in other states, concerns continue to be raised in other jurisdictions over gaming integrity issues, claimed increases in problem gambling and increased availability generally of gambling in the community as a result of these tournaments. The bill therefore provides for the continuation of the current prohibition on public gaming tournaments, such as poker tournaments, from being conducted outside of the casino.

I am aware that some members of the community consider poker tournaments in clubs and hotels as a harmless recreational activity. These people will be disappointed that while it is allowed in New South Wales, it will still not be lawful in the territory. This is an issue that the government has considered at some length, and the government agrees with the commission that the risks associated with introducing this form of gambling into the territory outweigh the possible benefits. A key consideration has been that introducing these tournaments into the ACT, even the lower risk no-fee, no-prize tournaments, has the potential to increase the level of problem gambling in the community, either directly or indirectly.

The government recognises that private gaming, such as playing a game of 21 at home with friends, is generally accepted within the community, and the bill now makes this sort of activity lawful. Under current legislation the playing of a game of cards for money in the privacy of your own home is actually illegal. The government considers that it would be naive to deny that private and social gaming is currently being undertaken in the community. It would also be unrealistic to assume that a stronger prohibition would prevent its occurrence in the future.

The government agreed with the commission that the best solution is to acknowledge the inevitable existence of private and social gaming, but have sufficient restrictions or requirements to ensure that commercial gambling is not operated under the guise of "private" gaming. This bill achieves this balance.

The bill also provides for charities to hold fundraising events involving approved games. The government is aware that this is already informally happening in the community without any oversight or controls. It is also noted that charitable gaming is permitted and regulated in a number of other jurisdictions.

The government agrees with the commission's recommendation that with appropriate restrictions this should be allowed to occur in the ACT. The bill will allow charities to apply for approval to conduct games for fundraising purposes. Charities will only be able to hold two events per year to ensure that these events do not become too frequent or a regular occurrence.

In addition, the bill prohibits charities from holding these events in an existing licensed gambling venue. This is to ensure that licensed gambling venues such as the clubs or the casino do not use charitable gaming as a mechanism to entice new customers into the venue for further gambling after the charitable event.



I have tabled an exposure draft of the regulation for the bill. The content of the draft regulation is important for understanding the complete operation of the legislative package, in particular the operation of charitable gaming. I draw to the Assembly's attention that the draft regulation provides that only play money can be used for charitable gaming and that charitable organisations will be required to keep records relating to fundraising events involving gaming.

While these are simple record-keeping requirements, they will allow the commission to check that charitable organisations are complying with their conditions of approval. In particular, it will enable the commission to audit whether some of the funds raised by these events are being used for charitable purposes as is required under the act.

The bill provides for the continued playing of two-up on Anzac Day and now allows any organisation, not just clubs as was previously the case, to raise money for a charitable purpose on Anzac Day through the playing of two-up. I commend the bill to the Assembly.

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

## **Duties Amendment Bill 2009 (No 2)**

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

Title read by Clerk.

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (10.12): I move:

That this bill be agreed to in principle.

The Duties Amendment Bill 2009 (No 2) makes four amendments to the Duties Act 1999. Firstly, it makes amendments to repeal the sections of the act that relate to the duty liability of territory entities. Secondly, it makes amendments to allow transfers of dutiable property to be cancelled, terminated or abandoned. Thirdly, it inserts provisions that will allow financial agreements for de facto relationships to be recognised under the act. This is in line with the changes made to the Family Law Act. The final amendment removes some of the terminology used in the act in relation to an application to register a motor vehicle.

The first of the amendments made by the bill repeals the provisions of the Duties Act that relate to the liability for duty by territory entities. These provisions are no longer necessary in the act, as the liability for territory entities subject to taxes and charges comes under the Taxation (Government Business Enterprises) Act 2003.

The second amendment is in relation to the provision in the Duties Act that allows for agreements to be rescinded. When an agreement is rescinded, the agreement is set aside and the parties are restored to their pre-contractual position. There are circumstances where the parties are unable to rescind: for example, one of the parties

is unable to be contacted; therefore a rescission is not appropriate and the agreement is subsequently cancelled. This amendment would provide equitable treatment for those who are not able to rescind their transfers and will allow for transfers of dutiable property to be cancelled, terminated or abandoned. Taxpayers will be required to submit documentation to the ACT Revenue Office so that their transfer documents can be cancelled.

The third of the amendments put forward by the bill amends the provisions in the Duties Act that relate to financial agreements. The amendments extend the current exemption for the transfer of dutiable property under the Domestic Relationships Act 1994. The act will now include financial agreements for parties to a de facto relationship that are made under the Family Law Act. The amendments to the Family Law Act offer de facto couples access to the family law system for the determination of their financial matters arising from a relationship breakdown.

The final amendment made by this bill revises some of the terminology in the motor vehicle provisions in order to clarify the intention of the legislation. The provision also includes a list of vehicles that will pay duty at the lower rate. A regulation-making power has been included in this provision to allow the government to address any unforeseen circumstances that may arise. Amending this provision removes the uncertainty for taxpayers and those administering the legislation. I commend the Duties Amendment Bill 2009 (No 2) to the Assembly.

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

## **Smoking (Prohibition in Enclosed Public Places) Amendment Bill 2009**

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

Title read by Clerk.

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (10.16): I move:

That this bill be agreed to in principle.

I am delighted to present today the Smoking (Prohibition in Enclosed Public Places) Amendment Bill 2009. This bill will introduce restrictions on smoking in outdoor eating and drinking areas and at underage functions. The ACT will join Queensland and Tasmania in banning smoking in outdoor dining and drinking areas and Victoria in banning smoking at underage functions.

The Smoking (Prohibition in Enclosed Public Places) Act 2003 is proposed to be renamed the Smoke-Free Public Places Act 2003 to reflect its expanded purpose. Members may recall the first smoke-free legislation, passed in this place in 1994. The Smoke-free Areas (Enclosed Public Places) Act 1994 was introduced by Wayne Berry during the Second Assembly. In 2003, the Assembly strengthened the ACT's

smoke-free legislation by passing the Smoking (Prohibition in Enclosed Public Places) Act 2003.

Now, in this Eighth Assembly, the ACT will take the next important step and restrict smoking in outdoor eating and drinking areas and at underage functions. Members of our community deserve this legislation and many have written to me and other members of the government asking when smoking would be banned at outside tables for restaurants and cafes. It is not just about the unpleasantness of smoke drifting across from smokers; it is the concern about the health effects from being exposed to smoke. There is more than enough evidence that environmental tobacco smoke is harmful to the community.

In developing this bill, the ACT investigated the approaches of Queensland and Tasmania. It was decided that the Queensland approach offered a good model for the ACT to follow. Queensland banned smoking in outdoor eating or drinking places on 1 July 2006. As part of their legislation, Queensland allowed clubs and pubs to make a business decision to designate up to 50 per cent of their outdoor area for smoking.

The ACT is adopting Queensland's approach with one supplement. A licensed premise that has an outdoor area that is off a gaming area is excluded from the calculation, but smoking may occur in the area. The government has been advised that these areas serve only as break-out areas for gambling smokers and not any other patrons. To ensure this exception is not taken advantage of, only those areas that are in existence or immediately being proposed to be created on 1 November 2009 may use this exception.

Licensees will be expected to actively manage designated outdoor smoking areas. The bill requires licensees to develop smoking management plans which are required to detail how exposure to smoke will be minimised, the training to staff and managing the prohibition on food and drink service to a designated outdoor smoking area.

I would encourage licensees to involve their staff in the development of the smoking management plan. Consulting with staff will mean that everyone is involved and aware of the responsibility to manage smoking.

In addition, licensees will be required to ensure that no persons under 18 years of age are in the designated outdoor smoking area. The government is concerned to ensure that children are not exposed to smoke, even in an outdoor area. There is no reason for children to be in a designated outdoor smoking area because food or drink service will not be allowed.

The bill does contain strict liability offences. The offences where strict liability has been included are identified in the bill and the explanatory statement. Strict liability has been employed in the bill to ensure the integrity of the regulatory scheme, particularly one that relates to such an important public health issue. Information will be produced by ACT Health to inform the community about the new smoking restrictions.

The ban on smoking at underage functions will reinforce the no smoking message to our young people. While functions at our schools are smoke free, other underage

functions may not be. This bill places an obligation on organisers of functions which are predominantly organised for the territory's children and young people to be completely smoke free.

The government acknowledges that the legislation may have an impact on the hospitality industry. It is proposed, therefore, to commence the restrictions on 1 December 2010, which is the fourth anniversary of the commencement of the ban on smoking in enclosed public places. If, however, the bill does not pass until after 1 December 2009, the government will delay commencement of the restrictions for exactly 12 months following passage of the bill. Twelve months should be sufficient time for the industry to prepare itself.

The Australian Bureau of Statistics recently announced that there was a lower proportion of people in the ACT who were current daily smokers—15.8 per cent compared to the total Australia rate of 18.3 per cent. When compared to 16.4 per cent in previous surveys, this shows that tobacco control measures are having an impact on smoking rates in the ACT, and it is hoped that this bill will assist to lower that rate further. I commend the bill to the Assembly.

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

## **Statute Law 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) (10.22): I move:

That this bill be agreed to in principle.

The Statute Law Amendment Bill 2009 (No 2) makes statute law revision amendments to ACT legislation under guidelines for the technical amendments program approved by the government. This program provides for amendments that are minor or technical, and non-controversial. They are generally insufficiently important to justify the presentation of separate legislation in each case and may be inappropriate to make as editorial amendments in the process of republishing legislation under the Legislation Act 2001. The program is implemented by presenting a statute law amendment bill such as this one in each sitting of the Assembly and including further technical amendments in other amending legislation where appropriate.

Statute law amendment bills serve the important purpose of improving the overall quality of the ACT statute book so that our laws are kept up to date and are easier to find, read and understand. A well-maintained statute book greatly enhances access to ACT legislation and is a very practical measure to give effect to the principle that members of the community have a right to know the laws that affect them.

Statute law amendment bills also provide an important and useful mode for continually modernising the statute book. For example, laws need to be kept up to date to reflect ongoing technological and societal change. Also, as the ACT statute book has been created from various jurisdictional sources over a long period, it reflects the various drafting practices, language usage, printing formats and styles throughout the years. It is important to maintain a minimum, consistent standard in presentation and cohesion between legislation coming from different sources at different times so that better access to, and understanding of, the law is achieved.

This statute law amendment bill deals with four kinds of matters. Schedule 1 provides for minor, non-controversial amendments proposed by a government agency. Schedule 2 contains amendments of the Legislation Act 2001 proposed by the Parliamentary Counsel to ensure that the overall structure of the statute book is cohesive and consistent and is developed to reflect best practice. Schedule 3 contains technical amendments proposed by the Parliamentary Counsel to correct minor typographical or clerical errors, improve language, omit redundant provisions, include explanatory notes or otherwise update or improve the form of legislation. Schedule 4 contains repeals of obsolete or unnecessary legislation proposed by government agencies or the Parliamentary Counsel.

Mr Speaker, the bill contains a large number of minor amendments with detailed explanatory notes; so I will not go through them now. However, I will draw to the attention of members a number of matters. Schedule 1 contains amendments of a number of acts and regulations, including the ACT Civil and Administrative Tribunal (Transitional Provisions) Regulation 2009, the Casino Control Act 2006, the Children and Young People Act 2008, the Gaming Machine Act 2004 and its corresponding regulation, the Medicines, Poisons and Therapeutic Goods Act 2008 and the Public Sector Management Act 1994.

The Casino Control Act 2006 makes a series of minor amendments to the act, sections 75, 76, 100, 105 and 110. Section 75 is amended so that control procedures for the operation of the casino must include details about the level of supervision that is appropriate and reasonable for a casino employee. It also provides that the requirement to include job descriptions apply in relation to licensed staff only, that is, casino employees.

Section 76 inserts a new paragraph to give the commission the option of taking time additional to the one week presently allowed, to consider changes proposed by the casino licensee to the control procedures before the changes are automatically approved under subsection 76(6).

Section 100 has been recast to make it clear that games in the casino must be conducted in accordance with approved rules. Section 105 has been amended to stop casino employees from accepting gratuities for any service provided at the casino and section 110 has been amended to permit casino patrons to use EFTPOS debit facilities to pay for food and drinks only. Importantly, Mr Speaker, the casino operator continues to be prohibited from providing cash advances from EFTPOS facilities.

The Children and Young People Act 2008, section 863, enables the chief executive to declare a care team for a child or young person, comprising team members from

various care areas, including health professionals, family support workers and education providers. Subsection 863(2) is amended to provide that a care team for a child or young person can include someone who is responsible for coordinating or delivering a service or care to the child or young person, or his or her family members, in relation to the administration of a sentence or order under another territory law, such as the Crimes (Sentence Administration) Act 2005 or the Mental Health (Treatment and Care) Act 1994.

The Gaming Machine Act 2004, section 158, provides for the auditing of a licensee's accounts in relation to the operation of gaming machines. Section 158 is amended by removing the requirement for smaller licensees who have an annual gaming machine revenue of less than \$200,000 to have their gaming machine accounts audited. They will, however, still be required to provide the commission with certified income and expenditure statements for the financial year. The amendment also requires club membership information to be presented by class in the membership report if different classes of members exist.

Mr Speaker, a number of amendments have been made to the Gaming Machine Regulation 2004 to enhance the transparency of the voting process, including inserting new sections 22A and 22B. Section 22A provides for someone other than the secretary to exercise functions under sections 21 and 22, such as the vote counting function. Section 22B gives the commission a supervisory role in ensuring that the functions are exercised properly. An amendment to section 20 allows the club to recommend how members vote.

There are two minor amendments of the Medicines, Poisons and Therapeutic Goods Act 2008. Section 88(1) sets out the form that a licence to deal with a regulated substance or regulated therapeutic good must take. The first amendment makes it explicit that this licence must be in writing.

The second amendment of the act amends section 93, which deals with the requirement of a licence-holder to tell the Chief Health Officer about a change to anything stated in a licence to deal with a regulated substance or regulated therapeutic good or an application to amend the licence. The amendment substitutes a new section heading, to better reflect the operation of the section, and adds new section 93(1)(b).

The new paragraph requires a licence holder to tell the Chief Health Officer about any change to a material particular in the application for the licence that might affect the basis on which it was issued—for example, a change in the nominated individual for the supervision of dealings with regulated substances under the licence or to the security arrangements for the licensed premises.

The Public Sector Management Act 1994, section 56(1), is amended by replacing a reference to the approval of classifications under management standards with a reference to industrial agreements. This reflects the fact that classifications are now set out in industrial agreements. The dictionary definition of non-appealable promotion has also been updated for similar reasons.

Mr Speaker, schedule 1 also contains amendments to formalise certain provisions that were made under modification powers earlier in the year and which are due to expire

on 2 February 2010. The ACT Civil and Administrative Tribunal (Transitional Provisions) Regulation 2009—the ACAT(TP) Regulation—is amended by omitting modified sections 301B and 301C and the amendment is consequential on other amendments in the bill that substantively incorporate the modifications into the Construction Occupations (Licensing) Act 2004 and the Construction Occupations (Licensing) Regulation 2004 to the same effect.

Mr Speaker, schedule 2 of the bill provides for non-controversial structural amendments of the Legislation Act 2001 initiated by the Office of Parliamentary Counsel. Structural issues are particularly concerned with making the statute book more coherent and concise, and therefore more accessible. Strategies to achieve these objectives include avoiding unnecessary duplication and achieving the maximum degree of standardisation of legislative provisions consistent with policy requirements and operational needs.

This bill amends the Legislation Act by adding two new definitions to the dictionary: part 1 and amending an existing definition. A new definition of bankrupt or personally insolvent establishes a single term to cover the range of circumstances by which an individual may be considered bankrupt or insolvent under the commonwealth Bankruptcy Act 1966. A new definition of home address, a commonly used term, has also been inserted to simplify the statute book and avoid the unnecessary duplication of the term throughout various acts and statutory instruments.

Mr Speaker, a combined total of up to 80 acts and regulations have been amended in schedule 3 as a consequence of the addition of these two new definitions. This is a good example of the sweeping effect of structural changes to the Legislation Act that impact across the statute book, making substantial improvements to the ease of reading and understanding of our laws.

Another significant and practical change is the amendment of the current definition of gazette to include an internet site approved by the Commissioner for Public Administration so that employment notices and related material usually notified or published in the gazette under the Public Sector Management Act 1994 can be published on the internet—again, Mr Speaker, an example of the law keeping up with technology.

Schedule 3 includes amendments of acts and regulations that have been reviewed as part of the ongoing program of updating and improving the language and form of legislation. These amendments are explained in the explanatory notes and are routine and technical matters.

Schedule 4 repeals two redundant acts. The Financial Relations Agreement Act 2000—the FRA act—gave effect to the 1999 intergovernmental agreement (IGA) on the reform of commonwealth-state financial relations. Under the 1999 IGA, the territory was required to implement the agreement by legislation and the agreement was set out in the FRA act, schedule 1. Obligations under the 1999 IGA have been met and it has been superseded by the 2008 intergovernmental agreement on federal financial relations that does not require legislation to give it effect. As the purpose of the FRA act was to provide a vehicle for the 1999 IGA, the act is now obsolete and may be repealed.

The Murray-Darling Basin Agreement Act 2007—the MDBA act—implemented an interstate agreement, the Murray-Darling Basin agreement, about the water, land and other environmental resources of the Murray-Darling Basin. This agreement has been superseded by a revised agreement that was the result of the intergovernmental agreement on Murray-Darling Basin reform signed at the July 2008 Council of Australian Governments’ meeting. The revised agreement establishes the Murray-Darling Basin Authority, a commonwealth agency, and was signed by the Chief Minister in September 2008. The text of the revised agreement is in the commonwealth Water Act 2007, schedule 1. The MDBA act is therefore no longer needed and may be repealed.

Mr Speaker, in addition to the explanatory notes in the bill, the Parliamentary Counsel is also available to provide any further explanation or information that members would seek about any of the amendments made by the bill. The bill, while minor and technical in nature, is another important building block in the development of a modern and accessible ACT statute book that is indeed at the leading edge in Australia. I commend the bill to the Assembly.

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

## **Legal Profession 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) (10.36): I move:

That this bill be agreed to in principle.

Today I am pleased to introduce the Legal Profession Amendment Bill 2009. This bill contains a number of simple amendments to the Legal Profession Act 2006. The act is the culmination of several years of hard work and cooperation across all jurisdictions. However, it is inevitable that, from time to time, this legislation will require amendment.

This bill proposes amendments to enable the effective operation of the provisions contained in part 6.3 of the act, relating to entry and search of premises for the purposes of investigating law practices. The bill will also ensure that law practices are entitled to compensation only for the unlawful or unreasonable actions of investigators.

It is important to make the observation that this bill changes a number of provisions in a way that will, to a degree, set them apart from what we regard as “standard” provisions for the appointment and conduct of investigators. That is because the regulatory environment, in this case, is not entirely compatible with those standard provisions.



Under division 3.1.3 of the act, the Law Society may appoint an investigator to investigate the affairs of a law practice. This appointment may authorise the investigator to investigate a particular allegation or matter, or allow for the investigation of trust accounts on a general or regular basis. The main purposes of an investigation are to examine whether the law practice has complied with, or is complying with, the requirements of the act, and to detect and prevent fraud or embezzlement.

However, the standard entry and search provisions in part 6.3 of the act normally operate in legislation empowering public servants, or their agents, to enter premises and take certain action in relation to the affairs of a private business. The conduct of investigators in those circumstances is more easily directed and controlled, and the territory is generally liable for any compensation for loss or damage. The entry and search provisions in their “standard” form certainly do not seem appropriate to the circumstances of a non-government regulator overseeing the activities of its own members. Under the current provisions, once the regulator has authorised the entry of premises, it has no control over the conduct of the investigator, provided that the investigator complies with the act.

The current investigative powers in division 6.3.2 of the act may expose a licensing body to significant liability for compensation, and the lack of control of investigators therefore causes concern in two areas. Firstly, the regulator is unable to expressly and specifically direct the activities of investigators. They may not exercise appropriate care and skill, and may cause unnecessary damage or loss to legal practices. Secondly, whether or not an investigator complies with the act, or follows a licensing body’s instruction, a person may currently claim compensation for any loss or damage. Under the act, compensation is to be paid by the Law Society, or the Bar Association, depending on whether a solicitor or barrister is being investigated. As a result, there is potential for significant withdrawals from the society’s statutory interest account, which is used to assist the funding of a number of significant legal service initiatives, including Legal Aid ACT and community legal service.

This bill, therefore, will ensure that, while the entry and search provisions are retained as a useful regulatory tool, they are to be amended to be more appropriate for exercise by a non-government regulator. The amendments will ensure that a regulator is able to properly control the conduct of its investigators, and that the regulator’s funds are not unduly exposed to claims for compensation.

This bill adopts provisions based on those in the Queensland Legal Profession Act, which ensures that a private regulator can require its investigators to act strictly in accordance with its directions. While the Queensland act provides for a useful model of drafting, we note that it deals with the question of compensation slightly differently, in that it limits compensation to the law practice’s costs of compliance with the requirements of an investigator.

The Law Society, having initially raised this issue with me, has been extensively consulted on the proposed changes. The Bar Association has also been consulted. I am confident that this bill will protect the Law Society and Bar Association from exposure to a broad risk of claims for the compensation, of their own members, in

relation to the function of ensuring that standards and compliance are properly delivered to the ACT community.

Exposing the regulators to claims for compensation, for the kind of losses or expenses that would also be expected in relation to the conduct of a regular audit, is inappropriate in this regulatory environment and cannot, in fact, be sustained by the finances of the legal practice regulators. A law practice should be entitled to compensation for losses or expenses arising only from an unlawful or unreasonable action by an investigator. 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 3)**

**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) (10.43): I move:

That this bill be agreed to in principle.

The Justice and Community Safety Legislation Amendment Bill 2009 (No 3) is the 22nd bill in a series of legislation that concerns the Justice and Community Safety portfolio. The bill I am introducing today contains amendments that will improve the quality of the statute book. These amendments would not introduce policy changes. Instead, these amendments draw on the government's experience to ensure that the territory's legislation continues to meet its original policy goals.

The bill contains amendments that can best be described in three general categories. First, there are amendments to improve the administration of the law, based on recommendations from within government agencies. Second, there are amendments to update legislation in response to changing circumstances. Third, there are amendments to clarify the law, so that the intent of the law is beyond dispute.

First, I will discuss those amendments that would improve the administration of the territory's laws. These amendments have been recommended by the agencies responsible for each affected piece of legislation. First-hand experience in administering the law naturally gives rise to recommendations for improvement.

The ACT Civil and Administrative Tribunal Act amendments come from the tribunal's experience in hearing cases. Since the tribunal became operational in February this year, members and staff have developed ideas to improve the general operation of the new tribunal. These amendments draw from their recommendations to, among other things, improve and clarify the procedure for appealing a tribunal matter to the Supreme Court, and provide guidance on when to join additional parties

to a proceeding, to help prevent tribunal matters from becoming too complicated with new claims and new parties. These changes will help the tribunal to manage its proceedings and deliver timely and effective services to the community.

The Guardianship and Management of Property Act 1991 is amended by this bill to give the ACT Civil and Administrative Tribunal a power that was previously exercised by the Guardianship Tribunal. This amendment revives the specific power to demand documents and information by written notice. This change will remove any doubt that the ACAT retains all the powers of the Guardianship Tribunal.

The Agents Act 2003 regulates real estate agents and other licensed professionals in the territory. Under the act, real estate agents are required to keep trust accounts, to protect client funds. The Office of Regulatory Services suggested an amendment to account for those agents who only teach other agents, or are between jobs with a real estate company. These agents do not receive any client money, so the requirement to keep a trust account means that there are sometimes empty trust accounts kept only for licensing purposes. This bill would allow the commissioner for fair trading to create an exemption for an agent in these circumstances. The ease of complying with the law would be improved, and consumer protection would not be diminished in any way.

This bill also improves the regulation of firearms in the territory, by including a transitional provision from the Firearms Regulation 2008 into the Firearms Act 1996. This transitional provision was always intended to be included in the act. The provision regulates the use of certain prohibited firearms in target shooting competitions. By including this provision in the Firearms Act, the existing rules regarding these firearms will be made permanent.

I will now discuss the second category of amendments in this bill. Because of changes in other laws and in the administration of the government, regular updates are necessary. The next set of amendments I will present updates each affected piece of legislation in response to changed circumstances. These amendments demonstrate the government's awareness of change, and the government's responsiveness to the most current needs of the community.

The Consumer Credit Act 1995 amendments are an example of the way the government uses the JACS bill process to respond to changing conditions. The commonwealth is currently working with the states and territories to develop a national consumer credit law. How this new law will cover interest rate caps has not yet been decided.

The ACT's current law protects consumers by setting an interest rate cap for credit contracts. The ACT Consumer Credit Act 1995, however, will be replaced by the forthcoming commonwealth legislation. This bill contains amendments that would preserve the ACT's interest rate cap of 48 per cent per year. The rate cap protects vulnerable consumers from predatory lending practices. The rate cap will be preserved by transferring these provisions to the Fair Trading Act 1992, so that changes to the consumer credit law will not affect the ACT's interest rate caps. The regulations under each act will also be amended to achieve this end.

The bill also updates references in the Residential Tenancies Act 1997 and the Crimes (Sentencing) Act 2005. Some of the sections of the Residential Tenancies Act were renumbered when the ACT Civil and Administrative Tribunal took over the duties of the former Residential Tenancies Tribunal. This bill will update the Residential Tenancies Act to reflect the new numbering.

Similarly, the bill would update a reference in the Crimes (Sentencing) Act to reflect a change in the threshold for indictable offences. Victims of crime were given the right, under the sentencing act, to make an impact statement for indictable offences. At the time the act was drafted, that meant any crime which could be punished by one year or more in prison. Recently, the threshold for when an offence is indictable changed to include crimes that warrant two years or more. This amendment will preserve the right of victims to give a statement in criminal cases. Now, the legislation will refer to crimes that may be punished by one year or more, so that all the crimes that were originally included in the sentencing act remain subject to the victim impact statement requirements.

I will now turn briefly to the third and last broad category of amendments in this bill. In addition to improving and updating the statute book, the JACS bill is also used to clarify the territory's laws in response to questions that have arisen. These clarifications are necessary to preserve the original intent of the territory's laws where there is some doubt as to what each law requires.

An example of the clarifying purpose of this bill is the amendment to the Court Procedures Act 2004. This amendment would clarify that everyone entering the courts may be required to pass through security screening. The courts already have this power both through the inherent powers of the courts and through the Court Procedures Act. The amendment will clarify the statutory power provided by the Court Procedures Act, in order to avoid any dispute or confusion as to the power to require screenings at the courts.

The one amendment to the Door-to-Door Trading Act 1991 clarifies the act by removing a duplicate rule. The same requirement to provide a copy of a contract to a consumer had been in two different sections. With the amendment, only one section will contain this requirement.

The bill would also clarify the Independent Competition and Regulatory Commission Act 1997. The amendment to this act makes it clear that only one commissioner is necessary to constitute a valid commission. Additional commissioners could still be able to be appointed as a discretionary matter, as is the government's current policy.

Finally, a very basic change to clarify the powers of the Supreme Court is in this bill. Section 36 of the Supreme Court Act 1933 gave the Supreme Court the power to make rules. This provision is no longer necessary, and will be removed by this bill. The Court Procedures Act 2004 now governs the making of the rules of the court. This amendment will avoid any chance of confusion between the two sources of rule-making authority.

All of these amendments will improve, update and clarify the territory's statute book. This bill demonstrates the government's ability to regularly monitor the administration of the territory's laws, and to respond effectively to any concerns that may arise. Support for the latest Justice and Community Safety Legislation Amendment Bill is support for continuous improvement in the territory statute book, and I commend the bill to the Assembly.

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

## **Holidays (Family and Community Day) Amendment Bill 2009**

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

Title read by Clerk.

**MR HARGREAVES** (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (10.53): I move:

That this bill be agreed to in principle.

Mr Speaker, as a result of Work Choices, awards could not contain clauses providing for a union picnic day holiday and, additionally, the public holiday provisions in the old commonwealth Workplace Relations Act clearly excluded a union picnic day holiday.

In 2006, UnionsACT requested that the ACT government consider ways to compensate workers who lost the benefit of a day off on a union picnic day. So in August 2006, community consultation was conducted about both Canberra Day and the possibility of an additional public holiday. Approximately 140 submissions were received that indicated a majority of support for an additional public holiday on the first Tuesday in November.

Therein lies the birth of what we all have come to know and love as the Family and Community Day public holiday. That said, Mr Speaker, in May 2008 the government committed to a review of the purpose and future of the Family and Community Day following the repeal of the Work Choices industrial relations system and after public consultation had been undertaken.

The government undertook a six-week public consultation process between Friday, 17 April and Friday, 29 May this year using the ACT community noticeboard as well as letters to business and employee representative peak bodies seeking their views.

There were in excess of 1,100 submissions received from organisations and members of the public at the conclusion of the public consultative process. Of the 1,100 responses, 47 per cent chose to replace Family and Community Day with a permanent new public holiday, possibly on a different date, with a strong ACT connotation. Of those 1,100 responses, nearly 21 per cent indicated that they would prefer a day focused on Floriade or the commencement of spring.

The Holidays (Family and Community Day) Amendment Bill 2009 gives effect to the government's commitment and responds to the outcomes of the consultation by providing that, from 2010, the first Monday in the school holidays between term 3 and term 4 each year will be Family and Community Day. However, where that first Monday of the school holidays falls on the currently designated Labour Day public holiday, such as will occur in 2011 and 2012, the Family and Community Day will be moved to the second Monday of the term break.

It is also now evident that the new national employment standards under the federal Labor government's Fair Work Act 2009 do not contain public holiday provisions that will include the opportunity for our Holidays Act to revive a union picnic day entitlement to the level and type that existed pre Work Choices. I observe, Mr Speaker, that there must be something in the Liberal Party water supply that likes to deny people perks and lurks and things that they have earned over a century of fighting that particular avaricious bunch that we have opposite us.

*Opposition members interjecting—*

**MR HARGREAVES:** It is, indeed, a day for fishing, Mr Speaker. Shall I rise to their bait? Possibly not, but I, Mr Speaker, am the fisherman and they are the carp.

The Holidays Act also provides a union picnic day holiday for employees whose employment is governed by one of the awards listed in schedule 1 of the Holidays Act. However, the federal government's award modernisation process appears to have rendered the schedule 1 awards obsolete.

Accordingly, with the permanent establishment of the Family and Community Day public holiday, the bill removes all references to union picnic day and the schedule 1 awards. This outcome has received wide support and also means that there are no days lost in the school calendar and families have one less day that they need to make alternative childcare arrangements for over the school holidays to take advantage of this glorious time of the year in the ACT. I commend the bill to the Assembly.

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

## **Building and Construction Industry (Security of Payments) Bill 2009**

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

Title read by Clerk.

**MR HARGREAVES** (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (10.58): I move:

That this bill be agreed to in principle.

The Building and Construction Industry (Security of Payment) Bill 2009 establishes a statutory mechanism for operators in the building and construction industries to quickly resolve payment disputes through an adjudication process. It provides an alternative to costly and protracted court proceedings that often present a barrier to subcontractors and small business operators.

This proposal was first advanced in 2007. However, implementation was delayed after consultation with key industry stakeholders indicated a greater disparity of views on an appropriate model than initially anticipated. That said, I would like to offer my personal thanks to the exhaustive work of the Master Builders Association, its members and other significant industry participants in the successful resolution that we have before us today.

Mr Speaker, the New South Wales and Queensland security of payments acts have been operational since 1999 and 2004 respectively. They are now considered benchmark models for security of payment legislation. These acts together provide a blueprint for this scheme. However, because of the ACT's geo-economic position, the ACT scheme is more closely aligned with the New South Wales model, which is a tried and tested legislative framework.

In essence, this bill will facilitate for the ACT building and construction industry timely payments between parties to construction and related contracts, rapid resolution of disputes concerning such contracts, and mechanism for the rapid recovery of payments of such contracts.

Major studies into the building and construction industry have concluded that failure to pay subcontractors moneys due to them has a substantial impact on their capacity to operate as small to medium business enterprises. This in turn impacts on the security of their employees. Relatively low capital backing and a heavy reliance on cash flows to sustain business typify the industry.

The structure of the building and construction industry is a multi-tiered hierarchy of principals, agents, contractors, subcontractors and suppliers, with cascading payment obligations. The failure of any one party in the contractual chain to pass on moneys owed can cause a domino effect on other parties in the chain, with those at the bottom most at risk. The consequences to the affected parties include restricted cash flow and, in some cases, insolvency.

Difficulty in ensuring that subcontractors and others are paid fully, and on time, is not unique to the building and construction industry. The impact, however, is often worse than in other industries that generally do not depend to such an extent on subcontracting.

The building and construction industry plays an important role in the ACT economy. Throughout the 2007-08 financial year, there were over 15,000 people employed in the construction industry in the ACT, and the value of building, construction and engineering work done in the ACT exceeded \$2 billion. Also, of all ACT building and construction businesses, 93 per cent employ five or less tradespeople.

Madam Deputy Speaker, it is difficult to quantify the impact that failure to meet payment obligations has had on the industry in the ACT. Where businesses do become insolvent, there does not appear to be any reliable measurement for the factors of that insolvency such as the timeliness of payments.

Several task forces, however, including the final report of the Cole royal commission into the building and construction industry in 2003, cite strong anecdotal evidence across jurisdictions, including the ACT, to support the notion that security of payment problems are widespread within the industry and have a harmful effect.

Improving payment outcomes for all parties operating in the building and construction industry is a key priority for this government. There are instances in the industry where a claim for payment by a subcontractor or supplier is disputed by his or her superior contractor resulting in payments being held up for lengthy periods while the dispute is being resolved.

There is potential in the industry for these payments to be withheld unfairly to the disadvantage of the claimant. The bill now establishes, in relation to construction contracts, a statutory-based system of rapid adjudication for the quick resolution of payment disputes on an interim basis by an appropriately qualified adjudicator. This will allow for payments to flow quickly down the contractual chain.

Rapid adjudication does not extinguish a party's ordinary contractual rights to obtain a final determination of a payment dispute by a court or a tribunal of competent jurisdiction. Significantly, decisions by an adjudicator are enforceable as a judgement debt if a contracting party fails to pay moneys to a contracted party as determined by the adjudicator.

This represents a significant shift from the current system where responsibility for enforcing payment has ordinarily been left to the contracted party who has performed the construction work or supplied the related goods or services for the benefit of the contracting party.

The application of the bill covers all forms of construction contracts other than contracts involving "resident owners". The bill does, however, cover a person who holds, or should hold, an owner-builder's licence under the Construction Occupations (Licensing) Act 2004. There is a default provision in the bill which will apply when parties have not in the formation of their contract included the intervals for making progress claims, times for making payments and how such payments are to be valued.

In the absence of a contractual provision, the bill provides that payment claims must be made at monthly intervals with payment becoming due 10 business days after the payment claim is made. If the construction contract is silent on how a payment is to be valued, the bill provides that the amount is calculated on the basis of the value of work carried out, including related goods and services provided.

As in other states, it is proposed that private adjudicators conduct the adjudication on a user-pays basis. The adjudicator has the power to call for further submissions, hold a conference and view the relevant construction site. An adjudicator must provide to



both parties reasons for a decision including the adjudicated amount and the payment date. If payment of the adjudicated amount is not made, the claimant can request an adjudication certificate, which can be then lodged in a court of competent jurisdiction as a judgement debt.

The important benefits of the rapid adjudication process are that it allows for a prompt interim decision on disputed payments, encourages communication between the parties about disputed matters, and provides parties with a much faster and cheaper alternative to resolve the dispute without entering the court system. The adjudication process also allows unpaid parties to suspend work or the supply of goods until payment of the adjudicated amount is received.

New South Wales and Queensland differ on the administration and licensing of security of payment. The New South Wales model gives the relevant minister discretionary powers for administering the scheme. The minister then transfers responsibility for the licensing and monitoring of adjudicators to the approved authorised nominated authorities (ANAs).

It is a minimalist, hands-off approach to regulating security of payment that requires less than one person for the whole of New South Wales. This is in contrast to the Queensland approach, which has required the establishment of a separate agency, comprising three full-time equivalent positions, consisting of one senior executive, an administrative officer and a customer service officer.

Consideration was also given to where the security of payment function will be located within government. The role involves establishing a panel of appropriately qualified adjudicators and referring cases to an adjudicator in a timely way. As this does not require the determination of issues between the parties, the role is more akin to that of a registrar than a tribunal or court.

In other jurisdictions, administration resides in specialist units in the public works and construction portfolios. In the ACT this means it could reside in the planning portfolio. This option would allow the scheme to operate in the context of other regulatory regimes that apply in the building industry.

The ACT Planning and Land Authority, ACTPLA, already administer building and construction industry regulatory and licensing functions. Further to this, the legislative framework for licensing pre-exists in the Construction Occupations (Licensing) Act, which is administered by ACTPLA.

Madam Deputy Speaker, with the preferred model for administering security of payment being that of New South Wales, it is fitting then that the best location for the scheme should be ACTPLA and I have every confidence in the minister responsible for that portfolio—the best planning minister we have had since self-government.

**Mr Seselja:** Slap Simon.

**Mrs Dunne:** Simon again.

**Mr Seselja:** Slap and slap again.

**MR HARGREAVES:** Yes, a slap from you lot. You have got a little bloke sitting next to you, mate.

**Mr Seselja:** A slap for Simon. What a slap! Another slap for Simon. You keep slapping Simon.

**MR HARGREAVES:** You know what happened when he was involved in responsible planning—and your mate; you booted him up to the Senate—

**MADAM DEPUTY SPEAKER:** Mr Seselja and Mr Hargreaves.

**Mr Seselja:** Keep slapping him, mate.

**MR HARGREAVES:** You gave him a good old-fashioned boot up to the Senate, didn't you.

**Mr Seselja:** You are doing a good job; Simon will be pleased.

**MR HARGREAVES:** Yes, the best thing that ever happened to this Assembly was Senator Humphries' elevation to the Senate, let me tell you. Yes, good on you. Yes, I thought I can make you bark. It did not take long.

Madam Deputy Speaker, earlier this year I wrote to the Minister for Planning seeking his consideration to this function being located within ACTPLA. I am pleased to say that the minister agreed that with its other statutory functions in the building and construction industry, ACTPLA would be the appropriate location for the administration and licensing for security of payment. The act's building and construction industry, and particularly subcontractors, will benefit substantially from the introduction of this legislation.

