Debates

WEEKLY HANSARD

SEVENTH ASSEMBLY

Legislative Assembly for the ACT

12 NOVEMBER 2009

www.hansard.act.gov.au

Thursday, 12 November 2009

Education Amendment Bill 2009 (No 2) (Ruling by Speaker)....4911
Standing and temporary orders—suspension....4912
Petition: Wells Station Drive extension—petition No 104—ministerial response....4917
Revenue Legislation Amendment Bill 2009....4918
Health Legislation Amendment Bill 2009....4919
Water—security....4921
Planning and Development Amendment Bill 2009....4941
Long Service Leave (Community Sector) Amendment Bill 2009....4943
Ministerial arrangements....4954
Questions without notice:
- Hospitals—Calvary Public Hospital....4954
- Children—kinship carers....4956
- Planning—Crace....4958
- Hospitals—Clare Holland House....4962
- National Multicultural Festival—cost....4965
- Galilee day program—funding....4966
- Home-based palliative care....4967
- Childcare—fees....4970

Supplementary answer to question without notice:
- WorkCover....4971

Water security—proposed select committee....4971
Assistant Speaker (Revocation of nomination and nomination)....4972
Papers....4972
Planning—parliamentary triangle (Matter of public importance)....4972
Payroll Tax Amendment Bill 2009....4987
Justice and Community Safety Legislation Amendment Bill 2009 (No 3)....4990
Leave of absence....4999
Adjournment:
- Schools—student suspensions....5000
- Great Song Company....5001
- Free-Rein Theatre Company....5001
- Housing—stock....5002
- Engineering excellence awards....5003
- Viet Tan....5005
- Hospitals—Clare Holland House....5006
- Mr Merv Armstrong....5006
- Heart Foundation....5006
- Mrs Valerie Campbell....5007

Schedule of amendments:
- Schedule 1: Long Service Leave (Community Sector) Amendment Bill 2009....5010

Answers to questions:
- Environment—air quality reports (Question No 310)....5011
- TJ & C Family Consultancy (Question No 312)....5013
- Law reform—gender issues (Question No 315)....5014
- Law reform—gender issues (Question No 316)....5015
- Law reform—gender issues (Question No 317)....5016
- Law reform—gender issues (Question No 318)....5017

Environment—building energy ratings (Question No 322) 5019
Schools—Campbell primary school (Question No 324) 5019
Environment—building energy ratings (Question No 325) 5020
Children—protection (Question No 329) 5022
Roads—traffic lights (Question No 331) 5022
Mt Ainslie nature reserve (Question No 334) 5023
Environment—green economy strategy (Question No 336) 5024
Griffith and Kingston libraries (Question No 338) 5024
Waste—recycling (Question No 339) 5025
ACTION bus service—demand responsive transport trial (Question No 340) 5026
ACTION bus service—timetable (Question No 341) 5026
Roads—cycling infrastructure (Question No 342) 5027
Roads—footpath maintenance (Question No 343) 5028
Finance—government investment practices (Question No 345) 5029
Mental health—funding (Question No 347) 5030
Women—gender impact statements (Question No 348) 5030
ACT Housing—plumber visit program (Question No 350) 5031
Housing—energy efficiency (Question No 351) 5031
Environment—plastic bag levy (Question No 352) 5033
Swimming skills (Question No 354) 5034
Business—development impact statements (Question No 357) 5035
Planning—child friendly principles (Question No 358) 5035
Housing—energy efficiency (Question No 360) 5036
Roads—Monash Drive (Question No 361) 5037
Finance—investment facilitation program (Question No 363) 5037
Government—advertising (Question No 365) 5038
Taxation—payroll (Question No 366) 5038
Economy—stimulus task force (Question No 367) 5039
Children—after school and vacation programs (Question No 368) 5040
Water—projects tendering (Question No 371) 5042
Neighbourhood Watch (Question No 372) 5044
Environment—greening the local economy (Question No 373) 5044
Civic—street furniture (Question No 374) 5045
Roads—car parks (Question No 375) 5045
Roads—Bunda Street (Question No 377) 5046
Superannuation—government investments (Question No 379) 5047
Health—asbestos (Question No 380) 5048
Environment—energy efficiency ratings (Question No 382) 5049
Housing—energy efficiency (Question No 383) 5050
Housing—solar hot-water heaters (Question No 384) 5050
Health—e-health initiatives (Question No 385) 5051

Thursday, 12 November 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.

Education Amendment Bill 2009 (No 2)
Ruling by Speaker

MR SPEAKER: Yesterday Mr Doszpot introduced the Education Amendment Bill 2009 (No 2). Immediately after the bill had been presented, Mr Barr raised a point of order seeking my ruling as to whether the bill contravened the provisions of standing order 136.

Standing order 136 states:

> **Same question may be disallowed.**
>
> The Speaker may disallow any motion or amendment which is the same in substance as any question, which, during that calendar year, has been resolved in the affirmative or negative, unless the order, resolution or vote on such question or amendment has been rescinded.

Thus, any motion or amendment that was the same in substance as that considered by the Assembly on 13 October 2009 when it considered the Education Amendment Bill 2009, which was negatived in the detail stage, or Mr Doszpot's amendments, which were also negatived during the detail stage, would mean that I have the discretion to disallow Mr Doszpot's bill.

A comparison of Mr Doszpot's bill with both his amendments and the Education Amendment Bill 2009 reveals that 19 of the 21 clauses of the bill are exactly the same as the bill that was negatived at the detail stage on 13 October 2009, with the exception that the previous bill in one clause provided for a period of 10 days suspension, while the current bill provides for 20 days.

One clause contains a different commencement date. Mr Doszpot's bill is 1 February 2010, whereas the previous bill was 1 January 2010. There is one clause in Mr Doszpot's bill, clause 4, which is not in the previous bill which relates to the issuing of guidelines about students returning to school after suspension, as well as requiring the minister to review the first year of operation of the guidelines and present that review to the Assembly.

Having considered the matter, it is my view that the bill, whilst containing some slightly different material, is essentially the same in substance as the bill that was negatived by the Assembly on 13 October 2009. Therefore, I rule it out of order and order it to be removed from the notice paper.

My attention has also been drawn to the fact that Mr Doszpot's notice of intention to present the bill does not agree with the long title of the bill, thus offending standing

order 169. This, too, requires me under standing order 170 to rule the bill out of order and order that it be withdrawn from the notice paper.

Standing and temporary orders—suspension

MR DOSZPOT (Brindabella) (10:04): I move:

> That so much of standing and temporary orders be suspended as would prevent the Education Amendment Bill (No 2) being restored to the Notice Paper and that consideration on the bill resumed at the stage reached.

There is a strong case to suspend standing orders today and there is a strong case to debate the issue of suspensions again in this place. The Education Amendment Bill (No 2) will provide important powers for principals and these powers should be in place by the start of the 2010 school year. The minister did not provide a good enough reason not to support the amendments that the opposition put forward to his original bill when the issue was originally debated.

The government must vote to suspend standing orders so that we can at least have the debate again based on the new bill. Other than being bloody minded and stubborn, there is no logical reason for the government to prevent this new and improved bill from being debated and no logical reason not to support the suspension of standing orders in order that we may do just that.

The bill we will debate, should standing orders be suspended, is in essence the minister's work. We acknowledge that. The bill took the elements of the minister's bill and all the hard work of the department and combined it with a compromise. It is a compromise that allows more autonomy and provides intra and inter-jurisdiction parity for ACT school principals with their counterparts in other states. Why would the minister not want the opportunity to see the work of his department and the will of the principals of ACT schools come to fruition? Why would the government not suspend standing orders today to do this?

The opposition and the government fundamentally agree on the basic premise of the bill. But, unfortunately, during the previous debate on this issue, the minister let politics get in the way and refused to compromise. I and the opposition have provided an opportunity this week for the government to reassess their position and, in doing so we, together, can provide our ACT school principals with the autonomy and the power to make decisions. Standing orders can and should be suspended to do this.

The education minister, Andrew Barr, indicated even before he had looked at our new bill that he will refuse to consider giving school principals stronger suspension powers and telegraphed his intention to use standing orders to block this legislation. This attitude does not and will not change anything for the principals of the school communities of the ACT.

We have listened to the key stakeholders and included recommendations through guidelines such as when suspensions are sanctioned for a significant length of time they should be accompanied by guidelines that provide support for both the student

and the school community and ensure the best possible outcomes for the suspended student to be reintegrated into the school community. These guidelines are part of this new bill that we would like to see proceed and at least be given the opportunity to be debated again.

Suspension of standing orders today is the way to do this. The Education Amendment Bill 2009 (No 2) is an important bill and one that we, the opposition, felt should not be ignored and left for introduction at a later date next year. It is important to be able to debate this bill before the end of the year and give principals that extra autonomy and the power to make decisions as they see fit by the time the 2010 school year is upon us.

Standing orders must be suspended—must and can be suspended—to do this. This Assembly has the power to make this decision here and now and over the next few weeks. I would ask for the government and our ACT Greens colleagues to reconsider their position. The first step is to suspend standing orders on this issue to enable a constructive debate to be held in this Assembly. I urge my colleagues to allow this debate to proceed and to allow suspension of standing orders in order to do so.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10:08): Mr Speaker, this is an unusual step by the Liberal Party today and not a regular one in this place. The government will not be supporting the motion to suspend standing orders so as to allow this bill to remain on the notice paper. Standing order 136 is there for good reason. It is there to ensure that the Assembly does not have to consider again and again and again matters which have already been put to it on which a conclusion has been reached.

I appreciate that in this instance the conclusion that was reached was not to the satisfaction of Mr Doszpot and that is why he has sought to reintroduce his bill. But the point is that we have had this debate. We have had the debate in detail and it is quite clear what the position is of each party in this place on the particular matter. The question really is: does it warrant having the debate again? Is anything going to change or has each party stated its position clearly and really there is no progressing from that point?

I think it is the case that in these circumstances each party has put its position quite clearly. The proposition that Mr Doszpot has put to the Assembly in his bill he has already had the chance to put to the Assembly in an amendment to the previous bill, which has been defeated in this place. So the question that Mr Doszpot is proposing in his new bill has already been put to the Assembly. The issue of 20 days versus 10—that debate has been had.

I think if we embark on a course of action that says, "We are not happy with the outcome of that; we want to suspend standing orders and we want to bring this debate back on again," I think sets a precedent that the government would be uncomfortable with. What it would simply mean is that every time a member was unhappy with the outcome of a debate in a particular calendar year they would seek to have that debate revisited. The standing order is there for a good reason. We believe that we should

respect the intent of that standing order and not allow the standing orders to be suspended on this occasion.

I would note in closing that, of course, the standing order does not prevent the matter from being dealt with next year. That probably is a sensible provision in that I think the framers of the standing orders recognised that the lapse of that period of time would allow all parties where there was not agreement on a particular matter to reflect on their position, to reflect on the issues at hand, and after a reasonable period of time come back and potentially consider the question again.

For all of those reasons, Mr Speaker, I think this is the most appropriate course of action and Mr Doszpot's proposal is not one that we can therefore support.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (10.11): The Greens will not be supporting the Liberal Party's request to suspend standing orders so that Mr Doszpot's motion can remain on the notice paper for this calendar year. The Greens accept and respect the ruling of the Speaker and the processes of the Assembly. The standing orders of the Assembly are there for a reason and they serve the members and wider community in upholding democratic processes. They work well for the whole, but not always in the favour of a few at a select time.

Standing order 136 allows the Speaker to disallow any motion or amendment which is the same in substance as any question which, during the calendar year, has been resolved. This standing order is in place because it does not serve the community if the Assembly is debating week after sitting week bills of almost identical substance. The Assembly exists to represent all of the people of Canberra equally and fully cover all aspects of the legislation required to govern the ACT.

It is the Greens' understanding from the Speaker's ruling that the bill tabled in the house by the government and debated approximately three weeks ago is too similar in substance to Mr Doszpot's amendment. The Greens will respect this decision. Therefore, Mr Doszpot can utilise the standing orders of the house and he can bring his amendment back in the new year.

MRS DUNNE (Ginninderra) (10.13): This is really a matter of the will of the Assembly, and it has become quite clear that the will of the government is that they do not want to touch this motion at this stage. The minister is letting politics get in the way of what is good for the people of the ACT in the administration of their schools. Mr Doszpot has amply outlined why we should be revisiting this issue here to create, as he has said, intra-jurisdictional parity and parity with other jurisdictions for ACT government school principals. This is something that the principals want. It is quite clear from their published statements that this is something that they asked for from the government and that what they received from the government was less than they asked for.

What we have spoken about in the previous debate and what Mr Doszpot has spoken about today is wanting to give autonomy to principals. The fact that the minister is letting politics get in the way of this procedural matter shows that he does not trust ACT government school principals to exercise their responsibilities in relation to

misbehaviour in the schools. They have asked the minister for this, but he does not want to give it to them. The minister has said that he wants to bring this matter back, and he has said that he cannot bring it back until next year. That is quite wrong, Mr Speaker. The fact that we are having a debate here today demonstrates how wrong that is.

If the minister were really interested in showing trust for ACT government school principals, in giving autonomy to ACT government school principals, he would have brought the matter back himself or, now that the opportunity has arisen through the work of Mr Doszpot, he should be supporting that. The clear message today from the ACT Labor Party is that they do not trust principals to exercise their autonomy for the benefit of students, even though those principals themselves have asked for this.

It is an absolutely shocking state of affairs when the minister wants this to happen, but only up to a point. The opposition wants to provide powers to principals, but this minister and this government have let politics get in the way of actually getting a resolution to this matter before the commencement of the next academic year.

I think that it would be fair to say that this vote will go down today, and it would be fair to say that Mr Doszpot will be doing his job as the shadow education minister in bringing this matter back at the first opportunity in 2010. It is really a matter of three or four weeks, but, in doing so, we do not give two principals the tools that they have asked for at a time which is most timely for them—that is, at the beginning of the academic year. This is about trust; this is about the regard with which the Minister for Education—

Mr Corbell: No, it is about the suspension of standing orders, actually. That is what it is about.

MRS DUNNE: We have shown today that the members of the Labor Party are prepared to use the standing orders to avoid showing their confidence in principals. We are, in fact, about principals—

Mr Corbell: On a point of order: we are not having a debate about the bill, Mr Speaker; we are having a debate about whether or not standing orders should be suspended. Mrs Dunne should direct her comments to that point.

MRS DUNNE: The reason that we are asking for the standing orders to be suspended is so that we can give these tools to the principals. We have to suspend standing orders to give these tools to the principals, and the government and the crossbenchers do not want to do so.

MR SESELJA (Molonglo—Leader of the Opposition) (10.17): Mr Speaker, it is worth just briefly making the point that it is disappointing that the education minister did not bother to come down and argue the case that he has been happy to try and make in the media. We have a situation where there is the opportunity to give principals parity with other states and give it to them now. That is what we could do. That is what the Assembly could do by allowing this debate to go ahead and by allowing this piece of legislation to stay on the notice paper. The question for the

Labor Party and the question for the education minister is: why are principals in ACT schools less trustworthy than their interstate counterparts? That is at the heart of this matter—

Mr Corbell: On a point of order, Mr Speaker: the question is that standing orders be suspended. We are not having a debate about the substance of Mr Doszpot's amendment.

MR SESELJA: You have already ruled on this, Mr Speaker. This is vexatious.

Mr Corbell: We are having a debate about the suspension of standing orders and why standing orders should not apply. Mr Seselja should try and confine his comments to that matter.

MR SPEAKER: Thank you, Mr Corbell. He has a point, Mr Seselja. Let us stick to the issue of the standing orders.

MR SESELJA: Well, Mr Speaker, the whole point of why we should suspend standing orders is about the merits, the urgency and why it is important. Surely that is part of this debate. It is why we should give parity and why the government does not want to give parity. That is what they are voting against today. They are voting against—

Mr Corbell: On a point of order.

MR SESELJA: This is becoming ridiculous.

Mr Corbell: On a point of order.

Mr Hanson: Stop the clock.

MR SPEAKER: There is no point in stopping the clock; we will just let Mr Seselja finish.

Mr Corbell: Mr Speaker, I again ask you to give some direction on this matter because—

MR SPEAKER: I gave some direction.

MR SESELJA: You have given direction; this is vexatious now. We do not have very long, Mr Speaker.

Mr Corbell: Mr Seselja is continuing to make—

MR SPEAKER: Yes, thank you, Mr Corbell, the point is made.

Mr Corbell: He is continuing to engage in the policy debate, and that is not the question.

MR SPEAKER: Resume your seat, Mr Corbell, thank you. Mr Seselja, let us stick to the standing orders.

MR SESELJA: Thank you, Mr Speaker. We can see why Mr Corbell does not, because it is an embarrassing position that they are putting here today. It is an embarrassing position that they do not trust principals here in the ACT, they do not trust—

MR SPEAKER: Thank you, Mr Seselja, your time has expired. The time for the debate has expired.

Question put:

> That standing and temporary orders be suspended.

The Assembly voted—

Ayes 4	Noes 9	
Mr Doszpot	Mr Barr	Ms Hunter
Mrs Dunne	Ms Bresnan	Ms Le Couteur
Mr Hanson	Ms Burch	Mr Rattenbury
Mr Seselja	Mr Corbell	Mr Stanhope
	Ms Gallagher	

Question so resolved in the negative.

Petition
Ministerial response

The Clerk: The following response to a petition has been lodged by a minister:

By Mr Barr, Minister for Planning, dated 11 November 2009, in response to a petition lodged by Ms Le Couteur on 15 October 2009 concerning the alignment of the Well Station Drive Extension.

The terms of the response will be recorded in *Hansard*.

Wells Station Drive extension—petition No 104—ministerial response

The response read as follows:

> **Response for tabling to petition lodged on 15 October 2009 by Ms Caroline Le Couteur MLA, regarding the alignment of Well Station Drive Extension where it adjoins Horse Park Drive**
>
> The Well Station Drive arterial road connection between Gungahlin Drive and Horse Park Drive is a critical component in completing the road network in Gungahlin.

The road alignment and intersection with Horse Park Drive was determined by two planning feasibility and forward design studies. Since late 2003, the Territory Plan map has shown the current alignment of Well Station Drive Extension including the location of its intersection with Horse Park Drive. This is well prior to the sale of the adjacent blocks and house construction.

An alignment to have Well Station Drive intersect with Horse Park Drive further to the east has been considered. However, it has been discounted as a viable option due to the significant constraints caused by the proximity of Sullivans Creek.