Finally, I would like to express my appreciation to the officers in the office of industrial relations for all of the work that they have done to bring this about and bring this before the Assembly but also, and most importantly, for all of the support they have given me in my time as Minister for Industrial Relations. Also, while I am at it, I thank every other officer that I have ever had anything to do with. They are a magic bunch of people.

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

## **Education (Participation) Amendment Bill 2009**

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

Title read by Clerk.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (11.11): I move:

That this bill be agreed to in principle.

Today I am introducing the Education (Participation) Amendment Bill 2009. This legislative change implements the government's "learn or earn" policy. It is the result of extensive consultations on how to increase young people's engagement in education and training in the ACT. It also meets our national obligations under the youth compact and the youth attainment and transitions national partnership. But this bill goes further. It fundamentally changes how we define education in the territory.

Labor does not believe in determinism. Labor does not believe that a child's socioeconomic background determines their ability. It does not determine a child's achievements. It does not determine their future. That is why Labor places such faith in education as a revolutionary force for change. Education transforms our economy and our society. But it does more than that. Education provides the opportunity for each individual to reach their full potential.

The challenge is for our schools, our vocational education providers and our universities to transform universal opportunity into universal outcomes for each and every student, because Labor will have no-one left behind. Everybody learns. And there are no excuses—not for students, not for teachers, not for parents and not for governments. It is time for everyone in our community to stand up and take responsibility for all young people.

There are problems which students and families face; we will not ignore those problems. But they are not an excuse for inaction. They are not an excuse for doing nothing, for waiting for a break or for blaming others. This is why every young person in the ACT will be learning or earning.

These amendments fundamentally alter how we view education in the territory. They do more than just broaden the definition. These amendments will transform how we deliver education and training to our young people. Our young people will have more choice and more flexibility in their education. In return, every young person will stand up, take responsibility and be learning or earning.

This bill will amend the Education Act 2004 to create a requirement for all children and young people to participate in education until they attain a year 10 or equivalent qualification. After year 10 is completed, the bill will require full-time participation in education, training or employment, or a combination of these activities, until a young person turns 17 or completes year 12.

The bill gives a broad interpretation to the term "education". First, the existing definition of "compulsory school age", which is currently "at least six years old and under 15 years old", will be replaced. A "compulsory education age" will be introduced. This period lasts from when the child is at least six years old until the child completes year 12 or reaches 17, whichever occurs first. To participate "full time in education, training or employment" after year 10, until the age of 17, is defined as at least 25 hours per week.

Second, education will encompass a range of options, such as a course of study provided by an ACT government or non-government school; a course of study leading to the completion of year 10 or year 12 at a registered training organisation such as the Canberra Institute of Technology; another vocational education and training course offered by a registered training organisation; a higher education course provided by a registered training provider, such as a university under the law of the commonwealth or a state or territory; another course of study approved by the Chief Executive of the Department of Education and Training; an education program provided by a registered home educator; and a course of study provided by a school under the law of another state or territory.

This broad definition will redefine how we provide education in the territory. The government has been listening and the community supports this reform. In August 2008, I released the ACT government's *Pathways to the future—a consultation paper on increasing young people's engagement in education, training and work*. Feedback indicated strong support for the introduction of a minimum compulsory participation age of 17 rather than a school leaving age. Under this compulsory participation age, young people would be required and supported to stay in education, training or work.

In 2008, the ACT Skills Commission also released a report which included a recommendation that the ACT government review the age up to which participation in some combination of education and training is compulsory. The ACT government released the *ACT Skills Future* report and reiterated its commitment to increasing the proportion of 19-year-olds with a year 12 certificate or equivalent by 2013.

In April this year, I announced the ACT government's "learn or earn" policy. I said that it would be compulsory for students to participate in schooling, training or work until the age of 17. Then, on 2 July 2009, all states and territories agreed to the youth attainment and transitions national partnership. This partnership, along with the compact with young Australians, will provide all young people aged 15 to 19 years with an entitlement to an education or training place for qualifications. It also gives young people aged 20 to 24 years an education or training place.

National targets were set, and progress will be measured by the Australian Bureau of Statistics survey of education and work. But with this entitlement comes a responsibility. Young people will have to participate in school or an approved equivalent until they complete a year 10 qualification. They will then have to participate in education, training or employment, or a combination of these activities, until they turn 17.

The ACT is well placed to meet these national targets. Our national partnership implementation plan is well underway. We have already commenced a mapping process of all of the programs which currently operate in the territory to encourage and retain students until year 12. We have already met the 90 per cent year 12 qualification benchmark. But we are aiming higher—aiming for 95 per cent.

This legislation dramatically changes how education operates in the territory. All young people will be participating in education—no excuses. But, in return, we will provide choice and flexibility to all young people. We know that this is a

significant reform for schools, vocational education providers and universities. It dramatically changes the educational landscape. That is why we will spend 2010 consulting widely to make sure that the ACT community, children, young people and their parents are provided with information regarding the new participation requirements. Schools, employers, training providers and parents will be engaged and kept fully informed of the implications of these changes.

As I have said, the time has come for everyone to stand up and take responsibility. All of our children and young people will be learning or earning. To those who say that this is impossible, to those who say that some kids cannot do it, we say: stop making excuses. Socioeconomic status does not determine achievement. We know that going on to year 12 or to university is not the best choice for all students. The government recognises this, so every young Canberran will be studying, training or working after year 10 in a way that suits their needs, their abilities and their plans for the future. Options to complete year 10 will be flexible, too. Students will not be forced to stay in school. It will be their choice, and it will be a flexible choice.

We are already on the right track. We have been listening, we have been investing and we have been delivering. We are investing in careers and vocational education in our schools. Our \$3.4 million investment in additional careers teachers and the CIT's certificate IV in career development will assist with student transitions and choices.

Students are learning about their educational options early on. CIT is providing high schools with a "taster" experience of vocational courses. In 2009, five courses are being offered in automotive, forensics, hair, beauty and pastry production. We are also investing in apprenticeships; \$12.2 million was provided to registered training organisations in 2008 to deliver Australian apprenticeships. An extra \$4.1 million was provided in the budget for our user choice program to meet the continuing high demand for Australian apprenticeships; \$1.4 million was allocated in the 2009-10 budget for 100 new Australian school-based apprenticeships and, to date, 65 schools have expressed an interest in taking an ASBA.

We are also working with industry and business. As part of the literacy and numeracy strategy 2009-13, teachers are developing practical curriculum and learning support materials to assist schools to improve employment-based numeracy. We want our students to be work-ready when they attain their qualifications. We are working with the commonwealth to invest almost a quarter of a million dollars to support schools to provide on-the-job training opportunities for vocational education and training in schools. We have been working with local business and industry to support apprentices and trainees in the ACT and to meet areas of skills demand. For example, over half a million dollars was recently allocated to extend the government's vocational education and training consultation activities with business and industry in the ACT. Almost half a billion dollars of ACT investment in capital works in schools has also helped businesses through this tough economic time.

Why are we creating a compulsory education age and making sure that every kid is learning or earning? We do so because we know that education improves employment opportunities. Employment and lifelong learning give our young people a sense of purpose and engage them in the community. We know that students who undertake vocational education and training courses at school are much more likely to be

employed. And we know that over 90 per cent of ACT college graduates were employed or studying in 2008.

But just as importantly, education changes lives. It is the light bulb moment. It is the moment when a 15-year-old boy realises that his ability to hot-wire a car is actually a future career in the automotive industry or mechanical engineering. It is the moment when a student realises that their passion for computer games is a job in IT or graphic design. And it is the moment when a year 8 student who loves to cook but really hates maths actually realises that maths is pretty important in baking a cake. It is also the expectations game. It is when a student says, "I think I want to be a doctor," but then worries, "That's not for the likes of me," and a teacher, a parent or trainer steps in and tells them that it is for them and that nothing is beyond their reach.

Hannah Arendt believed that education not only prepared our children "for the task of renewing a common world" but that education is our chance to save the world from decay. Education is our opportunity to change the world, to change our nation and to change our community. It is our opportunity to stand up, to take responsibility and to say that no-one will miss out. It is our chance to transform universal opportunity into universal outcomes; to make sure that everyone learns.

But education cannot be this great force for change if we do not force change in education. So this amendment will make it compulsory for students to be at school, in training or in work until the age of 17 or the completion of year 12. As a result, all young Canberrans will complete year 10 and they will study, train or work after year 10 in a way that suits their needs, their abilities and their plans for the future.

Education and training will become more flexible in the ACT. It will centre around student choices. If they choose to spend two days on a building site, a day training and a day at school then we will support them. We are raising expectations and making everyone accountable. Everyone in our community will be responsible for no student missing out. I commend this bill to the Assembly.

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

## **Water security—proposed select committee**

**MR SESELJA** (Molonglo—Leader of the Opposition) (11.27): I move:

That:

- (1) a Select Committee on Canberra's Major Water Security Projects ("the Projects") be appointed to inquire into, comment upon and make recommendations on the conduct of the Projects according to the following terms of reference:

An examination of:

- (a) Canberra's major water security projects, including, but not limited to, the enlarged Cotter Dam project and the Murrumbidgee to Googong Bulk Water Transfer project;

- (b) the process under which the Bulk Water Alliance was established, including, but not limited to, the process by which the Alliance partners were selected;
  - (c) the consideration given to other options for delivery of the Projects;
  - (d) the tendering process undertaken or planned to be undertaken for the capital works, including policy in relation to securing the services or products of local suppliers;
  - (e) the process undertaken to develop the project estimates and costings at all stages from 2005 to October 2009;
  - (f) the trends in the cost of materials, supplies and labour during the period 2005 to October 2009;
  - (g) the impact that any variances in actual costs to estimated costs are likely to have on the delivery of the Projects, including how any under-estimates or over-estimates will be dealt with;
  - (h) the comparison between the final cost of the Projects to those of other recent similar projects undertaken in Australia;
  - (i) the role of the ACT Government and its relevant agencies in monitoring the development of the Projects during the period 2005 to October 2009, including, but not limited to, the quality of the information provided by Actew Corporation in that process;
  - (j) the level of public engagement and consultation undertaken by Actew Corporation and the ACT Government during the period 2005 to October 2009;
  - (k) the consultation and negotiation with rural landholders to gain access to their land, acquire land, use equipment on their land or install infrastructure in or on their land; and
  - (l) other matters the committee considers relevant to the inquiry;
- (2) the committee be comprised of:
- (a) one Member to be nominated by the Government;
  - (b) one Member to be nominated by the Opposition; and
  - (c) one Member to be nominated by the Crossbench;
- to be notified in writing to the Speaker within 24 hours of the passage of this motion;
- (3) the Member nominated by the Opposition be the committee chair;
- (4) the committee report by 31 March 2010;

- (5) if the Assembly is not sitting when the committee has completed its inquiry, the committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation;
- (6) the foregoing provisions of this resolution so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders; and
- (7) the committee conduct the inquiry as it sees fit, including but not limited to, calling witnesses, requesting or requiring documents and seeking relevant expert advice, support or assistance.

Today I am moving that we establish a select committee on Canberra's major water security projects to be appointed to inquire into, comment upon and make recommendations on the terms of reference that have been set out on the notice paper.

Before we go into the detail of the motion, we need to reflect on how we have got to this point, the story so far. In summary, the story so far has been a government in denial on the need to act on water security; a community that has had to suffer as a result from harsh water restrictions going on for years and years and years; a government that finally in that context decided to act, announcing a \$120 million project, increasing into the \$180 millions, to \$240-plus million—and now we are told \$363 million.

We also have seen Jon Stanhope, at the end of that, having of course denied the need to act, expressing concern—not taking any responsibility, mind you—and doing his best to blame Actew for the blow-out. Then we had yesterday the Chief Minister changing tack slightly and saying, “Well, actually, it is not a blow-out,” that \$120 million to \$363 million is not a blow-out. We will go through the story so far in a little more detail.

The Canberra Liberals alerted the community to water security as a key issue for Canberra in 2004 and committed to the building of a new dam. While we were addressing the problem, the Stanhope government were in denial and quite irresponsibly talking down the idea of increased water storage. Three short years ago Jon Stanhope was telling Canberrans his strategy was:

... putting off for as long as we possibly can ... the construction of another dam. If we can put it off forever, what a fantastic achievement by the ACT government that would be.

Jon Stanhope was selling as a virtue his lack of action on water security. He was saying that it was a good thing not to act; it was a good thing to hope for the best; it was a good thing to cross your fingers and hope for the best. That is the Jon Stanhope position: cross your fingers and hope for the best. That has been his position on water. After that, he said: “Actew is now saying through its reports and quite publicly that we may not need to think again about whether or not we need a dam.” That was the government's position. They were hoping they could never do anything on water security. That was their move: “We don't have to do anything”—the do-nothing position. That was the government's position.



Of course, in recent times the Stanhope Labor government finally agreed that, yes, actually we do need a dam and that maybe Canberrans do not want to be stuck with water restrictions forever; maybe they want to be able to use water sensibly in their gardens once again.

The 2005 water options report indicated that the Cotter Dam could be enlarged for \$120 million. In 2007 the Chief Minister announced major water security projects and said then that the Cotter Dam enlargement would cost \$145 million. It is interesting, isn't it, that the Chief Minister announced that? Why did the Chief Minister announce it? Apparently when anything goes wrong with the agencies, it is not his fault; it is nothing to do with him; he does not have oversight; he does not have responsibility. But when there is action, when there is good news that they are going to build a dam, the Chief Minister announces it. On 30 May 2009, a week after estimates hearings, Actew Corporation's managing director announced that the cost would be around \$246 million. On 3 September 2009 Actew Corporation announced that the dam would cost \$363 million. In summary, the cost has blown out to more than three times the initial estimate—a blow-out of \$243 million in just the space of a few years.

We need to put that into context because we often hear a lot of big numbers in this place. We hear big numbers in the national and international debate. We hear talk of trillions these days. At the ACT level we hear of big blow-outs and sometimes we get a bit lost in the numbers. But \$243 million represents four or five superschools, it represents three Gungahlin Drive extensions, it represents—well, it depends who is doing it—Majura Parkway. That is major infrastructure; that is a quarter of what the government has committed over 10 years to health infrastructure. We should not pretend that \$243 million is not significant, that it is not massive, that it is not a concern.

In fact we have heard concerns from the government, but only after the fact. We saw the headlines that the Chief Minister was happy to tick off on. He was happy to get the message out there: "It is not my fault; it is Actew's."

**Mr Smyth:** "It wasn't me."

**MR SESELJA:** "It wasn't me. It wasn't the government." He was there to announce that they were going to build a dam; he was happy to take credit for that. But, when things are not going so well, we see a different approach. We had this play out in the estimates committee. I will read from some of the estimates committee report:

3.49 The managing director of ACTEW Corporation, Mr Mark Sullivan, advised the Committee that whilst ACTEW's \$300 million capital works program was on track; its costs would nevertheless be higher than initially estimated.

3.50 Apparent inconsistencies in ACTEW evidence were discussed by the Committee. The Independent Competition and Regulatory Commission (ICRC) had approved that expenditure over a five year regulatory period 2008–2013. For 2008–09 the general capital works program totalled \$91.2 million. ...

3.51 The cost of enlarging the Cotter Dam is uncertain. It was estimated at \$145 million in 2006–07 dollars. The ICRC expected this would rise by 30 per cent.

However due to increases in the cost of labour and materials, increases in the order of 50–70 per cent were now expected. ... That would make the cost of the enlargement approximately \$188 million.

3.52 Following the public hearings, an article in the 30 May 2009 edition of *The Canberra Times* reported Mr Sullivan as saying that ‘the cost had increased by from 50 percent to 70 percent, making it now more than \$200 million.’ A 50 per cent increase would take the cost to \$217 million, while a 70 per cent increase would take it to \$246 million.

3.53 Mr Sullivan advised that the cost of the Murrumbidgee to Googong steel pipeline had increased since costings in 2005 and 2007, largely due to a 120 per cent increase in the price of steel, labour and other inputs. The cost of transferring water from the Murrumbidgee to Googong Dam had been estimated at \$70 million in 2007. The ICRC had allowed \$96.5 million. ... The approved budget for the Googong Dam Spillway project is \$37 million. ...

It goes on:

3.54 No detail or plan was provided as to how this extra cost would or could be absorbed in the Budget.

We have seen this saga play out over the last few years, and the people who have to take the most responsibility are the government: Jon Stanhope, as leader of this government, in delaying action—delaying and delaying and delaying—in apparently not oversighting, in not asking the questions about these costs. And we have seen the blow-out by \$243 million and counting.

We do need to look at how Jon Stanhope responded. On the one hand, we have heard from him recently when he sticks his nose in everywhere. He goes around town. He has his special pass to get into the arboretum. He has his mayor’s badge that he flashes at the door of the arboretum. He goes in there on a Saturday to make sure that the trees are going okay, to make sure that no-one has stolen any trees. He told us:

I’m forever sticking my nose in, and I do that at the arboretum. I keep an eye on what’s going on.

I bet that makes members of the government feel very happy. But, when it comes to a major project to secure our water supply, apparently he and his government do not bother. He was able to claim in relation to it:

Though there are aspects perhaps in communication in relation to this and perhaps in their cost estimates that on reflection need a deep review.

So the blame is with someone else. The *Canberra Times* reported:

The ACT Government was kept in the dark about the ballooning price of the Cotter Dam expansion, much to his surprise and disappointment, Chief Minister Jon Stanhope said yesterday.

Let us just reflect on that. We know that Jon Stanhope likes to blame others, and we understand that; we understand that he does not want to take responsibility for what

happens in his government. But what he is saying there is quite serious. He is claiming that he was kept in the dark. He is claiming that he as a shareholder was not informed, presumably, as he should have been. That is something that needs to be examined. That is one of the reasons we need an inquiry.

We have had mixed messages. We have had a massive blow-out in costs, which Jon Stanhope says now is not a blow-out. We had the massive blow-out before a sod was turned and then, in seeking to blame others for the performance of his government and the failures of his government, he says that he was kept in the dark. How was he kept in the dark? I think the Chief Minister should be called before an inquiry, when it happens, to explain how he was kept in the dark and what he has done about it; what he has done as a shareholder to ensure he is not kept in the dark on major projects and about the ballooning price.

He cannot have it both ways. He either knew about it and did nothing and did not ask questions that he should have, or he was kept in the dark and there was a serious breakdown in communication as he claims. Either scenario is a serious concern. Either scenario deserves further examination by this Assembly. He simply cannot have it both ways.

Of course, we saw it finalised yesterday. In response to a question, Mr Stanhope said, straight-faced:

It is not a blow-out; construction has not even started. It is a cost. There has been no blow-out at all.

Interesting: \$243 million—from \$120 million to \$363 million—is no longer a blow-out.

The other reason we need an inquiry is that we see a pattern now in the delivery of capital works by this government. I believe we are the only jurisdiction that does not have a dedicated capital works committee to oversight major projects. I have not heard a credible argument put to me as to why in the ACT we do not believe that the legislature should oversight major capital works projects undertaken by the government. I will be interested to hear what is said, because it is an important part of this debate. If we had a capital works committee, we would not need this motion today. It would inevitably be looking at some of these projects; that is why it would exist.

Let us look at this government's legacy: the massive blow-out in the GDE; the significant problems and blow-outs in the delivery of the prison; the massive underspends on capital works year to year; problems with things that seem simple, like Tharwa bridge, where the cost is something like \$25 million now and counting. Taxpayers have a right to ask questions about these issues. They have a right to have a committee and a legislature able to look into these processes.

We have had inquiries into all sorts of things. Many of them have been very valid and important inquiries in the last 12 months. Let us put them into context. We have had an inquiry into bill posting. Bill posting is something that no doubt is of concern to some people in the community. But compare that to a \$363 million project to secure

Canberra's water supply. Compare the gravity of those two issues. Yet at the moment, as it stands, we have an Assembly that will examine bill posting, fine, but at the moment is not examining a \$363 million water project. That seems to me to be out of whack in terms of priorities.

This is big money. This is an important project. We do believe in securing Canberra's water supply. We do believe it is critically important to Canberrans that we do this. But of course in doing this we need to make sure we get the absolute best value for money and that the project is managed in the most efficient and effective manner so that Canberrans are not slugged any more for their water than is absolutely necessary in order to enhance supply.

It is a stark choice we have as an Assembly when we look at what we have inquired into and what we could inquire into. We believe there is a need to go further and to have a capital works committee established because there has been such a poor record. But on this motion today we have a situation where we have a very large cost blow-out now in the Cotter Dam. It is reasonable now that we look very closely at how we got to that point, that we ask questions, that we examine witnesses, that we bring in expert testimony, that we work out how we can ensure that the \$363 million is not even where it ends; hopefully it ends up less than that and that estimate ends up being high.

Finally, we need to work out how we can do things better in the future to ensure that we do not see these kinds of cost blow-outs, not just with Cotter Dam but with all sorts of other projects delivered by this government. This is an important motion. This will be an important inquiry and I commend it to the Assembly. (*Time expired.*)

**MR RATTENBURY** (Molonglo) (11.42): The Greens welcome the debate today on what we believe is a very important issue, and I thank Mr Seselja for bringing this motion on today. The Cotter Dam project costs have caused some consternation, I suspect, or been a cause of consternation for all members of the Assembly, I imagine. We need to move forward along the path of determining how this happened and whether Canberrans are getting value for money on this very significant project.

We will be moving an amendment to Mr Seselja's motion today. It is quite a significant motion inasmuch as it means that we are not yet supporting the establishment of an inquiry but it is one that we think is aligned with Mr Seselja's concern about finding out more. It is one that we think will deliver a real outcome in the short term. The Greens are not yet convinced that we have properly established a *prima facie* case for an inquiry. We think that getting hold of further information is essential before establishing an inquiry.

At the outset I would like to state clearly that the Greens are concerned about Actew's apparent inability to provide the ACT community with an early cost estimate for this major project that is even close to what the final cost has turned out to be. We are concerned about the lack of information provided to the Canberra community that explains to them why, instead of paying \$120 million for a dam, or even \$145 million or \$250 million, the proposal now is that they pay \$363 million.

However, while we remain concerned about the cost blow-out, we think that the next step is to get hold of some of the most basic information about the project—the contracts signed by Actew and the Bulk Water Alliance, formal costing documents and any independent analysis of the project that has been undertaken. It is our understanding that there have been independent analyses of the costs put forward by Actew. It makes sense to do this before we commit the resources of either the executive or the Assembly to the establishment of an inquiry.

Many of the questions that have been raised over the past few weeks may well be answered by getting access to a much better level of information from Actew about the Cotter Dam project. However—and I would like to be very clear about this—the Greens are not ruling out the need for an inquiry in the future. If this next step of obtaining documents and getting a full and comprehensive briefing from Actew and the alliance partners on the content of these documents either (a) does not deliver the required information to the Assembly or (b) raises any question of impropriety or bad practice, then we will consider further the instigation of an inquiry. But at this stage we think it is premature to take this issue to an inquiry until the Assembly is more fully informed of some of the facts. That is what our amendment, which I will move shortly, will seek to achieve.

The motion before the Assembly, as Mr Seselja has noted, proposes to establish a select committee. We have given great consideration to the merit of that, and even of an independent inquiry set up by the government under the Inquiries Act—whether that would be a more suitable mechanism. Should we come to the point where an inquiry does indeed seem to be what is needed, there are pros and cons with both of these options. Not least is the level of resourcing that might be required for such an inquiry both in terms of time and expertise. It is for this reason as well that we think it is important to seek further information, information that we know is readily accessible and most likely comprehensive.

Of course, the Assembly has already had a motion on the Cotter Dam costs. As a result of that, Actew provided information to the minister that spoke to the request for a detailed accounting of the factors leading to the increase in the cost of the Cotter and Googong pipeline projects, as well as detail about the information shared on the cost variations to the government, shareholders and ministers. However, the information provided by Actew on that occasion did not answer some of the most basic questions that perhaps members thought it would. Consequently, there are a number of questions that remain and information that should be provided to the Assembly.

None of us in this chamber are project managers, nor are we engineers or experts in civil construction. But we do have an obligation to the Canberra community to drive accountability for how public money is spent. The funding for the dam and the other water security projects being undertaken by Actew is essentially public money. For the Assembly to review the target outturn cost and the independent review of that target outturn cost would go a long way to increasing the transparency around the cost of this particular project—a project that will ultimately be paid for by Canberra's water consumers.

The increase in cost estimates for the Cotter has been spectacular to say the least. Perhaps most surprising to us, and I gather to the government and the opposition, was

the final dose of bad news delivered on 3 September by Mark Sullivan, the Managing Director of Actew, that the final cost of the dam would be \$118 million more than the most recent estimate. In one go, Actew added around a third onto the final bill. In doing so, Actew have provided a number of reasons to the public about why this has happened. We have heard that it was the unpredictable site geology which resulted in a bigger dam wall that added the cost on. We have heard that the cost of labour was part of the reason for the cost increase. We have heard that the cost increases of specific materials on the global market have caused the cost increase. We have heard that it was the environmental remediation and associated programs that caused the cost increase.

But when you look more deeply at each of these issues and some of the others, it becomes clear very quickly that we do not yet have the full story. The reason we do not have the full story is that we have not yet had access to the kind of information that would fill in the gaps and answer some of the questions. That information should come in the form of the costings for the project. Actew also claims to have had at least one independent review of the target outturn cost completed. This would provide some clearer information about how the TOC was arrived at.

I would like to take the opportunity to outline some of the issues that have remained unclear to date for the Greens and why in our amendment we seek further documents. Firstly, we are concerned about the chronology of the costings and how this interacts with when specific studies were undertaken by Actew that would have further informed the cost of the project. Specifically, the size of the dam wall has been raised frequently in the public debate.

On ABC radio on 3 September, managing director Mark Sullivan gave the clear impression that it was this that had resulted in the major cost increase of \$118 million announced in September 2009. Yet, while the document received from Mr Sullivan last month also makes reference to a growing understanding of the site geology that influenced the size of the dam wall and the volume of foundations required to be excavated and the volume of roller compacted concrete required, the exact impact on the cost, and the component of that \$118 million that was due to the increased dam wall, was not made clear.

While the document provides some broad indication of cost increases in material and labour between 2005 and 2008, there is no clarity about the specific impact of these cost escalations on this particular project. Like I say, I am no engineer, but telling me that the cost of reinforced steel has gone up in the last four years means nothing if it is not clear how much reinforced steel is needed for the construction. I must say, from a layperson's perspective, that I remain surprised that any estimate of cost for a dam wall could be made public without enough geological surveying having already taken place to determine basic issues such as how big the dam wall might be.

I also note in the document the Assembly received one of the identified significant cost increases was the cost of fuel, and there was a dramatic graph showing the cost increases up to 2008. I imagine that if that graph had continued out to 2009 it would have reflected the reduction in fuel prices that has been witnessed. It is in the region of a third since that graph was last measured.

I am also left wondering if Actew actually had a fair idea about how much the dam wall would cost much earlier than they revealed to the people of Canberra. It is also of concern that the increased costs associated with the larger dam wall were not put in the public domain earlier. It appears from the development application that the size of the dam wall was well understood in May 2009, certainly well enough understood to complete the diagrams for the development application. Geotechnical investigations were likely to have been completed well before then, yet even in the estimates hearing in May this year there were only vague references to what this might do to the cost of the project. No mention was made of the fact that costs may rise up to one-third of the project estimates to date. It would be of interest to the Assembly as to when it became clear—and this is not so much a technical but, rather, a political question.

There are some other issues that I will be interested to see more information on, such as why an estimate of environmental management costs was not included in the original estimates. Even though an EIS has not yet been completed, one would assume that a project of this size would incur environmental management on some scale and that an estimate based on current practice could have been made in the original estimate, even if it were a percentage projection of the cost of environmental remediation. The Greens are not concerned at the cost of the remediation but, again, are unclear as to why it is not at all included in the first estimate. I find this particularly surprising because my experience is that Actew are considerate of environmental remediation and environmental factors. I cannot imagine that they only thought of this later. It begs the question why those costs were not included in the original estimate.

The document that Mr Sullivan submitted to members of the Assembly last month rather mysteriously refers to an extra \$118 million that has been included in the final cost “to allow for a range of other project, indirect, contractor and owner costs”. Now I am really confused as I thought that the escalation in cost, the final \$118 million on top of the \$245 million, was to do with increased building and labour costs and the cost of reinforced steel and fuel. So what exactly are “project, indirect, contractor and owner costs”? To me they sound like (a) the kinds of costs that you would know about well in advance if you undertook these kinds of dam-building projects and (b) not the kinds of costs that would increase the size of your project by another whole third. Perhaps I have misunderstood Mr Sullivan and these costs were on the table at the beginning of the process, but he has specifically identified them as being one cause of the escalation.

Identified in the calendar of updates to the Actew board it becomes clear that profit margins were not factored in prior to the final target outturn cost. Again, I will be interested to try and understand further why it is that profit margins are not included in any initial estimate of a project such as this. I am not meaning to be too facetious here but I am most interested to see what was included in the initial cost estimates, because it surprises me that so many seemingly obvious things were omitted.

The Greens would like to get some real outcomes here today, information on the table—information that we believe will make it clearer about whether or nor there is a case to answer on the Cotter Dam project. The amendment asks for the documents to be provided to members a week from now. We have included in our text some clarity

about which documents are able to be made available to the public and which are for members' use only in the initial stages. I thank the minister for his engagement in discussing with us our proposed amendment so that we could find a suitable way to express the amendment and acknowledge the obvious issues around commercial-in-confidence and other such matters.

That said, we would reserve the right for any of the documents to be tabled in the Assembly in the next sitting period if we believe that it would be in the public interest to do so. That is a discussion that will need to take place if that sort of issue arises. I understand that the release of many of these documents should be undertaken with some forethought and care. I hope that we have come close to a mechanism that will allow for that. As I say, I think we have moved quite carefully and thoughtfully down that path. Those comments made, I move the amendment to the original motion:

Omit all words after "That", substitute:

"this Assembly:

- (1) notes that the Assembly passed a motion on 16 September 2009 expressing its support for the construction of the Cotter Dam while also expressing concern at the increase in the cost of the project;
- (2) acknowledges that on 17 September, the Minister tabled information from ACTEW in the Assembly in response to above-mentioned motion;
- (3) notes that further detailed information would assist the Assembly and broader community in understanding the changes in costs for the project;
- (4) restates the importance of the community having access to full information about the costs of the project to ensure there is informed public debate on the project;
- (5) calls on the Government to provide to Members, by 22 October 2009, the following documents in relation to the Cotter Dam Expansion:
  - (a) the Target Out-turn Cost prepared by the Bulk Water Alliance;
  - (b) any other formal costing undertaken by ACTEW or the Bulk Water Alliance since 2005;
  - (c) any independent review of either the Target Out-turn Cost and any other formal costing undertaking by ACTEW or the Bulk Water Alliance;
  - (d) all geotechnical reports developed for the project; and
  - (e) the contract that has been signed by the Bulk Water Alliance and ACTEW to deliver the project;
- (6) agrees that documents provided to Members under paragraph (5)(a), (b) and (e) of this motion shall not be further published or distributed without a further order of the Assembly; and



- (7) calls on the Government to make representatives of ACTEW Corporation and the Bulk Water Alliance available to provide a detailed briefing to Members in relation to the project documentation and the project overall.”.

Debate (on motion by **Mr Corbell**) adjourned to a later hour.

### **Executive business—precedence**

*Ordered that executive business be called on.*

### **Long Service Leave (Community Sector) Amendment Bill 2009**

Debate resumed from 17 September 2009, on motion by **Mr Hargreaves**:

That this bill be agreed to in principle.

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

That order of the day No 1, executive business, relating to the Long Service Leave (Community Sector) Amendment Bill 2009, be postponed until a later hour this day.

### **Workers Compensation (Default Insurance Fund) Amendment Bill 2009 (No 2)**

Debate resumed from 17 September 2009, on motion by **Mr Hargreaves**:

That this bill be agreed to in principle.

**MRS DUNNE** (Ginninderra) (11.56): The opposition will support this bill which seeks to limit the circumstances in which principal contractors can seek indemnity from the default insurance fund for an uninsured contractor, redefine the purpose of the fund and introduce some administrative efficiency and transparency measures.

Probably the most important element of this bill is to ensure that its first priority is to protect the needs of workers. It provides a safety net to ensure that people who are injured in the course of their employment have access to adequate workers compensation cover.

Since 2006, when a number of amendments were made seeking to create efficiencies within the administration of the Workers Compensation Act, certain unintended consequences arose. Those unintended consequences primarily related to the contractual arrangements whereby a principal contractor would seek indemnity from the government for a subcontractor who did not have insurance.

This bill removes that loophole. It limits access to the fund by a principal only when the principal has an insurance policy in force that applies to an injured employee of a subcontractor, but the insurer cannot provide the required indemnity or has been wound up.

The provisions put the onus back on the principal to ensure that due diligence is followed in terms of maintaining appropriate workers compensation cover both for themselves and by their subcontractors. In future, contractors will have to ensure their houses are in order and not rely on the government to prop them up because of their failure to maintain proper and adequate workers compensation insurance.

At the same time, it provides a necessary and more certain safety net for injured workers. If an injured worker is not covered by insurance either by their employer or, in the case of contractual hierarchies, where their employer is a subcontractor and the principal contractor does not cover the worker, the worker will still have access to compensation through the default insurance fund, but the fund manager will be able to recover the costs from the employer.

The defined purpose of the fund is to indemnify employers only if they have a relevant policy but the insurer cannot provide the indemnity required or has been wound up, or if the employer is a self-insurer and is unable to pay the compensation. The bill provides more certainty for employers, employees and insurers.

Administratively, the bill requires the default insurance fund manager to assess the fund's financial position each year. Also, it allows the manager to decide if a policy exists if the employer cannot produce a record of the policy. It also provides the basis for the manager to calculate the annual contributions that employers must make to the fund and it provides a mechanism for supplementary contributions in cases of exceptional circumstances. It also sets out the classes of persons who can claim against the fund—that is, the injured worker, their representative, a dependant or the worker's estate if they are deceased, and the circumstances in which a claim may be made.

In relation to the financial matters, the bill enables the fund to build sufficient assets to generate the income necessary to meet the obligations to injured workers. In time, by closing the loophole that currently exists, there should be scope, firstly, to reduce the levy burden on insurers or self-insured employers and, secondly, to provide more certainty as to the amount of that levy, which inevitably will be passed on by insurers to employers, and which now will be able to be disclosed as a separate line item on premium notices sent by insurers. The bill takes us forward and the opposition is pleased to support this progress.

**MS BRESNAN** (Brindabella) (12.00): The Greens will be supporting this bill. The bill makes a number of sensible and necessary changes to the Workers Compensation Act. They are changes that have the support of both employer and employee representatives.

The workers compensation scheme in the ACT has a fairly complex history of amendments and is itself fairly complex. The government made significant amendments in 2005 by amalgamating two existing safety net schemes to form the default insurance fund. The default insurance fund ensures that privately employed workers who suffer a workplace injury have access to workers compensation benefits.

Unfortunately, there was a problem with this amalgamation. Mr Hargraves described it when introducing the current bill. He said that the 2005 amendments resulted in unintended anomalies that have moved the uninsured employer arm of the fund far beyond its intended purpose.

What this means is that the 2005 amendments allowed directors of companies to effectively rort the default insurance fund scheme. In certain situations, a principal contractor would hire a subcontractor who did not have insurance. In that situation, if an employee of the subcontractor was injured, the workers compensation liability would revert to the principal contractor.

However, under the amalgamated legislation the principal contractor could then rely on the default insurance fund to pay out the compensation. This is even though the principal contractor should have shown due diligence and checked that the subcontractor had insurance. This loophole means that other employers in the ACT, the compliant employers, effectively foot the bill as they underwrite the fund by paying a premium.

That is obviously not the way we want the default insurance fund to be working in the ACT. We support the bill before us today, which will make an amendment to close this loophole. The primary change is that the fund will no longer indemnify a principal contractor if the principal or subcontractor does not have a compulsory insurance policy in force. It will still provide indemnity where the employer has compulsory insurance, but their insurance fails for some reason—that is, if a HIH-type situation occurs.

As I have said, we are satisfied with this change. There is a question, though, about why the default insurance fund was in this situation in the first place. It is interesting that the bill we are debating today will actually change the section of the Workers Compensation Act that sets out the purpose of the default insurance fund. As it is currently expressed in the legislation, the purpose of the fund does include a willingness to meet the costs of workers compensation claims made by workers if an employer does not have a compulsory insurance policy. It clearly says this in section 166A of the act. The introduction speech for the 2005 amendments also made it clear.

It is not really the correct language to say, as Mr Hargreaves put it, that the current situation is an unintended anomaly. It is more accurate to say that the original government intention was to allow claims to the default insurance fund when an employer did have a compulsory insurance policy. But the government did not envision the mischief that we now need to correct. Other stakeholders have also told me that although the government worked well with them on workers compensation issues, there was some very poor implementation through the legislation in 2005. In any case, it is good now that the bill before us is making an improvement and we support this amendment.

I will also briefly comment on the other main part of this bill. The bill will amend the long-term funding scheme of the default insurance fund. Because the fund currently pays out claims as they arise, it means insurers receive very uneven bills. It can be hard for them to conduct forward planning. The revised funding model will allow the

fund to raise capital with a forward levy, which will also mean insurers' costs are smoothed out. Insurers will then be able to include specific costs of the default insurance fund on their invoices to employers.

This is also a good change that will improve transparency. It will let employers identify costs to their businesses that are due to recalcitrant employers who are not paying their premiums. One constructive impact of this is that employers and employer groups will be more likely to encourage other employers to take out compulsory insurance. In this way it should help facilitate a peer review system among employers.

Interestingly, this was also an intention of the 2005 amendments. Those amendments made it a requirement for insurance policies to tell employers how much money they are levied for the default insurance fund. Unfortunately, because of the irregular way in which the fund pays out, the declarations did not occur in practice.

The 2005 amendments did not help facilitate a peer review system at all. Nevertheless, the amendment in today's bill takes a further step that should correct that. In conclusion, the Greens are pleased to see the changes made by this bill. They have been needed for some time. We also recognise that there are many other areas of the workers compensation scheme that still need improvement. For example, there remains a problematic imbalance between the premium rate paid by employers, compared to the fines imposed for not paying the premium.

The number of ACT WorkCover premium audits of employers also needs to be increased. We also need to look at using cease-trading provisions to address the situation where company directions can bankrupt but then re-establish new businesses in a way that is unconscionable and lets them avoid company obligations.

I understand that the government will be bringing forward some of these changes over the coming months and I hope that they will be covered in the Miscellaneous (Workers Compensation) Amendment Bill, which is in the spring legislation program.

I was pleased to learn when talking to UnionsACT recently that they are quite happy with the level to which the government has been including them in the development of these bills. I hope that the government continues to keep all parts of the community closely involved in this process.

In the short term, though, the bill we are looking at today makes two changes, both of which will have a positive effect. The Greens support these changes in the interests of maintaining a fair, equitable and just system of income protection.

**MR HARGREAVES** (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (12.07), in reply: I have previously addressed this Assembly on the role and purpose of the default insurance fund and how it is specifically intended to support injured ACT workers. The fund performs a critical social function within the ACT private sector workers compensation scheme. It provides access to compensation benefits where a worker suffers a work-related injury but their employer has failed to maintain appropriate workers compensation insurance

arrangements or their employer has a policy, but the insurer which issued the policy has collapsed or is otherwise unable to pay the claim. Simply put, Mr Speaker, the fund accepts financial responsibility for these claims so that injured workers are not disadvantaged by circumstances over which they have no control.

The fund was always intended to act as a support for workers who have been the victim of business practices beyond their control. However, it was never intended that the fund operate as a support mechanism for principal contractors who fail to discharge their due diligence obligation to ensure that their subcontractors have adequate workers compensation. Nor was it intended that the uninsured employer arm of the fund should become the insurer on risk for third party or contributory negligence claims.

Under current provisions, the fund faces liability for cross-claims where, for example, an employee claims compensation for hearing loss contributed to by the nature and conditions of their past and present employment and the relevant former employers are either uninsured or unable to find evidence of an applicable insurance policy. Unintended consequences of changes to the Workers Compensation Act 1951 in 2005 have resulted in the expansion of the class of persons who are eligible to claim compensation against the fund.

As a result, principal contractors are able to seek indemnity from the fund when the cost of an uninsured subcontractor claim falls upon their policy and the fund is being accessed in relation to third party claims. Under the current provisions, it is possible for a principal contractor to seek to recover the cost of an uninsured subcontractor's claims from the fund, notwithstanding that they have the necessary compulsory insurance policy in place and that their liability arises as a direct result of their failure to act with due care and diligence in engaging an uninsured subcontractor.

This anomaly has resulted in the fund subsidising the cost of the reckless actions of principal contractors and by extension, Mr Speaker, it impacts financially on honest employers whose contributions fund its operations. The government cannot continue to allow disreputable principal contractors to avoid their statutory responsibilities and shift the consequences of their actions onto responsible employers in the ACT business community.

The Workers Compensation (Default Insurance Fund) Amendment Bill 2009 (No 2) will allow the uninsured employer arm of the default insurance fund to achieve its intended purpose and restrict anyone other than those who truly require government support—injured workers of uninsured employers.

Mr Speaker, as I mentioned when tabling this bill, the Workers Compensation (Default Insurance Fund) Amendment Bill 2009 (No 2) is also directed towards ensuring that the default insurance fund remains a sustainable and viable safety net for injured workers. The bill introduces amendments that will implement a sustainable funding model to ensure that the fund is able to pay the claims of injured workers with uninsured employers.

Importantly, these amendments will align the funding model with standard insurance practice, reflecting the fund's role as a default insurer within the ACT scheme, ensure

the continued operations of the fund in accordance with principles of robust prudential management and allow the fund to build reserves that are sufficient to meet its liabilities—liabilities arising through the provision of benefits to injured workers.

The new model also reflects this government's commitment to transparent and accountable governance by allowing the cost of supporting the fund's operations to be expressed as a separate levy set out in premium notices provided to employers.

The introduction of an identifiable, quantified levy, as provided for under the regulations, will allow employers to budget accurately for this cost and move it from being a hidden burden on the responsible employers in the ACT business community. Ultimately, the levy represents the cost to those employers who do the right thing and protect the workers from non-compliance by some employers who fail to meet their statutory obligations.

For this reason it is essential that the insurance industry work cooperatively with the government to identify those employers who are not protecting their workers and, over time, decrease the cost for employers to do the right thing. This is something that we will be watching. This is not an opportunity for the insurance companies to make a quid. This is an opportunity for the insurance companies to reward those people doing the right thing and to penalise those people who are not doing the right thing.

In summary, Mr Speaker, this bill will enable the uninsured employer arm of the fund to meet its original statutory purpose of being a safety net for injured workers while introducing revised funding arrangements to ensure the fund's sustainability well into the future.

As a postscript, this housekeeping bill provides the foundation for the further reform work planned by the government that aims over time to see a rejuvenated workers compensation scheme established in the ACT that has firm objectives aimed at achieving the highest rate of compliance while delivering lower premiums to all employers in the ACT.

And absolutely finally, Mr Speaker, I would like to acknowledge the work of the Office of Industrial Relations in pursuing this particular matter. This matter is about the essential rights of people engaged in the workforce to be protected against injury and who need to be covered if injury does occur. In my view, this is a significant piece of human rights. We are entitled to a safe workplace. But I would also, at this stage, like to thank particularly Jim Mallett from my office for pursuing this as vigorously as he has. 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.

## Long Service Leave (Community Sector) Amendment Bill 2009

Debate resumed.

**MR HARGREAVES** (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections): I seek leave of the Assembly to move a motion to adjourn this debate. I wish to outline the reasons for that motion but I do not want to jeopardise my speaking rights later.

Leave granted.

**MR HARGREAVES**: I thank members very sincerely for this. It would appear that we are in agreement, generally speaking in the Assembly, that we want to see the portability of long service leave for the community sector, which has been needed to be in place for some time. I think we are all agreed on that.

Where we are actually slightly disagreed, I suppose, is in some of the processes and some of the understandings which underpin some of the processes. An issue has come to light this morning which causes, I think, reasonable concern where there will be a lack of understanding on the part of members of this place to such a degree where they would be uncomfortable about not only passing the legislation but proceeding to the debate.

It is my intention, therefore, to ask the Department of Disability, Housing and Community Services to brief members between now and the time when the bill comes on. If there are other issues which emerge from it, then we will have time actually to address those issues.

I intend to move formally that we adjourn to another date. That date will be a date to be set in the two weeks of sitting in November. For Ms Hunter's benefit now that she is here, so that she can hear me put it on the record, that will give time for both the Greens and the opposition to be appraised of the issues as the department sees them and an opportunity for their concerns to be either addressed or fixed.

It is important that this scheme be watertight to protect those people that it is intended to protect. What we cannot have is this Assembly considering legislation where legitimately members are uncomfortable about even discussing it. With that, I propose to formally move:

That debate be adjourned and the resumption of the debate be made an order of the day for the next sitting.

**MR SPEAKER**: Mr Hargreaves, my advice is that if you move the adjournment when you seek the call when we come back next time, you will close the debate, which I am sure is not your intended consequence. So perhaps another member could move the adjournment?

**MR HARGREAVES**: Thank you very much, colleagues. Let me assure you, Mr Speaker, that when I come back next time I shall not be wearing the garb of a

minister and I shall, in all probability, be prone on a recovery bed. I shall not be in this chamber during November—with leave, I hope, from this place.

**MR SPEAKER:** I think that solves our problem.

**MR HARGREAVES:** So some other member will actually be exercising a right.

**MR SPEAKER:** Thank you. I think that solves our problem.

Question resolved in the affirmative.

**Sitting suspended from 12.20 to 2 pm.**

## **Ministerial arrangements**

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women): Mr Speaker, the Chief Minister will be absent from Question Time Today due to family responsibilities. I am happy to take any questions that may have been directed to him.

## **Questions without notice**

### **Hospitals—Calvary Public Hospital**

**MR SESELJA:** My question is to the health minister. Minister, I refer to an exchange in this Assembly yesterday regarding a motion by Mr Hanson to ask the Auditor-General to inquire into the processes of the potential purchase of Calvary hospital. You said that you have not ever threatened anybody with a withdrawal of services or funding.

Minister, in today's *Canberra Times* the Little Company of Mary's Tom Brennan is quoted as saying that if the sale did not go ahead, Calvary hospital would cease to be funded by this government. Minister, how do you reconcile your statement, that at no time did you ever threaten withdrawal of funding, with Mr Brennan's statement that Calvary hospital would cease to be funded if they did not sell?

**MS GALLAGHER:** I can confirm the comment that the government has never threatened in all of our discussions with Calvary, whether it be through LCM or indeed with the Archbishop when the Chief Minister and I met with him, to withdraw funding from Calvary. However, in the context of the discussions we were having at the time, and this may be what Mr Brennan was commenting on—I was not there with the interview; I have read the article in the paper—we did say that if we were unable to purchase it we would have to go back to have a look at how we could finance the rebuild of the public health system as we are planning to do in order to ensure that we have a good budget outcome and a good hospital in the end.

There are three scenarios, and we have outlined those in the analysis, which we have provided to the community—that is, the status quo, buy the hospital or build another hospital. Indeed, I said in this place yesterday that the worst outcome would be to build a third hospital. I strongly believe that. However, if we do not own the hospital, if the people of the ACT do not own the hospital, and we are required to inject



upwards of \$200 million into a complete rebuild of that public hospital and it is done as a grant to a third party, then that will have a significant impact on our budget. That is the reality.

I have not at any point threatened in any way to withdraw services from Calvary if we are unable to purchase the hospital. It is simply not the case. However, we have outlined the difficulties if we do not own it. Building a third hospital would starve funds from Calvary. That is the only way you could build a third hospital—by reducing funding to Calvary Public Hospital. I said in this place yesterday that that would be the worst outcome for this community, and it is not one that I support.

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

**MR SESELJA:** Thank you, Mr Speaker. Minister, did you, any official or anyone from the government ever at any time indicate to the Little Company of Mary or the Catholic Church that government funding to Calvary would be cut or a third hospital would be built in competition with Calvary if LCM did not agree to sell Calvary to the government?

**MS GALLAGHER:** The answer to that is no, we have not at all. But we are doing our job in terms of looking at all possibilities, all scenarios, to make sure that we can build a public health system that can be supported by our budget—owned by the people of the ACT is our preference—and that is the scenario that we have outlined in the possible purchase of Calvary Public Hospital and indeed supported by the financial analysis that Treasury has done on this model.

**Mr Smyth:** So sell it to us or stay—

**MS GALLAGHER:** I can certainly say that that is not how this discussion started at all. The government approached LCM and inquired as to whether or not they would be willing to engage in a discussion with us around ownership of Calvary Public Hospital. LCM said they were. At no point were any threats made—

**Mr Smyth:** Here is an offer you can't refuse.

**MS GALLAGHER:** and it was not put in that way, Mr Smyth. You can try and create conspiracy theories around this. It is a genuine attempt to look at our health system as a whole and to provide a fantastic health precinct over there in Belconnen for the people of the ACT. That is what this is about, and the sooner the Liberal Party look at it like that and do not come from the point of view that this is a conspiracy being run by the government for other reasons which they have not been able to articulate, the better. The issue is around the best public health system that we can build. But at no point were threats made about withdrawal of funding from Calvary Public Hospital as the alternative.

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

**MRS DUNNE:** Minister, did you mislead the Assembly yesterday or is Mr Brennan wrong in his comments that were reported in the *Canberra Times* today?

**MS GALLAGHER:** I cannot speak on behalf of Mr Brennan or about the context in which those comments were made. I certainly know that from time to time the *Canberra Times* quotes me in a way that takes what I said out of context. So I am not sure, and I have not spoken to Mr Brennan since that article appeared. But I can certainly stand here and honestly say to the Assembly that I have not misled the Assembly, nor have I threatened in any way Calvary Health Care, LCM or any other organisation that I have met with over recent months around the potential purchase of the Calvary Public Hospital.

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

**MS BURCH:** Can the minister outline the benefits of the public purchase of Calvary hospital and the impact on services?

**MS GALLAGHER:** That was certainly the reason why the government initiated this discussion. It is hard for the opposition to understand that this discussion started with a long-term view about the public health system. If that side ever get into office, which is looking increasingly unlikely from their lazy and sloppy performances in opposition, I can honestly stand here and say the future health minister will thank this government for purchasing Calvary public hospital and having a long-term view about the health needs of this city. That is what a future Liberal health minister, God forbid, would say if they ever got the honour and the responsibility of coming onto this side and actually managed things such as the health portfolio.

I took the decision three years ago to start a 10-year rebuild of the public health system. We started that work. Part of that work involves 30 per cent of the public hospital resources which are currently managed by a third-party organisation. When we were looking at how we move forward, how we build an integrated healthcare system, the opportunity arose for the community to own both public hospitals, to manage those hospitals and to have those hospitals sit on the balance sheet of the ACT. LCM accepted the position that I put forward that we see that there are benefits from an integrated model of governance across the ACT health system. As a large provider of health care, they understand that economies of scale matter. That is something that we always struggle with in the ACT.

### **Environment—energy and water efficiency programs**

**MS HUNTER:** My question is to the Minister for Environment, Climate Change and Water, and is in regard to energy and water efficiency programs. Minister, in the 2009-10 budget you announced new funding of \$19.1 million for an energy and water efficiency program to deliver a one-stop shop and a range of other water and energy efficiency programs. Can you provide the Assembly with an update of that program and, in particular, why the one-stop shop has not yet been launched?

**MR CORBELL:** I thank Ms Hunter for the question and I thank Ms Hunter also for the advance notice that this was a subject that she was hoping to ask me about in question time today.

Members would be aware that the government has announced and sought funding and received approval from the Assembly for \$19.1 million of funding for rebates and grants to assist Canberrans to improve water and energy efficiency, and indeed management of waste, in their own homes. This has been labelled the switch your thinking initiative, and it will provide a one-stop shop of information and advice to Canberrans, as well as rebates.

The initiative will now be rolled out as the ACT smart program. ACT smart identifies the programs as ACT based, creates a call to action and provides an overarching brand connection to existing programs such as garden smart, toilet smart and ACT energy wise. The change of name of the initiative is the result of feedback on the switch your thinking branding which has been undertaken through focus groups convened by my department.

During 2009-10, ACT smart will provide a range of improved services to the ACT community through new assistance packages and rebates and expansion of existing programs. These will include a new home water audit program, incorporating water-efficient dual-flush toilets, shower heads and tap flow regulators, a new residential energy efficiency program that, while providing rebates on energy-efficient appliances, domestic insulation and an improved solar hot-water rebate, will also continue to provide the ACT energy wise HEAT and WEST programs. Tender negotiations for the delivery of these programs are currently in progress.

Also included are assistance packages for renters and low-income households that provide rebates for household energy saving additions and for energy-efficient domestic whitegoods; waste minimisation programs to assist offices and businesses to improve their business-based recycling; a web-based portal that will provide a one-stop shop to all rebates and assistance packages available through the new department, and will also link to assistance packages and services available through other ACT government departments; a small business package to help small businesses develop water management plans; and the continuation of current programs, including the garden smart service and rebate, the irrigation smart program pilot and the sustainable schools audit programs.

Work is already well advanced on the delivery of these programs. A request for proposal for the new home water audit program closed on 17 September and proposals are currently being evaluated. We have 72 individual sites already signed up for the office smart or business smart waste programs, with multiple sites within Westfield Belconnen and Woden also being assessed at this time. We also have the first stage of the new web-based portal. This is nearing completion, and I anticipate its launch within the next one to two weeks.

We are also finalising the design of the new solar hot-water system rebate, and that will be announced before the end of this year. Work is progressing on the development of a number of other programs within the initiative and they will also be progressively rolled out over the next three to six months.

Work is well advanced. I anticipate the formal launch of the new website within the next one to two weeks, and that will provide for Canberrans all the detail on the

one-stop shop and the revised and revamped initiatives that I have just outlined.

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

**MS HUNTER:** Minister, can you explain why there has been such a delay in rolling out the new initiatives?

**MR CORBELL:** There has not been a significant delay. There has not really been a delay at all. The funding took effect on 1 July. We have to go through a series of processes to undertake tenders, with different contractors to deliver these services, in particular the HEAT and WEST programs. The new home water audit program needs to be delivered by contractors on the ground. All of these services have to be delivered by contractors. We need to go through a procurement process to do that. As I have just indicated to the member, much of that procurement is coming close to its finalisation, which means we will shortly be in a position to roll out the program to Canberrans.

**MS LE COUTEUR:** I have a supplementary question, Mr Speaker.

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

**MS LE COUTEUR:** Thank you, Mr Speaker. Minister, can you indicate how many of the ACT's low income households and renters will actually benefit from the low income and renters water and energy assistance programs?

**MR CORBELL:** I would need to take that question on notice. We do have a target number in terms of how many households we anticipate taking up those initiatives. I do not have that information to hand. I am happy to take it on notice and provide it to the member.

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

**MS BRESNAN:** Thank you, Mr Speaker. Minister, when will the 150 rebates for water tanks with no internal connection be made available?

**MR CORBELL:** Again, the time frames in terms of the delivery of individual specific initiatives within the overall program are not something that I have to hand. I am happy to take it on notice and provide it to the member.

### **Hospitals—waiting times**

**MR HANSON:** My Question is to the Minister for Health and is in relation to the AMA's Public Health Report Card 2009. Referring to waiting times, in today's *Canberra Times* ACT AMA President Dr Paul Jones states in relation to waiting times:

For ... those patients who have cancer or other serious conditions,  
That is too long.

He also said:

The risks we know are greater when people wait longer for treatment, and it is likely that they will suffer pain they didn't need to suffer.

Minister, what do you say about your handling of the health portfolio to those people who are suffering pain they didn't need to suffer?

**MS GALLAGHER:** I am sure Mr Hanson would listen carefully to everything Dr Paul Jones did say this morning in relation to the elective surgery waiting times here in the ACT. I think his comments need to be put in context. In relation to patients suffering from cancer and other serious illnesses, I should remind members of the Assembly that in respect of waits for category 1 surgery, which is to have your surgery within 30 days, the average time here in the ACT is 14 days.

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

**MR HANSON:** Minister, why have median elective surgery rates gone from 39 days to 72 days since your government came to power in 2001?

**MS GALLAGHER:** There are a number of reasons for that. Demand for elective surgery continues to grow and for the last 2½ years has grown very rapidly. I think we removed 10,107 people from the elective surgery waiting list in the last financial year. More than that joined the list at the same time. I think that when we came into government in 2001 the elective surgery throughput was in the order of 5,000 per year. We have almost doubled the output in terms of elective surgery actually being delivered. A government's responsibility is to ensure that your throughput continues to grow.

In relation to some of the strategies that we have put in place to manage this, some of it is about extra beds and replacing the 114 beds that were taken out by Mr Smyth and his government when they were in office. I see Vicki is up. She does not like that part of the answer.

**Mrs Dunne:** I wish to raise a point of order, Mr Speaker. The question was: why has the waiting time doubled, not what is the government doing. The minister has not answered the question about why the waiting time has doubled.

**MR SPEAKER:** There is no point of order.

**MS GALLAGHER:** We always know on this side we are on a winner when Mrs Dunne jumps up in less than a second. We know something must be said. Some of the other reasons, Mr Speaker, include the strategy that we have implemented in the last two years to remove long-wait patients from the list. In the last year the number of long-wait patients has been reduced by half. We had over 1,000 long-wait patients—that is, patients who had been waiting longer than a year for surgery. The last figure that I have seen is in the order of 500. When you remove 500 people from your list who have been waiting longer than a year it affects your median waiting time.

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

**MS PORTER:** Thank you, Mr Speaker. Minister, what are the other indicators that our health system is measured by and how are we performing, including those that are listed in the AMA report?

**MS GALLAGHER:** There is a range of ways—a raft of ways, to coin a Hanson term, except that I am going to back up my raft with the raft of points that you add under that, not like Mr Hanson today, who had one of those little awkward moments on radio when he is asked a question and he just comes out with the generalisation that he is used to, which is raising all these allegations but never supporting them with any evidence. He comes out and says: “There is a raft of ways you can improve the efficiency, except I don’t have any of them at the moment with me, Ross. I’ll come back to that later because I haven’t had that briefing yet.”

There are a number of ways that the performance of a health system is measured; for example, the utilisation rate.

*Mr Smyth interjecting—*

**MS GALLAGHER:** We have one of the highest utilisation rates in the country. People come to our public hospitals.

*Mr Smyth interjecting—*

**MR SPEAKER:** Mr Smyth!

**MS GALLAGHER:** They make a choice to come to our public hospitals. We have the highest private health insurance in the country—

*Mr Smyth interjecting—*

**MS GALLAGHER:** and the lowest utilisation rate. What does that say?

*Mr Smyth interjecting—*

**MR SPEAKER:** Order, Mr Smyth!

**MS GALLAGHER:** People trust their public hospital. They do, Mr Smyth. The stats point to it. In relation to beds, the AMA report card acknowledges that we have replaced the beds that Mr Smyth removed when he was in government.

*Opposition members interjecting—*

**MR SPEAKER:** Order, members!

**MS GALLAGHER:** It also shows significant improvement in bed occupancy rates, Mr Smyth—Mr Speaker—

*Opposition members interjecting—*

**MR SPEAKER:** Order! Stop the clock, please. Members, I expect when the minister is actually answering the question to be able to hear her.

**MS GALLAGHER:** Thank you, Mr Speaker. So my focus is on ensuring that we have the staff in place, employing the doctors. We have more staff specialists now than we have ever had in the health system. We have finally got back to the national average in terms of bed numbers. We are opening new services. We have a 10-year plan to build up our health system here in the ACT and we are increasing our elective surgery throughput every year and will continue to do so.

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

**MS LE COUTEUR:** Has the department or the government ever done a cost-benefit analysis to work out the appropriate waiting time for elective surgery, taking into account the cost to the patient as well as the government?

**MS GALLAGHER:** The Department of Health does do analysis around waiting times. We are required to do that in terms of reporting to the national dataset. At the moment there are times allocated to particular categories. I know there is an argument being put forward particularly by the doctors themselves that for patients who have low urgency requirements, and they are the category that normally waits the longest, we should use early intervention and other techniques while they are waiting to ensure that their condition does not deteriorate or cause them significant harm while they are waiting. We do all that work.

That is at one end; the other end is to continue to increase our throughput, which we just have to do because demand just continues to grow. It grows faster than you can employ staff, build operating theatres and replace the beds that Mr Smyth cut out of the system. There are no simple cures for a health system. It is simply not the case. Nothing is black and white. You cannot just put in a hundred beds, because you cannot staff them, and the infrastructure we have would not support that. You cannot grow your elective surgery without growing your intensive care beds; you cannot grow your intensive care beds without growing your intensivists.

Everything is linked in the health system, and if there is any major restructure on how our system is managed, whether we put more work out to the private sector, which is also something I have looked at but which is not universally welcomed by the doctors—

**Mr Seselja:** Simon doesn't like it. He is anti private health.

**MS GALLAGHER:** Well, Mr Seselja, doctors do not welcome that approach either. I cannot change the way we do things if I do not have the support or the preparedness of the specialists to engage with that process.

**MR SPEAKER:** Members, the level of interventions in the chamber today is unacceptable to the conduct of question time. I do not want to have to individually warn members, but I will if it does not quieten down in this chamber.

### **Environment—energy efficiency ratings**

**MS LE COUTEUR:** My question is to the Minister for Planning and is in regard to energy efficiency ratings and, in particular, auditing. What has been the progress of the government's paper released in 2009 and when will its results be released?

**MR BARR:** Mr Speaker, I understand this is the subject of a question on notice, on today's notice paper, from Ms Le Couteur. I seek your guidance as to whether it is best, given that it does appear to be on the notice paper—

**MR SPEAKER:** Ms Le Couteur, I understand that this question is on the notice paper, and I believe that, under the standing orders, if it is on the notice paper you cannot ask it in question time. Would you like to reframe your question?

**MS LE COUTEUR:** No, I will think about it further.

**MR SPEAKER:** Ms Le Couteur, I will come back to you later.

### **Schools—bullying**

**MS PORTER:** My question is to the Minister for Education and Training. Would the minister advise the Assembly of the government's policies in relation to helping school communities deal with the issues of bullying and safety?

**MR BARR:** Again, I thank Ms Porter for her question and for her longstanding interest in this area of public policy. The government is committed to our schools being safe and secure places for all students, for all teachers and for other staff who work in our school environments. We believe that everyone in our schools has the right to be safe and to enjoy a happy learning environment.

However, sadly, just as we experience in our society more generally, there are isolated incidents of bullying and of unacceptable behaviour that occur in our schools. Every day in the ACT nearly 60,000 students interact over nearly 130 campuses and, unfortunately, from time to time there are incidents that arise—just as, unfortunately, in the interaction of 350,000 people in our city in thousands of workplaces and public spaces, there are incidents that occur that are indeed regrettable and that the community, rightly, frowns upon.

It does not mean that we should accept this behaviour as the norm. I think it provides a challenge for our schools to lead by example, to teach children and young people about the standards of behaviour that we expect and how to deal with incidents in an appropriate fashion. Hopefully, with schools being part of the solution, we can influence our wider society for the better.

Can I say that the government takes these issues very seriously and has been implementing a series of policies which guide schools in promoting supportive learning environments in which all students can expect to feel safe. These policies deal with countering bullying, harassment, violence and discrimination in ACT public schools. These policies support schools to develop sound behaviour management



structures, structures that empower students to make responsible decisions and, most importantly, to take responsibility for their own behaviour.

The government aims to reduce these incidents in schools and to put in place policies and procedures that deal effectively with these unfortunate situations if and when they occur. The government has formed the safe schools task force, which brings together key stakeholders to consider issues associated with student safety in our public schools. The education department, principals, ACT police, the Youth Advisory Council, the P&C Council and the Preschool Society all come together on a monthly basis to develop innovative solutions to address ongoing and emerging student safety concerns.

We have had a renewed focus on making our schools safe places and I am pleased to advise the Assembly that this is delivering a return. In 2007-08, there were 74 critical incidents reported in our public schools. In 2008-09, this had halved to 37. I need to state that 37 incidents is not acceptable but it does represent a vast improvement on the previous year's results and it is something we hope will continue to decline in the future.

Mr Speaker, this week the government sought to move further to strengthen the measures available to principals in our public and Catholic schools to counter violent and unsafe behaviours in students. Unfortunately, the Assembly was unable to reach agreement in relation to these reforms. I consider that unfortunate. I think it is fairly clear from the community feedback in the last few days that there is widespread concern in the community at the failure of the Assembly to adequately address these issues. Suspensions are one of a range of strategies that are put in place to prevent serious student misbehaviour.

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

**MS PORTER:** Thank you, Mr Speaker. Would the minister advise the Assembly about the community views in relation to this government's policy?

**MR BARR:** There has been widely expressed support for the government's policy on suspensions and disappointment at the stance of the opposition parties on the issue. Murray Bruce, from the Principals Association, expressed his disappointment that the law was voted down, saying that what they saw as a very good and positive thing had been defeated. Mr Battenally, from the same association, said that the bill was an opportunity to work smarter and that it had been missed. Both principals, on behalf of their association, expressed their dismay at not being consulted by opposition parties.

We also saw the P&C, the Catholic Education Office and the Australian Education Union join principals in expressing their disappointment at the result of the Assembly process. The AEU labelled it a missed opportunity and said it was unfortunate that the suite of options available to principals had been limited. The Catholic Education Office supported the changes. Moira Najdecki said that "they know principals have the wisdom to do the right thing". Elizabeth Singer, from the P&C, said the law would have allowed principals more time to deal with students and organise support for students rather than having to go through additional paperwork.

These people represent principals, parents and teachers, and all of them support what the government was trying to do to help counter unsafe practices in schools. It is disappointing that the opposition did not even bother to consult with them. They did not seek their views. And why was this the case? Mr Doszpot indicated on radio that he needed my permission to talk with those organisations. I am prepared to give Mr Doszpot the benefit of the doubt that it was ignorance rather than a wilful misleading of Ross Solly. He does not need my permission to consult with an association representing a group of professionals. There are guidelines for members visiting schools. That is entirely different from seeking a meeting with an association, with the P&C, with the Catholic Education Office. That is available for Mr Doszpot. *(Time expired.)*

**MR SPEAKER:** Before we proceed with further supplementary questions, Mr Barr, I remind you of standing order 52 and reflection upon votes. Ms Hunter, a supplementary question?

**MS HUNTER:** Thank you, Mr Speaker. Mr Barr, what assistance is given to schools to ensure that there can be a whole range of activities to alleviate or to counter effects of bullying in school, that is around building culture and other programs that could be run?

**MR BARR:** I thank Ms Hunter for the question. There are indeed a range of support mechanisms in place. Each government high school has a pastoral care coordinator who works with a youth support worker, and in some instances even a chaplain is located within ACT government schools. There is a student behaviour management unit that sits behind those teams within each school that is supported within the education department, and in addition to that there are a range of professional development programs and opportunities available for school leaders—principals, deputy principals, faculty heads—and then programs of support available for individual teachers.

The ACT has a comprehensive suite of programs in place to assist teachers, school leaders and youth support workers to deal with difficult and challenging behaviours in our school environment. What principals and others were seeking through the amendments that the government brought forward that were part of a detailed consideration of how to progress these matters in a legal sense and also in a practical sense on the ground was greater flexibility. It is disappointing, as I have indicated, that we were not able to reach agreement on this matter. But I do advise the Assembly that at the earliest possible opportunity the government seeks to reintroduce this matter to the Assembly and I believe there might be the prospect, if other parties are prepared to adjust their position somewhat and negotiate, that we can see an agreed outcome.

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

**MR DOSZPOT:** Minister, what measures are there currently in place to require that students suspended for bullying undergo counselling prior to returning?

**MR BARR:** Depending on the severity of the suspension, there are different levels of programs that are brought into place. If of course the student is suspended for less than five days, under the current legislation it is the responsibility of the school principal, working with a range of support programs that I identified in response to Ms Hunter's supplementary question, working with other student behaviour management teams in the public education system, to provide a range of supports for students who have been suspended to assist with their re-entry to school.

I think it is worth noting, and we did discuss this at some length in a debate earlier in the week, that counselling is one important element but it is not the only element in responding to these circumstances at an individual school level.

When matters go beyond the current five-day period, the chief executive of the education department becomes involved, in the case of public schools, and a range of other support mechanisms can be brought into place. In some instances, this could involve mental health counselling, or it could involve non-government support agencies working with the family of the student concerned.

We need to ensure there is a wide-ranging response from the education department, from other government agencies and also where appropriate from non-government organisations on a case by case basis to work with students who are exhibiting poor behaviour at school. It is important that we have that flexibility, and it is disappointing that we were not able to reach agreement in the Assembly this week. As I have indicated, I do believe this matter needs to be revisited but I can assure the Assembly that we will not be entering into some sort of redneck law and order option with the Liberal Party, and we dismiss their approach on this matter.

### **Hospitals—Calvary Public Hospital**

**MR COE:** My question is to the health minister. I refer to comments you made yesterday in the Assembly regarding the potential purchase of Calvary hospital. You said:

... Little Company of Mary are a willing participant in this discussion ...

and:

LCM are wanting to sell the hospital.

Minister, today's *Canberra Times* reports that the government had indicated that the government would build a third public hospital if negotiations to buy Calvary hospital from the company collapsed. Mr Brennan of the Little Company of Mary goes on to say:

That would mean Calvary Public Hospital would cease to be funded by this Government.

He also indicates that such a decision by your government would result in the collapse of both private and public hospitals in the north. Minister, how can the Little Company of Mary be genuinely willing participants when you hold the threat of imminent closure over their heads?

**MS GALLAGHER:** We have not held the threat of imminent closure over their heads and they are a willing participant by the fact that they have a lease to own and operate a public hospital on that site until 2070. If the conspiracy theorists amongst the Liberal Party think about this seriously, aside from doing all this work and having this public consultation and discussion, there was nothing to have stopped us planning to build a third hospital anyway. The fact is that we are saying that we do not want to build a third hospital; there are other scenarios that we can examine—ultimately, the Assembly has the say in whether or not this goes ahead—and we would like to explore those other alternatives with you, and the Little Company of Mary agreed.

I work very closely with Tom Brennan. There are no threats. There was no pressure. There was nothing other than a genuine request to consider the opportunity for the ACT government to purchase Calvary Public Hospital. There has been no threat around withdrawal of funding. But we have indicated that, if the sale did not proceed, the government would have to examine how we could build the health precinct we need to build in the north of Canberra in a way that the budget could sustain. We have invested millions in the north side facility, in Calvary Public Hospital; I think it is in the order of \$43 million in the past six or seven years. That is separate from the annual operating costs which have seen a 60 per cent increase since we came to government.

When we came to government, the operating contract was in the order of \$60 million or \$70 million. It is now exceeding \$115 million a year. This government has invested heavily in Calvary in recognition of the importance of that hospital. We have always acknowledged the excellent care provided by the Little Company of Mary. But guess what? Times change, opportunities arise, the needs of the community change, and this gives us the opportunity—

**MR SPEAKER:** Order! Ms Gallagher, one moment, please. Stop the clock. Mr Smyth, I have already spoken to the opposition benches today. You have intervened heavily today. I do not want to have to warn you.

**MS GALLAGHER:** He intervenes heavily every question time, Mr Speaker.

**MR SPEAKER:** It is more noticeable today, Ms Gallagher.

**MS GALLAGHER:** It is something I actually get used to and just wipe out the whining interjections from over there.

**MR SPEAKER:** The question, Ms Gallagher.

**MS GALLAGHER:** The issue is a genuine conversation about opportunities for health reform here in the ACT. These opportunities do not come very often. They are difficult discussions. They are discussions that I hope the opposition take part in with a genuine open mind—an open-mindedness about whether or not this is the right thing to do. The information is presented there. The community consultation is going on. If this proposal does not proceed, the government will be faced with no choice but to examine the other alternatives, which are the status quo and how we finance the improvements in that building. Of course that would come with no new private hospital, so the new health precinct I do not believe would gather all the opportunities

that are presented by the sale option. The other alternative is to build a third hospital, and I have said—I do not know how much clearer I can be about that—that that is not the government's preference, that is not the best thing for the ACT health system and it is not the best thing for the ACT community. I am not hanging it over anybody's head, but it is a scenario that we have to examine fully.

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

**MR COE:** Minister, which version of events is correct—yours or Mr Brennan's?

**MS GALLAGHER:** As I said, I was not there at Mr Brennan's interview with the *Canberra Times*. I am not clear about the context in which he said that. I am happy to follow it up with Mr Brennan and report back to the Assembly, but from my point of view—and I can say this very honestly, as I always am in this chamber, and I can say it as someone who was with the Chief Minister in the meeting with the archbishop—there has been no threat made by this government to LCM about withdrawal of funds.

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

**MRS DUNNE:** Minister, did you mislead the Assembly yesterday when you said that the Little Company of Mary was a willing participant and that it was wanting to sell the hospital, or is Mr Brennan wrong?

**MS GALLAGHER:** I think Mrs Dunne has only got one supplementary for every question. It is a general question that could be applied to all of us, no doubt, and then you just add in the blanks. I have not misled the Assembly. In the comments I have made in relation to this question, which has now been asked of me in several different ways by several members of the opposition, there has been no mislead. The government has not threatened anybody.

The government is participating in open and transparent discussions with the community about the future of the Calvary Public Hospital. It is something that we can see the opposition is having difficulty with in terms of coming to a position. It might be that we are actually making them do some work by forcing them to engage in a big proposal that has been put forward to the ACT community. Maybe that is what upsets them the most—that they actually have to participate in genuine debate. It is difficult, but do you not think it is worth the opportunity and worth the discussion to see whether we can, as an Assembly, agree on the best way to move forward with our public health system in the ACT for the near future?

### **Civil partnerships**

**MS BRESNAN:** My question is to the Attorney-General and concerns mutual recognition of civil partnerships. Yesterday in the Assembly you stated that your department had advised that laws in Tasmania and Victoria which recognise same-sex partnerships did not “correspond” with the ACT's Civil Partnerships Act 2008. However, section 15 of the act specifically states that “corresponding law” can be prescribed “whether or not” the law substantially corresponds. Attorney-General, in light of the clear intent of the legislation to allow for these regulations to be made, why have you not made them?

**MR CORBELL:** For the reasons I stated yesterday, Mr Speaker.

**MR SPEAKER:** A supplementary question, Ms Bresnan?

**MS BRESNAN:** Minister, can you table any advice you have received regarding these regulations and why they have not been made?

**MR CORBELL:** I would need to review the advice I have received, so I will take the question on notice.

### **Hospitals—waiting times**

**MRS DUNNE:** My question is to the Minister for Health and relates to the AMA's public health report card issued yesterday. Minister, the report card and comments from medical professionals in today's *Canberra Times* state that the ACT's surgery waits are "alarming"; it is "unacceptable" for how long it takes for someone to see an obstetrician; bed occupancy rates were "unacceptably high"; the median waiting times for elective surgery had increased from 39 to 74 days under Labor's management of the health area; and "people are suffering pain they didn't need to suffer". Minister, after eight years of Labor administration, shouldn't you take responsibility for these results and stop blaming history?

**MS GALLAGHER:** I do take responsibility for these results, and I think I have said that a number of times. There are three areas—

**Mr Hanson:** No, you haven't.

**MS GALLAGHER:** I have. I have said a number of times that there are three areas, in at least probably a hundred areas of performance reporting in the ACT health system, that I would like to see improved. They are the emergency department waiting times for category 3, the emergency department waiting times for category 4 and the waiting times for elective surgery, particularly for some category 2—not category 2A—and category 3 patients. I have been open about that, and we have in place a number of strategies to deal with it. I should say that Mrs Dunne's question—

*Opposition members interjecting—*

**MR SPEAKER:** Order!

**MS GALLAGHER:** It is difficult when the interjections reach the point that, without a microphone, Mr Speaker, I can't hear myself.

*Mr Coe interjecting—*

**MS GALLAGHER:** Have you finished, Alistair, or do you want to keep going? Okay, we will just wait for you to get wound up again.

There are a number of strategies which we have put in place. There are new operating theatres, there are more beds, we are doing more surgery than ever before. I will go

back and have a look at how much surgery was being done in 2001. It would be well under 5,000 procedures, I would imagine, but I will check the record on that. Throughput is something the government can control; that is, we increase access to surgery, and that is what we have done. We are doing more than 10,000 procedures a year. That is up, I think, from 2005, when it was around 7,600. There has been significant growth in output of elective surgery in this community. But we have some constraints. We have a limited private system. We have a busy tertiary referral hospital and, on every day, 50 per cent of its work is emergency work. There are some constraints, Mrs Dunne, in terms of how we can manage our elective surgery.

For example, we do not have elective surgery centres, which other larger jurisdictions are able to have, where they can quarantine their elective surgery throughput, where it is not affected by emergency work. That is an option that is not available to people here in the ACT, and it will not be. I did examine the possibility of building an elective surgery centre, but it is just not possible because we would not be able to sustain a third intensive care unit and all that goes along with that.