These constraints include:

> Sullivans Creek passes under Horse Park Drive on the same alignment that the alternative approach road would have to take. Constructing a road on the same alignment as the creek is not possible.
>
> Constructing the road on either side of Sullivans Creek is also not feasible as the formation next to the creek is not suitable for road construction.
>
> Water levels from Sullivans Creek during flood periods would inundate the road unless it was constructed at a high level. This would involve additional and significant costs to construction.

The other factors relating to the chosen intersection location of Well Station Drive and Horse Park Drive are as follows:

> The current intersection location will align with the proposed collector road into Throsby.
>
> Moving the collector road into Throsby further to the east to align with the alternative intersection location would place the road close to Goorooyaroo Nature Reserve. This is likely to have environmental impacts and reduce the overall effectiveness of the collector road.
>
> The alternative of having two ‘T’ intersections in close proximity along Horse Park Drive in a staggered ‘T’ formation is not desirable either as once the suburbs are fully developed they will be signalised and the subsequent that if she needs to take time out to inspect rental accommodation next week inconvenience to motorists would defeat the purpose of the Horse Park Dive arterial road.

The alignment of Well Station Drive and the intersection with Horse Park Drive has been investigated thoroughly. The current arrangement provides the most cost effective delivery for the road infrastructure and is considered to provide the best outcome to the residents of Gungahlin as a whole.

Revenue Legislation 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) (10.23): I move:

> That this bill be agreed to in principle.

The Revenue Legislation Amendment Bill 2009 amends the First Home Owner Grant Act 2000 and the Taxation Administration Act 1999. This bill does not impose any new taxation measures but improves administrative issues and addresses matters of revenue leakage for the ACT Revenue Office.

The bill contains four amendments, three of which relate to the First Home Owner Grant Act, and the fourth to the Taxation Administration Act. The first amendment to the First Home Owner Grant Act clarifies the term "reviewable decision". The amendment inserts a reference to another section of the act which removes any ambiguity in the use and/or meaning of the term. It merely clarifies that a reviewable decision is a decision made by the Commissioner for ACT Revenue under the First Home Owner Grant Act.

The second amendment relates to the residency requirements under the First Home Owner Grant Act. The act currently allows applicants a period of 12 months to apply to the commissioner for an extension in or exemption from the six months continuous residency requirement. The amendment will extend the 12-month period to apply to the commissioner by six months to 18 months, which would allow for those applicants who, due to unforeseen circumstances, cannot meet or cannot see out the remainder of their residency.

The third amendment to the First Home Owner Grant Act also relates to residency. In cases where an application is made by joint applicants and not all of those applicants can meet the residency requirement, it provides an automatic exemption for the non-complying applicants provided at least one applicant does comply. The amendment will remove the administrative burden on the commissioner to exercise his discretion to exempt the non-complying applicant.

The fourth and final amendment is to the Taxation Administration Act. It introduces a five-year time limit in which a taxpayer may apply to the commissioner for a refund of tax paid. Five years is considered a reasonable period of time in which the taxpayer would know they overpaid an amount of tax. This time allows the taxpayer ample opportunity to apply for a refund of that overpaid amount, and this amendment brings ACT tax refunds into line with other jurisdictions in relation to time limits on refunds. I commend the Revenue Legislation Amendment Bill to the Assembly.

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

Health Legislation 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—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (10.26): I move:

That this bill be agreed to in principle.

I present to the Assembly a very short but necessary bill, the Health Legislation Amendment Bill 2009, which contains two main amendments, both of which are relatively uncontentious and have been made to ensure better consistency within the ACT statute book and to remove unnecessary ambiguities and inefficiencies.

The bill does two things. It amends the Drugs of Dependence Act 1989 to consolidate laws relating to the rehabilitation of people with an alcohol or drug dependency who have been drawn into the criminal justice system and, secondly, it amends the Health Records (Privacy and Access) Act 1997 to allow for the destruction of health records when an electronic copy has been created.

In relation to the amendments to the Drugs of Dependence Act 1989, the bill repeals a superfluous scheme which regulates the treatment of offenders who have drug and alcohol dependencies. The commencement of the Crimes (Sentencing) Act 2005 on 2 June 2006, and in particular part 6.2 dealing with good behaviour orders and rehabilitation conditions, has led to the gradual phasing out of the use of the treatment assessment panels under part 9 of the Drugs of Dependence Act 1989.

Treatment assessment panels were originally intended to recommend appropriate drug and alcohol programs for treatment of offenders. These treatment assessment panels were considered cumbersome and lacking sufficient court supervision to make them effective. Additionally, the issue of providing appropriate drug and alcohol programs with appropriate preconditions is now prescribed under regulation in accordance with section 93 of the Crimes (Sentencing) Act 2005.

As such, it would be inefficient and a waste of government resources to continue with a defunct treatment scheme as presently appears in the Drugs of Dependence Act 1989 when an alternative regime exists under separate legislation, and also inappropriate to have two separate regimes regulating the same thing, creating unnecessary confusion and ambiguity. Given these circumstances, the government believes there is no longer any need to continue with the treatment scheme under the Drugs of Dependence Act 1989.

The amendment to the Health Records (Privacy and Access) Act would allow for the destruction of a health record when an electronic copy has been created. I note to the Assembly that this amendment creates a clarifying provision that is intended to enable, not limit, where a health record keeper can, but does not have to, destroy a record if an electronic copy of the record has been created. The amendment includes a simple clarifying provision that, while minor and uncontroversial, presents considerable practical advantages for health record keepers as well as enables better use of resources and better long-term maintenance of records. I commend the bill to the Assembly.

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

Water—security

MR SESELJA (Molonglo—Leader of the Opposition) (10:29): 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 November 2009;

(f) the trends in the cost of materials, supplies and labour during the period 2005 to November 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 November 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 November 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 the end of April 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.

I am moving this motion today for a number of important reasons. First and foremost, what we have seen to date in relation to Cotter Dam has been the largest cost blow-out in the territory's history, a cost blow-out of around a quarter of a billion dollars—$243 million and counting—$243 million before a sod has even been turned.

We believe that the best way to get to the bottom of why this occurred is through a full, broad-ranging, open, transparent Assembly inquiry. This is something that we believe the Assembly simply cannot outsource. That accountability, accountability of territory-owned corporations, accountability of ministers, scrutiny of these processes, cannot be outsourced. We from time to time, of course, call in assistance, but in the end it is up to the Assembly, not other bodies, to inquire into these matters.

It is worth going through how we have got to the process or the position we are in today. First, it is worth reflecting on the numbers: $243 million. I think we have become somewhat immune now to these large numbers when we hear about government projects. We hear about the billions and the trillions nationally and internationally in terms of stimulus, in terms of budget blow-outs, in terms of all sorts of issues. But we need to put it into context: $243 million in the context of a territory of 345,000 people, in the context of a territory budget, even though this is off budget, that sits at about the $3½ billion mark. So we are not talking about a small amount of

money in the ACT context. In fact, we are talking about a massive amount of money. We are talking about a threefold blow-out. We are not talking about a 10 per cent or a 20 per cent or a 30 per cent increase; we are talking about a threefold blow-out from the numbers we were given just a couple of years ago.

That needs to be put into the context of what could be done with this money. What are the consequences? The consequences, of course, are that, in not managing these projects properly, in not ensuring that we get best value for money right throughout the process, Canberrans will pay more. That is the one certainty to come out of this: Canberrans will pay more for their water because of this cost blow-out—and not just for a little while, not just for a year or two; they will essentially in perpetuity be paying more for their water as a result of this cost blow-out. The figure of $243 million represents three GDE duplications, several high schools or a quarter of what the government is planning on spending over 10 years on capital in health. The figure needs to be put into that context. This is a massive cost blow-out and a massive amount of money.

We need to look partly also at the process that we have seen to date. We have seen numbers everywhere—numbers all over the place. It is difficult to keep up with all of the different numbers that have been provided, even in recent times, even in recent weeks and months. We know that in April 2005 Actew Corporation's future water options report estimated the cost to enlarge Cotter would be $120 million. We know that in October 2007 the Chief Minister announced that Cotter Reservoir would be enlarged at a cost of $145 million. In April 2008 the Halcrow Pacific report noted that Actew "believe that the final outturn cost may be up to 30 per cent greater than the current estimate" or $188.5 million. On 18 May 2009, Mr Sullivan from Actew told the estimates committee that same number: $188.5 million. On 30 May 2009 the *Canberra Times* reported Mr Sullivan as suggesting that the cost could now be up to $246 million, and indeed on 3 September 2009 it was announced that the total out-turn cost was $363 million.

But that is not where it ends. That is not where the different numbers end. We had Actew's managing director saying that the out-turn costs of the enlarged Cotter Dam would be $299 million. The report of the independent review, undertaken by Deloitte, estimated it would be $312.6 million. The Deloitte report notes the TOC2 is $310.9 million. Abigroup, one of the alliance partners, in a media release dated 23 September said it will be $262 million. Numbers, numbers everywhere, and not a lot of clarity as to why, and not a lot of clarity as to how, we got there. That is what we need to get to the bottom of.

It is worth touching on some of the findings of the Deloitte report. This Deloitte report needs to be put into context. This Deloitte report is a review, commissioned by Actew, which essentially tells one side of the story. It is a review which gives an analysis, but it has been commissioned by Actew and it needs to be seen in that context. But it does make some critical findings and it is worth highlighting some of those concerning findings:

> Findings and recommendations are not always actioned in a timely manner, potentially diminishing value.

> Early cost estimates were incomplete and did not represent the total cost to deliver the dam.
>
> The preliminary estimates from 2005 and 2007 were not suitable for budgeting purposes but were developed as a means of comparison only.
>
> The scale of the discrepancy between the initial and final project cost estimates indicates that a failure at multiple stages of the cost estimate process has occurred.

I repeat: a failure at multiple stages of the cost estimate process has occurred. And it goes on:

> In addition to the identified failure of the initial cost estimating process to identify the total project cost, there has also been a failure by the BWA—

that is, the Bulk Water Alliance—

> to adequately communicate the expected increase in project costs outside of the Alliance. This lack of clear communication, specifically to ACTEW, is a concern in terms of adherence to the principles.

These are significant findings. To hear things in the Deloitte report that suggest that there was not a strong value for money focus should be a cause for concern to all of us, because there are a number of things that we expect from governments and government-owned corporations. We expect that they will deliver infrastructure projects and services on behalf of Canberrans. We expect also that they will deliver them always with the best value for money in mind so that we do not have to pay more in taxes than we should and we do not have to pay more in charges than we should. Clearly, Deloitte have found that there are serious concerns in relation to that.

It is worth also looking at how we have got to this. You will remember that we did debate this, although we did not vote on this particular motion because it was amended. When we last brought this to the Assembly we had the situation where the government essentially said: "Trust us; we will prepare a motion." It was a motion drafted by the government which said, "We will give you some documents and that might sort things out." But then when we had this watered-down government motion we did not get the documents that we asked for. We did not get all of them; large parts of them were blacked out. In fact, the critical parts were blacked out.

So we have gone through a process where there has been some trust given to the government. The Greens have said: "We will trust the government. We will support their motion to give these documents." And what has happened? We have not got the information. Then, when we have not got the information, we have had briefings. And when we have asked for some of that information in those briefings we still have not received those kinds of details—the details about why the costs that we had several years ago in a quantifiable way have grown, in what aspect have they grown and in a detailed way saying: "This is why. This is where the cost blow-outs have occurred and here is a detailed reconciliation." Those are the answers we need.

To date, when we have tried to get to the bottom of it there has always been this "trust the government" approach: trust the government and they will give it to us. And at every turn they have done their best to hide the information—not to provide the information, not to give all of the information that is needed.

Then we get to the situation of the referral to the ICRC by the minister. It is worth reflecting on how that happened. We had a press release last Friday from the Greens saying that there would be a motion in the Legislative Assembly this week, calling on the government to refer the Cotter Dam back to the Independent Competition and Regulatory Commission. And on the same day there was a letter to the minister from the Greens, from Mr Rattenbury, saying:

> As I have indicated the Greens intend to introduce a motion into the Legislative Assembly … to make this request of you as minister. However, I understand that it is possible for you to make a referral to review the price determination without the need for an Assembly motion.
>
> Should you do this, I would appreciate receiving a copy of the letter and the terms of reference that you have sent to the commissioner.

So, even in not accepting an inquiry, even in not accepting the argument that there should be scrutiny in this place—that we as elected representatives have a role in scrutinising government, in scrutinising ministers, in scrutinising territory-owned corporations, in scrutinising this process—there has not been an open process to discuss that. There has not been a debate in the Assembly on the ICRC and the referral to the ICRC. Instead, again we have this situation where the Greens trust the government to set the terms of reference. They trust the government to essentially set the terms by which the government will be investigated, by which the government's failure will be investigated.

Why is it that we are bending over backwards, it would seem, to ensure that we do not get the maximum possible scrutiny? In saying that this was going to happen, that there would be a motion in the Assembly about it, why wouldn't the motion have been moved so we could have debated the terms of reference, rather than simply doing the deal outside of the Assembly, contrary to what was put out in the public, contrary to the public statements which were made on the issue? Why is it that there is such a desperation, it seems, to avoid accountability on this issue?

We come back to the fact that this is the largest cost blow-out in the territory's history. Why is there the idea that the Assembly should somehow not inquire into the largest cost blow-out in the territory's history? We have looked into many things in this place, many of which were very important, but it would be difficult to argue, it would be difficult to make a reasoned case, that many of the things we have inquired into in the last 12 months were more important than this issue. It is unsustainable to make the argument that the Assembly should not be looking at these things in detail in an open inquiry. Instead, we see these constant attempts—we have seen it right through the process, right through from the watering down of the motion to the briefings—to avoid scrutiny.

We heard from the minister today on Ross Solly's program. He was seeking to rewrite the rules on ministerial accountability. Ross Solly put to him the old adage that the buck stops at the head; that in this case the buck should stop with the minister. Of course, Mr Corbell replied: "Well, this is an Actew project. It is run by the Actew board and the Actew board are the decision makers around the cost and that has been quite clear from day one."

There is no ministerial accountability. We have a new doctrine from Simon Corbell on ministerial accountability: it is someone else's problem. Why do we bother having a minister responsible for these projects if the minister is not responsible in the end? He can always blame someone else. If it is not Actew, it could be the department; it could be someone else. There is always someone else who has made decisions somewhere down the line who you can blame. But in the end ministers are accountable. That is how we have structured our system. It is the ministers in this place who are accountable for their actions.

But what we are seeing consistently in this place and through this process are deals being done to try, in one way or another, to limit that scrutiny. That is why we need an open, transparent and thorough inquiry. That is why the Legislative Assembly should examine these issues. If the government truly, as it claims from time to time, had nothing to hide, if the government was completely comfortable with all of this process and the way it has been handled right down the chain, it would have no problem with an open and transparent inquiry. But instead we are seeing that blocked.

I commend this motion to the Assembly. I commend the idea that we cannot outsource this kind of accountability; that it is our role as elected representatives to scrutinise government. We need to continue to do that. We will continue to push to do that, and this inquiry is a very important way of achieving that goal.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.45): What we have seen today is the very sad spectacle of a marginalised and increasingly irrelevant opposition. What we see today is an opposition that is seeking to make an argument about a fundamentally important project for this city that Canberrans want to see proceed. Canberrans know how important water security is for their city and they want to see our water utility, our government and the Assembly as a whole making decisions that ensure that we improve water security for this, Australia's largest inland city.

But what have we seen from those opposite? Have we seen from them any constructive or deliberate approach to try and address this issue in a way which is considered, which is constructive and which has a clear path forward? No, we have not. Instead, what we have seen from them is an attempt to play politics with the issue of water security. That is the last thing that Canberrans want to see. They do not want to see politics played with the vital issue of water security. They do not want to see cheap and quick political points scored by the opposition on the issue of water security. They want to see a considered and a reasonable approach to these issues.

In marked contrast from the cheap political points that we see attempted to be scored day after day from Mr Seselja on this issue, I think the rest of the Assembly recognises that there is a far more sensible way to address this issue. The government has always recognised—

Mr Seselja: You always worry when you get commendation from the minister for your scrutiny. It is always a worry. The more comfortable the government is with the scrutiny, the less effective it is.

MR CORBELL: It is always a good barometer of how effective you are going in your argument in this place when you hear Mr Seselja starting to talk amongst his colleagues. The louder the conversation is from that side of the chamber, the more you can be certain that what you are saying is causing a little bit of pain, causing a little bit of discomfort, causing a little bit of concern for those opposite.

Of course, we hear Mr Seselja's arguments in silence even when we do not like them or disagree with them. But he cannot handle it when some arguments are put to him that he finds a little bit uncomfortable. The bottom line the bottom line is that Mr Seselja is a voice in the wilderness on this issue. There is nobody else out there in the community, in the business sector, anywhere else in Canberra saying we need an inquiry of the form that Mr Seselja is proposing. The only person who is making that argument is Mr Seselja and he is an increasingly lonely and singular voice on this matter.

The issues around the Cotter Dam project have been at every stage well advanced and well detailed to the Assembly and the community. There has been a detailed process ongoing since—

Opposition members interjecting—

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Members of the opposition, please, the minister should continue in silence.

MR CORBELL: There has been a detailed process ongoing since 2002, Madam Assistant Speaker. Since 2002 as part of the ACT's water strategy think water, act water—

Mr Seselja: He is like Karin MacDonald. When thinking of the words, he has to stop.

Mr Hanson: Poor Simon.

MR CORBELL: Madam Assistant Speaker, I would ask you to draw opposition members to order. This is an important debate but it seems the opposition are not interested in hearing from anyone except their own side.

Mr Seselja: Madam Assistant Speaker, a point of order.

MR CORBELL: It just shows the cheap political points they try to score on this matter. I am endeavouring to make a range of points, Madam Assistant Speaker—

MADAM ASSISTANT SPEAKER: Mr Corbell, I think Mr Seselja has a point of order. Mr Corbell—

MR CORBELL: and we have seen consistent interjections from the opposition.

MADAM ASSISTANT SPEAKER: Please! Mr Seselja.

Mr Seselja: Madam Assistant Speaker, on the point raised by Mr Corbell, I think it has been relatively mild. If you compare it to what Mr Rattenbury allowed to go on during the supermarket debate with Mr Stanhope, I think it is far lower and far tamer than what we have been subjected to in recent days.

MADAM ASSISTANT SPEAKER: Mr Corbell, I think that you have only been egging them on with your comments, I am afraid. Please, I would ask the members of the opposition to listen to Mr Corbell in the silence he deserves.