What are we doing? We are doing all of those things, Mrs Dunne, and I will not take the focus off the long-wait patients. I could make those figures look much better for the Liberals for next year. It probably would not make the Liberals feel good because they only feel good about bad news for the community. They never feel good about good news for the community. But those figures could be turned around in one year.

**Mr Hanson:** Mr Speaker, under standing order 42, could you ask the minister to address her response through you rather than through the crossbench.

**MR SPEAKER:** Rather than Ms Hunter.

**MS GALLAGHER:** There are some limitations, but we have done whatever we can do to improve throughput in elective surgery. We can clearly demonstrate that through the numbers that have been put through, but there are some waits. I could change that next year. But the way to change it would be the wrong thing to do in terms of a broader public policy response. The way to change it would be to make everybody who has been on the list for long to wait on the list and remove all the short-wait patients. That would improve the median waiting time.

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

**MRS DUNNE:** Minister, given the long list of concerns raised by the medical profession and the AMA report yesterday, is this an important reason why you cannot attract and retain doctors in the ACT?

**MS GALLAGHER:** What a load of rubbish that is. You have absolutely no evidence to support that claim at all. We have employed hundreds of staff specialists in the ACT. We fill positions quicker than they have ever been filled before. Part of the reason for that is the fact that we have a 10-year plan to rebuild our health system that we are committed to and doctors can see that. The other reason is the ANU medical school and the fact that that is attracting specialists here because they can undertake some research work along with their clinical duties. The premise of the question is absolutely incorrect.

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

**MS BURCH:** Thank you, Mr Speaker. Can the minister outline the investment that the minister is making in ACT Health that will improve the outcomes and indicators in the areas of concern?

**MS GALLAGHER:** The whole capital asset development plan, which is around the infrastructure build, plus the work that is going on around workforce and new models of care, is designed to improve the public health system and improve on results where there are areas of pressure. Obviously, more operating theatres, more beds and more staff will allow greater throughput of elective surgery. I cannot control who goes on the list, but I can control who comes off the list. You do that via the throughput, which is extra investment in staff and infrastructure and money for the procedures themselves.

That is what this government has done. We have taken a long-term view about the rebuild of our health system. It is well underway now. It would be nice if the Liberal opposition could actually indicate whether they support that 10-year plan and focus on areas across the infrastructure and in terms of service delivery, but, as we see in so many areas with this lazy, sloppy opposition, there is just no engagement at all—none.

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

**MR HANSON:** Minister, is one possible explanation for these appalling results that your Treasury responsibilities are distracting you from your health minister responsibilities?

**MS GALLAGHER:** The short answer to that is no. The longer answer is that unlike those opposite who are challenged when it comes to how much output they can deliver to the community, I work tirelessly for this community. I work harder than my family probably wants me to work. I have a capacity which is obviously greater than Mr Hanson's, who seems worried about my workload. I take his worry most genuinely—not! For the benefit of *Hansard*, that was said with a level of sarcasm.

### **Government—spending**

**MR SMYTH:** My question is to the Treasurer. Treasurer, I note that in the most recent budget you indicated that new spending initiatives would account for an average annual spend of \$49 million and that you now propose to spend \$68 million on the proposed Calvary hospital purchase. Treasurer, how much additional cash have you, as Treasurer, given your approval to spend since the May budget?

**MS GALLAGHER:** I will have to take that on notice. There have been a couple of requests for Treasurer's advance that I am aware of which we are currently working through. I have received several pieces of correspondence around requests for either transfers or rollovers of appropriation and, indeed, some requests for new appropriations. I will have to take that on notice.

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



**MR SMYTH:** Treasurer, how much additional revenue has the ACT received or lost since the May budget?

**MS GALLAGHER:** Those details will be released in the midyear review. I have not checked with Mr Smyth whether he would like the midyear review in December or whether he would like it in February. One year he likes it in December; the next year he likes it in February. If I release it in December, he says I am trying to hide it with Christmas; if I release it in February will I be criticised because it is too close to the budget? I do not know the answer; I am just weighing it all up. Maybe Mr Smyth can tell me: would you like your midyear review in December or would you like it in January? I look forward to your answer to that.

**Mr Smyth:** So you don't know how much money you have made or lost?

**MS GALLAGHER:** It is being updated. I have seen some results for July, which were good, up on our forecasts. I have not seen August's or September's yet but, in accordance with the requirements of the Assembly, that information in its entirety will be presented in the midyear review.

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

**MR SESELJA:** Treasurer, what is the current estimate of the cash position of the ACT government in 2009-10 after this additional expenditure and change to revenue has been taken into account?

**MS GALLAGHER:** It is as it is published in the budget, Mr Speaker.

### **Economy—growth forecast**

**MR DOSZPOT:** My question is to the Treasurer and it relates to economic growth nationally and in the ACT. Treasurer, now that your federal Labor colleagues have indicated that the economy is performing much better than expected, will you commit to no increased or new charges for the ACT while you are Treasurer?

**MS GALLAGHER:** The answer is no. From time to time we get these questions: will you rule this in; will you rule this out? We have a significant job ahead of us in recovering the budget. We have outlined a budget plan. I think the opposition do not agree with it but I am not really sure because, yet again, they have not engaged in the process. We have a significant job ahead of us. I think at this point in time, whilst we have outlined a seven-year recovery strategy, for you to ask in year one for me to rule out any tax increases would be crazy. It would be silly. Whilst it might be in the short term politically advantageous for me to do it, because I can feel a Brendan Smyth bad news media release on its way, Canberrans are reasonable people and they would understand that ruling out any increases in taxes and charges at this point in time would be simply silly.

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

**MR DOSZPOT:** Minister, what is the latest forecast for economic growth in the ACT by your department and how does this affect any increased or new charges?

**MS GALLAGHER:** Again, the economic forecasts for the ACT have been published in the ACT budget and they will be updated in the midyear review, and I would urge members to go back to that document and then, in December or February, depending on Mr Smyth's feedback, you will get an update to those forecasts.

**MR SPEAKER:** Supplementary question, Mr Smyth?

**MR SMYTH:** Thank you. Minister, would you now fast-track your seven-year recovery strategy to restore a balanced budget?

**MS GALLAGHER:** Not at this point in time. Those decisions will be made by budget cabinet in putting together next year's budget. If there is capacity to bring forward a recovery strategy, of course the budget cabinet will look at that. But, again, the budget strategy was designed around allowing growth—

**Mr Hanson:** Designed?

**MS GALLAGHER:** Well, it was; it was designed around allowing growth in the budget, acknowledging that costs for the ACT government will continue to increase, and allowing for some expenditure restraint and a longer recovery over time as things return more to normal from what we have seen as a result of the global financial crisis.

I do not know whether the Liberals agree with the seven-year strategy or whether they have a shorter timetable, based on all the details in the budget; whether they have designed a recovery strategy as an alternative to our budget recovery strategy. I do not know. If they have, they are keeping it pretty secret; it must be a secret deal on that side. But the budget plan was designed in a seven-year timetable to allow flexibility. If that allows it to be shortened or indeed to take into consideration anything that might occur over that seven-year time that will be taken into consideration by budget cabinet as these decisions are made over the next few months.

## **Fireworks**

**MS BURCH:** My question is to the Minister for Industrial Relations. After significant discussion in the public arena over many years, you recently signed and tabled subordinate legislation to remove the availability of consumer fireworks over the Queen's Birthday long weekend. Can you outline to the Assembly what immediate effect this subordinate legislation will have?

**MR HARGREAVES:** I thank Ms Burch for the question. I was tempted to take it on notice, but I resisted that temptation. As members will be aware, the Dangerous Substances (Explosives) Amendment Regulation 2009 (No 2) amends the Dangerous Substances (Explosives) Regulation 2004 to ban the use of fireworks by members of the public. The use of fireworks by the public on the Queen's Birthday weekend will no longer be permitted. Resellers will no longer be able to sell fireworks to the public.

The amendments mean that fireworks will now only be able to be brought into the ACT and used by licensed operators for authorised displays. However, this amendment does not affect the public's use of a class of fireworks called general use fireworks. They are items containing small quantities of explosive and pyrotechnic substances like sparklers, bonbons, Christmas crackers and party poppers.

The regulation repeals infringement notice offences in the Magistrates Court that are associated with the repeal of the Queen's Birthday fireworks use provisions. What it means in real terms is that from now on animals won't be scared, they won't be injured, they won't be killed just so that some people can engage in inappropriate behaviour.

This action also shows that this place is united in condemning these fireworks. We are backing Mr Steve Doszpot. Mr Doszpot said last year:

I stand strong with the policy of the Canberra Liberals on this issue that the retail sale of shop-good fireworks should be banned in the ACT.

Well done, son! Aren't you clever. Then the legendary Mr Pratt said, incidentally, that he ran a petition to ban fireworks. That is about the only good thing he did while he was here. Mr Stefaniak, one of the other leaders who got it in the back, said:

There comes a time when we need to draw a line in the sand and say enough is enough.

We are united in this ban. What did Mr Smyth say? He said:

And the sensible and reasonable thing for all members to do today would be to support this bill.

What was the bill going to do? Ban fireworks. Mr Smyth, you are a very wise man. Mrs Dunne, on the other hand, because she is far more colourful than the rest of this bunch of suits, had this to say:

It is time that the members of this place took a good hard look at themselves and, in accord with the overwhelming views of the community, supported Mr Pratt's legislation.

I thank the Greens for their support, and I thank the unanimous bunch of suits who agreed with them.

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

*Members interjecting—*

**MR SPEAKER:** Order, members! Ms Burch has the floor.

**MS BURCH:** Before I go to my supplementary, can I ask that some members cease singing in the chamber. Can the minister respond to the assertion in the *City News*, in an article by Michael Moore, that he spent "considerable sums of money on polling that was ignored because it was not consistent with his own opinion"?

**MR HARGREAVES:** I thank the member for that question. On the point of polling and reviews, I would like to take the opportunity to remind the Assembly of the number of reviews into consumer fireworks that have taken place. In 2002, the Standing Committee on Legal Affairs inquired into it, and that committee found that fireworks were commonly used illegally outside the June long weekend and were generally a public nuisance that caused distress and injury to animals and damaged property. Despite this finding, the committee agreed it was reasonable to permit their use under a stricter regulatory regime.

Mr Moore, in that illustrious, shining newspaper, the *City News*, which everybody finds compulsive reading, notwithstanding a circulation of 16, said that I spent considerable sums of money on polling and that I ignored it because it was not consistent with my opinion. I did no such thing. I did not spend one red cent. I did not spend anything. It was all done previous to that. It was done in 2008, before I became minister; it was done in 2007, before I became minister; and it was done as recently as August 2008. And there were other reviews; there were many surveys. Mr Moore has, yet again, got it 100 per cent wrong.

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

**MR SESELJA:** Thank you, Mr Speaker. Thank you for that valedictory, Mr Hargreaves. Minister, now that you are going to the backbench, will you honour your promise to be as loyal to the Chief Minister as he has been to you?

**Mr Corbell:** I wish to raise a point of order. The question is not relevant to the previous question. It is out of order.

**MR SPEAKER:** The question is out of order. Ms Hunter, a supplementary question?

**MS HUNTER:** Thank you, Mr Speaker. Minister, have you been informed by the Liberal Party that they intend to lodge a disallowance against the new changes to the fireworks legislation?

**MR HARGREAVES:** I am not aware that they are going to—

*Opposition members interjecting—*

**MR HARGREAVES:** I am not aware that the Liberal Party will go back on what they said to the community like they always have done. I was expecting it today. I was expecting a blue. I was expecting an explosive party of departure. But no. But I have to say that I wanted to express my appreciation and that of my cat Andy to the Greens particularly. I know they were a bit split on the issue but common sense prevailed; they are consistent in their aims and their objectives and we now have a consistent view on this side of the chamber.

*Opposition members interjecting—*

**MR HARGREAVES:** Mr Speaker, look at it! Do you want to know why we are banning fireworks? Because of this lot of crackers. That is why we are banning

fireworks—because they are all exploding internally. They are all imploding over there. I fully expected today to find that there would be a motion to disallow by Mrs Dunne on behalf of the Liberal Party. But I think they have gone back and reviewed what they have said and reviewed what Mrs Burke said to me and they have taken the lead from their leader, which is a bit different for that lot, when he said, “Every year the RSPCA rescues and rehabilitates more than 8,500 animals.” He was congratulating the RSPCA. Well, he can now congratulate the RSPCA for their campaign to ban consumer fireworks in this town for the best part of 20 years. I personally congratulate him and I thank sincerely the Greens for their position on it because at least we have some shared common sense between the Greens and the Labor Party to show these people over there just how it is done. I bid you all farewell.

**Ms Gallagher:** Mr Speaker, I ask that all further questions be placed on the notice paper.

## Papers

**Mr Speaker** presented the following paper:

Public Accounts—Standing Committee—Report 2—*Report on Annual and Financial Reports 2007-2008*—Speaker’s response, dated October 2009.

## Committee reports—government responses Papers and statement by minister

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women): On behalf of the Chief Minister, for the information of members, I present the following papers:

Government responses to committee reports:

Climate Change, Environment and Water—Standing Committee—Report 1—*Report on Annual and Financial Reports 2007-2008*.

Education, Training and Youth Affairs—Standing Committee—Report 1—*Report on Annual and Financial Reports 2007-2008*.

Health, Community and Social Services—Standing Committee—Report 1—*Report on Annual and Financial Reports 2007-2008*.

Justice and Community Safety—Standing Committee—Report 1—*Report on Annual and Financial Reports 2007-2008*.

Planning, Public Works and Territory and Municipal Services—Standing Committee—Report 1—*Report on Annual and Financial Reports 2007-2008*.

Public Accounts—Standing Committee—Report 2—*Report on Annual and Financial Reports 2007-2008*.

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

Leave granted.

**MS GALLAGHER:** I am pleased to present the government's response to the reports of all six Assembly standing committee reports on the 2007-08 annual and financial reports of ACT government agencies.

In keeping with past practice, I am tabling the responses to all six standing committee reports together. This is because the standing committee reports generally cover more than one minister and more than one portfolio and, in some cases, issues raised in the reports apply across all departments and agencies.

Annual and financial reports are prepared by agencies in accordance with the Annual Reports (Government Agencies) Act 2004, the Financial Management Act 1996 and the Chief Minister's Department Annual Report Directions. In this regard, the government seeks to ensure that annual and financial reports are continually updated to reflect best practice and full accountability.

The standing committees made 73 recommendations. The government has agreed in full, in principle or in part to 35 recommendations, has noted 30 recommendations and has not agreed with eight recommendations. I commend the government's responses to the Assembly.

### **Planning and Environment—Standing Committee Report 29—government response**

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (3.12): For the information of members, I present the following paper:

Planning and Environment—Standing Committee (Sixth Assembly)—Report 29—*ACTION Buses and the Sustainable Transport Plan*—Government response, dated October 2009.

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

Leave granted.

**MS GALLAGHER:** I am pleased to table the ACT government's response to the Standing Committee on Planning and Environment's report on its inquiry into ACTION buses and the sustainable transport plan. I acknowledge that there has been a delay in responding to this report. However, many of the recommendations have already been implemented.

The government is committed to providing sustainable transport for Canberrans and has a proven track record. The ACT government has demonstrated its commitment to sustainable transport since commencing office and has introduced a number of initiatives to encourage greater use of public transport in the ACT.

Of the committee's 47 recommendations, the government agrees to 29, agrees in principle to eight, agrees in part to one, notes seven and does not agree to two. Of the two recommendations not agreed, one relates to the introduction of family fares on

ACTION buses. ACTION will be introducing a new smartcard ticketing system in 2010 and the use of a family ticket will not identify the number of passengers boarding and alighting a bus or the origin and destination of the journeys. Patronage statistics are a key performance indicator for ACTION in its reports to the government and the Assembly, and this information is also vital for service planning.

The second recommendation which is not agreed to relates to amending the Discrimination Act 1991 to require public bodies to promote access, equity and equality. It is not necessary to legislate to ensure that ACT government agencies promote access, equity and equality. These outcomes can be achieved through a range of administrative mechanisms.

I am pleased to outline a number of initiatives the government has introduced that address other issues raised in the report. In 2007, the government provided funding of \$2.3 million over four years for ACT seniors and community transport. All holders of an ACT seniors card are now able to use concession fares on ACTION buses during peak periods. Previously, non-age-pension ACT seniors were not eligible for concession travel in peak periods.

The funding also allowed for the introduction of a community on-demand, wheelchair-accessible minibus service to supplement public transport. This initiative benefits older Canberrans and others isolated by a lack of transport options, such as people with a disability, new migrants, and people who may be temporarily unable to move easily in their community. Six minibuses provide on-demand bus services and are administered by regional community services.

In 2008, free bus travel was introduced for any Canberran 75 years or older, by using an ACTION gold card. I think it is one of the areas that Minister Hargreaves introduced. The ACT government provided \$500,000 over four years towards this initiative. The gold card is linked to the existing older drivers awareness program, where it is recommended that drivers over the age of 75 consider their driving circumstances. The gold card initiative encourages our seniors to take the bus instead of driving their car. The gold card has been a fantastic success, with approximately 1,200 users per day. This initiative potentially reduces social isolation for our older Canberrans, and I have heard that some gold card users take a bus ride now at no cost as their outing for the day.

The ACT government continues to improve our public transport system, which is paramount to reducing transport emissions and preparing for a low carbon future. The government has provided \$1 million in 2009-10 for ACTION to introduce a service, REDEX—rapid express direct—to be trialled in that year. The concept of rapid transit services such as REDEX will complement the government's long-term transport plan.

Free travel for cyclists was introduced in December 2007 to encourage the use of bike racks. This initiative was also part of the government's climate change strategy. However, now that cyclists are using the bike racks, ACTION does not believe any incentive such as free travel is necessary. In July 2009, free travel for cyclists was removed, although it should be noted there is no charge for carrying a bike on the bike rack. ACTION has recently introduced a new policy for fold-up bikes. Fold up bikes that are designed to be carried on public transport can be carried on ACTION buses.

Normal fares apply for passengers who bring a fold-up bike onto the bus and bikes must be secured in the folded position prior to boarding the bus and stored in the luggage rack.

The government is redesigning the bus interchanges to provide a better waiting and boarding experience for ACTION's customers by integrating interchanges with other public spaces such as shopping centres. As part of the Belconnen town centre redevelopment, the Belconnen bus interchange has now been demolished. New bus stations have been installed at three locations and all bus routes through the Belconnen town centre now service the three bus stations for customers.

The new ACTION smartcard system will utilise the latest ticketing technology, with equipment supplied by Parkeon—formerly Wayfarer—the provider of the current ticket system. The new system represents a significant advancement in ticketing technology which will provide many benefits to passengers and ACTION.

The benefits include: passengers will be able to conveniently recharge their smartcards by direct debit, BPay, over the internet or by phone to keep their value topped up; passengers will receive a discount on their fares when they use these top-up methods; passengers will pay the lowest fare of the day, with free travel for frequent users of the service based on monthly fare caps; quicker boarding times, making boarding easier and the bus service more timely and efficient; significantly improved patronage data, including details of where passengers get on and off the bus and the number of passengers on a bus at any time; using this data, planning of bus routes and timetables will be enhanced, allowing ACTION to better deliver services at times and places where they are most needed; and reports on adherence to bus timetables.

The new ticketing system is scheduled to be implemented in the second half of next year. There are many tasks to be completed before the system can be introduced. These include the design of the system to accommodate Canberra's fare arrangements, the supply and distribution of smartcards, the appointment of agents to provide "load value" services, driver training, and the supply and installation of equipment across the ACTION fleet, in the call centre and in the "back office".

Bus users will be required to tag-on and tag-off buses, which will significantly improve ACTION's capacity to monitor passenger trends and make adjustments to meet changes in demand. There will be a customer education program to inform the community about the benefits and operation of the new system. Trials will be conducted before the system goes live. The new smartcard system is an important part of the government's investment in developing a more efficient and user-friendly bus service.

A number of the recommendations made by the committee emphasised the need to advance the goals set out in the sustainable transport plan and sought assurance that the government is committed to doing so. I take this opportunity to restate the government's commitment to the targets we set for ourselves in the sustainable transport plan to help us increase the percentage of people using sustainable transport, like public transport, walking and cycling, in the future.



Our sustainable transport goal articulated in the sustainable transport plan is to increase the percentage of people walking, cycling and taking public transport to work from 13 per cent in 2001 to 20 per cent in 2011, and to 30 per cent in 2026. This requires 16 per cent of work trips by public transport, seven per cent by cycling and seven per cent by walking in 2026. Data from the ABS indicates we are well on the way to achieving these targets, but there is still a way to go.

In July this year, the government brought together over 100 representatives of community and business groups at a transport roundtable chaired by Dr Maxine Cooper. This was a very successful event which sought ideas and input on the transport issues for Canberra and the region that are of most concern for the future. At the roundtable, the Chief Minister announced that the government is developing the sustainable transport action plan 2010-26. The sustainable transport action plan will be a detailed document setting out how the government will implement the sustainable transport plan in the short to medium term, from 2010 to 2016. The input from the roundtable will be reflected in the action plan as it is developed over the coming months.

The sustainable transport action plan will link together four strategies which detail how we move around Canberra and the region. These four aspects of the integrated transport system—parking, public transport, cycling and walking, and transport infrastructure—require detailed planning and strategic policy thinking. The four strategies will be prepared alongside the overarching sustainable transport action plan.

These strategies will address a number of the specific recommendations made by the committee's report. In particular, the public transport strategy being developed will address issues raised by the committee, including the opportunities to expand and make better use of park and ride and bike and ride transport options, strategic public transport planning which will increase use of public transport, and strategic decisions around the frequency and speed of public transport services.

A substantial amount of work has already been done on the draft strategic public transport network plan by transport experts McCormick Rankin Cagney, and there have recently been public consultations on this which will inform the government's decisions about the shape of the ACT public transport strategy. Other issues raised by the committee will also be addressed in the development of the sustainable transport action plan, such as opportunities for travel smart programs, which assist the community to understand their sustainable transport options and better utilise them.

In many respects, the issues and concerns which have been highlighted in the committee's report reflect work that has been underway for some time, or is now in development, to identify the way forward for the ACT transport system. I am very confident that the sustainable transport action plan will provide that strategic way forward and, in doing so, answer many of the issues that the committee has legitimately raised. I move:

That the Assembly takes note of the paper.

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

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

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

Financial Management Act, pursuant to section 18A—Authorisation of Expenditure from the Treasurer's Advance to Chief Minister's Department, including a statement of reasons, dated 13 October 2009.

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

Leave granted.

**MS GALLAGHER:** Section 18 of the act allows the Treasurer to authorise expenditure from the Treasurer's advance. Section 18A of the act requires that, within three sitting days after the authorisation is given, the Treasurer present to the Assembly a copy of the authorisation and a statement of reasons for giving it, and a summary of the total expenditure authorised under section 18 for the financial year. Under this instrument, \$100,000 has been provided to CMD to make a donation on behalf of the ACT community to the Red Cross. The donation will provide \$50,000 for the Indonesian earthquake relief and \$50,000 for the Samoan tsunami relief. I commend the paper to the Assembly.

## **Health and Disability—Standing Committee Report 7—government response**

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

Health and Disability—Standing Committee (Sixth Assembly)—Report 7—*Health Science in the ACT*—government response.

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

Leave granted.

**MS GALLAGHER:** Madam Assistant Speaker, it gives me great pleasure today to table the ACT government's response to the Standing Committee on Health and Disability's report No 7, *Health Science in the ACT*. I would like to commend members of the former standing committee for their consideration of this important issue and acknowledge the stakeholders who provided input to the inquiry process.

The government welcomes the former committee's report, which highlights a number of issues relating to health and medical research in the ACT. The ACT has a strong, wide-ranging health and medical research sector concentrated in a relatively small geographic area. This encompasses biomedical and biotechnological research; clinical,

community and population health research; health services and health promotion research; and research on social factors contributing to health and illness.

The key institutions are ACT Health, with a burgeoning research effort in bench research, epidemiological surveillance and clinical research, including general practice and nursing and allied health research in partnership with a range of institutions; the Australian National University, notably the John Curtin School of Medical Research; the Centre for Mental Health Research; the National Centre for Epidemiology and Population Health; the national Primary Health Care Research Institute; and the University of Canberra. Other health-related research institutions include the Defence Science and Technology Organisation and various CSIRO divisions.

The establishment of the ANU Medical School in 2004 also significantly boosted the ACT health and medical research sector. The government is committed to supporting health and medical research in the ACT. Under its research policy framework, the government committed to work with the ACT health and medical research community in the following four endeavours: supporting the development of the health and medical research community in the ACT and surrounding region in a way that builds on our local advantages, including planning for the coherent development of research facilities, communication technology, training in research and major research collaborations; ensuring a whole-of-government approach that coordinates the evolution of the ACT's health and medical research effort with industry development and commercial investment; pursuing the ACT's interests in the development of national health and medical research policy and playing a strong part in the implementation of that agenda on behalf of the nation; and encouraging policy and practice oriented research by the health and medical researchers and supporting research and evidence based policy and practice in the provision of healthcare.

The government agree to six and agrees in principle to three of the standing committee's 12 recommendations. We note two recommendations and we do not agree with one recommendation.

The government's response to the standing committee report refers to the establishment of an ACT Health research office to replace the Canberra Hospital research office. This is intended to provide an overarching structure to support health and medical research across the health portfolio. An ACT Health research governance framework and associated research policy and guidelines for research practice have also been put in place.

This work was undertaken within the context of previous reviews of health and medical research, the standing committee's report and accreditation of ACT Health, which in 2009, for the first time, included an accreditation standard on research. The ACT Health research office will be primarily responsible for the governance and management of all research undertaken within ACT Health and further develop collaborative partnerships with other research organisations.

The research office will approve and register, prior to commencement, all research conducted within ACT Health; assume responsibility for the leadership, coordination, governance and promotion of research across ACT Health, including the management

of research funding, and oversee the implementation of the ACT Health research policy and guidelines for research practice; provide advice to ACT Health on health and medical research policy issues; and report on research activity within ACT Health to the ACT Health portfolio executive quarterly and coordinate reporting on research activity and funding in the ACT Health annual report.

Research information will continue to be used to assist ACT Health in the development of policies and interventions to improve health outcomes for people living in the ACT and the surrounding region. I thank the former standing committee for its examination of health science in the ACT.

## Papers

Mr Corbell presented the following papers:

Electoral Act, pursuant to subsection 10A(2)—Report on the ACT Legislative Assembly Election 2008, dated 16 September 2009.

Civil Law (Wrongs) Act, pursuant to subsection 4.56(3) of Schedule 4—Professional Standards Councils—Annual Report 2008-2009.

## Supplementary answers to questions without notice Energy and water efficiency programs

**MR CORBELL:** Madam Assistant Speaker Le Couteur, with your indulgence, I take the opportunity now to answer two questions I took on notice during question time today. Firstly, Madam Assistant Speaker, you asked me what the situation was with the \$150 rebate on rainwater tanks without internal plumbing. I can advise you and the Assembly that I have asked the Department of the Environment, Climate Change, Energy and Water to investigate the feasibility and effectiveness of providing a rebate on rainwater tanks that are not plumbed into fixtures inside the home.

As you would be aware, Madam Assistant Speaker, the existing rainwater tank rebate is only available for rainwater tanks that are internally plumbed into fixtures such as washing machines and toilets inside the home. This criterion was established to maximise the benefits in terms of water saving and stormwater protection. These maximised savings are generated when the tank water is used for internal purposes, such as toilet flushing and clothes washing, as well as for garden watering. This provides a way for tank water to replace mains water all year round, internally during cooler months when the garden does not need much water, and outside in the garden as well, in warmer months, thereby increasing the amount of rainwater that can be harvested and used. However, on completion of the feasibility assessment of providing a rebate on rainwater tanks that are not plumbed into fixtures inside the home, I will make an announcement on the suitability of providing a rebate for these tanks.

You also asked me, Madam Assistant Speaker, during question time, how many income-tested households will benefit from the new programs being provided by my department. I am advised by my department that we are currently in the process of developing four new programs that will provide rebates for low income households in

the ACT. The programs and the details are: firstly, the toiletsmart plus program. This program builds on the existing toiletsmart program and will provide a minimum of 300 rebates to eligible households. Toiletsmart plus will provide, per eligible household, one free efficient dual flush toilet to replace an existing inefficient single flush toilet, an internal water audit and, if needed, up to two water efficient shower heads, tap flow regulators or leaking tap repairs.

There will be the low income energy saving program, which will provide for 650 rebates of \$300 each on the installation of energy saving additions, such as weather seals for doors and windows, window coverings and insulation. There will be the portable consumer goods for renters program, providing 500 rebates of \$400 on eligible portable consumer goods with a minimum four-star energy rating, such as fridges. There will be a solar hot-water system rebate program, which will provide 100 rebates of \$1,200 on systems with a minimum 20 RECs. Each program will be available to the holders of the following concession cards: Centrelink health care card, Centrelink pensioner concession card, Department of Veterans' Affairs pensioner concession card and Department of Veterans' Affairs repatriation health card.

## **Subordinate legislation**

### **Papers and statement by minister**

**MR HARGREAVES** (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections): For the information of members, I present the following papers:

Legislation Act, pursuant to section 64—

Housing Assistance Act—

Housing Assistance (Affordable and Community Housing Providers) Intervention Guidelines 2009 (No 1)—Disallowable Instrument DI2009-217, together with its explanatory statement (LR, 6 October 2009).

Housing Assistance (Affordable and Community Housing Providers) Monitoring Guidelines 2009 (No 1)—Disallowable Instrument DI2009-216, together with its explanatory statement (LR, 6 October 2009).

Housing Assistance (Affordable and Community Housing Providers) Registration Determination 2009 (No 1)—Disallowable Instrument DI2009-214, together with its explanatory statement (LR, 6 October 2009).

Housing Assistance (Community Housing Providers) Standards 2009 (No 1)—Disallowable Instrument DI2009-215, together with its explanatory statement (LR, 6 October 2009).

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

Leave granted.

**MR HARGREAVES:** I am pleased to table today four disallowable instruments for the regulation of the not-for-profit housing sector in the ACT. These describe the registration process, the monitoring process, performance standards and intervention guidelines.

Introducing these instruments represents the last stage of developing the elements for a regulatory framework which the ACT government began by amending the Housing Assistance Act 2007, in 2008. The framework will monitor risks to service quality and tenancy management practices, protect government investment in the sector and encourage private investment in affordable housing.

At the national level, the Australian government has already communicated its wish for an expanded role for the not-for-profit housing sector in the development and management of additional rental housing. Outcomes that will result from the growth of the sector were incorporated into the national affordable housing agreement negotiated during 2008 by the commonwealth and state and territory governments and which commenced on 1 January 2009. They were complemented by measures under the nation building and jobs package and the national rental affordability scheme.

Our legislative framework will help to assure investors in affordable housing that there is comprehensive oversight of risks for not-for-profit housing providers. Our framework complements the steps that the ACT government has taken to provide more affordable housing for those members of our community who are in housing stress or need. It will encourage innovative approaches to the development of additional housing stock, a strategy of the affordable housing action plan 2007.

Under this plan, the ACT government gave CHC Affordable Housing, formerly called Community Housing Canberra, a \$50 million revolving loan facility, as well as transferring title to 135 properties to the company as part of the government's objective of supporting the growth of the community housing sector. CHC has been operating in the Canberra market for a number of years and is well placed to increase the supply of affordable properties for both rental and purchase in the ACT. This will help to increase both rental stock and housing stock available for sale to people at less than \$300,000 per dwelling.

In early March 2008, at a meeting of state and territory housing ministers, which I chaired, approval was given for a national regulatory framework for not-for-profit housing providers. Soon afterwards, on 14 March 2008, my colleague Simon Corbell presented to the Assembly amendments to the Housing Assistance Act on my behalf. These amendments empowered the Commissioner for Social Housing to register, monitor the activities of, and deregister community housing providers and to intervene, where necessary, in the conduct of any provider that breaches conditions of their registration.

An office of registrar has been established by the Commissioner for Social Housing to oversee the registration and monitor the activities of registered not-for-profit housing providers. The registrar is the Commissioner for Social Housing's delegate.

Under our framework, affordable and community housing providers have to meet the eligibility criteria contained in the Housing Assistance Act 2007 in order to be registered. Registration will be permanent, subject to ongoing compliance with the eligibility criteria. The registration process will allow for the registration of existing providers and new providers, including those providers from interstate. Presently, there are three providers that could possibly register as an affordable housing provider,

and five as community housing providers. The registrar will maintain a public register of those providers. It is expected that the first registrations will commence in November 2009.

The instruments tabled today describe separate registration processes for affordable housing and community housing providers. Affordable housing providers that apply to register are expected to be innovative and involve themselves in entrepreneurial property development for low to moderate income earners, at arm's length from government. They will be expected to deliver housing options, including rental and homeownership, for individuals and families who would otherwise not be able to afford it.

However, to meet the eligibility criteria they will have to demonstrate that they are operating within an acceptable level of risk. The requirement for a risk management plan is essential. These providers will be utilising government assets to leverage investment and grow portfolios on behalf of the government. Only providers that demonstrate that they have risk management processes in place to adequately protect their future operation, viability and ability to deliver housing will be registered.

Community housing providers will also need to meet eligibility criteria in order to gain registration. These providers will manage properties as the head lessee, utilising government owned or other organisations' assets which they rent to low to moderate income tenants. While their activities are less risky than those of affordable housing providers, it is still important that the interests of vulnerable tenants are protected.

That is why they will be expected to provide evidence that they comply with the performance standards which are specified in one of the instruments being tabled today. The standards cover tenancy management, tenancy rights and participation in the general management of community housing provision, governance and organisational management, finance, and management systems, including human resource management. Indicators contained in the standards serve as a guide to the types of practice that may go towards satisfying the standards.

The monitoring guidelines describe the way in which the "light touch" oversight of providers will occur. Registered providers will be monitored for ongoing compliance with the eligibility criteria for the relevant registration category. As far as possible, information already provided for other purposes, such as annual reporting, will provide the information required for monitoring. The Commissioner for Social Housing will be able to request additional information if it is required.

The Commissioner for Social Housing's intervention powers, as described in one of the instruments I am presenting to the Assembly today, will of course only be used as a last resort. They will only be exercised in circumstances where the Commissioner for Social Housing is of the view that there is no other satisfactory alternative means of remedying issues of noncompliance. A decision to intervene will be an appealable decision.

Consultation with key stakeholders on the development of the four instruments commenced in December 2008 and has been comprehensive. The government consulted widely on the disallowable instruments, with follow-up meetings held in

February, March and May 2009. Housing providers, tenant and provider peak bodies participated in these consultations.

Revised instruments were distributed to stakeholders for final comment in July 2009. These instruments were updated to reflect feedback and comments. A final wrap-up meeting was held in August 2009 to discuss and finalise the four disallowable instruments. There were no major objections to any of the disallowable instruments and the stakeholders agreed that within the confines of the legislation they were comfortable with the proposed process.

In tabling these instruments, I would again like to acknowledge the input of the community housing sector and would like to thank each of the contributors that attended consultation events. I look forward to seeing the benefits derived from these instruments—affordable, sustainable and responsive housing options for the people who live in our community.

Finally, as is my wont, I would like to express my appreciation to the officers of the Department of Disability, Housing and Community Services—in particular, Maureen Sheehan and Martin Hehir and the officers who work for them. Also, Jennie Mardel, Kim Fischer and Mark Kulasingham in my office, and Geoff Gosling, my former chief of staff, all of whom had a little bit of input into doing this. We want to see affordable housing delivered properly to the people who really need it, and done so against the background of protection for the government's assets and for their own. We want to ensure people's viability as community housing providers and affordable housing providers and that they have the best chance of success. We are not introducing regimes to make it hard for people; we are introducing regimes to make it easier for them.

For the last time, I commend to the Assembly the disallowable instruments for registration, monitoring, standards and intervention, under the regulatory framework for not-for-profit housing providers.

## **Paper**

**Mr Barr**, pursuant to the resolution of the Assembly of 24 May 2000, as amended on 16 February 2006, presented the following paper:

Performance in Indigenous Education—Interim report—January to June 2009.

## **Environment—energy efficiency Ministerial statement**

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.43): by leave: I present the following paper:

Future directions for renewable energy and energy efficiency projects—  
Ministerial statement, 15 October 2009.



I move:

That the Assembly takes note of the paper.

Just a decade into its third millennium the modern world faces its greatest challenge and perhaps its greatest opportunity. For it is how the global community reacts to the threat of global warming that will determine the shape of all future human existence. The US President, Barack Obama, recently told world leaders:

... the threat from climate change is serious, it is urgent, and it is growing. Our generation's response to this challenge will be judged by history, for if we fail to meet it—boldly, swiftly and together—we risk consigning future generations to an irreversible catastrophe.

The ACT Labor government accepts this challenge and it has already embarked upon an ambitious reform agenda and has already determined that Canberra will set the standard for a truly sustainable city.

Today I wish to outline to the Assembly 10 critical insights that I have gained as a result of a recent visit to the United Kingdom, Denmark and Germany and to advise how these lessons will be applied to further enhance the ACT government's response to the challenge posed by climate change.

The value of this visit was incalculable. Face-to-face discussions with some of the world's foremost policy makers and practitioners and the ability to see firsthand what their policies are delivering on the ground have convinced me further that there are significant opportunities to be grasped here in Canberra and significant gains to be achieved in the area of energy efficiency and in the deployment of renewable energy projects.

Firstly, let me focus on the issue that we must always choose action over inaction. There is no excuse for inaction on this issue. It is time to reject once and for all the arguments that the ACT is too small to matter, that its responses are inconsequential so we should simply ride on the coat-tails of the rest of Australia or indeed the rest of the world.

The arguments in favour of the do nothing, wait and hope approach seem to be built around three points: firstly, that the commonwealth's carbon pollution reduction scheme, or the CPRS, is so badly designed that any extra emissions saved in the ACT will simply free up extra permits for polluters in other states; secondly, that tough local targets confuse the community, given their lack of understanding of the CPRS, and this will destroy willingness to act in ways that can help reduce Australia's emissions; and, thirdly, efforts to meet tough targets will come at a significant cost to ACT residents and the ACT government, without any significant benefit.

These arguments are dangerous and they are wrong. The ACT government recognises the shortcomings of the proposed CPRS and of the cost imposts that it would place upon state and territory budgets. We have consistently raised these concerns with the commonwealth and will continue to do so. And we are not acting alone; other jurisdictions have similar concerns.

But uncertainty on the final shape of the CPRS is no excuse for inaction. Actions do speak louder than words, and that is why the government is working collaboratively with businesses and the community to arrest the growth in the territory's greenhouse gas emissions and then seek to drive them down. Given that our emissions are not yet even stable but have increased at an alarming average rate of 1.7 per cent since the year 2000, this is a significant challenge. But by setting a long-term goal of Canberra to be a zero-net emitting community, to be carbon neutral, the government is confident that all parties will be alerted to, and some even inspired by, the need to urgently take action to mitigate and adapt to the impacts of climate change.

Of course, the cost implications for Canberrans must be carefully evaluated during policy development and the government will always seek to make reasonable judgements in consultation with the community on this matter. The government's analyses will also properly take into account the very real and significant costs associated with doing nothing as have been documented by both the Stern and Garnaut reviews.

Finally, and perhaps most importantly, we know with absolute certainty that dealing with climate change requires significant behavioural change for individuals and for all of us as a community—change in how we use energy, how we travel, how we build our homes and our city, to name but a few of the more obvious. And we know that changes of that nature take time. There is no point in putting off getting these underway. Waiting in the hope that a CPRS or some other single scheme will be all that is needed is a high risk strategy that only delays the inevitable.

During my visit I had the benefit of discussing these issues with a number of senior policy makers in the United Kingdom and Germany, including, for example, Mathias Machnig, the head of the federal German ministry of environment, nature conservation and nuclear safety. And what was their unequivocal view? It was to work with the community now to identify and then deliver the changes needed and understand that governments cannot rely on solitary policy instruments. An array of clever and innovative policies is essential. This is not a theoretical position. It is based on their hard experience.

Quite apart from the very obvious arguments in favour of ensuring the perpetuation of a worthwhile existence for our planet, I also believe there is a clear moral obligation to take individual and collective responsibility for the warming of our climate to dangerous levels. As I have already noted, the decisions taken by this generation will affect all future ones.

The second insight is: governments must act now. Unless governments accept both the seriousness and the urgency of anthropogenic global warming and respond accordingly, that is seriously and with urgency, we will not avert the catastrophe that President Obama referred to in the quote I read earlier. I saw much evidence of governments overseas at all levels taking serious action. For example, the 2008 Climate Change Act made Britain the first country in the world with legally binding emissions targets—34 per cent by 2020 and 80 per cent by 2050. This was not wishful thinking; the UK government has a detailed plan on how it will achieve its emissions targets through action in every sector of the economy while maintaining energy

security and protecting the most vulnerable in society. By 2020 Britain aims to generate around 40 per cent of its electricity from low-carbon sources.

In another example of moving from discussion to action, the UK government's low-carbon transition plan introduced five-yearly carbon budgets for all government agencies and authorities. The heads of these agencies must meet the specific targets in their carbon budget just as they must meet their financial budgets. I see significant merit in this idea and I have directed my department to develop policy options for its possible implementation.

The opportunities that I refer to as emerging from the challenge of moving to a low-carbon future for the ACT arise from the fact that such a crisis can propel policies, programs and community awareness toward creating a sustainable future. This has, among other benefits, real potential for sustainable economic growth. Wherever I went in the UK, Denmark and Germany I saw major efforts being put in by governments to capture this benefit. In London, for example, in my discussions with the London Development Agency and with the UK Environment Agency, I was advised that at a local and national level efforts to address climate change have gone hand in hand with economic growth. Between 1990 and 2005, the UK economy grew by more than 30 per cent while greenhouse gas emissions fell by more than 12 per cent.

Senior officials from the German government that I met in Berlin noted that Germany has developed its energy and climate policies since July 2007 to serve this end as well. Their government decided on an integrated energy and climate program which sets the following goals: a reduction in greenhouse gas emissions of 40 per cent from 1990 levels by 2020; at least 30 per cent share of renewables in electricity by 2020; doubling the renewables share in heat generation to 14 per cent by 2020; doubling energy productivity by 2020 compared to 1990 levels; and doubling combined heat and power generation, or CHP as it is known, to 25 per cent of electricity generation by 2020.

This has led to new laws or significant amendments to existing legislation; for example, the Renewable Energy Sources Act, the Renewable Energies Heat Act, the Biofuel Quota Act, the Combined Heat and Power Act and the Energy Savings Ordinance. A recent German study has investigated the economic effects of these policy approaches. It has shown that these policies are triggering and will continue to trigger investment which will result in at least 500,000 additional jobs being created, net, by 2020; annual avoided fossil energy imports will be worth approximately €22 billion; the national GDP will annually increase by around €20 billion a year; and in 2030 the national debt will be some €180 billion lower than without these measures. Clearly, a policy focusing on energy efficiency and renewables is therefore beneficial to both the economy and the climate. The Germans are blunt in their advice: this is true for any energy-importing industrial country.

The third insight I want to focus on is that consensus drives real change. It is clear that political consensus drives the most successful programs and policies. This was powerfully demonstrated by the administrations in the German town of Freiburg and in Denmark's Copenhagen. In Copenhagen, I met with Mr Klaus Bondam, the mayor responsible for the city's environment and engineering administrations. There are

seven political parties represented on the city council. Administration is through a chief mayor and six deputy mayors, or mayors as they are known. All parties share in these roles. So every policy and program emerges from a consensus position that includes all parties from the conservative to the radical, and this has been with some truly impressive results. They have, for example, reduced carbon emissions by more than 20 per cent over the last decade. I will return to Copenhagen's policies and their relevance to the ACT a little later.

The same story is true in Freiburg. Consensus is sought and mostly achieved on all major policies, and again the results speak for themselves. Like Copenhagen, and unlike so many other cities including our own, Freiburg has reduced its carbon emissions by 14 per cent since 1992 in absolute terms and by 20 per cent per capita over the same period.

Political consensus on the need for action and the targets needed to achieve results has also underpinned the efforts and the success of the Woking Borough Council in the United Kingdom. I had the privilege of visiting the town and meeting with its administration. The town of Woking is recognised as an international leader in the deployment of renewable energy options, including solar and combined heat and power, and has already achieved 99.85 per cent independence from the national electricity grid.

Why is this all relevant to the ACT? It is relevant because we have an immediate opportunity to achieve that vital consensus here in the ACT. Without wanting to pre-empt the government's response to the standing committee's interim report on its inquiry into ACT greenhouse gas reduction targets, I strongly believe this report throws out the challenge to all of us in the Assembly to find an agreed response. It is too important, too fundamental to the future of our city, to not make the attempt. The government will be bringing that attitude to the discussion, which I expect, subject to all the normal cabinet processes, to occur before the December deadline for our response.

The next insight I want to focus on is that policies must deal with the real problem. The clear theme emerging from all of my discussions overseas was that strong government leadership recognises that policies must tackle the real problems in a way designed to deliver solutions. Too often, government effort, especially in voluntary, information-based programs aimed at behavioural change around energy and sustainability, do not make a difference. We preach to the converted. Many administrations are confronting this.

I was very impressed with the UK government's carbon emissions reduction target, or CERT, scheme. CERT is an obligation introduced by the UK government on energy suppliers to achieve targets for reductions in carbon emissions in the household sector and for combating fuel poverty. Energy suppliers will be able to achieve their CERT obligations by helping consumers use less energy and through increasing the use of renewable energy. Suppliers must meet individual targets for the reduction of carbon dioxide emissions in homes. The target for CERT will be overall lifetime carbon dioxide savings of 154 megatonnes of CO<sub>2</sub> equivalent, delivering annual net savings of 4.2 megatonnes of CO<sub>2</sub> at the end of the program. This is roughly double the obligations imposed by European Union directives.

CERT will oblige energy suppliers to install home-based energy efficiency measures for people on low incomes, those with disabilities and the over-70s. Suppliers must give at least 40 per cent of CERT funding to these priority groups. So CERT is about the improving of energy efficiency; increasing the amount of electricity generated or heat produced by microgeneration; increasing the amount of heat produced from biomass; and reducing energy consumption by introducing behavioural measures to encourage people to save energy.

**MADAM ASSISTANT SPEAKER** (Ms Burch): Mr Corbell, your time has expired.

**Mr CORBELL**: I sought leave of the Assembly to make a statement.

**MADAM ASSISTANT SPEAKER**: In fact, what happened was that you moved that the Assembly take note of the paper. So we are now actually in the debate which—

**Mr CORBELL**: Well, I seek leave to conclude my statement, Madam Assistant Speaker.

Leave granted.

**MR CORBELL**: The energy suppliers are obliged to spend £1.5 billion on the scheme, but could pass the costs on to consumers. The UK government has estimated that the potential cost to the average consumer, if passed on in full by energy suppliers, will be a total of around £97 over the three-year period that CERT will run. The UK government has also estimated that on average the annual ongoing benefit per household in terms of lower energy bills or increased comfort would be around £31 a year for the lifetime of the measures. Of course, these benefits will continue for many years, in some cases several decades, beyond the CERT period.

So CERT delivers environmental benefits by reducing carbon emissions, social benefits by reducing fuel poverty and economic benefits in promoting innovation by creating market opportunities for new or more efficient technologies and by providing incentives for demonstration and market transformation.

Madam Assistant Speaker, without wanting to pre-empt the government's policy processes, I want to indicate to the Assembly that I have directed my department to explore the costs and benefits in CERT-style legislation here in the ACT. I believe the benefits are considerable, and initial estimates indicate that we could save up to four million tonnes of CO<sub>2</sub> equivalent through such a program.

The fifth learning I want to focus on is that governments must shape the market and deal with its failures. Intelligently crafted government policies and regulations, focused on the things that matter most, drive real change. In particular, this approach is critical to switching on the full power of the private sector—its innovation, its energy, its creativity. When the private sector can translate the triple bottom line of government policy into its own single bottom line, then change at the rate and extent necessary to deal with global warming change will happen.

Every administration, conservative or not, and every agency or private trust I spoke to across these three nations accepted that direct government intervention was essential to produce the required outcomes. The market alone cannot and will not do so.

I was particularly interested in how this understanding impacted on the development of distributed energy generation. This is relevant because encouraging the growth of distributed energy will be a key plank of the ACT Labor government's energy policy.

Distributed generation technologies offer the potential to make a significant contribution to energy policy goals, of tackling climate change, ensuring reliable energy supplies and providing affordable energy. Distributed energy generation is a collective term spanning a wide range of heat and electricity generation technologies which operate at a distributed scale. For example, they generate energy close to the point of use. These can include wind turbines, photovoltaic cells and combined heat and power systems which generate both electricity and heat.

In the UK I was advised of a number of detailed studies, commissioned by the Energy Savings Trust when I met its chief executive in London. A very short summary of that study shows that at 2008 fuel and technology prices, with no additional policies, community distributed energy generation could economically meet 4.3 per cent of total UK energy demands, if householders were to act collectively. This represents 13 per cent of total annual UK household energy demands.

At projected technology prices for the year 2020, with no additional policies, community distributed energy generation could economically meet 5.9 per cent of the total UK energy demand if householders were to act collectively. This relatively small increase in the economic potential suggests that technology cost reductions alone will not be sufficient to drive an increase in technology uptakes and that policy measures will be required.

Direct government intervention to drive change that in the long term is needed to ensure that such technologies will become cost-effective in the more traditional sense is appropriate. That is what we need to understand and accept here for the ACT. That is why I am particularly interested in what potential there is for site or precinct-specific combined heat power within the ACT. It is another initiative that I have instructed my department to focus on in its future policy development.

Another area of interest for members, I think, will be the UK government's policy when it relates to climate change risk assessments. The Climate Change Act commits the UK government to carry out an assessment of the risks to the UK of climate change every five years. The first cycle is required to report to parliament by the end of January 2012.

The climate change risk assessment will provide evidence and analysis which will enable all of the UK administration to understand the level of risks, threat and opportunity posed by climate change, compare the risks of a changing climate with other pressures on the government, prioritise adaptation policy geographically and by sector, and assess the costs and benefits of adaptation actions and support the case for resources to address them.

A national adaptation program must be put in place and renewed every five years to address the most pressing climate change risk to the UK. The UK government has the power to require public authorities and statutory bodies—companies like water and energy utilities—to report on how they have assessed the risks of climate change to their work and what they are doing to address these risks. I believe there is strong merit in this approach for the ACT and I have asked my department to give further consideration to the development of climate change risk assessment legislation for the territory.

The sixth insight is that cities are fundamental to success. Cities are critical to the success of the global effort to fight climate change. Today, more than 50 per cent of the world's population lives in urban areas where up to 80 per cent of all energy is consumed. By 2030 two-thirds of humanity will live in cities. Fast growing cities and developing countries are highly vulnerable to the impacts of climate change. As Australia's only significant inland city, Canberra is particularly vulnerable to the impact of climate change. We rely on other jurisdictions for the great majority of our energy requirements and options for securing our water supply are more limited than coastal cities.

Cities are also fundamental to delivering solutions and I saw much evidence that cities across the world are already making real gains often in advance of national governments. This is partly because a number of human activities that are typically facilitated directly within the urban context, such as energy saving and urban transport, are major contributors to greenhouse gas emissions and to climate change. Therefore, mitigation will massively influence patterns of use in the urban context making it, at a very practical level, a significant urban activity.

Increasingly, it is recognised that cities, local and regional authorities play a critical role in designing and implementing energy and infrastructure guidelines, investment promotion and consumer awareness campaigns necessary to combat and address climate change. I have already mentioned Copenhagen. It is a good demonstration of what cities can do. It has reduced CO<sub>2</sub> emissions by more than 20 per cent over the last 10 years. It has a suite of other impressive outcomes which I am sure members will be familiar with.

My experience overseas simply confirmed my view that Canberra is ideally placed, of all Australian cities, to be the benchmark of sustainability—especially in showing the way to a realistic and low carbon future. I found support for this vision everywhere I went but particularly in the German city of Freiburg. Freiburg has a number of strong similarities with Canberra.

Firstly, it is a small to medium-sized city, about 225,000 residents. It is set in a relatively low density region—for Western Europe. It has no heavy industry or manufacturing and it is a knowledge-based and service economy. It has a large and well-credentialed university. Its greenhouse gas emissions profile is very similar to that of Canberra. Roughly 75 per cent of energy used is for heating and cooling buildings with the balance being in transport. It has a progressive and reformist government. It has an aware, well-educated and committed population and it has relatively high solar radiation.

These are the features, along with the benchmarks, policies and programs the city has developed, that led my department to include it on the itinerary for my visit. Freiburg has consciously adopted a strategy built around accommodating what they describe as soft ecology and hard economy. Environment polices, solar engineering, sustainability and climate protection concepts have become the mainstays of economic, political and urban development, and the Freiburg community has strongly identified with this.

In Freiburg, the economy based on environmental policies has resulted in about 10,000 people employed by 1,500 companies and this sector contributes approximately €500 million to the city's economy. In the solar sector alone, direct employment is about 700 people, which is four to five times above the national average of Germany.

Centres of private and public research investigating renewable energy sources, such as the Fraunhofer Institute for Solar Energy, function as centres for research excellence, on which hundreds of spin-off companies, service providers and organisations are based.

In my discussions with Freiburg's Mayor, Dr Dieter Salomon, I was advised that more and more new value chains are being created, from basic research to technology-based transfers and global marketing. The environmental economy is the leading business sector in both town and region.

The city sets very high standards in energy efficiency for new homes—higher than the national standards for Germany—and has a range of other benchmark policies and legislation. For example, rather than an automatic connection to the power grid, all new developments are obliged to review the energy options available and the variant most compatible with the environment is then mandatory, provided it can be realised with the same or a reasonable higher cost—no more than 10 per cent.

In its newest residential developments, such as the Vauban Quarter, which I was fortunate to visit, low-energy building is obligatory and, in fact, zero-energy and energy-plus buildings, where the residence not only covers its own energy needs but is able to export energy back into the grid, are common.

The neighbourhood area is traffic-calmed with the majority of households not owning a car. Private motor vehicles are parked in one of two multi-storey car parks on the outskirts of the quarter within easy walking distance of all the residences. Developments such as the Vauban Quarter do serve as a model for future urban intensification here in Canberra.

I do not mean to imply that the Freiburg blueprint is one that can simply be lifted up and laid over Canberra. But here is a real world example of a city that shares many features with our own and is widely regarded across the world as a benchmark in sustainability and uptake of solar energy. We have much to learn from this beautiful little city and I intend to exploit the relationships I established there to inform and further inspire our policy development.



The next insight to focus on is that a zero net emissions policy is the right way to go. Zero net emissions, or carbon neutrality for Canberra and the ACT, is the policy for these times. It is the centrepiece of the government's response to climate change, and my experience overseas simply confirms its fundamental role and that it can be achieved. It must be the overarching objective of government policy and is absolutely capable of being delivered within a realistic time frame.

Copenhagen is one of the significant cities around the world that shares this ambition with Canberra. Their vision is to make Copenhagen the world's first carbon neutral capital by 2025. To this end they have 50 specific initiatives carefully developed and costed in order to meet that goal. They readily acknowledge the costs. But their analysis shows it is an investment with good long-term returns financially and in terms of health, performance and wellbeing for all of their citizens.

The city government is determined to lead by example. Municipal buildings will be climate upgraded, reducing energy use and making them better work environments. Energy upgrades are excellent investments because this reduces energy losses as well as general consumption. They expect to save approximately €4 million a year just on their energy bill.

Next, Madam Assistant Speaker, the point I wish to make is that inspirational or stretch targets are critical. I have extolled the virtues of inspirational or stretch targets previously, particularly in regard to this government's zero net emissions policy. Again, the exposure I had overseas, and places which are leading the world, confirm the intrinsic value of these targets.

In 1996 the Freiburg Council decided to reduce carbon emissions by 25 per cent before the year 2010. By applying a well designed package of actions, emissions could be markedly reduced, particularly in the traffic and energy sectors. Almost 60 per cent of the city's electricity is generated by combined heat and power plants, for example.

Despite their best efforts, Freiburg will not reach this goal. However, it is regarded as an incentive by the city to redouble climate protection efforts. I think there is a lesson for us here in Canberra. Set a goal and go for it. You might not make it but you will achieve a hell of a lot along the way.

In Freiburg, as a result of not meeting their goal, the council decided to proceed with its climate protection policies and raised the benchmark even higher for the next phase: 40 per cent less CO<sub>2</sub> by 2030. The goal is ambitious, but not unrealistic, since the national and international conditions for climate protection have improved considerably.

Madam Assistant Speaker, the insight I would like to reflect on in conclusion is that the government's existing initiatives in renewable energy are essential. Two of the ACT Labor government's most significant existing initiatives were reaffirmed by the exposure I had to world's best practice. Firstly, our feed-in tariff; we were right to implement it. We were right to choose a gross model over a net model, the only Australian jurisdiction to do so. And we are right to be actively reviewing and

considering an expansion of the tariff to cover renewable energy generators of greater than 30 megawatts.

The German experience, in particular, is unequivocal. Without this policy there would have been insufficient take-up of renewable energy within a time frame capable of delivering the sustainability outcomes set by government. Even with a price on carbon, without the feed-in tariff you would not have seen the take-up that they have seen.

The second major initiative here in Canberra, the government push to secure a large-scale solar power generation facility within the ACT, was also affirmed by the trip. Solar power facilities at scale are not science fiction. They dot the landscape across the southern part of Western Europe and function efficiently and effectively, even in places less blessed by solar irradiation than Canberra.

Again, the ACT Labor government's reform programs are clearly consistent with world's best practice and demonstrate that our leadership in this field is no pipedream. The government continue to move expeditiously to implement our commitment to renewable energy sources through the development of a solar facility capable of providing sufficient renewable energy for at least 10,000 homes. This 30 megawatt facility is not just large by current standards in Australia; it is large by international standards.

An evaluation team is currently finalising its review and recommendations to government of the more than 20 substantial proposals received from some of Australia's and the world's leading players in solar energy. I remain confident—indeed, very confident—we will be able to secure a commercially viable, technologically proven and innovative solar power facility in the ACT.

I expect the second stage of this process, the request for detailed proposals from a smaller group of companies, to proceed later this year. Given recent developments in other states, I also expect the ACT will have the first large-scale solar power facility operational anywhere in the country. Of course, these two initiatives are by no means the total answer but they certainly constitute a critical part of a clever, coherent and meaningful policy response to climate change,

Madam Assistant Speaker, I have sought to give a brief overview of the outcomes of my visits and I hope that I have been able to convey some of the most important lessons learnt and what they mean for future policy directions in my portfolio. I return even more optimistic about Canberra's long-term future and more confident that the policies we have already in place, along with those that we will roll out over the next one to two years, will enable us to deliver on a vision of a truly sustainable Canberra.

I am, I must say, also daunted by the work. There is a lot of policy work to be done and a lot of complex detail to work through, but I believe that with enthusiasm and commitment, which I have seen from my colleagues in the government, from the Assembly and from the officers of my department and across the ACT administration, we are well placed to realise these ambitions.

**MR RATTENBURY** (Molonglo) (4.20): I welcome the minister's statement today. I think he has given a very interesting statement of his recent travels and his

experiences overseas. He has raised a number of very important points, some of which I would like to discuss briefly, and I will try not to take up too much of the Assembly's time this afternoon.

I note that, homing in on some of the minister's key points, there are no reasons to delay. We do need to make changes in how we use energy, how we travel and how we build our homes and our city. The fact is that governments must act now; there is no time for delay.

The minister's witnessing of good economic benefits being delivered overseas in Germany, the UK and Denmark is a very important point to take from the minister's statement today. The minister's witnessing of inspiring examples and programs such as Woking in the UK are inspiring because we know they could happen here in the ACT.

In the context of those excellent lessons and inspiring examples, it is important to look at the ACT's local reality. Our most recent greenhouse gas inventory shows the ACT's emissions to be more than 25 per cent above 1990 levels and more than 10 per cent above 2000 levels and that emissions have grown at 1.7 per cent per year since 2000—more than double the national average. That coincides neatly with the time that the Labor Party have been in power in the ACT.

We have an increase in electricity emissions that outstrips the national average. We have seen very significant increases in our commercial sector. It is interesting to note that residential consumption has decreased, and I think that is a testament to Canberra's citizens who are committed to taking action on climate change. Overall, the ACT's per capita emissions have been going up since 2000, while the national average has been going down. These are all quite sobering statistics and I think they underline the minister's comments that we face a very significant challenge here in the ACT.

I would like to go back to some of the other points that the minister raised today. His first point was that there is no reason to delay and that we should choose action over inaction. I could not agree more. In the ACT there has been a lot of talk. It was interesting to dive into the archives in preparation for the minister's statement today, because we had a greenhouse target in the ACT in the 1999 greenhouse strategy—stabilising at 1990 levels by 2008 and reducing by a further 20 per cent by 2018.

This was an interesting document. When you sit down and read it, it is a fascinating historical perspective on where we are now. Clearly, the targets they set would need to be revised in the new global climate where we know that climate change is probably worse than originally predicted. But how good would it have been if we had stuck to the targets in this document? If we had stuck to the targets in this document, we would be much more capable of meeting those scientific requirements now, because the urgency has increased substantially.

How good was this strategy? It is a question that we do need to ask because, under it, our emissions have continued to rise. You could conclude that it is not much good at all, but I also suspect that it is a failure of implementation, because if we pull this

strategy apart, we can probably understand why we have not achieved those emission reductions that were aspired to.

I note, for example, that the strategy made a commitment for government to purchase 100 per cent of renewable electricity for government operations by 2008. Yet, there we were in 2008, needing to put a measure into the parliamentary agreement between the Greens and the Labor Party because we were only at 23 per cent by that time.

Before I move on from this greenhouse strategy, I would like to note, Mr Smyth, that it is actually your signature in this strategy. I look forward to your contribution to this debate as well, because I am sure that you are committed to those sorts of targets and also to helping us meet the sorts of targets that scientists are telling us to meet now.

The next thing I would like to go on to is changes in how we use energy, how we travel, and how we build our homes and our city. Again, I agree: these are the fundamental questions that we all need to face, as individuals, as a society and as the legislators for this territory.

I agree with what the minister was saying but I have to confess that I am not filled with hope when I take the case study of our shining new suburbs that we are about to build in Molonglo. Here we are, about to put in a whole new town centre, yet I wonder if we are moving fast enough in terms of integrating progressive thinking on energy, water and sustainability issues. With respect to Molonglo, in a recent discussion with ACTPLA I was dismayed to discover that we are not even going to have guaranteed solar orientation for the newest homes in Molonglo. We have not yet managed to create the rules that will ensure that we have the cheapest, simplest, most effective energy saving measure we can put in place in terms of urban planning. It is not guaranteed for the suburbs that will be built in 2010.

I am also unclear what the public transport options are going to be from the outset of this development. If we were truly changing how we use energy, how we travel, how we build our homes and how we build our city, the public transport would be there right from the start, but it is unclear exactly what will be provided and when.

I thought the minister's reports back on the CERT scheme from the United Kingdom were very interesting. The minister noted that his department is investigating it. I think any scheme that looks at large-scale measures to improve energy efficiency must be welcomed, because we need to stop tinkering around the edges. There is only so much we can do with small-scale rebate schemes and voluntary measures. Wholesale change will happen when we shift what is normal and what is acceptable in regard to home and building energy efficiency. Large-scale energy efficiency programs are what we need, and in this context I would like to note the recent findings of the climate change committee, which made recommendations to reduce the ACT's greenhouse emissions by 40 per cent by 2020.

Rather than this being a frightening target, they indicated that this target could more than likely be met by energy efficiency measures alone. That is an inspiring realisation, but it is a challenge to every single member of this Assembly as to how we are going to meet that sort of target because we need to get on with insulating

Canberra. The Greens are more than happy to sit down and discuss with anybody in this chamber, and the minister in particular, how we can best achieve this.

When I saw that the minister was making a ministerial statement today, I assumed that the minister had been inspired by his overseas trip and also that he was going to come in today and present the government's draft energy policy. I had hoped that today would be the day when we would finally see it. I had hoped that the minister would be announcing the beginning of the consultation period on the energy policy because it has been a long time coming, to be frank.

Again, digging into the archives today, I found the original energy policy discussion paper from March 2006. And here we are, in October 2009, and we are still waiting for the next draft. I accept that there are reasons for these delays, and I have had discussions with the minister about his concerns about earlier versions. But this version has on it as the by-line "reliable, responsible, renewable". It clearly left off "timely", because we still do not have an energy policy more than three years later. If we are going to talk about tackling emissions in the ACT, we need an energy policy.

The minister has also raised the ACT's feed-in tariff and the extension of that feed-in tariff. We still have not seen the government's discussion paper on this either. We have heard about how the government's aspiration is to reach zero emissions, but we have not seen a roadmap of how they are going to get there either.

It brings me to my other favourite document in the series, weathering the change. This is a strategy from 2006 which the government said it was going to deliver for the ACT. I note that action 2 is to pursue carbon neutrality in government buildings, and that resource management plans were to be developed by all ACT government agencies and would be in place by 2009. Yet Ms Le Couteur and I—particularly Ms Le Couteur—extensively asked questions in the recent estimates process about where the government was up to and where departments were up to. If I recall correctly, we found, almost universally, that the answer to these questions was that departments were not even measuring their emissions, let alone reaching a point of carbon neutrality.

This brings me to thinking about where the ACT government is at. With respect to some of my criticisms today, I do not mean to be overly critical; I think the minister has developed some really interesting points today. But it is important to frame the context in which these comments were made.

Perhaps in the ACT government we need to look at strengthening the Department of the Environment, Climate Change, Energy and Water, because I think the minister is talking about the right sort of ideas to deliver for the ACT. Clearly, it is going to take a significant effort. It is also going to take a significant effort to push back against some of the other departments who are sceptical about these initiatives. I think that strengthening the minister's department is an issue we may need to look at so that they have got the necessary capability to deliver these inspiring ideas that the minister has been subjected to on his international travels.

The other thing is that the next budget, delivered by the Treasurer next year, needs to be a real climate change budget—a budget that says that the ACT government has

adopted a target of zero net emissions and we are going to start, in the most important document this government delivers each year, reflecting that, in terms of the way we spend money, where we are with money and how we prioritise money.

Let me wrap up by saying that the Greens are ready and willing to engage in a debate about energy policy. We want to play a constructive role in the development of that policy and we are excited about the potential that there is in the ACT for innovation and common sense to come together in an aware, well-educated and generally relatively wealthy city.

We know that Canberra is one of the best-placed cities in Australia to implement real changes, but we are starting to get tired of the talk. We want to see real action, and plenty of people that I talk to share that sort of frustration. I sincerely hope that the minister's visit to Europe with his senior department officials has inspired and motivated them all to get started with implementing policies that will deliver real change, real emission reductions and secure a clean energy future for Canberra.

I hope that the minister is successful in infusing his cabinet colleagues with the same sense of enthusiasm and perhaps a dose of urgency, because I think the minister has made an important statement today. I think he has delivered some visionary ideas back to the Assembly from countries and places that are ahead of the ACT. I congratulate the minister on his statement today. I think it has made a useful contribution to the debate. I look forward to working closely with the government to really make some of these ideas happen, so that we can turn around where the ACT is currently heading and make us a national leader.

**MS LE COUTEUR** (Molonglo) (4.31): Like my colleague Mr Rattenbury, I would like to make very positive comments about the minister's paper. It is really good to see that one member, at least—hopefully more than one member of the government—is really inspired in seeing that we have a problem and that we can tackle it and solve it.

I really hope that this level of enthusiasm becomes part of the whole government and becomes part of the opposition. I do not have to hope that it becomes part of the Greens because we are already well and truly on side on that one, but I hope that it becomes part of the whole Assembly and part of the workings of the whole government and the workings of the ACT as a whole. So I thank the minister very much for this statement, as a statement of hope and vision.

With respect to more negative comments, as the minister said in his first comment, we need to get past talking. The time for action is here. I could not agree more: the time for action is here. Unfortunately, as the minister was able to say, the ACT's emissions have been going up by 1.7 per cent annually since 2000. That is not a record that anybody in the ACT can be pleased about, and we need to take action. I have some small degree of cynicism or unease about this. Members may remember that I introduced a bill earlier this year to increase the energy efficiency of hot-water services in the ACT. This did not meet a very happy fate from the point of view of the Labor government.

Leaving that aside, one of the things we really need to think about is that we need to start changing immediately our long-lived infrastructure. The government and the ACT community as a whole are currently creating things which we expect to be here for 50, 100 or 200 more years, and we need to start now to make sure they are suitable for the future that the minister has been talking about.

Given the state of the ACT, I want to talk about two things in particular here. With respect to transport, we are currently building our transport infrastructure in the way that we have been building it very much in the past, which is very much a car-centred infrastructure. If we are seriously going to reduce our greenhouse gas emissions, I think that it is not going to be a car-centred future. We are going to need to use a lot more public transport and we are going to need to use a lot more human-centred transport. In both of these areas, I think that we need to do more work.

The ACT government last year, at about this time—it was during the caretaker period—put in an excellent submission to Infrastructure Australia on the subject of light rail which I have had the pleasure of reading. Like the minister's statement today, it is a very inspirational statement. But it does not seem to have gone anywhere. In later statements that the government have made, they are going ahead with Majura Parkway and are asking for money from Infrastructure Australia for the Majura Parkway rather than light rail. We need to look at our transport infrastructure in the light of the sorts of things the minister has been talking about—in the light of seriously reducing greenhouse gas emissions.

In another instance, the government has allocated \$4 million, I understand, to do something in Bunda Street. I am sure that all members here will be aware—and particularly the minister, as he, along with myself, Mr Rattenbury and Mr Coe, was part of the ride with Pedal Power around the city loop yesterday—there is a debate going on about how we are going to upgrade Bunda Street. Are we going to make it really pedestrian and cyclist friendly? I have been asking questions on notice and have debated this with the minister with responsibility for TAMS for some months and, as yet, the indication appears to be that the \$4 million is going to be used basically on a cosmetic refit of Bunda Street rather than a refit which would make it easy for pedestrians and cyclists and encourage Canberra to make the positive changes that the minister is talking about that will lead to a low carbon and sustainable future.

The other big thing that the ACT government and the ACT community need to look at is buildings. We all know that buildings are responsible for 73 per cent of greenhouse gas emissions in the ACT, but we are still building buildings which are not significantly better than they have been in the past. My colleague Mr Rattenbury talked about Molonglo. One of the issues with Molonglo is that the buildings there, as he said, are not going to be required to be solar orientated and the buildings there will not have by-right solar access. So if you put a hot-water service or a solar electric system on your roof, your next-door neighbour can go and shade it. That is not going to encourage the things that the minister was talking about in terms of generating renewable energy.

Solar orientation is particularly important because if we go to retrofit buildings we can put in insulation but we cannot actually pick them up, move them around on the block

and make them face north. If we do not get that right from the beginning, we cannot get that one right in the future. That is one of the issues that was in the Labor-Greens agreement. We are very much hoping that the Labor Party will deliver on that very soon.

With respect to buildings, we can make some easy wins in terms of retrofitting existing buildings. We talked earlier today during questions without notice about the government's current plans. It does not appear at this stage that they are going to make a difference to a lot of buildings.

I will tell a very quick, inspirational story from my past. Australian Ethical, my previous employer, bought a building out in Bruce and we retrofitted it to six-green-star level. When we did that, we reduced our greenhouse gas emissions by 75 per cent and the cost of our refit was basically the cost that any other commercial organisation would have spent on a refit. The big change was that, instead of putting in a lift, we put in double glazing and a decent building management system.

I have not gone as far away as Europe, as the minister did, but I recently went to Melbourne for a green building conference. There were discussions about buildings which had been built to last 200 years and they were aiming to have zero net outside energy use. Most of them did not quite manage that but they went very close to it. We can do it, but we are not doing it now.

The other thing I would like to comment on is a very positive thing in the minister's statement, when he talked about the city of Freiburg in Germany, where the green economy is a major part of their economy. I would love to see the ACT government and the ACT community move in that direction.

In conclusion, it was really great to hear the minister's statement. I hope that greenhouse gas becomes one of the major priorities of the ACT government, whether it is via carbon budgets or whatever. I, and the rest of the Greens, and I hope the rest of the Assembly, very much want to be part of this debate, and we really want to see something happen along these lines very soon.

Question resolved in the affirmative.

## **Education—policy**

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

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

The importance of developing and delivering policies that advance education for all students in the ACT.



**MS PORTER** (Ginninderra) (4.40): I am very happy to be speaking today on the importance of developing and delivering policies that advance education for all students in the ACT. As we know, education builds skills, grows productivity and strengthens the economy. It is about our children and young people learning and reaching their full potential. Good education provides an opportunity for a better future for every student. Good education in this country lies in the provision of universal opportunity and our challenge is to produce universal outcomes.

This Labor government seeks to provide an education that is absolutely the best education for every child in the ACT. We will not accept disadvantaged young people being left behind; we will not accept high achievers being bored. Today I will highlight early childhood education and the importance of literacy and numeracy and teacher quality and how we are helping schools to plan for climate change. I will also update the Assembly on our almost half billion dollar investment in school capital works and our progress on the building the education revolution works.

Early childhood education and early intervention is the most effective way of enhancing educational outcomes for all. That is why we have developed our early childhood school model and established these schools across the ACT. This model is as significant a reform of education as the creation of our college system in the 1970s. We have built four early childhood schools and we are planning for more early childhood schools where they are needed most. They provide integrated services to children and their families.

Services include preschool to year 2 classes, childcare, family support services and maternal health services. Therefore, these schools are a one-stop shop for families. I am pleased to say that there have been strong enrolments and parents are very pleased with the way that their children have settled into care. Families have also welcomed the 15-hour preschool education in the early childhood schools. Particularly important to this unique educational model is the smooth transition that children experience going from childcare to preschool and school. We are advancing education for all students in the ACT.

The basics that matter the most in education are reading, writing and arithmetic. So Labor is investing in literacy and numeracy in all our schools. Our commitment of over \$6 million will allow for 21 specialist literacy and numeracy teachers in our schools. They will work with other teachers to build their skills and professional development. We will improve student outcomes in literacy and numeracy. We are also expanding the u-can read program. We are rolling out the first steps reading and writing and count me in too programs as part of the ACT's literacy and numeracy strategy.

We have a moral responsibility to give all our children and young people the best possible education. That means giving them the best possible teachers. What will make the most difference to a successful 21st century education? Teacher quality. Extra teachers and reduced class sizes are the necessary first step. That is why Labor is meeting our election commitments and reducing average class sizes across all age groups.

Since 2001, Labor has put more than 200 teachers into our schools. Labor has lowered K-3 class sizes to 21 in these important early years of learning. We have now committed to go further. We will invest another \$23 million over the next four years to employ up to 70 additional teachers across all years of schooling, from kindergarten to year 12. Through this significant investment, we will be able to lower average class sizes in each and every year of schooling from the beginning of the 2010 school year—lower class sizes, down to an average of 21 across primary schools and high schools and an average of 19 across our colleges. Quality infrastructure and learning environments are very important factors also. That is why we are investing almost half a billion dollars in capital infrastructure in our schools.

But the most influential factor in student achievement is the quality of the classroom teacher. Students taught by expert teachers demonstrate greater depth of understanding than other students. We understand the evidence and we will act on it. Children and young people will see that the best classroom teachers are in their classrooms. Parents will see that their children and their young people have the best teachers getting the pay and promotion they deserve. Teachers will do the work they do best—that is, teaching our children.

We are making sure that our teachers spend their day educating students and not dealing with unnecessary administrative tasks. Skilled workers will see the rewards on offer for great teachers. As a consequence, these skilled workers will come into the teaching profession. This Labor government will pay the best classroom teachers up to \$100,000. Teachers who excel must have the opportunity to advance. The best and brightest graduates must not be turned away or held back. Under this government's agenda to improve teacher quality, quality teaching will be rewarded. We will advance education for all students in the ACT.

Climate change is the great challenge of our generation and future generations. We have just heard from the minister about that. Our investments in sustainable schools serve two purposes. First, we reduce our impact on our environment. Second, we teach our students that meeting the challenge of climate change is urgent; it cannot be put off.

This government are acting to meet this challenge. Heading the list of our new initiatives is a \$2 million plan to put a rainwater tank in every public school. This will mean rainwater for toilets and playing fields. It will also mean rainwater for gardens, agriculture and animal husbandry. It will mean water security for schools. We have also provided \$2 million over four years for the installation of solar power generation systems in public schools.

Students from preschool to year 10 are now learning about environmental sustainability and the scientific basis for climate change, water security and biodiversity through the ACT's new curriculum framework. I have seen that there is a strong appetite among students to learn about climate change. This appetite is matched by their genuine desire to help fix the problem. I am sure this goes from the school into the home as they spread the message to their parents and to their community.