MR CORBELL: Thank you, Madam Assistant Speaker. The think water, act water strategy has been a detailed process that has been put in place since April 2004. Future water options reports were presented in 2004 and 2005 assessing 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 be followed up on these options.

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. From March 2007 to 22 June 2007 Actew conducted extensive community consultation on a range of options to provide government with an informed view regarding potential water recycling in the ACT. In July 2007 Actew completed a detailed review of the ACT and region's water supply and submitted four key recommendations for securing supply to the ACT government.

So you can see that there has been a very detailed process of analysis to date. On 23 October 2007, the Chief Minister announced that following the advice, that analysis by the Water Security Taskforce, a range of initiatives would be considered. They included the enlargement of the Cotter Dam from four gigalitres to 78 gigalitres, the installation of infrastructure to increase the volume of water transferred from the Murrumbidgee River to the Googong Dam, pursuing the possibility of purchasing water from Tantangara Dam, designing a demonstration water purification plant, increasing funding for demand reduction measures, investigating the extension of permanent water conservation measures, a pilot smart metering program and the voluntary offset of additional greenhouse gas emissions associated with these projects.

This has been a detailed and lengthy process to get to the point that we are now at, which is the establishment and construction of the first of these major infrastructure works, the enlarged Cotter Dam project. As I was trying to say before, the key issue here is that if there are concerns about the project, its cost, its scope and the issues

associated with getting to the final cost for the project, then there are two ways that we can go about this. We can go about this in a considered way, in a way that tries to get to the facts of the matter, or we can try to play politics and score a quick political point about it.

I have to say that the government favours an approach which is constructive rather than simply seeking to score cheap political points on the very important issue of water security for the region. For that reason, the government does not support this referral to the Assembly committee today. The government instead, and I as the responsible minister through my Attorney-General's portfolio, will later this morning be making formally the referral to the Independent Competition and Regulatory Commission on a review of the costs of this project.

Madam Assistant Speaker, why is the ICRC the most appropriate course of action? The ICRC is an expert independent body established to determine whether or not costs associated with major infrastructure projects are consistent with best practice, that they are prudent and feasible and that they provide value for money to the community, to the taxpayer. I think that is what everyone in Canberra wants to be reassured about—that the cost of this project does represent value for money, that it has been appropriately managed. If it has not been appropriately managed, that can be properly assessed, identified and the reasons for it disclosed.

The establishment of the ICRC referral is, I think, the mechanism that would give us those answers. Those are the answers the Canberra community want. They do not want some nasty political brawl. They want a constructive approach that gets to the bottom of what has occurred, what are the reasons for the difference in costs between previous estimates and the final project costs as announced by Actew earlier this year and what has changed in the meantime to get to that outcome.

The referral that I will be making later this morning will look at the following issues: firstly, whether the projected costs of the enlarged Cotter Dam water security project are prudent and efficient in terms of meeting the water security standards required of Actew—that is, the standards required by the government and the community.

The next issue relates to the approach taken to put in place an alliance arrangement with contractors to secure delivery of the enlarged Cotter Dam water security project to provide water security for the ACT and region. So it is not just whether or not the projected costs are prudent and efficient but also whether or not the approach put in place with Actew's commercial partners is the most appropriate one. The third issue is the process undertaken to develop and test the costings of the enlarged Cotter Dam water security project at all stages from 2005 to November 2009.

So it is a detailed, independent, arm's length assessment of whether or not the process undertaken in the establishment of those costs, the testing of those costs, the development of the presumptions underpinning those costs, was appropriate, was prudent, was thorough. That is a very important question which I think all members in this place have been asked.

Fourthly is the potential for any new cost variations to be incurred by Actew under the contractual arrangements put in place for enlarged Cotter Dam water security project

delivery. So this is not just about what has occurred previously; it is also looking forward and asking the commissioner to give a view about whether there is the potential for any new cost variations following the establishment of the contractual arrangements under the Bulk Water Alliance. It is not just a looking-back exercise; it is also an exercise looking forward.

Fifthly is the scope for cost savings to be passed on to Actew to the benefit of ACT and regional water users, and sixthly is any other matters the commission considers relevant to the inquiry. This is a broad-ranging inquiry, Madam Assistant Speaker. It will be undertaken by an expert professional who understands issues around infrastructure pricing and essential service delivery—water, electricity and gas.

This is the work that the ICRC does every day of the week. This is the work that the ICRC is established to do. It makes sense to ask the body that we have at our disposal, an independent statutory authority established by an act of this place, to consider the appropriateness of the project costs, the reasons why the project costs are at the point they are now, what has occurred previously and, indeed, whether there is scope for any potential further change to those costs into the future.

This is a considered approach. This is a sensible approach. This is an approach that gets to the heart of the questions that some members in this place have. It gets to the heart of the questions that some members of the community have. I think it is an approach which is constructive and it is an approach that should be supported. In contrast, what we have from the Liberal Party is simply an attempt to play politics with water security, to score the cheap political point at the expense of a process that is essential for maintaining water security for our city and for the region surrounding our city.

This government treat water security seriously. We have put in place the steps to ensure that our utility delivers a project that will greatly enhance our water storage from just several gigalitres up to over 70 gigalitres of capacity. That is what this project is about. It is a significant project. It is important for the city; it is important for the region; and it is far too important to play politics with.

MR RATTENBURY (Molonglo) (10.59): I would like to start off by just reflecting on where we have got to. The issue of the Cotter Dam has been an evolving one over the last couple of months since we first heard about the significant increase in cost projections. Since that matter came into the public view, the Greens have been looking at this very seriously and spending a vast amount of time going over the available information. This is the second time we have seen this call for a select committee by the Liberal Party in this place. In light of some of what has eventuated since the last time this motion was tabled, we will not be supporting the motion today. Instead, the Greens have identified a pathway of referral to the ICRC and also the upcoming annual reports process as opportunities to further scrutinise the considerable increase in the cost projections for the Cotter Dam.

Now we do have the view—and I will come back to this issue later in my comments—that there are remaining outstanding questions. We believe the ICRC process will deliver the answers, and we believe the upcoming annual reports hearings,

where Actew will appear for several hours, are an opportunity to further resolve those. But we also note that there remain further options in this Assembly to explore issues that remain unresolved, whether that is to ask questions on the floor of the chamber or whether it is through a reference to the environment, climate change and water standing committee. There are a number of other options that remain out there for us to go through.

They are the points I wanted to cover today, but let us recap, first of all, what has happened. When the cost blow-out initially became apparent back at the start of September, we debated a motion here in the Assembly expressing concern. As a result of that motion, all members received some further information that was requested by the Assembly of Actew. That was an accounting of the factors leading to the increase in costs of the project and a chronology of when Actew advised the government of their variation of costs and details thereof in relation to the projects.

On 17 September, the minister circulated a response from the Managing Director of Actew, Mark Sullivan, which added some value to our understanding of what had happened but, frankly, raised more questions than it answered. I now suspect that document was pulled together in rather a hurry, because it lacked detail, had some rather misleading information contained within and failed to provide the information that was really required and desired by the Assembly. At that stage, the Greens were keen to see more of the documents that had been referred to in various places, including the contracts, the target out-turn costs and the independent review of the target out-turn costs that was conducted by Deloitte.

We amended significantly Mr Seselja's last motion calling for an inquiry, because we felt it was more useful at that stage to actually get a better understanding of some of the issues that were being discussed by Actew. Since then, the Greens, like other members of this place, have received those documents. Now, there were some bits blacked out, and we have also received a detailed three-hour briefing from Mr Sullivan at Actew and several of his colleagues. I think what that process has shown is that in getting those documents we have actually already received a lot more information about what went on. We have been able to read some of the criticisms and some of the information that already exists on the table. I note that, in his presentation, Mr Seselja has not acknowledged that expressly, although he has used a lot of the information.

I think one of the most interesting reports that came through was Deloitte's assessment that Actew itself actually commissioned several months ago. It is important to note here that that report was certainly far from favourable for Actew. There are some important points that I would like to reflect on now as part of what the process of scrutiny has already revealed about these cost increases. I think it is fair to say that the Deloitte's report was a positive report. It certainly did not give Actew an A-plus in regard to community consultation, expectations and the process developed so far, and it highlighted a number of concerns around the comparability of estimates, which is really the key question that is being debated at the moment.

The Deloitte's report mentions that, while the July 2007 GHD update of the cost estimate of $145 million focused on construction costs only, not related costs, Actew

communicated to government in the same month that the total project cost would amount to $145 million. One has to ask—indeed, this goes to the core of the issue in many ways—why did Actew not tell the full story at that point? The report also identifies key limitations within Actew's planning process on the project, and that included the fact that a rigorous review of alternative options for the enlarged Cotter Dam was not undertaken. That is on page 32 of the Deloitte report. I find that a particularly concerning finding from Deloitte.

Another finding from Deloitte on page 33 was that the release of public information around the preliminary costing with limited caveats regarding the preliminary nature of the estimate may lead to public challenges as the project progresses. I think it is fair to say that that has become quite true, and we have not even yet seen the first sod turned on the project. Deloitte also notes that the Bulk Water Alliance did not fully appreciate the cost of the project and relied on the costings provided by Actew, which were insufficient. It also notes the Bulk Water Alliance only recently had the design of the dam well developed enough to properly understand the cost. All of these are very concerning findings.

We took the opportunity of having those documents at our briefing with Actew and asked some very detailed questions. It was after receiving this briefing and getting a far better understanding of the process that had been undertaken to determine the costs of the project, as well as delving into some of the numbers that made up the overall project cost increase, that the Greens decided the best option for reviewing the cost of the Cotter Dam and whether or not that cost was justified was to seek a reference to the Independent Competition and Regulatory Commission, the ICRC. There is no doubt that with his familiarity with the structure of Actew water security projects and the Cotter Dam project in particular, the independent commissioner is extremely well placed to be able to assess the costs increase most effectively.

On Friday last week we wrote to the minister formally telling him that we would be introducing a motion in the Assembly this week, asking to take action to refer the issue of the Cotter Dam cost blow-out to the ICRC. Mr Seselja has mentioned that letter this morning, and I am interested to note that, in his concerns about lack of transparency, he failed to mention that the Greens actually gave him a copy of that letter. Mr Seselja was well aware of what was going on, and he too could have written to the minister, if he had wished, expressing the ideas he had for the terms of reference. But that would actually require him sitting down and doing some work. I want to put that on the record, because Mr Seselja failed to mention that.

At that point, the minister indicated to me that he would move to undertake this referral, irrespective of the motion. He spoke about it already this morning, and that referral will be formally signed off today. I welcome the fact that the minister took this up. Contrary to Mr Seselja's comments, it simply reflects well on the minister that he was able to acknowledge that this was a decent way to go forward; it was a good idea that nobody had brought it into the public debate before. He was able to accept that the Greens had made a valid and useful contribution to the debate, and that this provided us with a pathway that would give us an independent, expert assessment of the costs of the Cotter Dam. Rather than sitting in a committee politicking about it, we can actually refer it to a body that has the skills, the expertise and the experience to

undertake that comprehensive assessment that I think the community wants, and it is certainly an assessment that the Greens want. It is not some half-hearted look at numbers. We want somebody with the real expertise to sit down and go through the minutiae of the very extensive documents that cover the costings.

The Greens are pleased that the commissioner will get the opportunity to explore in detail how and why the costs of the Cotter project were put together. I think that in fact Mr Seselja would be pleased to see that many of the issues that he raises in his terms of reference for a select committee are actually captured in the terms of reference to the ICRC. But he will not actually know that, because when the minister read out just a few minutes ago the terms of reference that are going to be sent to the ICRC, he was so busy having an chat with his colleagues that I suspect he could not actually stand up and tell the Assembly now what any of those terms of reference are. He was not bothering to listen.

Just to make it clear for Mr Seselja now that he is actually listening, many of the proposed terms of reference that he has raised for his proposed select committee on the Cotter Dam cost blow-out are contained in the terms of reference that are being sent to the ICRC. I actually want to give Mr Seselja credit for that, because he does identify some of the key issues. I am pleased to see that they will be taken up by the ICRC and given the examination and the scrutiny that are warranted. The key point here with which the Greens agree with Mr Seselja is that there are real concerns around this project. I agree with the concerns of the Liberal Party; there are real questions to be answered.

The kerfuffle that is taking place in this place this morning is simply around the process and what is the best way to find that information. I am happy to stand up here today and say the Greens believe that we have identified, in seeking the referral to the ICRC, a highly effective way to work through this. We believe the ICRC is best placed to address these particular issues. That is for a number of reasons, some of which I have stated already, but I would like to identify some others.

The ICRC will have full, unfettered access to all the documents that contain costs and other commercial-in-confidence information, because they are the powers that the ICRC have under their legislation and under the practices they go through. What this highlights is that the ICRC have had access to those documents before, and they will have access to those documents again in the future. They have an understanding of those documents and how they work.

It was interesting that when we spoke to Actew last week and we asked them whether they would provide those documents to the Assembly—the Assembly has the power to call for them—Mr Sullivan made it clear that he will not hand over those documents to the parliament without a fight and that he will seek to block that. I think that is a shame, but I think that highlights the fact that the ICRC is a good pathway to go down, because they will be able to touch on the questions of whether there are efficiencies to be made, whether the process for determining the costs was appropriate, what variations there may be and how the alliance was constructed. All the issues Mr Corbell has just identified will be the terms of reference for the investigation.

I want to be quite clear about any sort of Assembly inquiry. We have never ruled out an inquiry, and, indeed, we have been instrumental in establishing this one through the ICRC. That said, we were never predisposed to a select committee, as we considered that the issues that were put in Mr Seselja's original terms of reference were too broad for an Assembly inquiry. We are concerned that those original terms of reference would require expert advice. We also thought there was further information that was required, and we have actually achieved getting those documents now, and I note that Mr Seselja and his colleagues have used them extensively. We believe there are other processes rather than reference to a select committee.

In terms of where we are up to now, as I said earlier, we agree that many of the terms of reference in Mr Seselja's motion are worthy of consideration, and many of them will be picked up by the ICRC. Some are not going to be addressed by the ICRC, and I want to focus on that point now. Our preferred pathway is to take some of those unexplained issues back to the annual reports hearings which will come up in just a couple of weeks. Actew will be attending, and that will be an opportunity to really scrutinise Actew further, in a public forum, to get to the bottom of some of those questions.

That leaves open the option of a referral to the environment, climate change and water committee. I also flag that the Greens are not precluding that option for the future, because it is important that we continue to scrutinise this issue until we get to the end of answering the questions we need the answers to. There are still a range of questions that need to be answered. These questions mostly focus around information provided by Actew about the Cotter project both to the government and to the public in regard to the cost of the projects, cost-benefit analysis of the project and water policy outcomes of the project.

It is clear the government were somewhat surprised by the scale of the bill that was presented to them in September when the final TOC was completed, and this raises some further questions about how, at this point, Actew and/or the government confirmed choices to proceed with the project in spite of the increased costs. I have, for example, received some information from Mr Sullivan in the last week about the net economic benefit of the Cotter project, but, interestingly, the analysis is dated August 2009, was undertaken by CIE and only compares project scenarios that include the Cotter rather than comparing the Cotter and other project options, such as the Tantangara transfer.

Mr Sullivan was keen to reassure me that the decision to proceed with the higher price tag was based on economic analysis, but I am assuming he has a more comprehensive set of numbers to justify this than those he forwarded through to my office. The questions for me are: who undertook the analysis; how both Actew and the government determined post the $363 million price tag that the dam was the best policy choice; and how, within days of knowing that increased price, both the board and the shareholders were happy to sign off without fully exploring other options.

There are still many questions to be answered, and I hope that Mr Sullivan will take the opportunity at annual report hearings in just a couple of weeks to put some of

those answers on the table, ensure we get full information and not continue to bluster. *(Time expired.)*

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

MRS DUNNE (Ginninderra) (11.15): What we have here today is an admission that the Labor-Greens alliance is alive and well. There was a little bit of a lovers tiff yesterday but, as I predicted, the champagne and chocolates have been bought and they have kissed and made up. What we have now is essentially a secret deal between the Greens and the Labor Party to ensure that the scrutiny in relation to this important public utility is at one remove from the Assembly.

What we were here today debating is the setting up of a select committee to look at this matter. This is, as Mr Seselja said, the largest cost blow-out in a public work in the history of self-government. It is a spectacular failure. This is about the amount of money that the ACT citizens are going to have to pay for water in perpetuity.

As the representatives of the people of the ACT, the people who should be looking at this matter are the people in the Legislative Assembly. The ACT Legislative Assembly has all the powers it needs and all the capacity it needs to look at these matters.

In the select committee process, we would be calling upon the experts out there. As Mr Baxter said this morning on the radio, he will be essentially subcontracting this job to experts. He himself is not the custodian holder of this expertise. He will be subcontracting it. Yes, he has powers to call for documents and things like that—as does this Assembly. Today we actually had an admission from Mr Rattenbury. Mr Rattenbury blinked on this. When he challenged Mr Sullivan about providing documents to this place, Mr Sullivan said to him, as he said to us, “I would fight that.”

That is not the point. This Assembly has the power. This is about the amount of money that people will be paying for water, year on year forever. We will be paying it until we die and our children will be paying for this until they die. Mr Rattenbury admitted that he blinked when he was challenged by Mr Sullivan saying that he might contest whether or not the Assembly had the power to call for documents from him.

Mr Rattenbury: I just found a better way to do it, Vicki, and you can’t hack that.

MRS DUNNE: No; actually, you have not found a better way of doing it. You found a secret way of doing it. Let us look at what Mr Rattenbury said last week. Last Friday he said that the Greens would move a motion in the Legislative Assembly this week calling on the government to refer the Cotter Dam back to the Independent Competition and Regulatory Commission, the ICRC, to review the price direction on water in the light of the cost blow-out of the project.

I know, as Sir Humphrey said, that press releases are not taken on oath. But at the same time, by the end of the day when Mr Rattenbury made this public commitment

to the people of the ACT, he had already backflipped. He had written to Mr Corbell and said basically, "Dear Simon, I think this would be a really good idea but it is a bit difficult. How about you do it for me instead?" He said, "As I have indicated, the Greens intend to introduce a motion; however, I understand it is possible for you to make that referral to review the price determination without the need of an Assembly motion." He did not want to bring it back here to scrutinise the terms of reference.

Really, what has happened is that Shane and Simon have cooked up a deal. Whether we are a knave or a fool, it does not matter; you have created a situation where you have created a secret deal. It was only yesterday afternoon, when we received a copy of the letter that Mr Rattenbury wrote to Mr Corbell last week, that the Liberal opposition became aware that this matter was not going to come to the Assembly for discussion and debate.