We are investing \$20 million over 10 years as part of the ACT government's climate change strategy. This is designed to help both public and non-government schools become carbon neutral by 2017. These are just some of the policies and programs that we are developing to advance education for all students in the ACT.

As well as increasing the number of teachers in our schools, reducing average class sizes and planning for climate change we are continuing to invest in new schools. We have also invested in new performing arts centres at Lyneham and Calwell high schools, as well as Canberra College. We have also invested in new gymnasiums for Belconnen high and Stromlo high. We have invested in new schools, including Harrison high school, Gungahlin college, Kambah P-10 school and the new Kingsford Smith School—new schools where they are needed the most. Each of these schools sets a new standard for teaching and learning facilities in the ACT. This standard will be met by our extensive infrastructure refurbishment program, which totals \$90 million over five years.

The ACT is investing almost half a billion dollars in school capital works. In addition, ACT Labor is working with federal Labor to deliver the building the education revolution program. The ACT will receive \$230 million for all schools in the ACT. Federal Labor has stipulated tight time frames for the commencement and completion of these projects. ACT Labor is rising to that challenge.

As at the end of September, the ACT has completed new shade structures at Isabella Plains early childhood school and the Turner school, upgrades to the front entries and circulation desks at Narrabundah and Southern Cross early childhood schools, a refurbished hall at Isabella Plains early childhood school, a new technology classroom at Caroline Chisholm, a refurbished gymnasium floor at Dickson College, a music room upgrade at Kaleen high school, classroom refurbishments at Lanyon high school and a new seating system at Lake Ginninderra College.

We are commencing several other large projects, including new multipurpose buildings at Arawang, Evatt, Garran, Harrison, Kaleen, Latham, Monash and Red Hill primary schools; new libraries at Macgregor, Miles Franklin and Turner primary schools; refurbished libraries at Calwell and Duffy primary schools; hall upgrades at Lyons, Narrabundah and Southern Cross early childhood schools; refurbished halls and buildings at Farrer, Giralang and Fraser primary schools; a new multipurpose environmental building at Theodore primary school; new classrooms at O'Connor Co-operative School; a refurbished teaching area and student facilities at Richardson primary school; and a new multipurpose outdoor learning area and classroom refurbishment at Gordon primary school.

I have been very fortunate to be able to go out and have a look at the plans for quite a number of the refurbishments that will be going ahead in my electorate. I certainly know that the schools, the teachers, the students, the parents and the school community are very excited and very pleased that these are going ahead.

The ACT is delivering new and refurbished buildings and schools which will advance education for all students in the ACT and that is evident from what we see. It is definitely evident from what we see on the ground as I and others—and I know you,

Madam Assistant Speaker—go around and look at these refurbishments at the schools in our electorates.

We need to know how our children are tracking in reading, writing and arithmetic. We need to know that our schools are improving. We need to know these things so that our schools, our school families and our school communities can teach our children better and make sure that everyone is learning. As I said before, it is important that we provide the best education that we can for our young people and to make sure that our young people reach their full potential. Education builds skills, grows productivity and strengthens our economy, but it is our young people's learning and reaching their full potential that we are on about. We must make sure that education provides an opportunity for our young people to have a better future. The ACT government will make every dollar count towards improving our students' educational outcomes. In early childhood education, in literacy and numeracy, in teacher quality and in school capital works Labor is delivering policies and programs which advance education for all.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (4.53): I thank Ms Porter for bringing this matter of public importance to the Assembly today. I am sure members, and indeed all of Canberra, would have no difficulty in agreeing that we must invest in the future of our children through the best possible education system. It is a core belief of the Greens that everyone should have access to an education that meets their needs and aspirations and gives them the skills and capacity to participate in society. Part of this involves having an education system that attains standards of excellence and reflects the diversity of the broader community.

Since coming into this Assembly, the ACT Greens have, on a regular basis, put forward considered views on a range of matters related to delivering the best policy to advance education for all students in the ACT. We have raised, through a motion in the Assembly, the issue of the publication of information which effectively compares schools based on student assessment programs, attendance, student and teacher numbers—in what are known as league tables—and the significant impact this will have on our education system here and across Australia. Already, we have seen how easy it is to collect this data for each school and compile national and state-territory simplistic league tables.

On 6 May 2009, the Hobart *Mercury* published a league table of school results. The government had published results online and these were then converted by the newspaper to show school rankings. All of this was in spite of an undertaking by all education ministers that, in providing information on schooling, governments will ensure that school-based information is published responsibly so that any public comparisons of schools will be fair, contain accurate and verified data, contextual information and a range of indicators.

Like many educational organisations and commentators, the ACT Greens support the need for transparency in the education system and have no problem with the aims of education ministers or with the fact that many parents do want comprehensive information about the schools their children attend. However, unless measures are taken to prevent the publication of simplistic league tables, protection cannot be assured for students and teachers from the impact of these simplistic league tables.

The Greens have also raised questions regarding the national assessment program—literacy and numeracy testing, known as the NAPLAN testing. These tests, whereby all students in years 3, 5, 7 and 9 are assessed using common national tests, hold a real risk that teachers will be forced to focus most of their resources on teaching to the narrow curriculum that will deliver results against these tests. The Greens believe that this narrow approach will not allow schools to deliver a full education—an education that produces graduates with a range of abilities.

The Greens propose that the analysis regarding what education should be delivering should be broadened to consider that a school should be established as a cultural site, a focal point of community life and thought, to enact within a school the behaviours and relationships on which a community most directly depends—and in so doing to counter the loss of any community outside the school. And to appreciate that education is a major embodiment of a culture's way of life, not just a preparation for it, and that school is a place of culture—that is, a place where a personal and collective culture is developed.

One of the key things in Ms Porter's motion is the need for policy to assist all students. Only this week in the Assembly the Greens fought hard to ensure that the suspended and disadvantaged had the opportunity to re-engage with their schools rather than, too easily we believe, be given longer periods to be excluded from the education system. We argued, among other things, that two weeks, or even longer, as was proposed by the Liberal Party, without a proper check or balance would certainly not advance a student's education.

Changes to policy to further exclude students from school through tougher suspensions, such as the one we saw proposed this week, is a challenge to reconcile against the introduction of amendments to the Education Act to increase the school leaving age under the "earn or learn" approach. Ensuring we have policies that assist in keeping all students at school or progressing towards a qualification is vital to advancing not only their education but their life and the lives of those they interact with in the community. It is a win-win for both the student and the wider society in social and economic terms.

We have an Assembly inquiry underway at present into the educational achievement gap here in the ACT, which is looking at the extent of existing socioeconomic differences in educational engagement and achievement in all ACT government and non-government schools. The terms of reference for that inquiry, as I said, will look at the extent of existing socioeconomic differences in educational engagement and achievement, but with particular reference to outcomes for certain groups from cultural backgrounds, including Indigenous and ESL students. It will also look at engagement and achievement rates within the ACT student population and comparing that to national and international assessments. Of course, it is very important in any of these inquiries, particularly this one, to have a look at the matter in a holistic way—to look at qualitative assessments of the educational experiences of students from different backgrounds.

This is a really important inquiry. It was negotiated through the Labor-Greens parliamentary agreement. We are pleased that it was an item that got into that

agreement, because I think that many members in this Assembly will see the importance of an education for every child and the importance that no child be left behind. Therefore, inquiries like this can encourage those who may not normally engage in the discussions and dialogue around education delivery in the territory to participate in that inquiry and put forward their thoughts.

I noticed, having looked at the standing committee's website, that there are already about five or six submissions that have come in. A couple of those submissions are from community organisations and it is good to see them participating. One of them is from the Youth Coalition of the ACT, an organisation that I previously worked for. They raised the different groups of young people who can be left behind or who can become slightly disadvantaged. So they look at young carers. That is a young person who is caring for a sick relative or is heavily involved with the family in caring for a sick relative, or it could be a person that is very close to the family. There are also, of course, refugee young people and Aboriginal and Torres Strait Islander young people.

We also have to remember that, unfortunately, there are a number of young people here in the territory who are homeless, who do not have the support of a family. So there are many different groups that we do need to have a look at when looking at designing education delivery and an education system. It is a complex thing. It is not something that we can do quickly. It does need to take care. It needs to be well researched in order to ensure that we have the sorts of programs that can engage, and continue to engage, children and young people from a variety of different backgrounds and with different learning styles and needs. We need to ensure that we have those programs running through the mainstream school settings and also that we have a very good connection with the range of alternative school settings that may be available and that they are properly resourced—as well resourced as the mainstream schools.

Going back to the suspensions discussion that we had in the Assembly this week, I note that many parents are very concerned about things like bullying in our schools. We need to understand that schools reflect the wider society and, unfortunately, our society has not been able to eliminate bullying. That is something that is reflected in many different settings, including schools. It is an area that we really do need to tackle and put in a great effort to ensure that our schools have a robust culture that does not accept bullying and that young people in these schools are given the tools to be able to build their resilience. That is not just resilience regarding the sorts of challenges they are going to be facing, but also they need to know that bullying is not okay and that it is important to stand up and tell fellow students.

This really goes hand in hand with the importance of things like anti-racism programs in schools. We cannot let this go. We need to be vigilant around issues such as bullying and racism. It is incredibly important if we are going to make sure that we have healthy and happy students and that we have safe school environments.

With this inquiry, we look forward to the outcomes and how the government, in its response, can address the disparity in education brought about through the barriers experienced by students. Closing the education gap for the disadvantaged, surely, is part of delivering the sort of policy needed to advance education for all students. This is the area where the challenge lies for the government, as developing policy and

programs which take into consideration the factors impacting these students is vital for better engagement with the school system.

It is not just about the immediate school environment, as the Greens believe a responsive and relevant education system is underpinned by community involvement and recognises that parents and guardians play a critical role in the education of their children. Part of this centres on encouraging innovative teaching and curriculum development through engagement with the community sector. Adequate resources and teachers for students with special needs and training and staff to assist with those students must be high on the government's agenda.

Teachers form a vital part of advancing education in the ACT and we must ensure that teacher recruitment, retention, pay scales and ongoing quality professional development opportunities are all addressed and are satisfactory. The importance of the teacher's role must be recognised so that we are able to retain our existing resources and also encourage committed and capable people into the teaching profession and for them to stay in the teaching profession. The ACT Greens believe it is the responsibility of government to ensure the provision of high-quality, well-resourced and safe learning environments that are open to all students.

Ms Porter in her matter of public importance covered a number of areas in which the government is advancing education in the ACT, and that is noted. However, there is still much to do if we are to provide the advanced education that encompasses the development of knowledge, skills and attitudes to assist students' progress and make informed decisions about study, work and life.

We look forward to considering new education policy put forward in the Assembly and reviewing current programs so that the ACT Greens assist in that process of ensuring that we can continue to improve education delivery here in the ACT.

I would like to highlight the importance of this inquiry. I hope that more organisations do get involved. Certainly, the P&C council, ACTCOSS—the ACT Council of Social Service—and, as I said, the Youth Coalition are just some of the organisations who have already put in submissions. I certainly look forward to reading those submissions because education is such an important thing. A good education gives everybody a very good start to life. I am sure that all members would agree that what we want here in the ACT is a first-class education system that is accessible for all.

**MR DOSZPOT** (Brindabella) (5.08): I thank Ms Porter for bringing us this MPI today. In light of recent debates, I can understand the need that the government has to engage in the intricate art of spin that, to his shame, Andrew Barr has developed to such new heights. I just hope that all the government ministers, particularly Minister Barr, will listen to their own propaganda and come to realise at some stage—and apparently eight years has not been long enough for the penny to drop—that substance and integrity are also important in developing and delivering policies that advance their various portfolio initiatives.

The matter of integrity is perhaps best exemplified by the most recent spin that was once again put out, and I can only assume it was from Minister Barr or his office, that resulted in the *Canberra Times* editorial on Wednesday that stated that the Legislative

Assembly bill on principal-approved school suspensions voted down by the Liberals and the Greens would have brought the ACT into line with other Australian jurisdictions. In fact, as we all know, the Liberals' amendments would have actually achieved national parity.

So the minister for propaganda once again crafted another fairy tale for the media that misrepresents the actual reality. To their credit, the *Canberra Times* have carried a retraction or correction in this morning's paper. I wonder if we can dare to hope for an apology or even a retraction from Minister Barr. If only we had a ministerial code of conduct in the Assembly; perhaps issues like this and similar ones would not then occur.

The aim of education policies adopted by any government should be to develop, as fully as possible, each individual's potential and equip young people with the resilience to develop in the face of rapid changes in society. Today, I would like to again remind this place that the ALP have been known to embrace sound Liberal Party policy in the past—not that they will ever admit it. The ALP have an uncanny way of putting such a spin on things that one could be convinced that it was their original idea all along, and some are convinced by that. The idea of smaller class sizes was taken to the last election by the Canberra Liberals, only to have the ALP and Minister Barr have a massive change of heart which saw them backflip in the most extraordinary way.

In a desperate attempt to copy the well-thought-out policy of the Canberra Liberals, Mr Barr shamelessly told the electorate whatever he needed to, but behind the scenes he knew he was short on the detail and was not really committed to the policy. However, he saw the community's reaction and accepted the evidence that suggested that it was good policy, and he acquiesced.

It is also timely to reiterate in this place the shortfalls in recent policy announcements made by this government. The Education Amendment Bill that was voted down in the Assembly yesterday was tokenism at best. The failure of the minister to give principals in the ACT the power that their counterparts have in every other jurisdiction in Australia to suspend students for up to 20 days without going through red tape is appalling.

The minister had every opportunity to negotiate with us on this bill. However, he stayed on his now familiar course, his way or the highway, instead of empowering our principals and our schools. Instead of collaborating to make the policy better, the minister chose to ignore the spirit with which we, the opposition, approached this bill, the spirit which was willing to negotiate. He also chose not to accept the intervention initiatives that we were suggesting, which we were happy to discuss and amend, if better ideas were introduced. Instead of negotiating a position that was acceptable to both parties and fulfilled the aim of the bill, the minister opposed for opposition's sake. As recently as—

**Mr Barr:** When they start borrowing your lines, you know you've had a complete victory!



**MR DOSZPOT:** Original, isn't it, Andrew? That is very original. I cannot quite imagine from where that inspirational statement came to me, but there must be a cause for it.

As recently as yesterday, the ALP and the ACT Greens have shown that they have not learned from the policy mistakes of the past. The communities who suffered as a result of the flawed Towards 2020 policy to close schools in 2006 are still angered by the appalling treatment they received at the hands of Andrew Barr and the ACT Labor government. The Canberra Liberals campaigned on this issue. The Greens campaigned on this issue. A report has been handed down stating that there is evidence to reverse some of the damage done by the government's policy. However, they still refuse to admit that mistakes were made and the policy was flawed.

The ACT Greens have let down the community that they promised to support prior to the election and have shied away from their own policy commitment, which was a good policy. It was a good policy commitment. They have allowed themselves to be led by their powerful coalition allies, the ALP.

The Canberra Liberals' position remains clear, committed and consistent. We support the reopening of these schools and will do everything in our power to make it happen. This is our stated commitment to the communities of Tharwa, Hall, Flynn and Cook.

There are a number of parallels that can be drawn between the philosophy on education policy adopted by Mr Barr and that of his ALP hero, Mark Latham. This may be purely coincidental. However, recently I came across an article online that critiques the ideas of the then ALP leader, Mr Latham, on education policy. There are some eerily similar statements to ones used by Mr Barr. I quote from this article written by Chris Saliba on a blog entitled "webdiary.com.au":

What Did You Learn Today? (2001), Latham's book on education, is mostly a rave about the so-called Information Age and all that it will bring us. In some parts it reads like an Oprah-esque hot gospel, with plenty of state of the art buzzwords. We are told enthusiastically about networks, collaborative learning, learning communities, education action zones and radical knowledge creation. The first page declares, 'Society has always relied on education to teach people the virtues of reason and tolerance, but today, in the new economy, learning is much more than a pathway to social enrichment'.

Here he means education is about upward mobility, or his ladder of opportunity. Education for self-improvement, or to merely learn more about the world around you, has been superseded by the demands of globalisation. Its function is primarily for wealth generation, and not much else.

He even goes so far as to suggest that traditional universities and schools have passed their use-by date. 'We have reached the limit of what schools, colleges and universities can achieve, even at best-practice performance. The public sector needs to lever additional networks and synergies of educational effort.' He also declares 'universities have lost their 900-year-old monopoly on learning'.

Latham sees education in purely vocational terms and as an engine room for the national economy, hence his impatience with traditional education and 'social

enrichment'. Education for anything outside of preparation for the workforce meets with a blank stare, hence his grim prescription of 'earning or learning'.

The Canberra Liberals support good policy for the education of our children. We support policy that provides the best outcome for a learning environment that fulfils the aim of developing everyone's potential and equips the children of today for a rapidly changing tomorrow. I thank Ms Porter for bringing us this MPI today.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (5.15): Thank you, Madam Deputy Speaker, for bringing forward this motion this afternoon.

Labor has always been a party of education, and in this territory in 2006 we undertook the biggest reform of the ACT education system in the history of self-government in the territory. These reforms have seen the ACT Labor government invest a record \$370 million in improving every ACT public school. These reforms have seen us build new state-of-the-art schools where they are most needed, in Belconnen, in Gungahlin and in Tuggeranong. We look forward to the development of new schools in what will be the ACT's newest residential area, the Molonglo Valley.

Now that the Howard Liberal government is gone, it is fair to say that education is no longer treated as a political football kicked between different levels of government. This ACT government is now able to work very effectively with the federal government and we have seen an investment from the federal government for ACT schools of over \$200 million, taking the total level of investment in ACT education over the last three years, and projecting forward over the next two, to more than half a billion dollars. That level of investment was just unthinkable under the previous federal government and previous Liberal governments in the ACT.

It is worth reflecting for a moment on the totality of that investment in our education system: more than half a billion dollars. In the context of the ACT budget, that is very significant. This is an investment in the future of young Canberrans and it is an investment that has been welcomed by educators, by parents and by school communities. I think it is fair to say that the investment has been welcomed almost universally, except perhaps by those who sit opposite. Across the education system and across all school systems this government is delivering on policies that advance education for every territory student.

I would like to spend a little bit of time this afternoon talking about our investment in the very earliest years of a child's education. Examples of this are the new early childhood schools that were opened officially about a month ago at Southern Cross, Narrabundah and Isabella Plains, and one soon to be officially opened in Lyons. The recent opening of these early childhood centres attracted many hundreds of Canberrans who were keen to see what the forefront of early childhood education in this country looks like.

The schools are regional hubs providing integrated services for children from birth to eight years and of course they provide quality education—great education for those earliest and important years. They are, in short, inviting and friendly one-stop shops

providing excellent services to children and their families and these schools are already valued members of their local communities. Community groups are making regular use of the space available at each of the sites and the fact that these new centres are connecting so strongly with their local communities makes them able to deliver even higher quality education programs to their students.

The centres are all offering innovative education programs. At Southern Cross, students learn about literacy, numeracy and appropriate social interaction at the school's cafe and I understand it is one of the best cafes in Scullin. Madam Deputy Speaker, you are more than welcome to drop in to the Bright Star Cafe. The schools are also catering for kids with special needs and recently I had the opportunity to visit the Isabella Plains early childhood school to see how staff are working with children with special needs. We look forward to the completion of the century garden for kids with special needs, at the Southern Cross site. At Narrabundah, workers who were at the site during its renovation were invited into the classroom to show the students how to mix cement and to talk with students about their jobs; a very innovative way of engaging the students in the transformation of those education sites.

It is terrific to see these new educational programs and settings being delivered in partnership with a number of ACT government agencies and also non-government providers. On this side of the chamber we do know the importance of developing and delivering policies that advance the education of students in those early years.

In the time remaining for me in this debate I would like to talk a little bit about transparency and accountability in education. I have said before that these are the hallmarks of good government and they should also be the hallmarks of a good education system. That is why the education ministers council agreed to parents, teachers and communities getting nationally consistent information about schools, about results, about workforce, about financial resources and about student population.

Ministers are getting on with this important job. Firstly, we agreed on a framework for publication of comparable information about school performance and context, and this is a vital, collaborative reform. Secondly, we have made sure that from this year the Australian Curriculum, Assessment and Reporting Authority, ACARA, will be responsible for publishing relevant and nationally comparable information on all schools. This will include the 2008 and 2009 NAPLAN data and, crucially, the associated contextual information.

We have discussed in this place the complexity of defining like schools. The recent ministerial council meeting has agreed on definitions and structures for the reporting of like schools and, whilst it was a complex exercise, it was not used as an excuse for inaction or for delay. Ministers also agreed to the release of the paper, a report prepared by the Australian Council for Education Research entitled *Reporting and comparing school performances*. One thing that is worth noting is that the proposal to publish the best performing school in each cohort of like schools as a benchmark is an innovative and exciting proposal. I think it is a great way to have a race to the top, a virtual cycle of evidence and excellence.

I think it is also important to note that the application of this transparency agenda applies equally to government and non-government schools and provides a further demonstration that the old public versus private debate in education is over.

These reforms are challenging. I know there are many good people in the education sector who have concerns, but I believe more and better information is good for schools, good for students, good for parents and good for families. If we are not in a position to share that rich data with school communities and the broader community, I am not sure how we are going to make the significant gains that we want to make in addressing achievement gaps.

I do note Ms Hunter's comments on the importance of that particular inquiry and I have said in this place more than once that that is the forward agenda we should be focusing on—not looking to the past, not focusing on political stunts. We should be looking at the difference we can make and we have an obligation to every student in every ACT school to look at their needs, to allocate resources fairly and effectively across our education system to ensure that additional resources are going to those in most need. Our allocation of education resources should not be made on the basis of a particular school that a student attends; it should be around the needs that that child has, most particularly when it comes to the allocation of resources within the public system.

We do always acknowledge the contribution that parents make in the non-government system by way of fees, and that does represent a significant contribution to the costs of running a private education system. Nevertheless, the primary responsibility of the territory government is towards the running of the public education system. We have a contributing role in the running of non-government schools but we are the minority funding provider in that context.

In the remaining 40 seconds it is worth acknowledging that, as we move forward, there will be further meetings of the education ministerial council in the months ahead to address some of the final issues around the transparency and accountability agenda. Those issues that remain outstanding will be resolved at meetings over the next few months and by the end of this year we will have completed a significant body of work that will fundamentally alter for the better how education is delivered both in the ACT and in Australia. I thank you again, Madam Deputy Speaker, for raising this important matter today.

**MADAM DEPUTY SPEAKER:** The time for the discussion has concluded.

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

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

That so much of the standing and temporary orders be suspended as would prevent order of the day, Assembly business, relating to the proposed establishment of a Select Committee on Canberra's Major Water Security Projects, being called on forthwith.

## **Water security—proposed select committee**

Debate resumed.

**MADAM DEPUTY SPEAKER:** The question is that Mr Rattenbury's amendment be agreed to.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.27): The government will not be supporting the motion as proposed by Mr Seselja today. Instead we will be supporting an approach that provides for greater information for members to look at the issues that remain of concern to members in relation to this project. I note that Mr Rattenbury has proposed an amendment to Mr Seselja's motion. The government generally support the directions of that amendment, but propose an amendment of our own to Mr Rattenbury's amendment. I now move the amendment which has been circulated in my name:

Omit paragraphs (5) and (6), substitute:

“(5) calls on the Government to provide to Members, by 27 October 2009, the following documents in relation to the Cotter Dam Expansion:

- (a) any consultant report outlining initial cost estimates of the dam between 2005 and 2007;
- (b) the Deloitte review of the Enlarged Cotter Dam, including the Target Out-turn Cost and related engineering works;
- (c) all geotechnical reports developed for the Enlarged Cotter Dam project; and
- (d) a synopsis of documents outlined in (6)(a) and (b);

(6) calls on the Government to work with ACTEW to seek legal advice regarding the possible release to Members of the documents:

- (a) Target Out-turn Cost for the Enlarged Cotter Dam prepared by the Bulk Water Alliance; and
- (b) the contract signed by the Bulk Water Alliance and ACTEW to deliver the project,

and to report back to the Assembly in the first sitting week in November 2009;”.

The government is proposing this amendment to the motion today to ensure that the Assembly receives as much information as possible in relation to the costs associated with the expanded Cotter Dam project. The amendment which I have now moved will ensure that Assembly members will have the further detail they are seeking to better understand the factors that have driven the changes in the estimated costs for the project. The amendment also seeks to deal with the sensitive commercial nature of some of the documentation sought in Mr Rattenbury's amendment and proposes a process for seeking to resolve these matters. I will turn to these particular issues a little later.

It is the government's view that the establishment of a committee inquiry is not warranted at this time. It is not needed because the Assembly has been kept informed of the development and implementation of the ACT's major water security projects since initial research and investigation commenced in 2004. Actew has continually engaged and informed the broader community as well on its research and development of the range of options to address the planning and management of the ACT's water resources. If there is a need for the Assembly to seek further information and detail on these developments, the government and Actew are committed to assisting members to the greatest degree possible. But the establishment of an inquiry is a step too far, particularly at a time when greater information and clarification and further briefings from Actew and their project partners may resolve members' concerns and questions.

Let me give some important background on this project and how it has developed. Clearly, the ACT and the region have experienced a prolonged drought since 2002. The government and Actew have closely monitored the situation and over time have implemented a range of studies and measures to provide a measured and appropriate response to the prolonged drought. As part of the government's water strategy "think water, act water", released in April 2004, Actew was required to investigate future water options. The future water options process involved a review of the need and required timing for augmentation of the ACT's water supply.

This was followed by a detailed assessment of the options identified under the "think water, act water" strategy for provision of a long-term reliable source of water for the region. The future water options reports of 2004 and 2005 assessed a total of 25 variations and recommended the options of an enlarged Cotter Dam and the implementation of the option to pump water from the Murrumbidgee River near Angle Crossing to Googong Dam with technical analysis to occur on these options. These options and recommendations were well thought through and well understood.

Turning to post-bushfire water security projects, concurrent to the future water options investigations for long-term water security, work was also undertaken to implement works aimed at securing water supply in the short term, primarily in response to the 2003 bushfires and droughts. Contrary to the assertions made by the Liberal Party, there has been an ongoing body of work on the ground to improve water security since the fires. This has seen the construction of the Mount Stromlo water treatment plant to adequately treat water harvested in the Cotter catchment following the fires. This allowed the reintroduction of the Cotter reservoir into service for supply. The Cotter pumping station has been completely upgraded to transfer flows directly to the Mount Stromlo water treatment plant.

Further, the government has put in place measures for the extraction of water from the Murrumbidgee River, which led to an arrangement comprising extraction from downstream of Cotter reservoir and pumping, via the Cotter pumping station, to the Mount Stromlo water treatment plant, where UV treatment was added to the treatment process to facilitate the removal of pathogens. The fourth of these upgrades was the optimisation of the use of current water. This transferred water from the Cotter catchment to the Googong reservoir. This water that was previously spilled from Bendora reservoir has been put in place to ensure that we use our existing water resources as wisely as possible.

In 2006, Actew undertook the Cotter to Googong bulk water transfer project. This infrastructure development was an interim but very effective measure to augment and make optimal use of the ACT's water storage systems. I will not go over all of the history of the water security projects again, given the time and the amount of time available to me.

I will now turn to the details of the proposed amendment to Mr Rattenbury's amendment. The government is proposing that we have regard to the documents that Mr Rattenbury is seeking—in particular the independent review of the target outturn costs and other formal costings undertaken by Actew or the Bulk Water Alliance in relation to the expanded Cotter Dam project, the report undertaken by Deloitte's, which is a detailed independent review of the cost of the expanded Cotter Dam project, and also the geotechnical reports associated with that project.

These documents, I am advised by Actew, can be provided to members in full and the government is committed to doing so. There are two documents that have more commercially sensitive information in them. They contain information which would be of enormous benefit to the competitors of Actew's partners in the Bulk Water Alliance. All of these companies compete with each other on a regular basis to construct new water facilities in Australia. In particular, there is the impending project at the Traveston Dam in Queensland, a billion dollar project, which these companies will compete for.

The target outturn costs document and the contract signed by Actew and its partners in the Bulk Water Alliance contain significant levels of detail which would reveal the commercial undertakings and the commercial operations of these companies. To release the documents would potentially place them in a position where they would lose their competitive advantage vis-a-vis their competitors and place them in a significantly compromised commercial position.

I am therefore proposing an amendment which will recognise that a number of the documents sought by Mr Rattenbury can be released. A number of other documents can be released in summary—in particular the target outturn cost document and the contract between Actew and its partners in the Bulk Water Alliance. The government will seek further advice, as will Actew, as to whether the target outturn cost document and the contract itself can be released in full. We will report to the Assembly in the first sitting week of November.

These documents, as Mr Sullivan has advised members in a briefing at lunchtime today, present some difficulties in terms of their full release. Actew is committed to providing as much information as possible to the Assembly. But we do need to have regard to the commercially sensitive information that will have a direct impact on parties if they are released to a broader audience. We need to have regard also to the fact that Actew has entered into a contractual obligation in terms of the limited release of that information and the processes for that release.

That is the nature of the amendment that the government is proposing today. The government will have regard to giving a detailed explanation of what its final position is in relation to the release of those documents when it comes to November. We will

give as much explanation as possible in terms of the legal advice we receive and which Actew has received in that regard. The bottom line in the government's position is that we support the need for full levels of explanation and detail for members so that members can be properly informed as to all of the factors involving the changed costs in relation to these projects. I commend the amendment to the Assembly.

**MRS DUNNE** (Ginninderra) (5.37): There could be no better endorsement of the motion that has been moved by Mr Seselja today than the Chief Minister himself. He gave that endorsement for a review in an interview on ABC radio on 3 September. When he was asked how he reacted to the news that the cost of the enlargement of the Cotter Dam had blown out to \$363 million he said, "The government received this news last week with significant surprise. Well, complete surprise and significant concern." Indeed, he went on to say, "There are aspects, perhaps, of communication in relation to this and perhaps in the cost estimates that on reflection need deep review." The words were "deep review", Madam Assistant Speaker. But today we have Mr Corbell saying that this is not the time or the place for deep review.

As Mr Seselja rightly pointed out, \$363 million is a huge wad of cash to be spent on something for the people of the ACT. The fact is that these costs have blown out in such an extravagant way over time and, up until now, there has been less than the degree of candour that Mr Corbell says we should be receiving from Actew on this matter. This is why we agree with the Chief Minister that this matter should be a matter of deep review.

For the minister to come in here today and say, "This is not the time or the place for a review of this matter," shows just how out of touch they are. For the Greens to come in here today and again put off what is inevitably going to happen—we will have to have a review into this—shows that they are out of touch, that they are not ready to shine the cleansing daylight of scrutiny on this process.

Back in September we moved a motion which called for documents. No member of this place received anything like the documents that they expected to receive. In fact, they received half a dozen pages of anodyne summary. That is why we are here today. The anodyne summary provided by Actew to us through the minister after the debate in September raises more questions than it answers. The Liberal opposition is of the view that the only way that we can effectively answer those questions is by a review in this place, and the best way to do that, because the issues relating to these water security projects cover so many areas, is to put together a select committee. It does not necessarily fit with the environment committee, which would have carriage of water, because it is not necessarily just a water issue. It is a matter of capital works, which may fit with the urban services committee. It is also about government expenditure. That could also fit with the public accounts committee. This is why we have decided that the best way forward is a select committee because this is such an all-encompassing project, which has such an impact on the people of the ACT, that it warrants this.

The people of the ACT are deeply concerned about the escalating costs. The people of the ACT are deeply concerned, as is the Liberal opposition, about the obfuscation that we have seen from Actew. There was a clear motion that documents should be



provided and what we got was an anodyne summary. The Assembly, either through its committees or of its own volition, can call for documents. The fall-back position proposed by Mr Rattenbury today squibs the real issue and prevaricates about getting to the point where we all know we will inevitably be—that there must be an inquiry. The Liberal opposition will not rest until there is a proper inquiry into this.

Mr Rattenbury's initial proposal was a substantial step along the way because what it did was enumerate the documents that we should receive. The Liberal opposition considers that the counter proposal put forward by the Minister for the Environment, Climate Change and Water is a step backwards. We started to move down the path towards an inquiry and Mr Rattenbury took us a fair way with the bulk of documents that he has called for. But this has now been wound back. It is quite clear how this is going to work—that neither the Greens nor the Labor Party have the courage yet to shine a light on this and have a proper inquiry.

I think that the Greens have allowed themselves to be duped by the minister and we will again receive documents that are already on the public record. For instance, the Liberal opposition already has all the geotechnical reports. We asked for them under the Freedom of Information Act. We were told that they were publicly available documents. They said, "Here they are, Mrs Dunne." We already had those and Mr Rattenbury and any other member of the Assembly could already have received them. They are publicly available documents.

Most of the documents mentioned in Mr Corbell's paragraph (5) are publicly available documents. As to subparagraph (d), a synopsis of documents outlined in (6)(a) and (6)(b)—the target turnout costs and the contract for the Bulk Water Alliance—these will again be anodyne documents that I predict will raise more questions than they answer. The Liberal opposition will not be supporting Mr Corbell's proposed amendment to Mr Rattenbury's amendment. We were minded that Mr Rattenbury's proposal took us most of the way along the path that we wanted to go, but I think that if we have to settle for Mr Corbell's approach it will take us so little distance along the way that we cannot possibly support the motion as it will end up.

**MR RATTENBURY** (Molonglo) (5.43): Just briefly, I would like to note that the Greens will be accepting the amendment Mr Corbell has put forward. As Mr Corbell touched on, during the lunchbreak today there was a cross-party meeting between the Labor Party, Liberal Party and the Greens. It was attended also by the head of Actew, Mark Sullivan. We had a detailed discussion there about the documents. At this stage, we are happy to accept the spirit in which that conversation took place. We trust that the information will be forthcoming and that the briefings that have been offered to both the Greens and the Liberal Party will take place.

Between the presentation of the documents described in my amendment—subsequently amended by Mr Corbell—and the briefings that are going to take place, I think that by the time we come back to this place for the next sitting period all members of this place will have the opportunity to be extremely well informed about what has taken place and what questions may still remain. I think that will give us the opportunity to have a thorough debate.

As I said this morning, the Greens are at a place where we want to gather more information. We think there are questions to be asked about the significant cost increases in the Cotter Dam project. I think it does sit upon us as members of this place to take responsibility to work out whether there is a prima facie case before we necessarily establish a committee which will require significant resources, because whatever committee is set up is to some extent going to have to buy in some expertise. So I think we need to be very certain that that inquiry is necessary.

At this stage, as I said this morning, the Greens are not excluding the prospect of an inquiry but I think we do want to go down that pathway first of all of looking at the information that is available. I look forward to receiving the level of information that will enable us to undertake a detailed examination. As I say, we will be accepting Mr Corbell's amendment to my amendment.

Question put:

That **Mr Corbell's** amendment to **Mr Rattenbury's** proposed amendment be agreed to.

The Assembly voted—

Ayes 10

Noes 5

Mr Barr	Mr Hargreaves	Mr Coe
Ms Bresnan	Ms Hunter	Mr Doszpot
Ms Burch	Ms Le Couteur	Mrs Dunne
Mr Corbell	Ms Porter	Mr Seselja
Ms Gallagher	Mr Rattenbury	Mr Smyth

Question so resolved in the affirmative.

**MADAM ASSISTANT SPEAKER** (Ms Le Couteur): The question now is that Mr Rattenbury's amendment, as amended, be agreed to.

**MR SESELJA** (Molonglo—Leader of the Opposition) (5.49): I think what we have got today is a little better than nothing. It is hard to tell and only time will tell. But I would put on record our disappointment at the fact that the Assembly today has not deemed it necessary to have an inquiry. I do reflect on some of the things we have inquired into in this place. Whether or not posters should be able to be legally stuck up around town has been deemed worthy of an inquiry by this place. Bill posting has had an inquiry. But an investigation into, at the moment, a \$363 million project to deliver water security hopefully for the ACT is not deemed by this Assembly as worthy of investigation.

I think we will be back on this. The reality is that it is inevitable that we will have to inquire deeply, properly and thoroughly into this. The combination of the Greens and Labor has prevented that from happening today. We will get a few documents, many of which are on the public record at the moment, and I would say to the Greens that we need to move past a situation where we accept at face value everything the government tell us. That is what we should do as a legislature: test their assertions,

test what they say and keep them accountable. We do not do that by accepting what they say and accepting their amendments. In fact, it always concerns me when the government are happy with the level of scrutiny. It suggests to me that the level of scrutiny is not good enough. If the government are left smiling, as Mr Corbell is now, it suggests to me that the motion is not strong enough. Call me a cynic—

**Mr Coe:** You're a cynic.

**MR SESELJA:** I am a cynic; I am. Mr Coe has confirmed I am a cynic. Given the government's glee at the passage of this motion, perhaps it is not strong enough. We would argue it is not strong enough. We will have to come back. We will have to seek more documents. We will inevitably have to properly inquire into why the taxpayers of the ACT are going to be asked to once again fund such a massive blow-out, a quarter of a billion dollar blow-out.

I put on record our concerns that the Assembly has deemed worthy an inquiry into bill posting but not one to look at a quarter of a billion dollar blow-out for a major construction of a dam. We believe also that the broader issue of a capital works committee will have to be brought back because time and time again we see the need for an Assembly body to inquire into capital works spending. We note our disappointment and we look forward to the next instalment in this debate.

Mr Rattenbury's amendment, as amended, agreed to.

Motion, as amended, agreed to.

## **Leave of absence**

Motion (by **Mrs Dunne**) agreed to:

That leave of absence be granted to Mr Smyth for the period 17 October to 16 November 2009, due to him being overseas on Assembly business.

## **Adjournment**

Motion by **Mr Corbell** proposed:

That the Assembly do now adjourn.

## **Vinnies night patrol**

**MR SESELJA** (Molonglo—Leader of the Opposition) (5.54): I would just like to briefly mention that this is Anti-Poverty Week and I had the opportunity as part of that to visit the Vinnies night patrol last night.

The Vinnies night patrol has had a long presence here in the ACT, giving food and drink and comfort to many in our community who require it. I have visited with them on a number of occasions and I have always been extraordinarily impressed with the quality of the volunteers. They are virtually all volunteers, from what I can tell.

St Vincent de Paul does such a fantastic job in our community. Many of us in the community have had bits and pieces to do with them. We have always participated in things like the St Vincent de Paul doorknock, and I have had family members who have had a deeper association with the St Vincent de Paul Society. But the night patrol in particular provides just another one of those wonderful services that St Vincent de Paul provides for many people. It attracts a real cross-section of the community. It attracts, sometimes, rough sleepers who come and get a feed and some warm clothing. It attracts others who are not sleeping rough but might be in need for whatever reason. It sometimes just attracts kids who are running around Civic and who need a cool drink. But it also provides a place of social interaction for many. It actually connects them to someone. In the conversations I had there last night with some of the regulars, some of whom I remembered from a couple of years ago, I saw that the social interaction is critically important.

It was also brought to my attention that there is no ACT government funding for the night patrol. That was what was put to me last night; if that is incorrect I am happy for the minister or someone in the government to correct that. But it is something we need to put on the agenda. There are always calls from community organisations and from charities for funding, but there is no doubt that Vinnies do a sensational job in our communities. There is no doubt that the Vinnies night patrol is an important part of that and we would want to see it continue. I would want to see it continue. I know they receive sponsorship from time to time from groups such as the Southern Cross Club, and I pay tribute to them, but I understand it costs about \$50,000 a year to run the Vinnies night patrol and I think we should put it on the agenda and have a discussion about that.

We see areas of government spending where there is waste; there is no doubt about it. And sometimes when we highlight areas of waste that are in that vicinity of \$50,000 or \$100,000, those on the other side scoff. But it does put it into stark context when you see the kind of work that can be done for \$50,000 by a charitable organisation like St Vincent de Paul. Every dollar of taxpayers' money should be used wisely so that we can divert our resources and put our resources where they are most needed.

I put it to the Assembly that the work of St Vincent de Paul and the work of the night patrol, is very worthy work, worthy of our support and something that we all need to consider going forward. To those whom I had cause to meet with last night, both those attending the night patrol and those volunteering, I put on record my thanks for the opportunity to meet with them and my admiration for the work that the volunteers do. Last night there were Max, Lesley, Maddie and Theo. I pay tribute to all of them and to all of the volunteers at St Vincent de Paul for the wonderful work that they do.

### **Ministerial responsibility Fireworks**

**MR HARGREAVES** (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (5.58): Mr Speaker, I would like to address the Assembly on two subjects in the next five minutes. The first one, very quickly, is to place on the record my appreciation to all of the staff of the departments with which I have been connected over the last five years, particularly their chief executives but most

importantly the photocopy people, the secretaries, the receptionists and all the little people and the guys in the depots.

I actually had the pleasure of meeting most of them. I went around and saw them and they are just the most wonderful people. We have, I believe, a particularly expert and professional public service and what needs to happen is for it to be staffed by people who love this city more than they love themselves. I think Mr Smyth will join with me in acknowledging that. He had responsibility for many of them as a minister. It is indeed a privilege for us to be part of the team that provides a service to the ACT.

I also express my appreciation to all of the officers on my staff over all of my time as a minister; I have had many of them and some of them I mentioned earlier on today. But I would be remiss if I did not put them all on record. I will not name them all—I have already done it—but they are just the most wonderful people. They are, naturally enough, grieving at the moment, and if I can alleviate that grief in any way, shape or form by acknowledging them publicly I will be happy. If I have achieved one success in all of the five years that I have been with them, it has been because they actually did it, not me; I was just part of the team.

I also want to express my disappointment a little, I suppose, and give the guys opposite a victory. I will not be here in the November sittings—Mr Corbell will seek leave from the Assembly on my behalf at some point in time—as I will be going into hospital to have an operation. That has nothing to do with my reasons for resigning as minister; I just want to put that on record.

I was disappointed to see the motion to disallow the fireworks legislation pop up this afternoon. I pay the chess ability, but I think it was a somewhat cowardly act. I did not think it was a particularly honourable thing to do, particularly when those opposite knew, because I had said so today, that I would not be in the chamber to enjoy the debate at the time. I think it is inconsistent with what members have been saying about their positions in the past. I had hoped that we could have had a little bit of fun today in question time; that everybody could have taken it in the humour in which it was offered and let this thing go through.

After all, this is not something that I do for my own personal gratification. It is not something that will injure me if it goes down. If we do not take a responsible position on this as a community, I believe that we will all be lesser people at the end of the day. We are charged not only with looking after our constituents and the people who vote for us and their families and children; we are also charged with the responsibility of looking after those parts of our community that cannot look after themselves, and that includes the wildlife that frequent the inner parts of the city and the domestic animals which we allow to share our homes with us. I would ask those opposite to consider seriously whether they want to pursue the debate or not and I would ask them to withdraw that motion. I only wish I could enjoy battling the debate.

To my colleagues, to the Assembly staff members, to the attendants, to everybody who has been with me on my journey as a minister, I say thank you very much. It has been a great ride. It has been a rollercoaster ride. I have enjoyed every minute of it. Let me just say that I may be vacating this chair, but I have occupied that one before and people who were here at the time will remember that. There is more to come.

**Ms Rosemary Lissimore**

**MR SMYTH** (Brindabella) (6.03): On behalf of the people of Tuggeranong, and in particular on behalf of all the members of Brindabella—John Hargreaves, Joy Burch, Amanda Bresnan, Steve Doszpot and myself, Brendan Smyth—I would like to offer a vote of thanks to the outgoing President of the Tuggeranong Community Council, Rosemary Lissimore, for her 19 years of service as president of the council, which I think, certainly for the ACT, has to be something of a record, and probably a record for many councils around the country.

I first met Rosemary Lissimore in March 1995, when I was the brand-new candidate for the seat of Canberra. Indeed, Rosemary asked me my first public question, so I guess I have a soft spot for Rosemary. In those days the council, as Mr Hargreaves would remember, used to meet on the other side of Erindale in a much smaller room than it currently meets in. But I do not think that the tone or tenor of the meetings have declined over the years, certainly for the last few years, and we are very grateful to the Vikings Club; we meet at the Tuggeranong town centre.

Over the last 19 years, some of the issues that the council, through Rosemary, have dealt with are things like youth, skateboard parks, the Karralika development, youth in Lanyon, GPs, youth, the lake foreshores, dollars for the council, planning, roads, youth, aged care, and the cemetery, which perhaps an outgoing minister might call the Rosemary Lissimore memorial cemetery, should it get off the ground. There were election forums, there was wood smoke, there were GPs, there was the dragway—and I have to say that was probably the largest meeting I had ever attended in Tuggeranong. There were about 1,500 people there—700 inside the room that night and 800 outside. Other issues dealt with have been the prison, aircraft noise, power stations, wood smoke, GPs, youth, bushfires, the public liability insurance issue and of course consultation, consultation, consultation.

I do not think there is anyone who always agrees with Rosemary, except perhaps her husband, David, who knows better than anything. But you have got to admire her zeal. I certainly know that, for instance, she gets phone calls from people who think that the Tuggeranong Community Council actually runs Tuggeranong. She has relayed to me on a number of occasions the phone calls for dead cats to be removed and whether she could send the man around now. Perhaps there is still a bit of education to be done as to what the community council does, but she certainly does it in her own imitable style.

One of the high points for me was a couple of the bids to be the tidy town. There is a nice sign on the corner of Anketell Street, where Tuggeranong is noted for being a tidy town participant and a finalist. With respect to the work that was done, there were submissions, tours and amusing the judges. We went off to Sydney, and it was great. It was great for community spirit but it was good for the future of the community council.

I say to Rosemary that we admire you for your passion for Tuggeranong. We admire you for the zeal in the way you go about your work. We certainly admire your fortitude—19 years is a long time—and endurance. We respect your style. I can

remember one day when the microphone collapsed, the battery went flat and she looked at the people at the back and said, "Can you hear me?" If you have heard Rosemary, you will know that she has a very strong voice and knows how to use it, and most nights she did not need the microphone.

But apart from all of that, I refer to the sense of community. She genuinely wanted to make a difference. She certainly wanted people to be involved. She would often lament the small turnouts, but there is a regular band of the faithful that attend. For those regular attendees, I think it is reasonable to put on the record the vote of thanks.

Her sidekick, husband David Lissimore, knows more about it than any of us. I think his commitment to the community, through her, and the way that he has assisted her over time, is also to be admired. With Rosemary's retirement, David will also have a fair amount of time on his hands.

On behalf of the community, but particularly the five members for Brindabella, I would certainly like to wish her and David well. I hope they enjoy what I guess now is their retirement. It will be interesting to see how Tuggeranong fares without the mayor of Tuggeranong.

### **Ms Judy Iltis**

**MS BRESNAN** (Brindabella) (6.07): I am speaking today to mark the passing of a true stalwart of the ACT Greens party, Judy Iltis. Judy made significant contributions to numerous ACT Greens election campaigns, both federal and for the ACT Legislative Assembly, through her many hours of volunteering.

Judy picked up and took on tasks when and wherever help was needed. This included letterboxing for many hours in Tuggeranong, handing out how-to-vote cards at polling booths and working those lonely shifts on pre-polling booths. Judy was always there lending her support for various causes and rallies, whether it be for the plight of refugees or climate change. I am told that Judy would always bring along her own hand-made signs, adding her own unique character to the event.

Judy was not just involved with the Greens but represented many different groups. She also was not just involved with politics but was engaged in all areas of her community. Judy was still engaged until the very day she was admitted to hospital. I am told that, when asked if she was still actively engaged with the Greens, she said she still was, until that day. So it was not until she was not physically able to help out that she saw her active involvement ending.

I remember speaking to Judy during the days of the 2008 ACT election campaign, knowing that she was not well, and I asked her how she was doing. Judy just said, "I'm okay and as well as can be expected." This typified Judy's attitude and also willingness to help out with the party, given she was not well at the time. It is people like Judy that are the backbone of the ACT Greens, and I am sure other political parties. This was in her joyful and uncomplaining willingness to help out when help was called for. On behalf of the ACT Greens today, I offer the deepest sympathies to Judy's family and friends. Judy will be greatly missed.

**Mr John Hargreaves**

**MS BURCH** (Brindabella) (6.09): I rise to make a few comments on my colleague John Hargreaves. I have known John for a number of years. I shared the last election with him and so did a good many folk of Brindabella, who afforded John the second-highest vote of any candidate in last year's election. I know from the feedback that I have had from the local community that they are pleased that he will remain in the Assembly.

John is a man of great passion and great compassion. He, rightly, should be proud of his achievements over the last five years as a minister in the ACT Labor government. I have just reflected again on John's statements over the last little while about some of those achievements and I would like to put them on record here in the Assembly and share them with everyone.

John has said that one of his proudest achievements included the creation of the community fire units and community policing. So they are aspects of our life that we live with and experience every day and it affords us a safe and well community.

He also oversaw many initiatives as minister for disability. He gave voice to Canberrans with a disability. He drove to break down barriers and to improve social inclusion in the sector and funding for individual support packages. He recently launched the companion card and he revitalised the Disability Advisory Council.

As minister for housing, he changed the housing need eligibility from a time-based system that really does not function for people in need to a needs-based system, to allow our most vulnerable to have access to emergency housing and wrap-around support services. He reduced waiting times to below 90 days, reformed the operations of the community housing sector and introduced a transitional housing program for refugees and those fleeing domestic violence.

John also was an active supporter of initiatives that gave encouragement to housing tenants, such as the Joint Champions and Tenant of the Month. I have had the pleasure of representing John at a number of Housing Tenant of the Month ceremonies, and that is a joy, because it is around people in the community that have made our housing resources their home. They are part of the fabric of our community, and Tenant of the Month should be recognised.

The portfolio of Multicultural Affairs was indeed a very passionate portfolio for John. He worked to make Canberra's model of multiculturalism one of the most successful in the country. Indeed, it is now internationally acclaimed. John has the passion and the drive to defend the rights of every Canberran, to share their culture, faiths and traditions.

As we have heard today, one of his greatest personal satisfactions is the banning of consumer fireworks. We did have a bit of interest at question time in fireworks. John is pleased to have that achievement. He can go home and smile, I think.



As Minister for Ageing, he was passionate around making sure that those ageing in our community aged in a safe and inclusive framework.

It behoves us to recognise John as the man of passion and compassion that he is. I know that John will continue to be a fantastic advocate for the broader community of Canberra, and most particularly for that of Brindabella.

### **Save the Children—Canberra Council**

**MR COE** (Ginninderra) (6.13): Since being elected, I have been fortunate to witness many community groups that are punching well above their weight in supporting those less fortunate here in Canberra and further afield. One such organisation which is going from strength to strength is the Canberra Council of Save the Children.

Save the Children has been a leading campaigner for the promotion of the rights of children since 1919. Today, the organisation serves in more than 100 countries in the areas of health, education and protection. The website of Save the Children Australia states that the organisation:

... manages and implements programs in Australia, Bangladesh, Cambodia, Laos, Papua New Guinea, Solomon Islands and Vanuatu. We also support development programs through our global network in selected countries in Asia, Africa and Latin America.

The vision of the organisation is for a world which respects and values each child, a world which listens to children and learns, a world where all children have hope and opportunity. Canberrans are encouraged to get involved in their fundraising and awareness campaigns. Interested people should visit [www.savethechildren.org.au](http://www.savethechildren.org.au) or call 1800 760 011.

Like all community groups, it is the commitment and enthusiasm of volunteers which makes their great results possible. Here in the ACT, the organisation is served extremely well by a capable and dedicated council led by Lynn Reeder. Supporting her are Celia Acworth, Gary Beck, Ian Meikle, Judy Morris, Jo O'Sullivan, Alan Scandrett and Ruth Tannahill.

Earlier this year, the Canberra Council of Save the Children hosted a golf day and charity auction dinner at Goolabri, north of Canberra. I was pleased to participate in the fundraiser and both the golf day and the dinner and auction which followed were a great success.

A couple of weeks ago, on 30 September, the organisation hosted the Inaugural Rights of the Child lecture at the Australian Centre for Christianity and Culture. In conjunction with the Australian Catholic University, the organisation was very fortunate to have Raimond Gaita deliver the lecture. Professor Gaita is a very well regarded philosopher and author of *Romulus, My Father*. His lecture was fascinating and I think it motivated many people to go out and purchase his book.

The CEO of Save the Children Australia, Suzanne Dvorak, and Professor Hillary Charlesworth from the Centre for International Governance and Justice at the ANU, also spoke.

The Canberra Council of Save the Children is doing wonderful work in our community and I encourage all members of the Assembly and the Canberra community to support their good work.

### **Ride to Work Day**

**MS LE COUTEUR** (Molonglo) (6.15): Yesterday was Ride to Work Day. Ride to Work Day had three features in Canberra. The most important one was that it did not actually rain on us, which, given the weather yesterday, was a major achievement. The second one was a very nice breakfast in Glebe Park, as well as breakfast at the ABC and in Belconnen, in Bruce. The one in Glebe Park was certainly attended by a few hundred people. The third feature was a ride, organised by Pedal Power, around the city loop. Mr Speaker, you, Mr Coe, Mr Corbell and I took part in that. It was really good to show us, as members of the Assembly, one of the things that Pedal Power would like to see happen in our city, which would be something that would not cost very much but which would make cycling a lot safer in the city. It would also make it a lot nicer for pedestrians in Civic because I must say that one of the things I have received complaints about is cyclists and pedestrians in City Walk.

Pedal Power has got a plan for a city loop. It would be about a three-kilometre ride which goes around the city and would enable anyone to easily ride around the city without fear of being run over and also without the possibility of them running over pedestrians. So it was a great day, despite the weather, and I sincerely hope that the government takes on board Pedal Power's city loop plan.

### **Anti-Poverty Week ACT Civil and Administrative Tribunal**

**MRS DUNNE** (Ginninderra) (6.17): This is Anti-Poverty Week in Australia and members have, in various ways, reflected on poverty in Canberra and the way that we can make a contribution to alleviating it.

From my recent experiences in Tanzania, I would like to pay tribute to two Australians who make their own personal heroic contributions to addressing poverty in that country. As a delegate to the Commonwealth Parliamentary Association meetings in Arusha, I note that the delegates were serenaded, on a number of occasions, by the students of St Jude's school in Arusha. Some delegates, and mainly the spouses of those attending the main conference, had an opportunity to visit one of the campuses of St Jude's school.

St Jude's school is basically the single-handed initiative of an enterprising Queensland lady, Gemma Sisia, who went to Tanzania as a volunteer and has—as it seems, many people do—fallen in love with Tanzania and made an outstanding commitment to relieving poverty through education. Gemma now runs the marvellous St Jude's school which now provides free residential education for nearly 1,000 young

Tanzanians. As she said to the delegates to the Commonwealth Parliamentary Association meeting, she hopes that she is educating the future leaders of Tanzania. The students are learning Swahili, English, mathematics—the range of courses that one would expect to find in any modern education system. All of this is done through the hard work of Gemma and her family and the committed donations of people in Australia.

With respect to the students of St Jude's that I met, any school principal would be proud to have such fine young people, so well turned out and so articulate and able to talk about their school. I pay tribute to Gemma and all those people who participate in and donate to St Jude's school. Sometime in November, Gemma will be in Australia on a fundraising speaking tour. If people have an opportunity to find out more about St Jude's school, they should take that opportunity.

On a smaller scale, I came across a tour company that I used called Maasai Wanderings. One of the reasons that prompted us to use this tour company was that they pay a proportion of their profits to a Maasai village, where the proprietors of the company are progressively building school buildings and also providing a range of employment opportunities for otherwise poverty stricken Maasai farmers. It was interesting to visit this village and to be shown the new preschool buildings, kindergarten buildings, built by Maasai Wanderings by their donations, from the proceeds of the tours that they operate, and also to be shown where the children previously went to school under a thorn tree in the grass. The next project is to build a kitchen and a dining room for the students so that they can ensure that the students who attend school are well nourished.

This initiative is run by a lady by the name of Donna Duggan, who also, coincidentally, is a Queenslander. I think that we should pay tribute to the great work of Australians, not just at home but overseas, who address the issues of poverty on a regular basis, with so little fanfare and often with very little hope of reward.

On another matter, I draw members' attention to the fact that the ACT Civil and Administrative Tribunal will move in to its new premises on 4 November. I suppose it will be a great day but it will be eight months after the ACAT was established and many months after the minister committed to having the premises finished. I think it should have been completed in June and it will now be in November, eight months after the commencement of the ACAT. I think this is an unfortunate start for ACAT and does not actually bear very well on the minister's capacity to do things on time and on budget.

Question resolved in the affirmative.

**The Assembly adjourned at 6.23 pm until Tuesday, 10 November 2009, at 10 am.**



## Answers to questions

### Public service—travel costs (Question No 251)

**Mr Seselja** asked the Minister for Territory and Municipal Services, upon notice, on 18 August 2009:

- (1) How much has been budgeted in 2009-10 for (a) interstate and (b) overseas travel in the Minister's department.
- (2) Are any trips planned for 2009-10; if so, what are the details.
- (3) What are the objectives of the trips referred to in part (2).
- (4) Who from the Minister's (a) office and (b) department will participate in the trips referred to in part (2).

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

1. \$272,319 for TAMS  
\$303,630 for Shared Services (including InTACT).

All Travel is scrutinised by Executive Directors and the Chief Executive.

TAMS currently only has one budget item for Travel. International Travel is not separated.

2. Interstate Travel is conducted for officers within the Department to attend National Jurisdictional Meetings, Training Courses and Conferences. This travel is booked on an as needs basis.
3. The objective of these meetings is to ensure the ACT is represented at National Cross Jurisdictional meetings.
  - (a) The Minister identifies appropriate officers from within his office to attend interstate meetings.
  - (b) Departmental Officers only participate in Interstate Travel when approved by the Chief Executive or relevant Executive Director.

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### Government—advertising (Question No 254)

**Mr Seselja** asked the Minister for Disability and Housing, upon notice, on 18 August 2009:

How much has been budgeted in 2009-10 in the Minister's department for (a) advertising and marketing including details of (i) costs, (ii) length of contract, (iii) name of contractor, (iv) services provided and (v) how they will be awarded, for any planned advertising and marketing contracts and (b) hospitality.

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

*The member should note that the response covers the entire Department of Disability, Housing and Community Services, not just the Minister for Disability and Housing portfolio area.*

- (a) The amount budgeted in 2009-10 for advertising and marketing for the:
- Department of Disability, Housing and Community Services is \$212,000 comprising \$85,000 for advertising and \$127,000 for marketing; and
  - National Multicultural Festival is \$80,000 comprising \$20,000 for advertising and \$60,000 for marketing.
- (i)-(v) Information on all contracts and consultancies is available in detail in each year's Annual Report. The material for 2009-10 will be provided in that year's Annual Report for the Department.
- (b) The amount budgeted in 2009-10 for hospitality for the Department of Disability, Housing and Community Services is \$156,000.

### **Courts—community service orders (Question No 260)**

**Mrs Dunne** asked the Minister for Corrections, upon notice, on 18 August 2009 (*redirected to the Attorney General*):

- (1) How many sentences involving community service orders did the ACT (a) Magistrates Court, (b) Supreme Court and (c) Court of Appeal hand down (i) each year from 2001-02 to 2007-08 and (ii) for the period 1 July 2008 to 31 March 2009.
- (2) How is completion of community service order sentences monitored.
- (3) How many offenders (a) were given early release from and (b) failed to complete their community service order sentences for each of the periods referred to in part (1).
- (4) What action was taken in relation to those failures.
- (5) What is the process used to release offenders once they have completed their community service orders.

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

- (1) (a) In 2001-02 – 164  
In 2002-03 – 165  
In 2003-04 – 145  
In 2004-05 – 166  
In 2005-06 – 174  
In 2006-07 – 136  
In 2007-08 – 222  
In 2008-09 (to 31/03/09) – 170

- (b) In 2001-02 – 9
  - In 2002-03 – 1
  - In 2003-04 – 1
  - In 2004-05 – 1
  - In 2005-06 – 4
  - In 2006-07 – 2
  - In 2007-08 – 4
  - In 2008-09 (to 31/03/09) – 10
- (c) No sentences involving Community Service Orders were handed down in the Court of Appeal.

- (2) When an offender is sentenced to a Community Service Order (CSO), the CSO Supervisor places the offender at a suitable agency. The offender signs a work direction stating that he/she agrees to work on a certain day for a certain number of hours for a certain number of weeks. The agency completes a time sheet for the offender's hours. Both the offender and a representative from the agency initial the time sheet as verification of the hours worked.

Each week that time sheet is either faxed to the CSO work unit, or an officer from the unit will go to the agency to obtain a copy of the time sheet. Those hours are then recorded on ACTCS' offender management system. If an offender fails to attend, that information is also recorded on the time sheet and on the offender management system. Close contact regarding offender behaviour is maintained with the agencies whilst the offenders are working.

- (3) (a) ACT Corrective Services does not have the power to give early release from Community Service Orders.

- (b) Data for this is only reliable from 2004, as prior to this, information was stored on a different electronic system which has previously proved inaccurate.

- In 2004-05 – 36
- In 2005-06 – 31
- In 2006-07 – 53
- In 2007-08 – 100
- In 2008-09 (to 31/03/09) – 67

- (4) These CSOs mentioned above were not completed for a variety of reasons, including appeals to Supreme Court being upheld, imprisonment (this occurs largely as result of a separate offence, but could occur as a result of an offender breaching his/her CSO), the offender being registered interstate (this can occur at any time during the order), the offender being resentenced, the order being revoked, the offender being sentenced to Periodic Detention Centre, or a warrant being issued to locate the prisoner.

Where an offender does not comply with the conditions of his/her CSO, ACT Corrective Services has the power only to breach the offender. Subsequent action, for example, imprisonment (as referred to above) can be taken by the courts.

- (5) Once an offender has completed his/her order (this will be evident to them from the running tally on their time sheet and because their ACT Corrective Services work supervisor will advise them), the CSO unit will send the offender a letter of discharge. A copy of this letter is also sent to the sentencing court advising them of the offender's successful completion.

**Alexander Maconochie Centre—exiting prisoners  
(Question No 264)**

**Ms Hunter** asked the Minister for Corrections, upon notice, on 19 August 2009:

- (1) Does the ACT Government fund any accommodation for women exiting the Alexander Maconochie Centre (AMC); if so, through which agency.
- (2) Does the ACT Government fund any accommodation for men exiting the AMC.
- (3) What community services are funded by the ACT Government to provide counselling and support services for women exiting the AMC.

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

- (1) ACT Corrective Services (ACTCS) has recently identified funding to provide managed accommodation support for women prisoners exiting the AMC. The Managed Accommodation Program run by ACTCS is available to females exiting the AMC.
- (2) Yes.
- (3) Women exiting the AMC can access a range of services in the community that are targeted specifically toward women. These services are provided by ACT Government departments and by ACT and Commonwealth funded organisations. One such organisation identified by Corrective Services which receives funding from the ACT Government is the Women's Information Resources and Education on Drugs and Dependency which provides mental health support to women.

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**Industrial relations—occupational health and safety  
(Question Nos 265 and 266)**

**Mrs Dunne** asked the Attorney-General, upon notice, on 19 August 2009:

- (1) How many occupational health and safety inspections were carried out in the (a) 2006-2007, (b) 2007-2008, (c) 2008-2009 and (d) 2009-2010 to date financial years.
- (2) What is the break down of the number of visits by industry sector for those inspections referred to in part (1).
- (3) How many of the inspections referred to in part (1) were (a) routine and (b) in response to complaints or other requests for inspection.
- (4) How many of the inspections referred to in part (1) and for each sector referred to in part (2) resulted in some form of warning or other disciplinary action.
- (5) What form did the disciplinary action take in each of the instances referred to in part (4).
- (6) Was any sort of disciplinary action undertaken by ACT Workcover or any other ACT agency in relation to the (a) collapse of the hangar at Canberra airport in May 2003,



(b) collapse of a wall during the demolition of the Cameron Offices in January 2008 and (c) collapse of formwork on the QEII sight in October 2008; if so, what was the result of that disciplinary action.

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

- (1) Following is a table which indicates the total number of inspections for the (a) 2006-2007, (b) 2007-2008, (c) 2008-2009 and (d) 2009-2010 to date financial years.

Industry	06/07	07/08	08/09	09/10
Agriculture, Forestry and Fishing	11	7	9	0
Mining	0	3	0	0
Manufacturing	156	125	218	7
Electricity, Gas and Water Supply	21	12	26	5
Construction	873	582	948	206
Wholesale Trade	22	8	15	1
Retail Trade	326	205	583	58
Accommodation, Cafes and Restaurants	41	41	123	11
Transport and Storage	28	15	80	15
Communication Services	11	4	1	2
Finance and Insurance	14	0	0	0
Property and Business Services	67	88	61	7
Government Administration and Defence	20	18	38	9
Education	30	26	16	8
Health and Community Services	26	22	30	5
Cultural and Recreational Services	54	40	51	2
Personal and Other Services	57	55	76	11
Not identified	25	16	29	5
<b>Total</b>	<b>1782</b>	<b>1267</b>	<b>2304</b>	<b>352</b>
<b>The above totals include inspections for the following two functions</b>				
Lift and moving walkway Inspections	156	98	147	33
Boiler and Pressure vessel inspections	380	345	415	42
<b>Total</b>	<b>533</b>	<b>443</b>	<b>562</b>	<b>75</b>

- (2) The breakdown of the number of inspections per industry sector is included in the response to (1) above.
- (3) Data recorded by the Office of Regulatory Services does not differentiate between "routine" inspections or those that are in response to complaints or other requests for inspection.
- (4) Following is a table indicating how many of the inspections referred to in part (1) and for each sector referred to in part (2) resulted in some form of warning or other disciplinary action.

Year	06-07			07-08			08-09			09-10		
	IP	PR	IF	IP	PR	IF	IP	PR	IF	IP	PR	IF
Action Taken per Industry												
Agriculture, Forestry and Fishing	0	0	0	0	0	0	0	0	0	0	0	0
Mining	0	0	0	0	0	0	0	0	0	0	0	0
Manufacturing	27	3	1	8	1	0	4	2	1	2	1	0

Year	06-07			07-08			08-09			09-10		
Electricity, Gas and Water Supply	0	0	0	0	0	0	0	0	0	0	1	0
Construction	42	29	1	39	45	0	48	59	0	44	9	5
Wholesale Trade	11	0	0	0	0	0	0	0	0	0	0	0
Retail Trade	32	9	0	5	2	0	14	25	0	1	0	0
Accommodation, Cafes and Restaurants	3	0	0	4	3	0	5	2	0	18	0	0
Transport and Storage	3	2	0	1	0	0	10	2	1	3	0	0
Communication Services	0	0	0	0	0	0	0	0	0	0	0	0
Finance and Insurance	0	0	0	0	0	0	0	0	0	0	0	0
Property and Business Services	0	0	0	1	2	1	12	3	0	0	0	0
Government Administration and Defence	1	1	0	0	0	0	0	0	0	0	0	0
Education	0	0	0	0	1	0	0	0	0	7	0	0
Health and Community Services	1	0	0	1	0	0	0	0	0	0	0	0
Cultural and Recreational Services	5	0	0	2	1	0	4	3	0	0	0	0
Personal and Other Services	1	2	0	0	0	0	0	4	0	0	1	0
Not identified	0	0	0	0	0	0	2	1	0	0	0	0
<b>Total</b>	<b>126</b>	<b>46</b>	<b>2</b>	<b>61</b>	<b>55</b>	<b>1</b>	<b>99</b>	<b>101</b>	<b>2</b>	<b>75</b>	<b>12</b>	<b>5</b>

**Legend:** IP = Improvement Notice PR = Prohibition Notice IF = Infringement Notice

(5) The form of disciplinary action taken in each of the instances referred to in part (4) is included in the table in response to part (4).

(6) (a) Nine separate entities were prosecuted resulting in fines ranging from \$200 to \$93,750. (b) The matter has been referred to the Director of Public Prosecutions. (c) The investigation is currently being finalised and consequent action is being considered.

### **Finance—government expenditure (Question No 270)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 20 August 2009:

(1) In relation to each of the items in Part 1.11 of the Direction for Expenditure to be Charged from Treasurer's Advance, Direction No. 2008-09/11, what is the breakdown of the spending.

(2) What proportion of the spending referred to in part (1) is for staff or contractor costs.

(3) Why was the spending referred to in part (1) not initially budgeted.

(4) Did the scope of the project or any of the services provided change.

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

<b>Cost Pressure</b>	<b>TA</b>	<b>Employee Expense*</b>	<b>Contractor and Contract Staff Expense*</b>	<b>Other Non Employee Expense*</b>	<b>Total Expense</b>	<b>Notes</b>
	<b>(\$m)</b>	<b>(\$m)</b>	<b>(\$m)</b>	<b>(\$m)</b>	<b>(\$m)</b>	
Floriade Traffic Management	\$0.108		\$0.050	\$0.058	\$0.108	(A)
Light Rail System Feasibility Study	\$0.170	\$0	\$0	\$0.170	\$0.170	(B)
Parks, Conservation and Lands - Maintaining Service Levels	\$4.218	N/A	N/A	N/A	\$4.218	(C)
Management of Civic and Tuggeranong Pools	\$1.131	\$0	\$0	\$1.131	\$1.131	(D)
RSPCA additional assistance	\$0.300	\$0	\$0	\$0.300	\$0.300	(E)
ACT Public Libraries - Maintaining Service Levels	\$0.716	\$0.389	\$0.327		\$0.716	(F)
ACT Academy of Sport - Relocation Costs	\$0.087			\$0.087	\$0.087	(G)
Belconnen Bus Interchange - additional operational costs	\$0.143	\$0.015		\$0.128	\$0.143	(H)
Sportsgrounds Mowing - Maintaining Service Levels	\$0.325	\$0.100	\$0.081	\$0.144	\$0.325	(I)
Brumbies - Additional Support	\$0.470	0	0	\$0.470	\$0.470	(J)
<b>Total</b>	<b>\$7.668</b>					

\* Where costing information is not available an estimate has been provided.

**Notes:**

**A) Floriade Traffic Management**

In response to Question 1, see table above.

In response to Question 2, see table above.

In response to Question 3, spending was not initially budgeted because a review of various parking options for Floriade was not finalised in time for the 2008-09 Budget.

The review was necessary because of changes to parking arrangements close to the Floriade site.

In response to Question 4, the scope of the services provided was changed so that appropriate security, signage, traffic management and public advice of the changes involved could be communicated.

#### **B) Light Rail System Feasibility Study**

The Treasurers Advance funding contributed \$0.170m toward the cost of this project.

In response to Question 1, see table above.

In response to Question 2, see table above.

In response to Question 3, access to Treasurer's Advance was agreed as the necessity for progressing the project fell outside the budget cycle. Stage One of the project involved the preparation of a business case to inform the light rail aspects of the ACT's submission to the Infrastructure Australia Audit.

In response to Question 4, the scope of the services provided was changed as the consultant was required to undertake additional work associated with transport modelling for the project at the request of the Department of Treasury.

#### **C) Parks, Conservation and Lands - Maintaining Service Levels**

In response to Questions 1 and 2, the budgeted cost of delivering services under Output 1.4 Land Management, at levels consistent with the 2007-08 year, indicated that a projected cash shortfall of \$6.721m could be expected. The projected shortfall was primarily due to a wide range of increases in price and growth in areas to be managed. The increase in price was projected to occur in the areas of: employee expenses; contract staff; vehicle and equipment leasing; and contracted services. The growth in area and assets managed results primarily from the urban open space, parks, playgrounds, trees, and related community infrastructure received from green field development.

The projected short fall of \$6.721m was reduced to \$4.218m during the year due to significant fiscal restraint and a one off gain related to the sale of standing timber at Fairbairn.

In response to Question 3, spending was budgeted initially however the quantum at year end could not be deduced until the outcomes of fiscal restraint and revenue initiatives were known.

In response to Question 4, the scope of the services provided was changed in a number of areas to reflect the need for fiscal restraint.

#### **D) Management of Civic and Tuggeranong Pools**

In response to Questions 1 and 2, during the 2008-09 financial year both the Canberra Olympic Pool and the Lakeside Leisure Centre were closed for refurbishment works funded via the capital works program. In addition a competing gym facility opened next to the Lakeside Leisure Centre. A payment was made to meet the estimated reduction in revenue and adjustment to costs as a result of the refurbishment closures, and the loss of revenue due to direct competition. The payment was timed to provide supplementation while negotiations were undertaken.

In response to Question 3, spending was not initially budgeted because the reduction in revenues and change in costs associated with the refurbishments and the adjacent health and fitness facility could not be quantified.

In response to Question 4, the scope of the services provided has not changed.

**E) RSPCA**

In response to Question 1, see table above.

In response to Question 2, see table above.

In response to Question 3, spending was not initially budgeted because the payment was made as a further assistance package. The package was designed to ensure that the RSPCA could continue to undertake work which supports Canberra families.

In response to Question 4, the package ensured the ongoing services the RSPCA delivers including the rescue and shelter of animals; the investigation into allegations of cruelty, and educating the community about animal welfare.

**F) ACT Public Libraries - Maintaining Service Levels**

In response to Question 1, see table above.

In response to Question 2, see table above.

In response to Question 3, the majority of this funding is required to offset delays in achieving savings from the implementation of Radio Frequency Identification (RFID) technology across ACT public libraries. Full implementation of RFID has been delayed because of additional procurement work necessary to secure the most cost effective and functionally appropriate solution.

In response to Question 4, the scope of the services provided has not changed.

**G) ACT Academy of Sport Relocation**

In response to Question 1, see table above.

In response to Question 2, see table above.

In response to Question 3, spending was not initially budgeted because the Academy anticipated renewal of the existing lease at the CIT in Bruce at the existing peppercorn rate, however were then informed that at the end of the lease CIT intended using the space for a different purpose.

In response to Question 4, the scope of the services provided has not changed.

**H) Belconnen Bus Interchange - additional operational costs**

In response to Question 1, see table above.

In response to Question 2, see table above.

In response to Question 3, spending was not initially budgeted because the timing of the closure of the interchange was not defined during budget development.

In response to Question 4, the scope of the services provided has changed.

#### **I) Sportsgrounds Mowing - Maintaining Service Levels**

In response to Question 1, see table above.

In response to Question 2, see table above.

In response to Question 3, spending was budgeted initially however, the quantum at year end could not be deduced until the outcomes of fiscal restraint and the seasonal impacts on watering and mowing were known.

#### **J) Brumbies - Additional Support**

In response to Question 1, the Brumbies support package consists of a one off performance agreement top up of \$0.300m in 2008-09, and a further \$0.170m in the form of a repayable loan to be recovered via a reduction in forward year performance agreement payments.

In response to Question 2, see table above.

In response to Question 3, the financial failure of a major sponsor was not contemplated during the 2008-09 budget development cycle.

In response to Question 4, although the scope of the services provided has not changed, the support package requires further obligations to be met by the Brumbies.

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### **Black Mountain Peninsula (Question No 272)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 20 August 2009:

- (1) Why was it decided that Black Mountain Peninsula would be closed after hours.
- (2) How many incidents of vandalism or damage were reported at Black Mountain Peninsula and what was the value of that damage.
- (3) What is the cost of closing Black Mountain Peninsula after hours.
- (4) What is the policy in relation to security of the assets of clubs and organisations who have their facilities on public land.

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

- (1) The introduction of 'after hours' closing times to Black Mountain Peninsula was a management response to address regular anti-social activity at the site including vandalism, rubbish dumping, and illicit drug use. Local lessees at the Peninsula had

been reporting regular break-ins and damage to property and were very supportive of the after hours closure. Parks, Conservation and Lands (PCL) had also reported considerable vandalism to playground and toilet facilities as well as the area being a popular site for large rave parties.

- (2) Since the installation of the gate in March 2008, there have only been 17 incidents of vandalism at a cost of approximately \$5,500.
- (3) The Government has been asked by the Contractor to treat this information as Commercial-in-Confidence.
- (4) Where lessees border public land, or where the management of public land may impact on the security of such lessees, PCL works co-operatively with the lessees to derive a mutually beneficial outcome. Clubs and organisations would normally seek to obtain a lease over the land they occupy or enter into a license agreement with the Territory. Such agreements would deal with the issue of security on a case by case basis.

### **Roads—traffic infringements (Question No 273)**

**Mr Coe** asked the Attorney-General, upon notice, on 20 August 2009:

- (1) How many infringement notices have been issued to vehicles and road users for an offence under Australian Road Rules 197.
- (2) What is the month by month breakdown for the 2008-09 financial year.
- (3) What is the total revenue collected.

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

- (1) In 2008-09, a total of 2,990 infringements were issued under Australian Road Rule 197(1), Stopping on a path, dividing strip or nature strip.
- (2) The month by month breakdown for the 2008-09 financial year was:

July	211
August	257
September	314
October	357
November	243
December	237
January	135
February	279
March	314
April	158
May	315
June	170

- (3) The total revenue collected was \$244,751.00.