These terms of reference which the minister says he is going to refer formally late in the day start with the spectacular words "is the expenditure prudent?" That is a really probing term of reference. The first term of reference to be decided is whether it is prudent.

Let us put all the rhetoric aside. We all agree that this dam should be built. We believe that the government should have acted a lot sooner than it did. We believe that the government has been playing catch-up on this issue for a long time. The issue is not about whether it is prudent to spend money on building the Cotter Dam. The issue is about the rate at which the cost of the Cotter Dam has blown out. In his presentation speech, Mr Seselja talked about that—the 120 which became 145, which became 188, which became 245, which became 363—and then the variations that we see in various places about the target out-turn costs. There are figures everywhere. It is a dog's breakfast.

We have constantly been told by Actew that there were unforeseen costs that they could not control. These were construction costs. I would like to deal with construction costs. The opposition has been advised in relation to construction costs by people who actually know about major capital work constructions. We have been advised about the rate at which costs increased over the last 12 months or so. There have been cost increases, but they are cost increases of less than 10 per cent for a whole range of issues—labour, concrete, the fixing of rebar and the cost of hiring a backhoe, an excavator, a dozer, a truck, a roller or a grader. All of those things—yes, they have gone up, but they have gone up essentially in line with CPI, or perhaps WPI.

Two things did go up quite a bit in 2008: the cost of diesel and the cost of buying rebar, the metal that you would need to put in a dam. Actually, there is not very much metal in this dam, because it is a roller-compacted concrete dam. However, since the middle of last year, both those costs have plummeted—absolutely plummeted. In the case of diesel, they are down almost 20 per cent below where they were at the beginning of 2008. The only thing that has continued to rise in that time, to 140 per cent of its original cost, is the cost of the dam.

I would like to table a graph which outlines the rate at which construction costs have risen in comparison with the dam costs. I think it will be very instructive for the

members of the ACT Legislative Assembly and for people in the ACT. I seek leave to table this graph.

Leave granted.

MRS DUNNE: I table the following paper:

Enlarged Cotter Dam—Graphs—
Costs—Percentage change.

This is a visual demonstration of why we believe there needs to be a thorough inquiry, a thorough inquiry which is open to the public and where the members of the Legislative Assembly are in control of the questioning. Mr Baxter would be quite welcome to make a submission, and he has the capacity to do so. But what is really interesting, what we have really seen today, is that the essential elements—

Mr Rattenbury: I have.

MRS DUNNE: It is not true, actually. The essential elements of what was put forward by Mr Seselja in this motion are not taken up. They are touched on. They were touched on—

Mr Rattenbury: How would you know? You weren't listening, Vicki. You were not listening. You haven't got a clue.

MRS DUNNE: I have read them. They were touched on, but you have to remember that the first one is a determination of whether it is prudent to make this spending. With the whole term, when you find that the government is as comfortable as the responsible minister is with this outcome, you know that you have got it wrong. The Greens, who said that they are here about openness, accountability and scrutiny, have rolled over and have not even allowed this Assembly to scrutinise the terms of reference for Mr Baxter. We are open and accountable and we are about scrutiny so long as it suits us.

There are many other issues that need to be addressed. I hope that Mr Baxter does address the issue. We were told that the big cost increase in relation to the dam was that we suddenly discovered that we had to take out another nine metres of fill. I would like to table a graph which is a copy of page 16 of the target out-turn costs. Then I would like Mr Baxter to be able to report back to the Assembly on when Actew discovered the nine metres and how much of the nine metres is real. I seek leave to table that.

Leave granted.

MRS DUNNE: I table the following paper:

Enlarged Cotter Dam—Graphs—
Figure 1.3.10 ECD minimum excavation line.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.25): I find Mrs Dunne's contribution this morning quite outrageous.

Mrs Dunne: Inconvenient for you.

MS HUNTER: I have to say, Mrs Dunne, that sarcasm just does not suit you. If we actually look at the issue of the dam, we see that the dam is a serious and complicated matter and issue; therefore it takes serious and intelligent people to be part of finding our way forward. What we as the Greens have done is find a good way forward.

The issue around the costings is this. I note that Mr Seselja was saying, "Numbers; numbers everywhere." And there are. The numbers—the cost estimates—continue to rise, and we do need to find out what was behind those cost increases.

That is why the Greens looked at this issue. They looked around and I believe came up with a very sensible way forward. That was to refer it off to the Independent Competition and Regulatory Commission, who have the expertise, who were involved in looking at the cost of the dam back when it was at $145 million. They have a track record on this; they have base data to work from and they are in the best position to be able to look at this issue in great detail with the best expertise available.

Mrs Dunne is saying, "That's no good. We should still have an inquiry here because they are just outsourcing it anyway." Well, that is what they do with their inquiries. But I will tell you what: the commission itself has the expertise to then be assessing that work that it is commissioning from other experts. So again, it is far better placed to deal with it than an inquiry here in the Assembly. I would say that Mr Baxter and his team have far more experience than, say, Mr Smyth or Mr Seselja, particularly around issues of costing, financial analysis and cost-benefit analysis and also issues around quantity surveying, geotechnical information and so forth.

I think there is an issue around the geotechnical information and finding that we had to dig nine metres further down than was originally thought to be required—and that that information did not come in in a timely manner or probably in a way that was in the best interests of the project. But again, that does need to be looked at as part of this whole investigation or as part of the scrutiny that will apply in annual reports.

It is a nonsense to say that there will not be scrutiny on this issue. There will be the sorts of costs and financial scrutiny that will be done by the ICRC. And I truly do hope that during annual report hearings the Liberals will be putting in some effort and some focus, putting forward many of the other questions and queries that we too believe need to be answered or are still outstanding.

I note from the paper today that Mr Sullivan has said that it was unfortunate that the $145 million was taken as being the total cost of the dam rather than the construction cost. My question back to Mr Sullivan is this: why was that not corrected? Why was that record, the public record, not corrected a lot earlier? That is a question that we will pursue, because that would have been the proper and right thing to do in this case.

I also say this on the ICRC. Mrs Dunne raised the issue of being able to get documents. As we have said, the ICRC can get documents that will not be censored; they will have unfettered access. Here in the Assembly—yes, you are right, Mrs Dunne—we can call for documents. But, as Mr Rattenbury pointed out, Actew would probably put up a bit of a fight about that, unfortunate as it is. Why not allow the organisation, the ICRC, who can get those documents without any complication, to go ahead, get the documents, do the work and report publicly?

Mr Baxter was very impressive on the radio this morning. He spoke about the fact that he can have public hearings and can have people putting in submissions. I think he was very happy for the Liberal Party to put a submission into that inquiry. Maybe I am verballing a bit, but I think he quite encouraged the Liberal Party to put a submission into that inquiry. I think that is probably the way it needs to go rather than our having an inquiry with lots of issues surrounding access to documents, expertise and so forth, and asking Mr Baxter to put a submission into an Assembly inquiry.

What we as the Greens have come up with—which we discussed and got support for from the government, which I am very pleased about—is a sensible, proper way forward to really be getting to the bottom of the cost blow-out of the dam. It is an outrage to talk about "behind closed doors" terms of reference, as Mr Rattenbury clearly pointed out.

Mr Rattenbury, I will pick up your point. Members of the opposition were chatting, laughing and not listening, so they probably missed this part of your speech. You did point out that many of the terms of reference, or parts of the terms of reference, match up with what Mr Seselja has put out as things that he would like investigated. That is a point that does need to be made again: many of the concerns or issues that you wanted to investigate will in fact be investigated as part of the terms of reference.

This is a good way forward. The Greens will certainly be staying on top of this issue. We still believe that there are some questions that need to be answered. In the first instance, we will be taking up that opportunity during the annual report hearings. And we will be watching with interest the inquiry that will be conducted by the ICRC. I believe the ICRC are already meeting with Actew this morning; that will be getting underway.

We will be keeping a careful eye on it. It is a serious and complicated matter. I am pleased that here in the Assembly there are serious and intelligent people who are able to work through this issue.

MR SESELJA (Molonglo—Leader of the Opposition) (11.32), in reply: The headline in today's *Canberra Times* really sums up what we have seen: "Greens and government work out terms of dam inquiry". They did not have the courage to actually bring it back to the Assembly, as they said they would. That was the position that was put—that they were going to bring this to the Assembly to look at the terms of reference for the ICRC, yet they did not do that.

In fact, the only reason we are debating this today is that we pushed this issue. Indeed, I understand that the Greens were even looking for a procedural way of preventing us

from moving this motion. They have been desperate not to have this debate in the Assembly. They have been desperate not to bring these terms of reference before us for debate. What was the problem with that? What was the problem with their position from Friday? Why did that become the wrong position by Friday afternoon, Monday or whenever the final decision was made not to move this motion?

You claim that it is about being open and transparent, yet you do not even want to bring those terms of reference to the Assembly for debate. As I say, the only reason we are even talking about this issue today is that we have brought it forward, with opposition from the government and the Greens.

Indeed, we are seeing this more and more. We saw it on schools. We saw it in relation to the schools debate, where even the debate was gagged. We are seeing this time and time again. There was an attempt in this case to find a procedural way to prevent this from going ahead, and I am pleased that failed so that we could actually put some of the issues on the table again.

In the end, instead of bringing it to the Assembly so that we could debate the terms of reference and see how wide they are, they have stitched up a deal with the Labor Party. They need to be honest about the fact that this is becoming more and more the case. You can pretend that you are genuinely a crossbench, but if you do everything through negotiation outside of this place then the outcome will be that the Labor Party and the Greens in the end will be jointly responsible for these outcomes. They will be responsible for a lot of what goes on in government.

I know they are desperate not to take responsibility, but in the end, as we move through these issues, there will be this joint responsibility between the Labor Party and the Greens as they continue to stitch up deals outside of the Assembly. That is what has happened on the ICRC. The terms of reference were not brought to this place for debate; they were agreed between the Labor Party and the Greens. And because they are not going to be as wide as they should be, it will be the Labor Party and the Greens who have jointly made a decision to prevent the thorough scrutiny that we should have.

We will continue to push for this in every forum that is available to us, but we have seen this pattern of behaviour on the dam and on other issues, where they would much prefer to have quiet negotiations somewhere else rather than have an open debate in the Assembly. This is the latest example of that, and it is a very disappointing outcome to that extent.

We will continue to push for this, and we will continue to ask those questions. We will be the only party in the Assembly that continues constantly to ask questions of the government, hold the government to account, and not always look to find a way to make it easier for the government or for a way of having a quiet discussion somewhere, rather than in this forum, which is where we need to have these serious debates.

Ms Hunter's contribution on this issue was that there was an implication that there is not the intelligence or the ability in the Assembly. You could make that argument for

virtually any inquiry we would have. If we were to accept the thrust of Ms Hunter's argument, we would not have inquiries into very much because there is always greater expertise somewhere outside. That is why we bring them in. But, in the end, we are responsible. We are the ones who are answerable; we are the ones who can be voted out; and we are the ones who are there to represent the people of the ACT, to represent taxpayers, to ensure that they are protected.

As much as the government do not like it, it is our job to scrutinise them, and when they are comfortable with the scrutiny, you always have to suspect that the scrutiny is not as strong as it should be. We saw it when they were a majority government. They shut down scrutiny at every possible turn and they avoided it like the plague. Yet we are again seeing them finding ways of going for a lesser form of scrutiny. If they are comfortable with it, we believe harder questions need to be answered, and those are questions we will continue to pursue with vigour.

Question put:

> That **Mr Seselja's** motion be agreed to.

The Assembly voted—

Ayes 4	Noes 9	
Mr Doszpot	Mr Barr	Ms Hunter
Mrs Dunne	Ms Bresnan	Ms Le Couteur
Mr Hanson	Ms Burch	Mr Rattenbury
Mr Seselja	Mr Corbell	Mr Stanhope
	Ms Gallagher	

Question so resolved in the negative.

Planning and Development Amendment Bill 2009
Statement by minister

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation), by leave: I would like to inform members of the status of the current exposure draft of this government bill.

On 28 October this year, the government released an exposure draft of the Planning and Development Amendment Bill 2009 (No 2) for public comment. The bill is available for comment until 26 November 2009. This bill makes a number of modifications to the Planning and Development Act 2007 which, for the most part, are of a technical or minor nature, including amendments for consistency and clarity. In addition, the bill makes a number of relatively minor policy adjustments.

The Planning and Development Act commenced on 31 March 2008 and put in place national leading practice for the assessment of development applications. The government has been unambiguous in its commitment to reforming the ACT's planning and land administration system to make it simpler, faster and more effective.

The Planning and Development Bill which was introduced in 2007 provided the capacity to make refinements in light of changing circumstances and with the benefit of having used the legislation "in the field". The government closely monitored the operations of the act during its initial implementation phase. We listened to industry and the community and made a number of priority modifications by regulation to respond quickly to issues identified and to address emerging initiatives. These modifications were made permanent through the Planning and Development Amendment Act 2009. In presenting the bill for that act earlier this year, I made the following point:

> The government's commitment to planning reform is ongoing and I take this opportunity to advise the Assembly that the government is giving consideration to further amendments to the Planning and Development Act later this year.

The exposure draft of this bill includes those further amendments. The amendments in this draft are not preceded by regulation modifications. This is why they were not incorporated into the earlier amendment act.

I will now highlight some of the more significant provisions of the bill and, in doing so, refer to a number of specific clauses. Clauses 6 and 7 permit technical variations to be made to the territory plan to improve its clarity of language or to remove redundant provisions. This provision will enable minor language refinements to be made quickly and easily to maintain the accessibility and readability of the territory plan.

Clauses 9, 10, 11 and 14 apply to the process for assessment of development applications. The new sections confirm that, while an application might require assessment of a new building and the proposed use of the building, the application does not require reassessment of the existing use of land if that use was already authorised by an existing lease. This provision further underlines the basic principle that development applications do not require the revisiting of already authorised lawful use of land.

Clause 18 confirms the procedural implications of a call-in of a development application by the planning minister. This clause makes it clear that a call-in of a development application does not stop the completion of public notification and agency referral steps. These steps can only be halted by a call-in if the minister expressly elects to do so.

Clause 39 is one of the more significant clauses in this bill. In summary, the clause requires lessees to not leave the land unused for a period of 12 months or more and that the land must be used for a lease-authorised purpose at least once every 12 months. There are, however, a number of significant exceptions to this requirement. This requirement will not apply to residences and will not apply to leases that cannot be used pending the construction of new buildings. If the lease authorises multiple uses, activation of just one of these will satisfy this requirement.

A breach of this requirement is, in effect, a breach of the lease and could result in compliance action such as the issuing of a controlled activity notice requiring

compliance with the lease. This clause is intended to ensure that land and buildings—which are in limited supply—are not left completely unused for several years.

This requirement to actively use the lease is not a new concept. For some time now, leases have been issued with a standard clause requiring active use. This provision is to apply to leases, existing and new, in the absence of such a clause.

Clause 60 in the bill is to permit the Planning and Land Authority to obtain updates of lessee contact addresses from the ACT Revenue Office. This information will ensure ACTPLA has an up-to-date database of lessee contact details. Such a database will enable the authority to take action such as notifying development applications more effectively and quickly. I emphasise that this information will consist only of lessee contact addresses, will be used only for the exercise of ACTPLA's functions under the Planning and Development Act and will be protected by existing provisions already in that act.

Clause 65 is a transitional provision to extend the power to make temporary modifications of the transitional chapter of the Planning and Development Act by regulation. This power will, under this clause, persist for a five-year period from the commencement of the original act; that is, it will expire on 31 March 2013.

The extension of this ability to make quick modifications is an important aspect of the new planning legislation. It ensures that the government has the flexibility to respond quickly to any new issues that may arise as a result of continuing industry and community consultation, new government initiatives or the residual effects of the global financial crisis.

These amendments involve a number of incremental but important clarifications and improvements to the planning legislation. In pursuing these further amendments in the Planning and Development Amendment Bill (No 2) the government reaffirms its ongoing commitment to planning reform. As I indicated earlier, the exposure draft of this bill is available for public comment until 26 November and briefings will be provided for Assembly members, industry groups and community groups. The industry monitoring group has already been briefed on the exposure draft.

At this stage it is my intention to present this bill in December this year, including any necessary revisions as a result of the public consultation. I will provide a further update on the bill and the results of the public consultation when I present the bill later in the year.

Long Service Leave (Community Sector) Amendment Bill 2009

Debate resumed from 15 October 2009, on motion by **Mr Hargreaves**:

> That this bill be agreed to in principle.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Hargreaves has the call; he clearly is not present. I call Mrs Dunne.

MRS DUNNE (Ginninderra) (11.49): Sorry about that; I thought that Ms Hunter adjourned the bill and therefore had the call. It was a bit confusing the last time this was debated.

The Canberra Liberals opposition will not be supporting the Long Service Leave (Community Sector) Amendment Bill 2009. It is not because the bill itself is in any way lacking; the bill itself is sound and is based on the already existing legislation for the cleaning and construction industries. It is not even because of the principle of a portable long service leave scheme for the community sector; it is a worthy principle. It is the underpinning implementation processes and the ongoing management and administration of the scheme that are flawed, and they are flawed in a number of aspects.

Before those opposite start moaning that this is opposition for opposition's sake or it is somehow anti-worker, let me say two very simple things. First, I have listened to the concerns of the community sector and its peak advocacy bodies. Second, this bill has potential to create the exact opposite of its intended purpose. It has the potential to stifle attempts to attract and retain staff in the community sector. The bill seeks to establish a mandatory portable long service leave scheme for the community sector, similar to those operating in the cleaning and construction industry, to operate from 1 July 2010.

The former minister, in promoting the scheme for the community sector, claimed that the community sector is no different from the construction or the cleaning industries. I hope that the new minister will not be so naive. But just in case, here is some news for the day: the community sector is different; it is very different from the construction and cleaning industries.

Firstly, the sector includes both not-for-profit and for-profit organisations covering an extraordinary range of specialist services and activities. Secondly, many of the people who work in the sector work in quite specialised fields and disciplines and have quite specific and specialised qualifications in those fields. Accordingly, they are less portable than many of us might think.

Thirdly, many of the people who work in the sector do it because they want to work with people and they want to work in their specialised fields and disciplines. They develop relationships, often long-term ones, and they work to maintain those relationships. This makes them less portable.

Fourthly, many not-for-profit organisations have to operate on the smell of an oily rag, and, as such, cash flow for them is a hand-to-mouth balancing act. Fifthly, the community sector organisations are price takers, not price makers. Their business structures are often such that, unlike in the commercial sector or the building or cleaning industries, they cannot simply increase their costs and pass them on to the end user. They have to find ways of absorbing those costs within their organisation.

This will mean one or more strategies, such as reduced staffing levels, reduced services or even more modest accommodation. Finally, many not-for-profit

organisations rely heavily on government contracts for their day-to-day business, which do not allow for the whims of government to reach into their administrative practices in the way that this bill contemplates.

What are the concerns of the community sector? Their main concern is one of uncertainty. The community sector has noted, for example, that the construction industry fund made a loss of over $5 million in 2008-09 and more than $11 million in 2007-08. The cleaning industry fund made a loss of almost $400,000 in 2007-08 and a profit of just $38,000 in 2008-09. This raises uncertainty about the stability of the levy in percentage terms if the sector is expected to prop up operational losses.

A question being asked is: will the government guarantee the capital value of the asset base as well as the annual long service leave liability or will the sector be expected to fund levy fluctuations for a fund over which they have no control? I ask this: will the government do something about any fluctuations in the levy?

There are financial and cash flow concerns, particularly for smaller community service organisations, many of whom have very few staff, often working in inadequate environments, using a chair that is falling apart, and perhaps even struggling to find a pen that works. One community organisation said that their actual annual cash outflow for long service leave will increase from $9,000 to $60,000 under this scheme. They said that they will have to lose staff in order to be able to meet that cash flow obligation. How does this enhance employment retention and opportunities in the community sector, and how does this enhance service delivery in the community sector?

There are many other organisations who have told me of this kind of impact. I ask: will the government provide supplementary funding to assist those organisations to cope with these new extra cash flow stresses? The government has given no undertakings in this regard. Indeed, feedback from the sector is that the government has rejected any possibility that additional financial support will be provided.

Other organisations that quarantine cash when they make their long service leave provisions invest that cash, which generates some income for the organisation. They will lose that capacity to earn additional income if they have to pay it into the authority. Then there is the possibility that an organisation might take on a new employee only to find that that employee is entitled to and wants to take long service leave because of their service in the sector.

I ask this: are organisations going to be willing to take on new employees if they are due to take long service leave? Conventionally, long service leave is considered a reward that is available to employees for service to their employer. This bill removes that benefit from the offering of an employer, but expects the employer to pay for it nevertheless. Quite the contrary to enhancing retention, it removes an element of overall employment benefit that an individual employer can offer its employees.

Of considerable concern to the Canberra Liberals is the impact on service providers offering fee-for-service childcare. The changes to the long service leave scheme will increase their childcare fees, thus imposing another cost on families already struggling

to meet the ever increasing and already expensive cost of childcare in Canberra. I ask this: will the government provide subsidies to families who suffer yet more cost increases? And these increases are on top of those which will inevitably occur because of the soon-to-be-implemented carer-to-child ratios and carer qualification requirements.

There is a view that the very purpose of establishing the scheme is to provide capacity for the sector to attract and retain staff, but this will be abjectly ineffectual. It will make no difference at all to those ideals. There is a view that the scheme, whilst laudable in principle, should be part of an overall package designed to attract and retain staff.

There currently is a major review of the community sector underway, including industrial relations matters, pay scales and employment conditions. Organisations that I have spoken to are wondering why this scheme is being introduced in isolation from that review when it could form part of a more effective package that will have some chance of attracting and retaining staff in the sector.

Two of the peak service advocacy bodies, ACTCOSS and National Disability Services ACT, have both welcomed progress towards a portable long service leave scheme in the ACT's community sector. However, both organisations, greatly respected for their balanced and measured approach on these kinds of issues, have raised serious concerns about the scheme.

ACTCOSS, in a letter to the Deputy Chief Minister in August this year, flagged a number of concerns centred on a lack of consultation leading to "increased anxiety and fear in the sector". ACTCOSS also noted that the actuarial study itself, commissioned by the government, raised a number of questions regarding the scope and cost of the scheme. ACTCOSS believes those questions require urgent answering.

The National Disability Services, in a media statement released on 15 October, cited concerns about "placing additional financial and administrative pressure on an already stressed sector". NDS went on to say that the process of implementing and managing the scheme "had not been given sufficient consideration". NDS also questioned the primary and underlying premise of the scheme, which was to create better worker retention in the sector. They said:

> This was not demonstrated as true. NDS calls for the claims to be substantiated and linked to a holistic HR strategy for the sector.

On 15 October, when the former minister secured an adjournment of the debate on this bill, he undertook to arrange a further briefing for members. After that I wrote to Mr Hargreaves, the former minister, as well as Ms Gallagher, the minister at that time responsible for the community sector, to suggest that the briefing be extended to a roundtable which would include a range of stakeholders. In typical style of this government, that roundtable was left until the last minute and was held earlier this week, on 9 November. Stakeholders were given short notice and the Liberals and the Greens were excluded from attending.

My office and Ms Hunter's office were debriefed by the executive director of ACTCOSS that afternoon, and I took a further briefing from officials yesterday afternoon. It is a bit telling that it took until yesterday afternoon to obtain the briefing that I was promised in this place and Ms Hunter was promised on 15 October. That was after considerable clamouring on my office's part to get that briefing. In the meantime, my office and I have been in contact with a range of the roundtable attendees. The views of most is that the meeting was of little help in terms of answering their concerns. Their concerns are widespread.

There generally is a view that the purpose of establishing the scheme is to improve the capacity of the sector to attract and retain staff. As I have said, they still believe that this will not make any difference. The main issues are still those that relate to the potential of the scheme to put additional financial pressure on the sector, particularly the smaller organisations, raising the potential for a call for supplementary funding from the government. The government has given no undertakings in this regard. Indeed, the feedback from the sector is that the government has rejected any possibility of additional funding.

There is potential for the scheme to result in increases in charges for services delivered by NGOs, particularly in the childcare sector. I am aware of one childcare centre that manages its long service leave commitments in such a way as to generate income for the organisation. This revenue is put into childcare services as a means of alleviating the cost of childcare. For this centre, not only will the cost of long service leave increase under the scheme, but they will also lose that revenue stream that they generate from their prudent management of their long service leave liability. This will result in increased costs at that childcare centre, and they are not the only childcare centre. Every childcare centre in the community sector in particular will see an increased cost of childcare as a result of this scheme.

Indeed, one person, in giving us feedback on the roundtable the other day, said that every answer began with "I think" and most of the questions were taken on notice. The question of financial support from the government for the increased cost and lost revenue that community sector organisations will face was not addressed at all. It is hardly conducive to allaying the concerns of the sector.

Let me reiterate what I said earlier: the community sector is not the same as the construction or the cleaning industry. These industries are commercial in nature; any increases in their costs of doing business are simply passed on to the customer. The community sector does not have that luxury. The effect of increased costs on the community sector usually means either reduced services or reduced staff, or both.

It has been clearly demonstrated to me that the government has not adequately addressed these issues. The portable long service leave scheme for the community sector, once introduced, will be almost impossible to unravel. It is crucially important, therefore, that we get it right before it starts.

It is interesting that really what we are being asked to do is pass this today and in the next six months between now and when this bill comes into operation take it on trust

that the government will get it right and that these organisations will not be out of pocket. I have taken on board the attitudes and concerns of the community sector and I have taken on board the in-principle support of ACTCOSS and the National Disability Service for the scheme and its aims. However, the clear message to me is that the sector is not yet ready to embrace and implement the scheme at no disadvantage to the sector.

There is anxiety and fear in the sector, and we will not support a scheme that creates that anxiety and fear. We will not support a scheme that creates anxiety and fear when these organisations' key role is to provide services usually to Canberra's most vulnerable people. The Canberra Liberals will not support this scheme until the Stanhope government addresses the concerns of the community sector; the Canberra Liberals will not support this scheme in isolation from a wider sector review; the Canberra Liberals will not vote to increase the costs of childcare to Canberra families.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (12.04): The ACT Greens will be supporting the Long Service Leave (Community Sector) Amendment Bill 2009, as this will mean a substantial improvement in the conditions of those working in the community sector.

The Greens have long been a strong advocate of those working in the community sector and understand acutely the vital services they provide. In fact, in the last sitting I moved a motion here in the Assembly to call on the government to commit to quarantining community organisations which provide assistance to people in poverty from the efficiency dividend measures in the 2010-11 budget. This motion was successful and this commitment will provide essential reassurance so that community organisations can effectively plan with a degree of certainty how they will assist people who seek their support and assistance into the next financial year.

The Greens understand that this bill is consistent with a key recommendation made by the ACT community sector task force in its 2006 report for the ACT government to legislate a mandatory portable long service leave scheme for the community sector. We also acknowledge that the government's reasons for the development of this particular scheme is a recognition of the increasing demand placed on the community sector's services and the impacts this has on its workforce.

The scheme will support community sector workers in a number of ways. It will protect the basic entitlement to long service leave for all community sector workers, even where this is accrued by service to multiple organisations, similar to government workers' entitlements to long service leave even if accrued by service in multiple government agencies. From the community sector workers' perspective, this scheme will provide them with a basic entitlement from which they have long been excluded. As a former community sector employee, let me say that it makes sense to me that the scheme will bring the sector one step closer to being a more attractive sector to be employed in. The introduction of a portable scheme will address the injustice and inequity the community sector workforce has experienced when compared to other sectors of the territory's workforce. The proposed scheme is supported by unions, workers and many community sector employers and is recognised as a basic industrial relations provision.

On 15 October this year, the former Minister for Industrial Relations, Mr Hargreaves, agreed to adjourn debate to address the concerns of the Greens and the opposition in relation to implementation of the scheme—so that the debate could proceed. Since this time, the now Minister for Industrial Relations has provided additional briefings to my office, to me and to community sector organisations. I thank the minister and the minister's staff for the assistance on this matter.

It is my understanding that a comprehensive list of community sector employees and representative organisations were invited to attend an additional briefing last week to allay concerns regarding additional costs to community sector employers as a result of the implementation of the scheme. It is also my understanding that this briefing was attended by the ACT Long Service Leave Authority; representatives of the Department of Disability, Housing and Community Services; and ministerial representatives.

Following the conclusion of this meeting, I arranged, through the representative peak body, the ACT Council of Social Service, for any groups that still held major concerns regarding the scheme to come and meet with me. It is my understanding that at the conclusion of the additional briefing the majority of concerns were addressed and an undertaking was given by the government to provide assistance through the Long Service Leave Authority to any organisation that requires help and support in implementing the scheme's requirements in their accounting practices and organisational structure. This hands-on practical assistance will be necessary to ensure that the scheme does not result in any loss of staff or services within the community sector.

In reflecting on that meeting, let me say that it is unfortunate that Mrs Dunne was unable to attend that meeting, but at the meeting with the ACT Council of Social Service she did have a staff member who heard a report back from that meeting.

I have spoken with many community organisations regarding the introduction of this scheme, and overwhelmingly they support the need to provide their employees with the same rights as employees in other sectors. However, these organisations are concerned that any additional costs to community sector employers as a result of the implementation of the scheme would place additional strain on an already stretched sector. The Greens understand that it is not the government's intention to have the community sector bear any of the costs of this scheme, and we would not support any cuts to community sector programs or staffing.

In relation to the greater question of an overall funding shortfall within the community sector, one way it is being addressed is through the industrial relations review of community organisations. It is important to note here that this is a result of a commitment that was given through the ALP-Greens parliamentary agreement to have a good look at wages and conditions and a number of other matters that have been issues for a long time as far as the ongoing viability of many community sector agencies is concerned.

Reform within the community sector is also being addressed through the federal Productivity Commission's review into the contribution of the not-for-profit sector.

The Greens are pleased to see that the federal workplace relations minister, Julia Gillard, has backed a case mounted by the Australian Services Union for an order lifting wages in the sector—so taking up a case with the new commission at the federal level to look at community sector wages.

The Greens have always supported increased entitlements for employees, and long service leave is a basic provision that all employees must be assured of. The Greens will continue to support reforms in the area of portable long service leave management and administration in the ACT, especially in areas such as the community sector that provide essential services to the community and areas that have often fallen behind in entitlement reform.

We have to understand that when we are looking at the community sector workforce we do need to be looking at those wages and conditions. Long service leave is only one factor. During my years working in the community sector, being part of a peak organisation and having regular meetings with other peak organisations, we identified, a number of years ago, that the discussion around the community sector was not about sustainability but about viability, and that we needed to get to the concerns around viability before we even started looking at sustainability. That was to do with buildings, equipment, wages and conditions, access to IT and a whole range of matters. Some of those things have been picked up. I do not think that they have been picked up as comprehensively as they need to be, but there has been some movement.

We then went on to have the community sector task force set up to look into a range of industrial matters. One of their recommendations was around a portable long service leave scheme, and that is what we are seeing here today as the result of work over a number of years looking at one matter around the importance of the community sector being able to recruit and retain staff within that sector.

For far too long we have seen people who have been working for community organisations who then—I do not, in any way, blame them—apply for a job in the ACT public service or the federal public service. When you are paid $15,000 to $20,000 a year more for doing the same job, of course you would be very tempted to take up that offer. We still have quite a way to go in valuing our community sector workforce in monetary terms. They provide an incredible range of services; they provide essential services. As we can see, over some years, particularly now with the global financial crisis, there has been increasing demand on those services. Quite frankly, at the moment, that demand is not being met, so we need to be looking at how we can ensure that the people of the ACT who need those support services and that assistance are not falling through the cracks—that we really are a territory, a place, that cares for all its people, including its most disadvantaged and its most vulnerable.

So there are ongoing issues. This is a longer term battle, in a way, that needs to continue, to ensure that we really do address all the issues within the community sector—as I said, ranging from industrial matters around wages, conditions and so forth right through to buildings, other sorts of equipment, IT assistance and so forth that they need in order to be able to run those services and provide quality services.

Today the Greens are supporting the legislation put forward. We see this as a step in the right direction—to acknowledge that the community sector workforce deserves

the same sorts of entitlements that other workers in other sectors, including the public service, have. It is incredibly important to do that.

I do note Mrs Dunne's comments around things like the rising costs of childcare and so forth, but I do not think that it is fair to say that community sector workers should continue to be disadvantaged because of the cost of services or issues around how those are going to be delivered. Let us deal with that issue separately. Let us not hold back and deny the community sector workforce an entitlement that many thousands of workers in the ACT have been able to access for a long time.

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (12.16): I would like to start by informing the Assembly that the ACT portable long service leave scheme is the first to be introduced in Australia for the community services sector. I thank the Greens for their support, but I note that the Liberals continue to ignore or fail to support the workers' rights. Whilst it is disappointing, it is certainly non-surprising.

The ACT government is dedicated to fostering a city in which the community sector and the government work together to ensure that all members of the community can contribute to and share the benefits of the community. As outlined in the social compact, the ACT government principles and undertaking aim to achieve a better relationship between these two sectors and provide a framework for strengthening the relationship between the government and the community sector.

The ACT government has continued to demonstrate its support to the community sector and build community capacity for vulnerable members of our community. We have provided specific support services and worked with our community partners to improve the lives of individuals in our community. The ACT government will continue to work with the community sector to address issues of sector sustainability within the dialogue model as articulated in the social compact.

The objectives of the ACT community sector task force were to suggest methods to improve the sector's industrial relations, its retention and sectoral capacity and information provisions on legislative requirements. In the 2006 *Towards a sustainable community services sector in the ACT* report, one of the task force recommendations was that the ACT government legislate a mandatory portable long service leave scheme for the community services sector.

The portable long service leave scheme for the community sector was an ACT government commitment in the 2008-09 budget. The purpose of the scheme is to assist organisations to retain valuable staff in the sector. The government has also honoured its commitment and continues to work to have this scheme implemented by 2010. The portable long service leave scheme will cover the childcare industry and community sector workers.

The implementation of a portable long service leave scheme for the ACT community services sector is intended to improve the retention of the community sector as a whole. The scheme recognises the nature of employment in the sector, which is

characterised by short-term employment, high mobility, and part-time and casual employment, as well as the various organisational structures, including for-profit, not-for-profit and ACT and commonwealth funded organisations. By enhancing existing workplace stability, the scheme will assist in reducing the risk of worker burnout and will aid retention.

This scheme addresses the sector's high degree of casualisation to benefit workers, by acknowledging and encouraging loyalty to the sector—not just one organisation—thus enhancing mobility and facilitating the creation of a sustainable career path. It will contribute to the development of career options for workers, helping to facilitate movement between organisations and potentially providing more variety in work opportunities and greater prospects for promotion.

The scheme will benefit not only workers but also employers. It is anticipated that savings will flow from reduced recruitment and training costs due to improved retention and enhanced sector sustainability. I expect that one-off transition costs will be balanced by medium-term savings realised through a more stable workforce.

Employees working in the sector under the current scheme may choose to stay with their employer to access their entitlement sooner, assisting employers in retaining staff.

There is a strong relationship between the community sector and the government which is demonstrated through the consultation process, joint policy work, funding arrangements and the development of new services and community initiatives. In the ACT the community sector workforce is a vital industry, performing critical health and community services and employing a significant portion of the workforce.

In October 2008, prior to the election, the government announced that, if re-elected, we would provide funding to support improved industrial relations advice to non-government organisations in the ACT. The government has since allocated $500,000 to review the adequacy of wages and conditions provided by community service organisations and to provide an improved industrial relations environment for non-government organisations in the ACT.

The ACT government is committed to implementing the portable long service leave scheme in the best interests of the community services sector and its employees. I expect that this scheme will support the community sector to attract and retain a skilled workforce that fosters a more sustainable community sector in the ACT. This will benefit the staff, their organisations and the vulnerable clients in the ACT whom they serve.

I would like to thank the community sector for their open dialogue, which has now led to stronger support for workers' rights. I would also like to take the opportunity to thank the departmental officers and officials who have worked on the legislation.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 8		Noes 3
Mr Barr	Ms Hunter	Mr Doszpot
Ms Bresnan	Ms Le Couteur	Mrs Dunne
Ms Burch	Mr Rattenbury	Mr Seselja
Mr Corbell	Mr Stanhope	

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 8, by leave, taken together and agreed to.

Clause 9.

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (12.25): Pursuant to standing order 182A(b), I seek leave to move an amendment in Ms Gallagher's name to this clause as it is minor and technical in nature.

Leave granted.