**Crime—organised  
(Question No 277)**

**Mr Hanson** asked the Attorney-General, upon notice, on 20 August 2009:

- (1) In relation to the Government report into Serious and Organised Crime and any further action on the issue of serious and organised crime in the ACT, when will the Government seek to introduce the legislative changes outlined in the report that it identified as being useful measures in combating serious and organised crime.
- (2) Will all the legislative changes outlined in the report be introduced; if not, why not.

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

I refer the Member to my comments made on 25 August 2009 during the Assembly debate on the government response to the Assembly resolution.

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**Consumer protection—nanomaterials  
(Question No 280)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 25 August 2009 (*redirected to the Attorney-General*):

- (1) Does the ACT Government have a policy or position in regard to consumer products containing manufactured nanomaterials; if so, what is it.
- (2) What is the ACT Government's understanding of the health impact of consumer products containing manufactured nanomaterials.
- (3) Is it possible for the ACT Government to regulate the release of consumer products containing manufactured nanomaterials.

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

- 1) The Office of Regulatory Services (ORS) has the power under the *Fair Trading (Consumer Affairs) Act 1973* to recommend to me as the responsible Minister whether a consumer product safety standard should be prescribed in the ACT. To be mandated a safety standard must be reasonably necessary to prevent or reduce the risk of injury to any person. At this stage the ORS would not consider regulating consumer products containing nanomaterials. In May 2007, the then Australian Government announced the National Nanotechnology Strategy (NNS) with funding of \$21 million over four years. However this was superseded as part of the "Powering Ideas" Innovation Agenda. On 13 May 2009 the Government announced it would provide \$38.2 million over four years for an enabling technologies strategy. The Strategy will provide a framework for the responsible development of enabling technologies such as biotechnology and nanotechnology in Australia. It is intended to help Australian industries capitalise on growth opportunities and ensure Australia can benefit from the technologies while addressing any potential risks to health, safety and the environment. It is appropriate to wait for the outcome of the National Enabling Technologies Strategy, before acting to implement a policy or form a position regarding consumer products which contain manufactured nanomaterials.



- 2) Nanotechnology issues, including potential health impact of consumer products containing manufactured nanomaterials, are addressed through national processes. In relation to foods and nanotechnology, an application for a new type of engineered nanoscale particle in food would require an assessment of the public health and safety considerations by Food Standards Australia New Zealand (FSANZ). Nanoparticles used in medical applications (e.g. therapeutic products) would be subject to the Therapeutic Goods Administration's (TGA) assessment process.

FSANZ and TGA are members of the Health, Safety and Environment Working Group, which was established by the Australian Office of Nanotechnology to address any potential issues that nanotechnology may raise in the areas of health, safety and environment. The Working Group also includes the Office of Australian Safety and Compensation Council, National Industrial Chemical Notification and Assessment Scheme and the Commonwealth Department of Environment, Water, Heritage and the Arts.

- 3) Yes it is technically possible for the ACT Government to regulate the release of consumer products containing manufactured nanomaterials via Part 4 of the *Fair Trading (Consumer Affairs) Act 1974* – Consumer Product Safety Orders and Standards. Prior to such a determination being made, there would need to be significant and compelling information in order to satisfy the required injury risk threshold before any such regulations could be implemented.

The ACT Government is a party to the Council of Australian Governments and Ministerial Council on Consumer Affairs' single national consumer product safety system initiative. This initiative is designed to improve, streamline and harmonise product safety regulation across Australia and is due to be implemented by mid 2010. Consequently the ACT Government must act in consultation with the Commonwealth, States and Territories prior to implementing any new product safety regulations. Furthermore the outcome of the National Enabling Technologies Strategy, should also ensure a consistent approach across Australia to the regulation of nanotechnology.

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### **Business—licensed premises (Question No 283)**

**Mr Rattenbury** asked the Attorney-General, upon notice, on 26 August 2009:

- (1) What percentage of licensed premises were inspected for compliance by the Office of Fair Trading in 2007-08.
- (2) How many and what percentage of the inspections referred to in part (1) took place between the hours of (a) 9 am to 5 pm, (b) 5 pm to 11 pm and (c) 11 to 3 am.

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

- (1) 46%.
- (2) A breakdown of inspections based on the time periods cannot be provided. However, 222 licensed premises (76 % of those inspected) were inspected as part of the Afterhours program (6.00pm to 6.00am) and a total of 72 (24% of those inspected) were inspected during normal business hours (9.00am to 5.00pm).

**Crime—drug arrests  
(Question No 284)**

**Mr Rattenburry** asked the Attorney-General, upon notice, on 26 August 2009:

- (1) Given that data showing the number of arrests in the ACT for drug consumers compared to drug providers (excluding Simple Cannabis Offence Notices) is contained in the Australian Crime Commission's Illicit Drug Data Reports and that the reports indicate a significant upward trend in arrest numbers for consumers and a significant downward trend in arrest number for providers from the financial year 2004-05 onwards, what is the Government's explanation for the increasing upward trend for consumers and the downward trend for providers.
- (2) What is the Government's explanation for the high percentage of consumer arrests in light of the often stated position that best practice policing and investigation focuses resources on prosecuting providers not consumers.
- (3) Can the Minister provide data for arrests and convictions or outcomes from those arrests for consumers and providers by (a) age (or age group if necessary to de-identify data) and (b) Act and section number relevant to the arrest for each year from 2000-2001 to 2007-08 inclusive.
- (4) Can the Minister provide indicators for the levels of (a) drug related crimes and (b) reductions in drug supply and drug use for each year from 2000-2001 to 2007-08 inclusive.

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

1. The volume of arrests for drug consumers and drug providers for the ACT is significantly lower than all other Australian jurisdictions. As the ACT data is a particularly small statistical sample, any trends derived from this data should be interpreted with caution.

Having undertaken some analysis of this data, ACT Policing notes that the proportion of drug consumer arrests, as opposed to drug provider arrests in the ACT, is not significantly different from other jurisdictions.

Further analysis of this issue points to the research which suggests that unemployed drug consumers who are drug addicts may commit property crime offences to fund their drug addiction. The increased trend in the arrest of drug consumers in the ACT is consistent with an increased trend in the arrest of offenders committing property crime offences over the same period.

It is often the case that illicit drugs are detected on persons when they are initially apprehended for other, non-drug related offences. Given the growth in property crime offences, the growth in drug consumer arrests is plausible.

To break the cycle of crime and illicit drugs, as well as to reduce both the demand and harms involving illicit drugs, ACT Policing, in partnership with ACT Health, operates a Drug Diversion Program. The program enables police to divert drug consumers detected in possession of a small amount of drugs away from the Criminal Justice System and to ACT Health Drug Programs for evaluation, education and treatment.

ACT Policing is a strong supporter of this program to the extent that police referrals to this program have grown 1025% since the program's inception in 2001, and 235% in the last four years (from financial year 2004-2005 until 2008-2009).

2. ACT Policing does not target drug consumers for drug related offences and dedicates resources on apprehending drug providers with the intention of reducing the supply of illicit drugs.

The primary reason there is a high proportion of arrests for drug consumers as opposed to drug providers is that drug consumers are often apprehended by police for committing other offences, at which time possession of illicit drugs is detected as a supplement to the initial offence detected. This rationale, and the proportion of arrests for drug consumers in the ACT, is consistent with almost all other jurisdictions in Australia.

The secondary reason for there being a high proportion of arrests for drug consumers as opposed to drug providers is that some suspected drug providers, when apprehended by police, are in possession of a trafficable amount of illicit drugs. However when the trafficable amount of illicit drugs is analysed, the purity of the drugs is sufficiently low that the amount of drugs is below the trafficable quantity prescribed in the ACT Drug Schedules. These persons are subsequently charged with drug possession offences because drug offences in the ACT are based on the pure weight of drugs as opposed to the gross weight of drugs.

In line with reducing demand and harm involving drugs, ACT Policing, in partnership with ACT Health, operates a Drug Diversion Program, which enables police to divert drug consumers detected in possession of a small amount of drugs away from the Criminal Justice System and to ACT Health Drug Programs for evaluation, education and treatment. ACT Policing is a strong supporter of this program to the extent that police referrals to this program have grown 1025% since the program's inception in 2001, and 235% in the last four years (from financial year 2004-2005 until 2008-2009).

Where possible, those offenders apprehended initially for committing a non-drug related offence, who are also in possession of a small amount of illicit drugs for personal use, are referred to the Drug Diversion Program. However some offenders do not consent to being referred to the Drug Diversion Program and are therefore prosecuted before the court.

3. The following table shows the number of charges relating to apprehensions for drug offences reported by ACT Policing for the period 01 July 2000 to 30 June 2009.

*(Available at the Chamber Support Office)*

The following table shows the number of charges from apprehensions for drug offences by clearance and offence type reported by ACT Policing for the period 01 July 2000 to 30 June 2009.

*(Available at the Chamber Support Office)*

It should be noted that drug offences cleared by Drug Diversion and SCON are reported as lower than those initiated by ACT Policing as a result of offenders failing to comply with these diversionary options, resulting in increased offenders brought before the court.

4. Police apprehension of drug offenders and police seizures of drugs are not accurate indicators on the general prevalence of drug crimes and drug supply. Police are only involved in a portion of drug related matters and many drug related matters will not come to the attention of police.

The following table shows the number of Drug related offences reported by ACT Policing for the period 01 July 2000 to 30 June 2009.

*(Available at the Chamber Support Office)*

It should be noted that the number of offences for possessing drugs fluctuates as a result of police not targeting the possession of drugs (for personal use). The detection of these offences often occurs secondary to the detection of other police activity or the commission of another offence.

The detection of drug offences relating to dealing, supply, manufacture have trended downwards over recent years as a result of ACT Policing's strategies to reduce drug supply by targeting high-end criminals involved in the manufacture and distribution of drugs. As the higher end of the drug distribution chain involves fewer criminals than lower in the chain, fewer offences are detected however the benefit to this strategy is that increased drug seizures can be made, and a greater impact and disruption is made on drug supply.

The following table shows the number of drug seizures made by ACT Policing for the period 01 July 2000 to 30 June 2009.

**ACT Policing Drug seizures 01 July 2000 to 30 June 2009**

Year	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009
Total Seizures	1543	1112	1307	1201	1092	1100	1112	1699	1440
Total Weight*	271,317.28	411,631.59	473,677.67	845,914.17	580,259.24	310,058.48	227,148.56	309,188.80	178,150.02

\*Weight in grams

It should be noted that total drug seizures has trended upwards in recent years, however the total weight of drugs seized has trended downwards as a result of the prevalence and targeting of modern drugs such as ecstasy and amphetamine type stimulants, which are often significantly lighter in weight than some of the more traditional illicit drugs such as cannabis.

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**Children—school bus travel  
(Question No 286)**

**Ms Bresnan** asked the Minister for Transport, upon notice, on 27 August 2009:

- (1) Is it current ACT Government policy to allow parents to accompany young children to help familiarise them with bus travel for a period of one month unless there are special circumstances, such as a child having a disability.
- (2) Who was consulted in developing this policy.
- (3) Is it correct that previously parents were allowed to travel on school buses with their pre-school aged children for an unlimited amount of time; if so, why has the policy changed to a one month limit.

- (4) Which groups are involved in the Transport Liaison Committee and what is the nature of their involvement.

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

1. Yes.
2. In 2009 the policy was reviewed and endorsed by the Schools Transport Liaison Committee, which has representation from Government and non-Government schools, and the community.
3. No. ACTION school bus services are designed to carry primary and high school students only.
4. School Transport Liaison Committee members are:
  - Department of Territory and Municipal Services:
    - ACTION
    - Transport Planning & Regulation
    - Community Engagement
  - Department of Education and Training
  - Community representativesRepresentatives from:
  - ACT Council of Parents & Citizens
  - Catholic Education Office
  - Association of Parents and Friends of ACT Schools
  - Association of Independent Schools

The role of the Committee is to provide advice, information and guidance to the Department of Territory and Municipal Services on the transport needs of ACT Government and Non-Government schools.

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### **Seniors—bus concessions (Question No 287)**

**Ms Bresnan** asked the Minister for Transport, upon notice, on 27 August 2009:

Will concession travel (a) be made available to all ACT seniors including seniors who do not hold a pensioner card and (b) for seniors be made available during peak periods; if so, when is the change anticipated; if not, what consideration has the ACT Government given to this.

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

- a. Concession travel on ACTION buses is available to all ACT seniors and Seniors from other States and the Northern Territory, including seniors who do not hold a pensioner card; and
  - b. Concession travel is available at all times. A range of concession tickets is available, including, for example: single, daily, weekly, monthly, etc.
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**ACTION bus services—standing passengers  
(Question No 288)**

**Ms Bresnan** asked the Minister for Transport, upon notice, on 27 August 2009:

- (1) Under what conditions specifically does ACTION endorse a limit of 27 standing passengers, noting that (a) the legal safety limit of standing passengers is 27, (b) if there are any more than six standing passengers on a bus it becomes extremely uncomfortable for people travelling, and getting off a bus can be very difficult and (c) ACTION's commitment to accessible travel, including for those people with a disability, may be contravened by ACTION having a limit of 27 standing passengers.
- (2) Under what conditions specifically does ACTION not endorse a limit of 27 standing passengers.
- (3) Does ACTION intend reducing the limit on standing passengers to something less than 27; if so, when and to what proposed limits.
- (4) Will the new ticketing system provide data that will help ACTION to achieve stronger targets.

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

1. The Australian Design Rule (ADR) specifications determine the legal passenger carrying capacity of a particular bus model. The number of standing passengers can differ depending on the type of bus. ACTION meets the ADR specifications and legal carrying capacity for all its buses. The design of the bus takes into account the wheel chair space and the requirements of those that require this feature of the accessible fleet.
2. See (1).
3. ACTION will continue to meet the ADR specifications for the passenger carrying capacity.
4. Yes.

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**Mental health—advanced directives  
(Question No 289)**

**Ms Bresnan** asked the Attorney-General, upon notice, on 27 August 2009:

- (1) What is the ACT Government's current policy in regard to advanced directives for people with a mental illness.
- (2) What is the ACT Government doing to progress the issue of advanced directives for people with a mental illness.
- (3) What are the anticipated ACT Government timelines for progressing this matter in the future.

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

(1)

The legislative purpose of an advance directive is to protect the right of a patient to refuse unwanted medical treatment, and to ensure that patients receive effective, appropriate and reasonable relief from pain and suffering.

In the ACT, the *Medical Treatment (Health Directions) Act 2007* provides that a person may issue an advance directive to refuse medical treatment or to have medical treatment withdrawn. The direction may apply to all medical treatment generally, or to a particular kind of medical treatment. However, a direction made under the Act does not apply to the administration of palliative care.

The ACT Act is more limited than similar legislation in some other jurisdictions, in that a direction under the ACT Act only operates while the person continues to have full decision-making capacity.

People for whom a guardian is appointed under the *Guardianship and Management of Property Act 1991*, or who have impaired decision making capacity, are not able to give a health direction.

The ACT does not currently have legislation that enables a person to make a direction which would dictate how they are to be treated should they lose their capacity to make decisions.

However, a guardian appointed to a patient who has lost capacity must consent to medical treatment in a way consistent with an existing direction made by the patient under the Act before he or she lost capacity.

(2)

Mental health advance directives are encompassed by the current review of mental health legislation. This review aims to address and broaden the recognition of advance directives in the ACT by expanding the scope of the *Medical Treatment (Health Directions) Act 2006*. In supporting the inclusion of advance directive provisions in revised mental health legislation, the review offers an opportunity to consider the application of advance directive mechanisms in closer detail than has yet occurred in Australia.

The ACT review benefits from recent reviews in mental health legislation in other states and the Northern Territory, and from the broader general discussion about advance directives that has largely been generated by the advocacy of community based organisations.

At this stage, there is no advice from the Review Advisory Committee (which comprises a range of stakeholders and directly advises the Minister) as to which model of advance directive would be supported to government.

(3)

Mental health advanced directives are encompassed by the current review of mental health legislation. At present, the review is scheduled to be completed by the end of 2011. The ACT Government is committed to the recognition of formal legal documents, such as advance health directives, as it is important and necessary, both within the ACT and nationally.

**Prisons—needles and syringes  
(Question No 290)**

**Ms Bresnan** asked the Minister for Corrections, upon notice, on 27 August 2009:

Do all detainees, on remand and detention, have access to bleach or fincol for the purpose of cleaning needles and syringes; if not, why not and (a) how can detainees get access to needle and syringe cleaning products and (b) when will all detainees be guaranteed access to needle and syringe cleaning products.

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

ACT Corrective Services (ACTCS) does not supply prisoners with needles and syringes. Cleaning products for the purpose of cleaning needles and syringes are therefore not provided.

- a) ACTCS currently supplies prisoners with a cleaning product known as Fincol for the purpose of cleaning their accommodation areas. Research suggests that this product may be effective against certain blood borne viruses.
- b) There are no plans to provide prisoners with products specifically for the purpose of cleaning needles and syringes.

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**Education—students—attention deficit hyperactivity disorder  
(Question No 291)**

**Ms Hunter** asked the Minister for Education and Training, upon notice, on 27 August 2009:

- (1) What is the number of school students affected with Attention Deficit Hyperactivity Disorder (ADHD).
- (2) What strategies are currently employed to help students with ADHD overcome their behavioural problems.
- (3) What specific avenues of treatment are available within the schools.
- (4) Has suspension from school proved an effective mechanism when trying to address issues with students.
- (5) What guidelines are there around the length of suspensions imposed.
- (6) How many students have been suspended more than once.

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

It should be noted that Attention Deficit Hyperactivity Disorder (ADHD) and suspensions from government schools are not directly linked or correlated. Thus responses (1), (2) and (3) do not relate to (4), (5) and (6).



- (1) The Department of Education and Training does not collate data for Attention Deficit Hyperactivity Disorder (ADHD) diagnoses.
  - (2) Students with ADHD who also present with behavioural issues are supported through a range of services based on individual need. These services include student management consultancy, the complex needs team, student counselling and welfare teams and interagency services. Students who have co-morbid ADHD with other disabling conditions are provided support through the *Students with a Disability – Meeting their Educational Need* programs, which include access to learning support classes and inclusion support program.
  - (3) Schools do not ‘treat’ students with ADHD. However, with the assistance outlined in (2), schools use sound behaviour modification practices that form the basis of support within the classroom context.
  - (4) Suspension can be effective when the purpose of the suspension is clearly defined. The purpose of suspension is to put in place appropriate support for the suspended student and their family, and to reassure the community about the safety of schools and to uphold community expectations of acceptable behaviour.
  - (5) The *Education Act 2004* s.36 provides the legislative basis for suspensions, including the length of suspension that may be imposed. Further guidance and mandatory procedures are provided in the *Suspension, Exclusion or Transfer of Students in ACT Public Schools and Providing Safe Schools P-12* policies. Decisions in regard to length of suspensions are guided by individual student circumstances and the school’s procedures that aim to promote a safe school environment.
  - (6) To date in 2009, fewer than one percent of the total number of students, have been suspended more than once.
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**Department of Territories and Municipal Services—strategic budget review  
(Question No 294)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 27 August 2009:

As a result of the Strategic Budget Review, Department of Territory and Municipal Services dated 9 December 2008, what measures will be implemented in relation to (a) moving towards a fee-for-service basis in asset services, (b) operating Canberra Connect on a full fee-for-service basis, (c) alternate fee structures for ACT libraries and (d) introducing a charge for domestic waste collection from ratepayers.

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

As agreed by the Assembly on 26 August 2009, the Government will table a report on the progress of the implementation of the Strategic Budget Review.

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**Department of Territories and Municipal Services—strategic  
budget review  
(Question No 295)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 27 August 2009:

In relation to the Strategic Budget Review, Department of Territory and Municipal Services dated 9 December 2008, what options are the Government or Department exploring to increase or introduce taxes and charges.

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

As agreed by the Assembly on 26 August 2009, the Government will table a report on the progress of the implementation of the Strategic Budget Review.

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**Department of Territories and Municipal Services—strategic  
budget review  
(Question No 296)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 27 August 2009:

As a result of the Strategic Budget Review, Department of Territory and Municipal Services dated 9 December 2008, have any measures been implemented to enable the Department to track and calculate its forward purchase commitments.

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

As agreed by the Assembly on 26 August 2009, the Government will table a report on the progress of the implementation of the Strategic Budget Review.

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**Department of Territories and Municipal Services—strategic  
budget review  
(Question No 297)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 27 August 2009:

In relation to the Strategic Budget Review, Department of Territory and Municipal Services dated 9 December 2008, (a) what are the details of departmental restructures that have occurred since December 2008 and (b) are there further departmental restructures planned or under consideration; if so, what are the details.

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

As agreed by the Assembly on 26 August 2009, the Government will table a report on the progress of the implementation of the Strategic Budget Review.

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**Department of Territories and Municipal Services—strategic budget review  
(Question No 298)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 27 August 2009:

As a result of the Strategic Budget Review, Department of Territory and Municipal Services dated 9 December 2008, does the Government have any plans to (a) separate any activities from the Department and provide them elsewhere in the Government and (b) stop undertaking certain functions altogether.

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

As agreed by the Assembly on 26 August 2009, the Government will table a report on the progress of the implementation of the Strategic Budget Review.

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**Department of Territories and Municipal Services—strategic budget review  
(Question No 299)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 27 August 2009:

As a result of the Strategic Budget Review, Department of Territory and Municipal Services dated 9 December 2008, is there a comprehensive Workforce Plan with linkages to service requirements and asset management plans.

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

As agreed by the Assembly on 26 August 2009, the Government will table a report on the progress of the implementation of the Strategic Budget Review.

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**Department of Territories and Municipal Services—strategic budget review  
(Question No 300)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 27 August 2009:

In relation to the Strategic Budget Review, Department of Territory and Municipal Services dated 9 December 2008, what actions are being taken to remove funding, staffing and political influences that have prevented Transport Regulation and Planning from delivering on its mandate.

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

The Department of Territory and Municipal Services has funding and staffing at a level determined by Government and endorsed by the Legislative Assembly through passage of the Appropriation Act.

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**Department of Territories and Municipal Services—strategic  
budget review  
(Question No 301)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 27 August 2009:

In relation to the Strategic Budget Review, Department of Territory and Municipal Services dated 9 December 2008, what measures are being implemented to improve the quality, accuracy and reliability of day-to-day transactional data of the Department.

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

As agreed by the Assembly on 26 August 2009, the Government will table a report on the progress of the implementation of the Strategic Budget Review.

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**Department of Territories and Municipal Services—strategic  
budget review  
(Question No 302)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 27 August 2009:

In relation to the Strategic Budget Review, Department of Territory and Municipal Services dated 9 December 2008, what are the breakdowns of the significant cost overruns in supplies and services.

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

As agreed by the Assembly on 26 August 2009, the Government will table a report on the progress of the implementation of the Strategic Budget Review.

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**Department of Territories and Municipal Services—strategic  
budget review  
(Question No 303)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 27 August 2009:

In relation to the Strategic Budget Review, Department of Territory and Municipal Services (TAMS) dated 9 December 2008, what progress has been made on the framework to address the short and long term maintenance requirements of Canberra's assets being developed jointly between the Department of Treasury and TAMS.

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

As agreed by the Assembly on 26 August 2009, the Government will table a report on the progress of the implementation of the Strategic Budget Review.

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**Department of Territories and Municipal Services—strategic budget review  
(Question No 304)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 27 August 2009:

In relation to the Strategic Budget Review, Department of Territory and Municipal Services dated 9 December 2008, has benchmarking with Brisbane City Council been undertaken; if not, why not; if so, what are the results of this benchmarking.

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

As agreed by the Assembly on 26 August 2009, the Government will table a report on the progress of the implementation of the Strategic Budget Review.

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**Environment—pollution levels  
(Question No 307)**

**Ms Le Couteur** asked the Minister for the Environment, Climate Change and Water, upon notice, on 27 August 2009:

- (1) What monitoring is the Environment Protection Authority (EPA) undertaking of pollution levels on development sites.
- (2) How regularly does the EPA monitor the state of development sites when a project is completed.
- (3) What powers does the EPA have to enforce the cleanup of development sites.
- (4) What enforcement actions has the EPA undertaken in cases where breaches have occurred.
- (5) What prosecutions have been made, in the last five years, under EPA powers relating to breaches of development site conditions.

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

- (1) Prior to works commencing on development sites with a surface area more than 0.3 hectares (3,000m<sup>2</sup>), the Developer must enter into an Environment Protection Agreement with the Environment Protection Authority (EPA).

Prior to works commencing on site, the Agreement requires the Developer to obtain approval of their sediment and erosion control plan from the EPA. The Agreement sets out minimum standards the Developer should adopt to ensure the development does not cause environmental pollution and ensures that land development sites achieve a consistently high level of environmental management. The controls Developer's agree to implement include the minimisation of land disturbance, stabilised access to the site, installation of sediment fences and sediment control ponds and ensuring noisy activities only occur during business hours. The standards required are detailed in the EPA's "*Environment Protection Guidelines for Construction and Land Development in the ACT, August 2007*".

Officers from the EPA regularly undertake routine patrols of all development sites ensuring that the controls detailed in the approved sediment and erosion control plans are installed, maintained and appropriate for the control of pollutants.

For development sites less than 0.3 hectares the ACT Planning and Land Authority (ACTPLA), through the development approval process, requires details of the sediment and erosion controls. EPA officers routinely monitor these sites.

The EPA works closely with the MBA and HIA to educate and inform the development industry of their environmental responsibilities. The EPA has recently updated the Guidelines for Construction and Land Development in the ACT and has a comprehensive series of information sheets on all aspects of preventing pollution on development and building sites. These documents are available on the Department of the Environment, Climate Change, Energy and Water website and are circulated through ACT Government Shopfronts, ACTPLA and the HIA and MBA Display Centres.

- (2) EPA Officers routinely patrol Canberra's suburbs and urban environments. As part of those activities they pay particular attention to those areas where land development is occurring or has been recently completed to ensure the agreed pollution controls are in place. As construction and occupation of the houses, with consequent garden establishment, nears completion there is less need for officers to focus on those areas.
- (3) The EPA has powers to prevent a pollutant, or the source of pollutant from being placed in a position where it could reasonably be expected to cause environmental harm. In addition if the EPA has reasonable grounds for believing that a person has contravened or is contravening a provision of the *Environment Protection Act 1997* (the Act), the EPA may serve an environment protection order on that person. The Order may impose a requirement to remedy, prevent or mitigate the environmental harm.
- (4) The EPA has undertaken the following enforcement actions against developers in the past:
  - (a) prosecution;
  - (b) issue of environment protection orders;
  - (c) issue of infringement notices;
  - (d) issue of warning letters.

The EPA works co-operatively with the construction industry and promotes an educative approach in the first instance, however, where this is not successful in achieving the desired environmental outcome the EPA will utilise its enforcement powers available under the Act.

- (5) There have been no prosecutions for breaches of the Act relating to development works in the past five years.

### **Roads—cycle lanes (Question No 308)**

**Ms Le Couteur** asked the Minister for Planning, upon notice, on 27 August 2009 (*redirected to the Chief Minister*):

Is there a more recent plan than the plan from February 2001 showing proposed cycleways through Kingston Foreshore, appearing to be the Public Transport Routes Plan by the then Kingston Foreshore Development Authority (now the Land Development Agency); if not, why has the cycle route along Eyre Street shown on the plan not been provided and when will this route be provided.

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

The 2001 Public Transport Routes Plan that displays the cycle ways through Kingston Foreshore remains the current approved plan.

The Eyre Street cycle path is partially complete with the balance to be completed once the development on the corner of the harbour promenade and Eyre Street (as indicated on Attachment A) has been constructed. Further access to the opposite side over the water (also indicated on Attachment A) will not be available until the bridge has been developed. Construction of the bridge and associated road works is expected to commence in the next 12 to 18 months.

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### **Schools—truancy (Question No 309)**

**Ms Hunter** asked the Minister for Education and Training, upon notice, on 15 September 2009:

- (1) How many truancy cases have occurred in the past three years to date whereby principals have contacted the Department of Education and Training to discuss the individual needs of the child and negotiate the involvement of an appropriate authorised person under section 35(3) of the *Education Act 2004* and the Department of Education and Training policy on attendance at Government schools (9.11).
- (2) How many times in the past three years has the Chief Executive of the Department of Education and Training had cause to take further action for non attendance at school under section 12 of the *Education Act 2004*.
- (3) How many government schools in the ACT have their own school-based attendance procedures as required by the Department of Education and Training policy on attendance at Government schools (9.1).
- (4) How many government schools in the ACT communicate their attendance policy to students, parents and staff at least each semester as required by the Department of Education and Training policy on attendance at Government schools (9.4).
- (5) How many individual school's attendance policies clearly outline the procedures for principals in notifying parents of non attendance of a child as required by the Department of Education and Training policy on attendance at Government schools (9.6).

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

- (1) In the past three years 11 cases of non attendance have been reported by principals to the Department of Education and Training. The Department contacted parents with a

letter to offer support in re-engaging their child in education. In this correspondence an authorised person's contact details were provided with the suggestion a meeting be arranged to discuss future pathways, options and choices regarding attendance and education.

- (2) The Chief Executive of the Department of Education and Training has not had cause to take further action for non attendance at a school under section 12 of the *Education Act 2004*.
- (3) All ACT public schools have their own school-based attendance procedures as required by the Department of Education and Training policy on attendance at Government schools (9.1). Many schools utilise a range of strategies including SMS alerts, phone calls home by class teachers and student support teams, the school requesting notes for absences from parents and attendance records sent home through the mail.
- (4) Most ACT public schools communicate their attendance policy to students, parents and staff at least each semester, as required by the Department of Education and Training policy on attendance at Government schools (9.4). A recent audit of 60 ACT public schools indicated 55 schools communicated their attendance policy and procedures each semester through their school newsletter or parent information pamphlets while the others communicate through their handbook and school websites.
- (5) Most ACT public school attendance policies outline the procedures for principals in notifying parents of non attendance of a child as required by the Department of Education and Training policy on attendance at Government schools (9.6). Forty-four schools out of the 60 sampled have a school policy which clearly outlines procedures. The other schools utilised the Department of Education and Training's policy which outlines the principal's requirements.

### **Environment—wood heater replacement program (Question No 311)**

**Ms Bresnan** asked the Minister for the Environment, Climate Change and Water, upon notice, on 17 September 2009:

- (1) What were the number of (a) applications and (b) applications approved, for the ACT Government's Wood Heater Replacement Program in (i) 2009, (ii) 2008, (iii) 2007, (iv) 2006 and (v) 2005.
- (2) How much ACT Government funding was appropriated to the Wood Heater Replacement Program in (a) 2009-10, (b) 2008-09, (c) 2007-08, (d) 2006-07 and (e) 2005-06.
- (3) How much of the ACT Government appropriation for the Wood Heater Replacement Program was expended in (a) 2009-10, (b) 2008-09, (c) 2007-08, (d) 2006-07 and (e) 2005-06.
- (4) In what media was the (a) 'Don't burn tonight' campaign and (b) Wood Heater Replacement Program promoted, and on what dates for 2009.

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



- (1) Applications for the ACT Government's Wood Heater Replacement Program:
- a) Applications received
    - i) 2009 – 129
    - ii) 2008 – 147
    - iii) 2007 – 133
    - iv) 2006 – 94
    - v) 2004-2005 – 495
  - b) Applications approved
    - i) 2009 – 87
    - ii) 2008 – 115
    - iii) 2007 – 95
    - iv) 2006 – 78
    - v) 2004-2005 – 424

Statistically, applications for the 2005 period are unable to be isolated by calendar year as some applications were received in 2004 and claimed or approved in 2005.
- (2) No ACT Government funding was provided.
- (3) No ACT Government funding was provided.
- (4) Media promotion of programs:
- a) Due to moderate to low inversion levels, no alerts were issued for the 'Don't burn tonight' campaign in 2009. Information regarding the program is on the Department of Environment, Climate Change, Energy and Water website.
  - b) The Wood Heater Replacement Program was promoted in *The Chronicle* on the following dates in 2009: 3, 10 and 17 February, 3 and 24 March, 7 and 28 April, 5 and 26 May, 9 and 23 June, 7 and 23 July, and 11 August.
- The Wood Heater Replacement Program was promoted in *The Canberra Times* on the following dates in 2009: 7 February 11 and 18 April. Two of these advertisements were part of a feature.

### **Seniors—Club 55, Tuggeranong (Question No 313)**

**Ms Bresnan** asked the Minister for Ageing, upon notice, on 17 September 2009 (*redirected to the Minister for Community Services*):

Was money allocated in this year's Budget for the construction of a building for Club 55 in Tuggeranong; if so, (a) when will the construction of this building begin, (b) what is the estimated timeframe for the completion of the building and (c) has a building site been chosen.

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

- (1) Yes. \$900,000 was allocated in the 2009-10 Budget and \$600,000 in the 2010-2011 Budget.
  - (a) Early 2010;
  - (b) December 2010; and
  - (c) A building site has not been finalised.

**Waste—radioactive storage sites  
(Question No 314)**

**Ms Hunter** asked the Minister for Territory and Municipal Services, upon notice, on 17 September 2009 (*redirected to the Minister for Health*):

- (1) How many storage sites for radioactive waste are there in the ACT and where are these sites located.
- (2) What measures are in place to ensure the safety and security of radioactive storage sites in the ACT.
- (3) If storage sites for radioactive waste are located in residential areas, are residents made aware of the location and provided with safety and security information.
- (4) Was radioactive waste previously stored at the Grant Cameron Centre in Holder affected by the 2003 bushfires; if so, how.

**Ms Gallagher:** I am advised that the answer to the member's question is:

- (1) There is only one registered government radiation storage facility in the ACT. The location is not publicized for security reasons.
- (2) The storage facility is steel construction, locked, located within an intermediate locked compound and within a secured area.
- (3) No notifications to surrounding residential properties has occurred. Residential exposure is below detectable limits because of distance from the waste store.
- (4) The storage facility was not directly affected by the 2003 bushfires.

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**Schools—Kingsford Smith school  
(Question No 319)**

**Mr Doszpot** asked the Minister for Education and Training, upon notice, on 17 September 2009:

- (1) What ongoing maintenance issues exist at Kingsford Smith School and (a) what section of the school is affected by these issues, (b) what is the estimated cost of the maintenance needed, (c) when were these issues identified and (d) what is the expected completion date for the repairs of the issues identified.
- (2) Have any health and safety issues been identified in the canteen at Kingsford Smith School; if so, (a) what issues have been identified, (b) when will the identified issues be addressed and (c) what is the estimated cost of the repair of identified issues.
- (3) Have any workplace incidents occurred at the Kingsford Smith School since opening; if so, (a) how many incidents have occurred and (b) were all incidents reported.
- (4) Who is the contractor responsible for the maintenance contract at Kingsford Smith School and what is the total cost of this maintenance contract.

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

- (1) The durability of the door hardware and light switches at the school.
    - (a) The senior section of the school.
    - (b) Nil. The issues are being rectified under a liability provision of the building contract.
    - (c) The issue was identified within the first six months operation of the school.
    - (d) Issues are being reported to the building contractor as they arise. The Department expects any identified and reported maintenance issues to be resolved before the commencement of the next school year.
  - (2) In relation to the canteen, one health and safety issue was identified.
    - (a) The issue concerned the operation of the screens at the serving counter of the canteen.
    - (b) The issue was rectified before the end of September 2009.
    - (c) Nil.
  - (3) Yes:
    - (a) There have been five workplace incidents.
    - (b) All incidents were reported.
  - (4) The building contractor, Manteena Pty Ltd, is responsible for attending to any building issues reported during the first 12 months of operation of the school.
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### **Works—reporting (Question No 320)**

**Mr Smyth** asked the Treasurer, upon notice, on 17 September 2009:

- (1) In relation to the Ministerial Statement on Capital Works 2008-09 Program Outcome that was presented to the Assembly on 27 August 2009, why has a new capital works reporting regime been implemented.
- (2) What are the details of the new capital works reporting regime.
- (3) Will the reports prepared under this new capital works regime be made public; if not, why not.
- (4) Will the quarterly capital works reports continue to be prepared.
- (5) Will the quarterly capital works reports be made public; if not, why not.

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

- (1) A new reporting regime has been implemented in recognition of the increasing size of the capital works program.
- (2) The new capital works reporting regime is outlined in the 2009-10 Budget Papers. References are Budget Paper No.3, Page 20 and Budget Paper No.5, Page Vii.
- (3) The quarterly capital reports will be made public.

(4) Yes.

(5) It is the Government's intention that the reports will be made public on the Treasury website.

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**Pace Farm—battery hens  
(Question No 321)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 17 September 2009:

- (1) In relation to Pace egg production at Parkwood, is the Minister aware that the cage doors (not the floor space) are too small to meet the poultry welfare code requirements.
- (2) Will the Government enforce the law to ensure Parkwood upgrades their cages to comply with all aspects of the code.

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

- (1) I have recently been advised that the door sizes at Pace Farms are being upgraded to meet the non-mandatory requirements of this Code of Practice.

Pace Farms have commenced remedial action, with phase one due for completion in mid October 2009.

- (2) Codes of practice made under the *Animal Welfare Act 1992* are not mandatory in nature. Animal welfare codes provide information on what is considered best practice; non-compliance of a code is therefore not enforceable unless breaches to the *Animal Welfare Act 1992* are also evident.

Under the Australian Animal Welfare Strategy (AAWS) changes will be made to the ACT's *Animal Welfare Act 1992* allowing aspects of model codes to be regulatory in nature. Changes to the *Animal Welfare Act 1992* are planned for adoption in late 2010.

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**Brindabella Christian College—car park  
(Question No 323)**

**Ms Le Couteur** asked the Minister for Planning, upon notice, on 17 September 2009 (*redirected to the Minister for Sport and Recreation*):

- (1) On what date was the land, to be used as a car park for Brindabella Christian College, transferred from Territory and Municipal Services to the Brindabella Christian College and on what date did this lease commence.
- (2) Did the Minister declare this area to be part of an existing school; if so, on what date did he make this declaration; if not, why not.

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

- (1) The land was sub leased to the Brindabella Christian College on 1 May 2009.
  - (2) No, it is a standard sub-lease arrangement over part of the oval of which the Territory holds the crown lease.
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**Works—Deakin stormwater network upgrade, signs  
(Question No 327)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 17 September 2009:

- (1) When were signs installed on Macgregor Street, Deakin, advertising the ACT Government's Stormwater Network Upgrade Work.
- (2) When will these signs be removed.
- (3) What was the cost of installing these signs.

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

- (1) The two project signs were installed on 4 September 2009 as part of the contract.
  - (2) The signs will be removed on completion of the project, currently expected by early December 2009.
  - (3) The total cost of installing the signs was \$2,012.
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