MS BURCH: I move amendment No 1 circulated in Ms Gallagher's name *[see schedule 1 at page 5010].*

I table a supplementary explanatory statement to the government amendment. This amendment removes paragraph (3) of clause 2A.7 of the bill to enable the Long Service Leave Authority to reimburse the employer after a total period of five years pre and post the scheme rather than after seven years, consistent with the 1976 act. Community sector organisations have expressed concerns about incurring a double payment where an employee is entitled to long service leave after five years and the organisation is required to make a payment. In order to make this administratively efficient, the government identified a need to remove paragraph (3) of clause 2A.7 of the bill to enable the authority to reimburse the employer after a total period of five years pre and post the scheme rather than after seven years, consistent with the 1976 act.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (12.27): It is the Greens' understanding that the removal of paragraph (3) of clause 2A.7, which is in section 9, is in response to concerns voiced by community sector employees regarding entitlement payments due before the commencement of the scheme and payments that will be due after commencement of the scheme. The sector communicated that this section of the act was unclear in its wording and unnecessarily confusing. Therefore the Greens will support the removal of paragraph (3) of clause 2A.7.

Amendment agreed to.

Clause 9, as amended, agreed to.

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

Bill, as amended, agreed to.

Sitting suspended from 12.28 pm to 2 pm.

Ministerial arrangements

MR STANHOPE: For the information of members, as I am sure they are aware, the Deputy Chief Minister, Treasurer and Minister for Health, Ms Katy Gallagher, is unable to be in the chamber for question time today. She is representing the territory at a ministerial council. I will be more than happy, if I am able, to take questions that might otherwise have been directed to Ms Gallagher.

Questions without notice
Hospitals—Calvary Public Hospital

MR SESELJA: My question is to the Chief Minister and relates to the Calvary hospital proposal. Minister, in the *Weekend Australian* of Saturday, 31 October 2009, it was reported that, at a meeting between you, the Minister for Health, Archbishop Mark Coleridge and Bishop Pat Power on 6 April this year, the ACT government made a number of threats in relation to the future funding of Calvary Public Hospital. Minister, did you or the Minister for Health discuss cutting funding or services or infrastructure at that meeting if the Little Company of Mary continued to run Calvary Public Hospital?

MR STANHOPE: I thank the Leader of the Opposition for the question. It gives me an opportunity to correct the record, as indeed the Minister for Health has done in a letter to the editor of the *Australian* in relation to the article by Angela Shanahan, whom one might refer to as a conservative columnist. I think that is the polite description of Ms Shanahan and her writings.

The claim by Ms Shanahan in that article that either I or Katy Gallagher or both of us threatened to cut funding or threatened anything in any way in the meeting with Archbishop Coleridge or Bishop Pat Power is simply not correct; it is false. Ms Shanahan did claim that there were minutes of the meeting and she purported in her article to base her allegations on what she claimed to be minutes of the meeting.

There were no minutes of the meeting. It transpires that a record of the meeting was made by a member, I believe, of the staff of Archbishop Coleridge but they were not minutes; they were a record. I understand that that record contained, at its end, essentially some musings by the archbishop’s note taker or interpretations by the archbishop’s note taker, of the context of the meeting.

The meeting was cordial; it was polite; it was, as one would expect, respectful; it was not threatening. It was a meeting at which the Minister for Health and I set out the ACT government's thinking and rationale behind the decision which the ACT government has taken in negotiations or consultation with the Little Company of Mary in relation to the possible sale and purchase of Calvary hospital and Clare Holland House. But to suggest that there were any threats is simply false, absolutely and unutterably false.

Ms Gallagher has, in a letter to the *Australian*, sought to correct the record. Ms Gallagher has also written to Archbishop Coleridge and asked Archbishop Coleridge for what purported to be minutes and, indeed, offered to meet with Archbishop Coleridge to discuss the allegations contained in Ms Shanahan's article and to refute them. I understand that that meeting will occur next week.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Thank you, Mr Speaker. Minister, why are there no minutes of this meeting, and is it usual practice for the government to not have minutes of a meeting to discuss such an important issue?

MR STANHOPE: Yes, it is usual practice not to have a note taker or a tape recorder or to have minutes of all meetings. I would think, indeed, that it would be the exception for minutes to be kept, although, having regard to this rather unfortunate incident, this apparent breakdown in communication and this difference in recollection, Ms Gallagher has advised me that, with great regret, there will be a note taker and minutes of next week's meeting with Archbishop Coleridge.

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: Chief Minister, did you or the minister for health raise the possibility of the government establishing its own public hospital in competition with Calvary if the sale did not proceed?

MR STANHOPE: At the meeting—a meeting which was sought by Archbishop Coleridge and which the minister for health and I were more than happy to participate in to further and better explain; and I understand that a number of further meetings have been held with representatives of the archbishop, the church, Calvary hospital, the Little Company of Mary and Clare Holland House subsequently to continue to consult with and to provide information, to explain and to seek to explain and articulate the ACT government's position or preference in relation to ownership arrangements for the ACT's second public hospital—there was a broad-ranging discussion on the sorts of considerations, the range of considerations, that the ACT government has taken into account in coming to a conclusion that it is in the best interests of public health delivery in the ACT for the ACT government to own and to manage our two public hospitals.

In the context of that, there was a discussion—as I say, a broad-ranging discussion—about the efficiencies to be achieved through a seamless single system of administration and governance. Of course, we are all aware of the need for efficiencies in health as a result of incrementally increasing costs.

In that context, there was a broad-ranging discussion about the difficulties that the ACT government faces in the context of its billion-dollar proposal to continue to fund—

Mr Hanson: Mr Speaker—

MR SPEAKER: Order, Mr Stanhope! Stop the clock, please.

Mr Hanson: Mr Speaker, the question was specifically about whether the Chief Minister or the minister for health raised the issue of a third hospital being built in competition with Calvary. The Chief Minister has not got to that point.

MR SPEAKER: Chief Minister, could you come to the question in your remaining 17 seconds.

MR STANHOPE: Thank you. I was seeking to provide a full answer, but there is no misunderstanding that we discussed the full range of issues and considerations that the ACT government has taken into account in coming to the position it has come to around the desirability of us owning and operating both of our public hospitals and the difficulties we faced in investing in infrastructure which we did not own. *(Time expired.)*

MR SPEAKER: A supplementary question, Mrs Dunne?

MRS DUNNE: Chief Minister, did you or the Deputy Chief Minister at any stage intimate to Archbishop Coleridge and Bishop Power that the ACT government might respond aggressively to a save the hospital campaign, and did you or the Deputy Chief Minister keep a record of that meeting afterwards?

MR STANHOPE: The answer to the first question is no. On behalf of myself, the answer to the second question is no, but I cannot, of course, speak for the Minister for Health. The meeting was cordial and productive, as you would expect, and is always the case with meetings that I hold, most particularly with an archbishop and a bishop. The meeting was respectful; the meeting was cordial; the meeting was professional; the meeting was not aggressive. There were no threats.

The Minister for Health has responded to each of those rather outrageous allegations by Ms Angela Shanahan. I think if you were to ask Archbishop Coleridge, or, indeed, Bishop Power of their recollections of the meetings, you would ask Archbishop Coleridge and Bishop Power whether they had any concerns with any aspects of the meeting or the tone of the meeting or my demeanour or that of the Minister for Health, and I am sure you would be satisfied with the answer that I have just given as being the truth and the absolute, unequivocal truth.

Children—kinship carers

MS HUNTER: My question is to the minister for children and young people. Minister, my question is again about kinship carers. In question time on Tuesday this

week, you did not answer my question about how the $800,000 promised for grandparent support services, including kinship carers, in the ALP 2008 election commitments is being spent or distributed. Minister, how is this money being spent, including the group or groups receiving the funding and the services they are delivering.

MS BURCH: I thank Ms Hunter for her question in regard to funding for kinship carers. We have at October 2009 just under 500 children and young people in out-of-home care, of which 237 are in kinship care placements, 40 in residential care and nine on individual support packages. Placements of children in care are through Marymead, Barnados, Galilee and Life Without Barriers. We also operate Aboriginal and Torres Strait Islander kinship—

Ms Hunter: I raise a point of order, Mr Speaker. I do realise that Ms Burch may be giving some background, but I really want her to get to the heart of the question, which is around the $800,000 that was an ALP election commitment and how that money is being spent—the groups and the programs.

MR SPEAKER: Thank you. Ms Burch.

MS BURCH: I will go to the out-of-home care, which is probably where a significant part of that funding is going to, and at the end of this, Ms Hunter, I can provide more detail for you as well. I am quite happy for my office to give you that information.

Mr Seselja: To the Assembly, not to any individual.

MR SPEAKER: Ms Burch, continue.

MS BURCH: We provide direct out-of-home support to Indigenous fosters in kinship groups. I am struggling to read this and probably answer your question directly, Ms Hunter.

Ms Hunter: I am happy for you to take it on notice.

MS BURCH: I will take it on notice. Thank you.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Yes, thank you. Minister, I look forward to getting those figures. In the meantime, what is being done to provide advice and information to kinship carers about their entitlements and programs that you might be aware of that are making their lives a little easier?

MS BURCH: Thank you for the question. We are committed to strengthening information on support networks for kin grandparents and kin carers. An ACT kinship representative group has recently been formed, and a kin and grandparents support group has been established in north Canberra. We will continue to work to support kinship carers. Given that 60 per cent of kinship carers are looking after children who are in care under the chief executive, it is important that we are in the loop, that we

support them and that we make sure that kinship carers, and indeed anyone caring for our vulnerable children, are aware of their entitlements and other support structures that they are free to access.

MR SPEAKER: A supplementary question, Mrs Dunne?

MRS DUNNE: Minister, how will you be providing assistance to kinship carers, especially grandparents, who are often old age pensioners? You have talked about committees and organisations, but what practical assistance will be given?

MS BURCH: Thank you for the question. The information that I can say is that carers are eligible to access payments in addition to weekly subsidies that are approved and part of a care plan, such as childcare and school holiday programs. In 2009, the standard foster and kinship subsidy for 12 and 14-year-olds was close to $200 and $587 for the same aged children in special foster care. This subsidy is non-taxable and is increased annually. The out-of-home care framework for 2009-12 provides for an increase in subsidy payments for all carers, and includes prepayment of a number of items currently claimed as contingencies. This framework is implemented now and follows requests from the submission process. That demonstrates that we are, indeed, talking with the sector and responding to their concerns.

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Minister, what programs are in place to reduce the number of children in the care of the chief executive?

MS BURCH: We provide a range of services that support children in care, whether it is through foster care or kinship group arrangements. There are also processes and programs for those vulnerable who could be exposed to risk of homelessness and family violence. I am quite happy, given that you consider this portfolio to be a light load and maybe you have paid no attention to it, to provide a full list of programs.

Planning—Crace

MS LE COUTEUR: My question is to the Chief Minister and concerns the LDA's joint venture in Crace. Minister, the terrace houses there are being sold under community title. What are the issues with this, which is an unusual form of land title for the ACT, and is it to save TAMS the long-term costs of maintenance of what would otherwise be public spaces?

MR STANHOPE: I thank Ms Le Couteur for the question. It certainly is the case that community title is not all that common, although I believe just in recent times there are a number of developments now where the option or possibility of community title is being pursued by developers.

Ms Le Couteur, to allay your concerns about this being some sort of government push or policy, my understanding is that the decision to develop or pursue community title in Crace—and I believe it is being pursued by other developers in other places as well—has not been initiated by the government, by TAMS or, indeed, by ACTPLA or

the LDA. It is a development method or possibility that is being proposed by the developer. In a couple of instances that I am aware of, we are happy to seek to facilitate that.

It may be that some of the implications that are longer term will be a reduction in the need for TAMS to provide that maintenance. But, Ms Le Couteur, I am not aware that the decision by some developers to pursue developments through community title is being pursued or agitated for by government. I am not aware of that particular development that you raise or the history of that. I will, now that you have asked about that particular development at Crace, take specific advice on it and determine whether or not there was, or what level of government involvement there has been, in it and I will report back to you on that. I will take specific advice on that particular development, but I have been engaged in some other discussions in relation to other developments where the developer has pursued community title of his own volition, and pursued it strongly. Indeed, there has been some resistance by government agencies to granting or actually pursuing community title.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Minister, the Crace sales documentation says:

> Most of the urban terraces have been designed to sit approximately 15 degrees to the right of E/W …

Why are they not orientated to face north?

MR STANHOPE: I must say that I am aware of your strong interest in issues around solar orientation. I have sought to keep up with you in relation to interest on this subject, but I do not know the answer to that question in relation to this development. Once again, I am more than happy to seek an explanation for the siting decisions that were taken by the developer and approved in relation to the development. I am more than happy to look into it and to convey that information to you.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Why does the sales documentation for the Crace development state there will be no public housing?

Mr Corbell: On a point of order, Mr Speaker: the initial question was about community title in relation to the Crace development. We are now going across a whole range of other matters. I would have thought that the standing orders require a high level of specificity in terms of consistency between the original question and the supplementary question. It seems to me it is getting a little bit broad.

Ms Bresnan: On the point of order, Mr Speaker: we are talking about the Crace development. The two questions that both Ms Le Couteur and I have asked are specifically about the Crace development and, therefore, are relevant.

Mr Corbell: It was about community title.

Ms Hunter: It was about the Crace development, concern for the LDA's joint venture in Crace.

MR SPEAKER: Order!

MR STANHOPE: We will look forward to your intervention next time we take a point of order on this subject, Ms Hunter, following that interjection. We are sure we will receive it. Next time we ask a question about financing the Cotter dam, it will be taken as a question relevant to the Deloitte report, perhaps.

Mr Hanson: Was that the sort of threatening language you used to the archbishop, Jon? Was that the tone?

MR STANHOPE: It is all about my tone, is it?

Mr Hanson: We saw what you just did then?

MR STANHOPE: I asked a question, a very relevant point. In the context of decisions taken about public housing, once again, Ms Bresnan, I must say that I cannot recall that particular subject ever having been raised with me or coming across my desk. But I am more than happy to seek a response to the decision taken in relation to Crace and the housing mix that would be part and parcel of that development. I simply do not know the answer.

I am not aware that it has ever been something that has come into my mind. But, in the context of our public housing program and the growth of public housing and our policies in relation to the spread of public housing throughout the ACT, I will have to take some advice. I will take a briefing. I am more than happy to fully brief you on that and perhaps on overarching strategies in relation to decisions around the location of public housing in the territory.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Thank you, Mr Speaker. Chief Minister, could you please elaborate on how the Crace joint development will be carbon neutral and will it be a requirement of future LDA joint ventures to be carbon neutral?

Mr Stanhope: Thank you, Ms Hunter. This is interesting. If the subject is Crace, you can ask anything. Can we ask about trees in Crace?

MR SPEAKER: Do you want to take a point of order, Mr Stanhope, or are you answering the question?

Mr Stanhope: Actually this is a point of order. So that we better understand and we will not come into conflict in relation to these supplementary questions, there were four questions—one on public housing, one on carbon neutrality, one on community title and one on solar orientation. But because all the questions are on solar orientation, public housing, community title in Crace—

Mr Seselja: Is this a speech, Mr Speaker, or is it a point of order?

MR SPEAKER: It is a point of order.

Mr Stanhope: Could you, on this point of order, expand on this? I go back and ask you to refresh yourself in relation to a supplementary question that was asked by Ms Porter yesterday in relation to financing of the Cotter Dam and it was ruled out of order because it did not go specifically to the Deloitte report which was also about the Cotter Dam.

MR SPEAKER: Thank you, Mr Stanhope. My ruling on this question has been that I consider that the line of questioning has been around Crace. I have said that I think that is within the realms—

Mr Corbell: On the point of order—

MR SPEAKER: Mr Corbell, sit down. I am giving my ruling. My ruling is that these are a series of questions relating to the original topic, which was around Crace. I will give you an undertaking, Mr Stanhope, as it clearly exercises your mind, that I will go back and review the *Hansard* of yesterday. I will continue to try to implement the rules as consistently as I can.

Mr Corbell: When you are considering that matter, can I ask that you reflect particularly on your rulings yesterday—

Mr Coe: Move dissent if you do not like it.

Mr Corbell: I am just asking for the Speaker to take into account another matter, which is: yesterday and earlier this week, you ruled out of order a number of questions—

Mr Hanson: Didn't the Speaker already make a ruling?

Mr Corbell: Yesterday, you ruled out of order a question from Ms Porter about the Cotter Dam because it did not relate directly to the Deloitte report on the Cotter Dam project. Clearly, the general range of questioning was about the Cotter Dam but you took the view—and I am not dissenting from your ruling—that it was a specific range of questioning about the Deloitte report on the Cotter Dam. Today, the ruling has been that, as long as it is about Crace, it is consistent. I would be grateful if you could compare that decision making when you take into account the matters Mr Stanhope has raised with you this afternoon.

MR SPEAKER: Thank you, Mr Corbell. Mr Stanhope, you have the floor.

MR STANHOPE: Thank you, Mr Speaker. I do thank Ms Hunter for the question. I am more than happy to actually take it on notice and provide an answer. Our interest in this is just to better understand the new standing orders in relation to supplementary questions and I hope we can do that. I think this range of questions today provides

a very interesting precedent for the future for each of us in relation to supplementary questions. I am more than happy, Ms Hunter, to take your question on climate change, as it relates to Crace, on notice.

Hospitals—Clare Holland House

MR HANSON: My question is to the Chief Minister. Chief Minister, can you advise who first put forward the proposal to transfer ownership of Clare Holland House to the Little Company of Mary? Was it the government or the Little Company of Mary?

MR STANHOPE: I do not have a time line in relation to that but it was in the context of this important issue, an issue that is very important to the future of public healthcare delivery in the ACT. There is no more important issue for the people of Canberra or indeed for government in the context of the overarching, fundamental importance of health, healthcare delivery and our capacity to maintain a system that meets the needs of the people of the ACT, and the government has a vision for achieving that and it is a vision which is essentially based on a $1 billion commitment to an upgrade of infrastructure within our health system within the ACT. It is a vision that requires, for us to meet what we would hope to achieve, somewhere in the order of a $200 million investment in Calvary hospital.

As we look at how we can continue to improve and manage the public health needs of people in the ACT, of course we have focused on the role that the Calvary hospital plays, and the government entered into negotiations with the Little Company of Mary. They are discussions or negotiations that have been held at different times over the last four to five, or even more, years. But in the context of these most recent negotiations or discussions I cannot say, because I was not there—it may be that the Minister for Health was not there, but certainly her officials would have been—at the table at which the issue was first raised. I am not able to say; I am not sure whether it is a matter that is recorded.

Mr Seselja: Are you going to take it on notice?

MR HANSON: Will you take that on notice, Chief Minister?

MR STANHOPE: I am more than happy to take it on notice, to see who it was around the table or in correspondence who first said, "And, by the way, we would like to discuss"—that is the Little Company of Mary—"our continued commitment to the provision of public palliative services for the people of the ACT and we believe our capacity as pre-eminent providers of palliative care would be assisted in terms of a long-term guarantee of service if we owned Clare Holland House as the providers of palliative care services through Clare Holland House for the people of the ACT." I do not know who first raised it.

But let me say that the ACT government has been more than happy to engage with the Little Company of Mary in a conversation around that possibility. Indeed, as members of this place know and as the community know, the ACT government has been more than happy to entertain the proposal that the Little Company of Mary purchase the building, the infrastructure, Clare Holland House, just as the Little Company of Mary

has indicated through the agreements reached to date, the agreements in principle, that it is happy to contemplate the sale of the fabric of Calvary Public Hospital to the ACT government.

They are positions that I am supportive of. I am a long-time member of the Palliative Care Society—indeed a past president of the ACT Hospice Palliative Care Society—and as a long-term member of the Palliative Care Society I am supportive of the proposal. I am supportive as Chief Minister and I am supportive as a member of the society. I am supportive as a past president of the ACT Hospice Palliative Care Society of the ACT. I am supportive as the president that led the community campaign to have a hospice established for the ACT.

I have to say that for me perhaps the most fulfilling achievement of my non-political life was the campaign which I managed and led to have the hospice established for the people of the ACT. *(Time expired.)*

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: Chief Minister, what considerations led the government to agree to transferring ownership of the hospice to the Little Company of Mary?

MR STANHOPE: The considerations that are relevant are that the Little Company of Mary is recognised internationally as perhaps the pre-eminent provider of palliative care services or services for the terminally ill within our communities. It is the pre-eminent international provider of palliative care services. I do not think anybody who has had an association with palliative or hospice care would dispute that. The Little Company of Mary's mission, as established by Mary Potter, was to care for the dying within our communities.

Mr Hanson: The sick and dying, if you read it.

MR STANHOPE: The order was established with an explicit purpose to support—

Mr Hanson: The sick and dying.

MR STANHOPE: You are being incredibly disrespectful to Mary Potter, to the Little Company of Mary and to the hospice movement.

Mr Hanson: How? Because I correct you on the mission of the Little Company of Mary, which you got wrong?

MR STANHOPE: I am answering your question—

Mr Hanson: How is that disrespectful?

MR STANHOPE: Is it not the case that the Little Company of Mary was established by Mary Potter to care for the needs of the dying?

Mr Hanson: Don't they do that well?

MR STANHOPE: It may have a range of other missions—part of its mission is to run public hospitals—but it was established with an explicit purpose, among many, to care for the dying. It has an internationally regarded reputation.

Mr Hanson: Is that why you want to purchase Calvary, because they don't do so well? How disrespectful of you!

MR SPEAKER: Mr Hanson!

MR STANHOPE: Thank you, Mr Speaker. I do not think I have ever heard such an outrageous outburst by a member of a parliament in the context of a religious order, an order devoted to the care of the dying, and for me to be shouted down by Mr Hanson is just incredibly disrespectful of that order. I am explaining the mission—

Mr Hanson: You are limiting the scope of what they do. They care for the sick and the dying and you are trying to limit their mission for the sake of your argument.

MR STANHOPE: Mr Hanson asked his question but he does not want an answer. He does not want me to answer why it is that the government believes that the Little Company of Mary, with its particular mission to care for the dying, might actually enhance its reputation and capacity to do that if it owned Clare Holland House. That is what I am doing.

Mr Hanson: You will use anything to try to make a political point.

MR STANHOPE: That is quite remarkable. I am asked a question by Mr Hanson and have been shouted down for the entire time that I have been speaking. (*Time expired.)*

MR SPEAKER: A supplementary question, Ms Bresnan?

MS BRESNAN: Thank you, Mr Speaker. What is being done by the ACT government to address the significant concerns that are being raised by groups such as the ACT Palliative Care Society regarding the sale of the hospice?

MR STANHOPE: I thank Ms Bresnan for the question. I am acutely aware of the concerns raised by the Hospice and Palliative Care Society. It is an issue in which I have a deep and abiding interest. The government have had a number of consultations and meetings with the Hospice and Palliative Care Society over the last few months, and have asked the Hospice and Palliative Care Society to set out, in detail and fully, all of the society's concerns in relation to the possible transfer of ownership. They have raised upwards of a dozen issues with both the ACT government and the Little Company of Mary. Not all of the issues raised are issues that the ACT government has the capacity to respond to on its own. But with respect to each of the very legitimate and significant issues that has been raised by the Hospice and Palliative Care Society with the ACT government, the ACT government has responded as fully as possible to each and every one of the issues that has been raised with us.

Indeed, in correspondence to the government as far back as June this year, the president of the Hospice and Palliative Care Society indicated that those issues have

been resolved substantially to the satisfaction of the Hospice and Palliative Care Society. I believe in that initial list of issues raised there were nine issues raised by the hospice society. The government, in consultation with the Little Company of Mary, has responded in detail to each and every one of them to the extent that we believe the response deals with the concern absolutely and should leave the Hospice and Palliative Care Society with a degree of comfort in relation to the transfer. We are happy to continue that discussion and continue to make those commitments. *(Time expired.)*

National Multicultural Festival—cost

MR DOSZPOT: My question is to the Minister for Multicultural Affairs. Minister, the Multicultural Festival ran for 10 days in 2009. Following a cost blow-out, the festival now will be slashed to only 2½ days in 2010. In addition, the cost for a stall—a six metre by three metre commercial stall—will increase to $2,500. Why has such a massive increase been imposed?

MS BURCH: I thank Mr Doszpot for the question. Again, I am pleased that those on the other side are showing an interest, given that earlier in the week they considered it a light load and somewhat beyond their consideration.

Yes, the festival for this year will indeed be a shortened festival. It will run from 5 February to 7 February. There is a smaller budget, a budget that will be managed within budget and delivered within budget this year. The proposed program is still being finalised. The condensed program will still include signature events such as Carnival in the City, the Food and Dance Spectacular, the Greek Glendi and the Chinese New Year. Other programs—consideration may also be given to see how we include the bicentenary of Latin American independence and India in the City.

We have looked at evaluations of previous festivals. That has shown that people are keen to see the retention of those signature events, which we will do, over the three days as opposed to over the 10 days. It is around delivering a cross-cultural experience for all participants. Also part of this year's festival is the slice-off of the fringe festival, which will go over to the Folk Festival.

Indeed, they have increased costs of the stalls—increased with indexation, I have been advised. The community group costs are still within—

Members interjecting—

MR SPEAKER: Order! The minister is giving information.

MS BURCH: The cost structures to the stalls, it is my understanding, for community groups are quite different from those of the commercial operators.

Mr Seselja: What about the commercials? Why are they so high?

Mr Barr: You don't think they should pay—

Mr Seselja interjecting—

MR SPEAKER: Order! Ms Burch has the floor.

MS BURCH: I am quite happy to bring back to the Assembly the full cost of all stalls.

Mr Hanson: Why? We know the costs.

Mr Doszpot: There is a shorter time frame for people to make money.

MR SPEAKER: Order! If you want a question, you can stand up and ask it.

MS BURCH: That is right. I will bring that advice back to you.

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: Thank you, Mr Speaker. Is the government relying on commercial and community groups to recoup the funds lost as a result of the cost blow-out of the festival?

MS BURCH: The short answer is no. Sponsorship is coming in to the festival. We have a government budget for the festival and we are not calling on the festival to be underwritten, as you are trying to imply, by the community sector.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Minister, what is the anticipated revenue from the festival in 2010?

MS BURCH: Thank you for the question. We have a firm budget or funding of $418,000. If the question relates to the income from stalls, I have to bring that information back. We have a number of stalls that are available. Depending on the number that is picked up and the balance between commercial stalls and community stalls, that figure is yet to be determined.

Galilee day program—funding

MR COE: My question is to the Minister for Community Services, Ms Burch. Minister, organisations such as Galilee play an important role in providing support for young people who have disengaged from learning. The Galilee day program is an alternative education program for young people in substitute care who are not attending school. Minister, will you guarantee that funding for the Galilee day program in particular will not be withdrawn by the Office of Children, Youth and Family Support?

MS BURCH: Thank you for the question, and do bear with me while I just try and find some information that I have on that, which seems to be escaping me just at the minute. Can you repeat the question, so I might be able to—

MR COE: The final part was: minister, will you guarantee that funding for the Galilee day program in particular will not be withdrawn by the Office of Children, Youth and Family Support?

MS BURCH: Thank you for that question, and I do have some information around Galilee, as soon as I can find it. Sorry, do forgive me. I mean, I have been minister for this for two days. There has been agreement between Galilee and the department over a number of months and a written exchange of information. Indeed, from September an agreement was reached that the program may, indeed, cease at the end of December, enabling the completion of this calendar year. That decision has come as a result of ongoing communication between Galilee and the government. It is around Galilee being agreeable that the program is not, indeed, meeting the targets, and they have been supportive of the cessation of this program.

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Yes, Mr Speaker. Is there a risk of the withdrawal of funding to any program funded by OCYFS that provides educational support for students at risk?

MS BURCH: The question was around ceasing funding for programs?

Mr Coe: Correct.

MS BURCH: As I have just said on this particular program, which is the only program that I have in front of me for which we are actually ceasing funding, it is in agreement with the service provider, because the service provider has recognised that it has not been meeting its target—it has not been meeting the agreements under the contract. It has agreed, in discussion with the department, to end the program.

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: Minister, what impact would a withdrawal of funding have on the young people that the Galilee day program helps?

MS BURCH: I thank Mr Doszpot for his question. Again, I repeat: it is pleasing that the light-load Liberals over there have an interest in the vulnerable in our community. As to the impact of the cessation of this program, given that we have had ongoing discussions with Galilee and that these children then will be supported and allocated to other support programs and structures, I would imagine that the department sees no disadvantage to these children, because they will be picked up across a range of other programs. As I have indicated to Mr Coe, in their newly found interest, I am quite happy to bring to them and to this group a list of programs available.

Home-based palliative care

MS BRESNAN: My question is to the Minister for Health and is in regard to home-based palliative care. It has been suggested that the ACT used to have some 15 full-time staff employed to provide home-based palliative care services. The ACT now apparently only has about half that number and staff are no longer hands-on as they act only as a consultancy service. Could you please advise why there has been a reduction in home-based palliative care services and whether it was the ACT government or LCM that made the decision to cut those services?

MR STANHOPE: I thank Ms Bresnan for her question. I should perhaps declare that one of those 15 full-time palliative care nurses was my wife who was, for 15 years, a specialist palliative care provider. I have some understanding, I must say not through my brief—and I presume there is a brief here for the Minister for Health in relation to this issue—and I have some anecdotal understanding or knowledge of the particular issue.

There was a change in process or procedure. The model of palliative care delivery changed. It changed from full-time providers. I do indicate that one of those was my wife. I declare something of a personal interest in this, to be full and open to the Assembly in relation to that. The system changed. A new model of service delivery for palliative care was determined. The system now is more expansive; it is more holistic; and it embraces palliative care consultants providing assistance and guidance and specialist guidance to community nurses, aged care providers and GPs, to ensure that palliative care is provided to the broader community holistically and as a specialist service as broadly as possible.

Palliative care is a relatively new speciality. It has only been a speciality offered by health systems for the last 30 or so years. As our understanding as a community and, indeed, as medical providers has grown and changed, we have changed the method or model of delivery of that particular service within our community. The decision has been taken by our health department, officials and, indeed, in consultation with the Little Company of Mary as a pre-eminent provider of hospice palliative care services within the hospice setting that, in the delivery of outreach services or home-based services, a new model would be supported within the ACT.

I do not know, I regret, some of those internal health decision-making processes—who instigated it, who led it and who drove the change from the full-time palliative care specialist provider to a model of consultant-based model that we now see. But there have been some tremendous advantages for the community as a result of the new method or methodology.

I am sure my mother-in-law would forgive me—she died four weeks ago in a nursing home—if I refer to the fact that for the last week of her life she received palliative care services delivered through an outreach service without the need for the daily attendance of highly specialised, specialist palliative care nurse. She received all of the palliation that she required before her death—a good death, a death of dignity—as a result of the consultant-driven model that now prevails throughout the whole of the ACT.

It is an important question. There is no more important question, I think, of the government in a policy sense today, this week or next week than that involving the possible purchase of Calvary and the possible or potential sale of Clare Holland House. I will expedite a departmental response to the specifics of your question.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Thank you, Mr Speaker. Will the Minister also please advise what the actual figures are for when staff numbers were at their highest and what they are now?

MR STANHOPE: I will have to take that on notice, as I am sure you will appreciate. I am more than happy to do that. Indeed, I am more than happy in relation to this quite complex issue that we as an Assembly, a government and a community are involved in to say that the government stands ready to provide any member of this place with any information on any aspect of this particular issue that they wish or desire. We will seek to provide that information in an expedited way.

MR SPEAKER: A supplementary question, Ms Le Couteur?

MS LE COUTEUR: Thank you, Mr Speaker. Minister, is it the case that some clients are receiving home-based palliative care because they are waiting to get into the hospice?

MR STANHOPE: That is not my understanding. Once again, I do not have the day-to-day management of this, as you are aware. I regret that Ms Gallagher is not here today. I could perhaps go through these briefs and find it, but I do not have the advantage of day-to-day briefings or information in relation to numbers and occupancy at Clare Holland House. We have now expanded the hospice to 19 individual rooms or beds. I know it does operate at a very high occupancy rate, but it is not my understanding that it is full, or always full—although, of course, in relation to any facility, there will be times when perhaps there will not be a bed available. But my understanding is certainly not that there is significant pressure on beds or bed numbers at the hospice.

With respect to the choice which many people make now, I was advised this morning, in a briefing on the hospice, that the continuing trend in relation to palliative care is for more and more people proportionately to choose to receive palliative care in their homes. The strong desire of the majority of Canberrans is to die at home. Indeed, I was advised this morning, but I did not receive numbers, in relation to the trend. I was advised this morning that the trend continues to be away from the hospice to the home and to receive palliative care at home through the wonderful outreach services that are provided under the new model which is more expansive and which is inclusive of community nurses, GPs and, indeed, nurses working within the aged-care setting.

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: Chief Minister, are you aware of the views of the palliative care nursing staff, as represented by the Australian Nursing Federation, with regard to the proposal to sell Clare Holland House, and can you guarantee there will be no change to any employment conditions for palliative care nurses as a result of the transfer of ownership to the Little Company of Mary?

MR STANHOPE: Certainly the government is very aware of concerns, understandable concerns, of staff at Clare Holland House who are currently employed as public servants in relation to a continuation of their terms and conditions. The minister and her department have had detailed discussions, which the minister intends to continue, with those staff about their concerns. I believe she has a further meeting scheduled for next week with staff. In the context of that, we are aware of that

concern. There is always concern in relation to change, particularly change in relation to industrial status. But the government has committed that every single member of the public service employed at Clare Holland House will have an enduring right of re-entry without loss of any condition to the ACT public service—an enduring right of return; a return at any time they choose in their working career.

The Little Company of Mary has made a commitment that the terms and conditions of all currently employed public servants at Clare Holland House will be maintained by the Little Company of Mary. That is an undertaking made by the Little Company of Mary. The government, in its response, has undertaken to ensure an enduring right of re-entry to the ACT public service. We are well aware of these concerns, and we have done everything within our power to deal with them.

Childcare—fees

MRS DUNNE: Mr Speaker, my question is to the Minister for Disability, Housing and Community Services. Minister, many community organisations in Canberra operate childcare facilities. What impact will the extension of the portable long service leave have on childcare fees?

MS BURCH: I thank Mrs Dunne. I noticed that she raised that concern during the debate in which the Liberal Party did not support the community sector, did not support the portable long service leave of the community sector. You raised that this would be an impost on increased childcare based on a conversation that you have had with one provider. That is my understanding.

The government does not see that it will result in increased costs over the long term. The government is providing transitional support to the sector. I would imagine that that would accommodate any impost on the immediate implementation.

MRS DUNNE: I have a supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what modelling has the government done on the impact of the increased childcare fees on working families resulting from the extension of the portable long service leave, and what studies have you done to satisfy yourself that, according to you, there will be no cost increase?

MS BURCH: Thank you for the question. I do not have that information in front of me. I understand a lot of work has been done, so I am quite happy to take that on notice and to bring that information back. But I do not support that this will impost significantly on families and community. This portable long service leave is around supporting the sector. It is about supporting workers' rights and entitlements, and that is something that I will support. This government is supporting transitional support. The non-government sector welcomes this portable long service leave.

Going back to your question around what advice, what research, what activity, we have done to consider the cost implications of this, I will bring that information back.

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: Minister, what government assistance will childcare facilities need to cover the impact of portable long service leave on the sector?

MS BURCH: Outside of the transitional support which we have committed to provide to the non-government sector, I do not believe that there is the need for ongoing support. This is an entitlement that every worker is entitled to. It is factored into all the financial arrangements. Organisations are responsible for ensuring workers' entitlements are met, end of line, and they have to be factored into their ongoing operational costs. It is basic, straightforward, human resource and organisational management.

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

Supplementary answer to question without notice
WorkCover

MR CORBELL: Mr Speaker, yesterday Ms Bresnan asked me a question in relation to the review that I have commissioned of ACT WorkCover. I undertook to provide a copy of the terms of reference of that review and I table that paper now for the information of members:

> ACT WorkCover Review 2009—Terms of reference—Answer to question taken on notice from Ms Bresnan yesterday.

Water security—proposed select committee

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (2.56): Pursuant to a resolution of the Assembly of 15 October this year in relation to the production of documents by Actew Corporation relating to the development and review of costs for the enlarged Cotter Dam, an element of that resolution was that the government provide advice to the Assembly in relation to legal advice regarding the possible release to members of the target out-turn cost documentation and the program alliance agreement for the bulk water program. I provide, consistent with that resolution, correspondence I have received from Actew Corporation outlining the legal position. I table the following paper:

> Canberra's Major Water Security Projects—Select Committee—Proposed Establishment—Enlarged Cotter Dam Project—Resolution of the Assembly of 15 October 2009—Letter to the Minister for the Environment, Climate Change and Water from Mr Mark Sullivan, Managing Director, ACTEW Corporation, dated 30 October 2009.

Assistant Speaker
Revocation of nomination and nomination

MR SPEAKER: Members, pursuant to standing order 8, I now table a document that revokes the nomination of Ms Burch as an Assistant Speaker and nominate Mr Hargreaves. I present the warrant of revocation and nomination:

Pursuant to the provisions of standing order 8, I—

1. revoke the nomination of Ms Burch as an Assistant Speaker, and
2. nominate Mr Hargreaves to act as an Assistant Speaker.

Given under my hand on 12 November 2009.

Shane Rattenbury, MLA
Speaker
12 November 2009

Papers

Mr Stanhope presented the following paper:

Administrative Arrangements—

Administrative Arrangements 2009 (No 2)—Notifiable Instrument NI2009-561, dated 9 November 2009.

Australian Capital Territory (Self-Government) Ministerial Appointment 2009 (No 2)—Notifiable Instrument NI2009-562 (Special Gazette No S4, Tuesday 10 November, 2009).

Mr Barr presented the following paper:

Education Act, pursuant to section 118A—Non-Government Schools Education Council—Advice on ACT Budget Considerations for 2010-2011, dated 28 September 2009.

Planning—parliamentary triangle
Discussion of matter of public importance

MR SPEAKER: I have received letters from Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Ms Hunter, Ms Le Couteur and Mr Seselja proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Ms Le Couteur be submitted to the Assembly, namely:

Developments on the parliamentary triangle and their impacts on the ACT.

MS LE COUTEUR (Molonglo) (2.58): Mr Speaker, the original reason that I thought of the parliamentary triangle as a topic for a matter of public importance was to speak specifically about the ASIO building. But then I thought, well, in fact there

are a lot of things that happen in the parliamentary triangle which do impact upon the ACT and so I have made the subject broader so that other contributions can be about things other than the ASIO building.

It is easy for us who are residents of Canberra who are not federal public servants to forget that what we live in is actually the national capital. We think we live in our home town, our city that we love and we are trying to improve it and to live our lives quite separately from what goes on at the big house on the hill. We tend to forget that Canberra would not exist as the city it is, or in fact possibly exist at all, if it was not the capital of Australia. Our planned city is due to the fact it was created to house the parliament of Australia and the public service.

The rest of Australia thinks of Canberra not as a city which has living, breathing human beings in it but as a place with the big house on the hill and that is its only function in life. This view of life is relevant to how Canberra works in almost every regard. Because of this, we are a planned city and it has well been argued that we are the most planned city in the world. It is certainly well argued that we are a well-planned city.

We have a national capital plan which dictates many of the design elements of the city, and this plan is in fact largely designed around the aesthetics of Canberra as seen from Parliament House. This means that all the hills and buffers and ridges which are visible from parliament are actually protected by the federal government, by the NCA, and that is a major thing which gives us the bush capital feel. It also dictates the size of the height of the buildings in those areas, and the interesting thing, also, is that it is the national capital plan which in fact controls not only all the development in the parliamentary triangle but all the development in the ACT, because the territory plan has to be consistent with the national capital plan.

The territory plan is in fact subservient to the national capital plan. All of this goes to the heart of the issues that we are talking about here—the role of the ACT versus the role of the commonwealth in what is very arguably the heart of the city that we all live in. It is probably a source of much frustration to all of the people, and to all of us MLAs and our staff here, when Canberra residents complain to us about things which they are unhappy about which are clearly not part of our jurisdiction. The new ASIO building is one of the obvious points but it is far from the only one.

On that note I will quote from what the Joint Standing Committee on the National Capital and External Territories said back in 2004 in their report on *A National Capital, A Place to Live: An inquiry into the role of the National Capital Authority*. At paragraph 8.14, the committee said:

> The issue of the consultation process employed by the NCA has been of concern to the Committee for some time. Despite the Committee relaying its concerns to the Authority, on the basis of complaints the Committee has received, the situation does not appear to have been rectified. The Committee examines proposed works on behalf of the Parliament on the understanding that the Authority has sought advice from all interested stakeholders. The Committee finds that it now has to be more sceptical when examining proposals from the NCA. The Committee is particularly concerned that the Authority appears to

> consider that simply informing stakeholders of its proposal, rather than actively engaging in a two-way process, is sufficient consultation.

The NCA has problems in general with community consultation, but the ASIO building has been a particularly spectacular example of poor consultation, or poor process altogether. The ASIO building has been in the pipeline since the 2006-07 federal budget. And it went, of course, through the relevant approvals necessary for such federal buildings on national capital designated land. That is to say, it went through a number of quiet internal processes but with minimal public consultation. Even the NCA have had very little to say about it.

The project was part of the suite of projects conceived by the NCA to kick-start the Constitution Avenue redevelopment, and the new headquarters for ASIO and the Office of National Assessments was funded in the budget, as I mentioned. Despite the fact that this proposal has been on the table for three years, the first that most of the ACT residents were aware of this building was a few months ago when work actually started. Of course, unfortunately, it started by knocking down a few trees and subsequently it has not been a few trees; it has been hundreds of trees and there is now a large hole in the ground. There is now another matter on which there has not been a huge amount of public consultation: what to do with the contaminated waste which was on the site, because it was an old dump for things including asbestos.

One of the biggest issues with the ASIO project is, of course, the site. The ASIO building by definition is not a building which is going to have a large amount of public interaction and particularly a large amount of interaction with the parliament and the rest of the public service. So there is not an ipso facto case that it really has to be in the parliamentary triangle. But if you look at Canberra as a whole, Canberra was designed so that it would have a series of somewhat self-sufficient town centres, a series of town centres which had significant employment in them. That is what the Y plan was all about. Gungahlin is a town centre which has no government departments in it.

Mr Coe: Shame.

MS LE COUTEUR: I have to agree with Mr Coe: shame about this. The ASIO building, given that it does not have a close connection with parliament house, would seem to be an excellent possibility for relocation in Gungahlin, and I am confident that the good folk of Gungahlin would welcome it with open arms and hearts. However, as we are all aware, the good folk of Campbell, the residents, are far from welcoming it with open arms. There have been a series of questions in *The Canberra Times* and pronouncements by various federal politicians on the subject.

Basically there has been a real lack of scrutiny on this. When the Greens Senator Bob Brown raised this issue of scrutiny in the Senate this year he discovered that the project had slipped through without any public input except for a brief public consultation period through the Environment Protection and Biodiversity Conservation Act. That is a good act and I am not in any way against it. But it seems very bizarre that this is the primary method of public consultation on what is a large building in the middle of Canberra.

Because it is officially outside the parliamentary zone even though it is in the parliamentary triangle, there is no parliamentary scrutiny of its design or the decision to build it. Because it is for "defence purposes" the parliament's public works committee cannot look into it. In fact, the federal government obtained a declaration from the Governor-General that referring the project to the committee would be contrary to the public interest. So the only chance that we as Canberrans had to comment on it was through the EPBC Act which, as I have said, is an important act but it is hardly a town planning act, whatever you might say about it.

The North Canberra Community Council passed a motion a few months ago; I am afraid I have not got the exact date but I was there at the meeting, when there was a lot of angst. It describes fairly well the public views on what is going on here.

MADAM ASSISTANT SPEAKER (Mrs Dunne): Ms Le Couteur, could you just resume your seat for a moment. Chief Minister and Mr Barr, all through the 10 minutes of Ms Le Couteur's presentation you have been talking. Ms Le Couteur has a soft voice. It is very hard for members to hear, so could you keep it down or move outside.

MS LE COUTEUR: Thank you, Madam Assistant Speaker; I will also try to speak up. The NCCC says:

> NCCC believes there has been inadequate public scrutiny in the approval of the new ASIO building on Commonwealth land south of Constitution Avenue between Wendourie Drive and Blamey Crescent.
>
> The NCCC calls on the Commonwealth Government, in consultation with the ACT Government, to:
>
> > improve public consultation and transparency of the planning process for buildings in Canberra within areas of Australian Government responsibility; and
> >
> > halt the construction of the ASIO building to enable a thorough and open process of consultation with the community on its location, site and design.

Another organisation which has been very vocal in its criticism of this has been the Walter Burley Griffin Society. As you would imagine from their title, their role in life is to try and protect Walter Burley Griffin's plan for the national capital. They made a number of comments, saying:

> … distinctive features of the National Capital Plan are currently under major threat from the series of Plan amendments, construction projects, approved developments and planning consultancies …
>
> In order of magnitude of impact, one of the worst would be the massive ASIO headquarters which will sit directly across the lake from the High Court and the Parliamentary Triangle between Constitution Avenue and Parkes Way and just a stone's throw from Anzac Parade.

> The planned ASIO Headquarters is the largest building project in Canberra after the new Parliament House, and would be a highly visible intrusion in the symbolic centre of Canberra. The site itself is half a kilometre in length and seven hectares in area. The monolithic building will be a prominent intrusive element from across the lake at Commonwealth Place, Peace Park and so many other vantage points in this Central National Area and on the hills around.
>
> The large assertive building complex with perimeter security fences and devices would dissipate any attempt to create vibrant streets and active urban spaces. If built the mass and bulk of the project would intrude on the landscape of the most visually sensitive location of Central Canberra.
>
> The project makes a mockery of Griffin's design for the municipal axis of the great national triangle, intended to be a grand terrace of diverse civic and urban activity. The whole eastern half of Constitution Avenue and fronting Parkes Way will be locked into security and defence offices.

That would be particularly inappropriate. They did make a straightforward proposal to alleviate this:

> … limit the height of buildings in this location to 4 storeys (16 m) along the full length of Parkes Way and Constitution Avenue, ie within the established tree canopy of the National Capital.

So, we would retain the look of the bush capital. NCCC then concluded that under no circumstances should the present proposal proceed.

I will now move to a possibly smaller matter but another area within the parliamentary triangle. The parliamentary triangle is not just an area where federal public servants work. It is an area that all of us and many tourists use for recreation. Most of it is a really beautiful area and it is a nice place to go for a walk. Unfortunately it has become a somewhat less nice place to go for a ride. I have recently received some very gory photos from some cyclists who—

Mr Barr: Gory photos?

MS LE COUTEUR: Yes, very gory photos. The new part of the walkway that has been constructed near the Carillon has—

Mr Hanson: I am just picturing Barr in his latex going for a walk.

Mr Barr: Gee, a low blow.

MADAM ASSISTANT SPEAKER: Mr Hanson, that lowered the tone considerably.

MS LE COUTEUR: Gentlemen, please.

MADAM ASSISTANT SPEAKER: Order!

Mr Barr: I would wager I look better in latex than you, Jeremy.

MS LE COUTEUR: I cannot hear myself think. There is a new walkway and cycleway near the Carillon and it, when wet, is really, really slippery. It is like ice, I understand, for cyclists, and I have gory photos of people who have come off on it. On that note also, going up on the other side of the lake to Kings Avenue from the National Gallery is an incredibly dangerous intersection for both pedestrians and cyclists, which again is under the control of the NCA in the parliamentary triangle. It is something that we all probably receive complaints about.

In conclusion, I would just like to say that the parliamentary triangle is at the heart of Canberra but it is not under the control of Canberrans. It is important that we have better planning and better integration and consultation for this important part of our wonderful city.

MR SESELJA (Molonglo—Leader of the Opposition) (3.13): I thank Ms Le Couteur for bringing this topic forward today. It is an important topic and it is important from a number of perspectives. There is no doubt that the parliamentary triangle is still one of the great attractions of the ACT and of the nation's capital. It is a gathering place; it is a place where many tourists come. In fact, if you are a tourist coming to Canberra, the parliamentary triangle and many of the institutions in and around it are an absolute must to see, whether it is the National Gallery, Old Parliament House, new Parliament House or any of the other wonderful institutions. There is no doubt that it is an important area for us to develop and build upon.

We could speak for hours on this topic as it is a very broad topic. But I want to focus on a couple of issues. One is the disappointment that many of us have had in the last few years, particularly with the gutting of the NCA and the resultant scaling back of some of the work on the Griffin legacy. The work that was undertaken by the NCA on the Griffin legacy was visionary. No doubt all of us would have different views. There were aspects of it which I thought they did not quite get right. But it was a wonderful contribution to the debate about how we grow Canberra, about how we reinvigorate our parliamentary triangle, and particularly there were some fascinating aspects to it in the relationship between Civic and the lake.

One of the most exciting aspects of the Griffin legacy was this idea of finding a way to connect particularly west basin with the city area, because one of the planning travesties in the ACT and Canberra is that we put a great big freeway between the city and the lake. Whilst we certainly love our freeways, there is no doubt that having access to around the lake and having facilities in and around the lake are something that Canberra misses. We have seen some sensible and sensitive development in and around the lake in recent years but it has been of a very minor nature. Opportunities are presented by an area such as west basin. I frequent the lake often in terms of exercise, and many Canberrans do. It is the walk around the lake with the dog. It is the run at lunchtime. It is all of those—

Mr Barr: In lycra with Jeremy?

MR SESELJA: I tend to stay out of lycra. Nonetheless, Canberrans love that aspect of it. We love Commonwealth Park. We love getting in and around the lake and it

must be said that the Menzies Walk, which is being developed and finalised now, is a sensational addition to that. There were aspects of that lake walk which were not up to scratch of what you would expect, and the work that has been done on the Menzies Walk has really made that much more accessible and enjoyable.

So we have got the space, we have got the trees and the grass, and it is a beautiful place to be on a nice spring day or a nice autumn day. But the facilities for people to stay and have a meal or to stay and have a cup of coffee have been fairly limited. We have got Regatta Point and there is the odd little kiosk near Reconciliation Place, but there has not been in much in terms of the lake. We have not utilised this lake, I do not believe, as well as we should. We have not made it the jewel that it should be in the ACT—not just for tourism but a destination for Canberrans. That will be one of the great planning opportunities and one of the great planning challenges of the next few years and indeed of the next few decades.

It must be said that the gutting of the NCA was a particularly short-sighted decision by the Rudd Labor government. There is no doubt that the case was simply not made; that the rationale behind it seemed to be more about a personal vendetta of Senator Kate Lundy against the work of the NCA. The result was that Senator Kate Lundy, in apparently representing the people of the ACT, really did all Canberrans a disservice and did, I believe, the national capital a disservice. For what was a relatively minor saving, the government gutted an organisation that was important to Canberra, with a large percentage of the staff having to be removed in one way or another. That was not a good decision. That will stifle some of the opportunities and some of the wonderful work that was put forward in the Griffin Legacy from coming to fruition.

We have also seen the very short-sighted decision by the commonwealth some time ago to renege on its commitment to the duplication of Constitution Avenue. It was announced in, I think, the 2007 budget that the commonwealth would fund this duplication. This is important for Canberra not only in terms of our infrastructure and our growth. You could make a very strong argument that there is a moral obligation for the commonwealth to duplicate this road, given the construction work that is happening along Constitution Avenue, most of it being, of course, commonwealth construction. So the congestion that is going to be there as a result is as a result of commonwealth activity.

We welcome much of that construction activity. There is no doubt that it is important for our economy. It is important not just in the construction phase but for the jobs that will be in those buildings, including the ASIO building, which I will come back to. But there will be congestion as a result. In the ASIO building alone, I think there will be 1,800 permanent staff. It is a 24-hour operation. There will be a lot of extra traffic and we are going to be faced with a situation, if that road is not duplicated, where traffic really does come to a standstill on that road at peak times.

That was a short-sighted decision. It was, of course, a part of the Rudd government's war on the inflation genie that they were having early in their term.

Mr Barr: A very successful war.

MR SESELJA: "It was a successful war on the inflation genie," Mr Barr chimes in with a timely piece. He says that what caused things to slow down was the commonwealth government's decision to cut spending; that it had nothing to do with a global recession. It was not the global recession that led to inflation coming down; it was actually the decision to not duplicate Constitution Avenue—that was the key—and of course the decision to gut the NCA.

Mr Barr: I think I might have just been verballed, Madam Assistant Speaker.

MR SESELJA: I thank Mr Barr for his interjection and his contribution, and hopefully he can expand, when he has the opportunity to speak, on how Kevin Rudd got rid of inflation and it had nothing to do with those global factors.

There are a number of other things to discuss in relation to the parliamentary triangle, but it is worth talking about some of the positives as well. I have talked about the Menzies Walk, which has been a great addition and will be a great addition when it is finalised. There is no doubt, though, that at the time the government made the decision to not duplicate Constitution Avenue it maintained the funding for the overpass with Kings Avenue and Parkes Way. That is an important piece of work as well. I do not thing you would want to see either of those scaled back. It was disappointing that the Constitution Avenue duplication was reneged on, but this is important for the future of Canberra in a number of ways.

I received a briefing some time ago from the NCA on this issue. One thing it demonstrated to me was that the foresight was much greater than what we have seen from the ACT government. When the detail was explained to me in that briefing, they said words to the effect that initially the overpass would provide "perhaps more than what we need, but this is about the next 40 years; it is not about the next five years or the next 10 years". I commend the NCA and those who made those decisions on their foresight in saying, "If you are going to undertake infrastructure like that, why don't you get it right, not just for a few years before you get another bottleneck but for many years." So I commend them on that.

That stands in stark contrast to what we have seen in recent years, particularly on Gungahlin Drive where there was amazing short-term thinking. Gungahlin residents, residents of Belconnen and others who use Gungahlin Drive are all paying the price as we speak for that short-term thinking. They are paying it by spending more time in traffic than they otherwise would have, and facing delays for a number of years more than they should have, because the government did not do it right in the first place.

But it does need to be said that this will be important in a number of ways. John Thistleton, when he wrote about it in the *Canberra Times*, said that the government were cutting Constitution Avenue, and he criticised them for that, but leaving a flyover for politicians; I think they were his words. I think that is a little bit harsh.

In looking at the future growth of Canberra, we know that the east-west roads are going to be a large part of where there is going to be potential congestion. We know

that there are going to be developments in the west, through Molonglo. We know that there is scope for industrial development in the east and indeed at the airport with the expansion around there. So that east-west corridor is where pressures will emerge, and I think the NCA and the commonwealth government—I believe this was announced under the former Howard government—showed some great foresight in tackling this issue. It will be, of course, during the construction phase, a little bit inconvenient. But that government showed great foresight for the future of the ACT.

The other thing we should say about development in the parliamentary triangle is what an amazing contribution it makes to our economy. There can be arguments about the design of the ASIO building. There can be arguments about whether it should have been a little bit lower and the like, but there can be no argument that the construction of the ASIO building is of massive importance to the ACT economy. We are talking about a half-billion dollar project. That construction phase for the ASIO building, plus the ongoing benefits to the ACT economy of having ASIO and all the staff working there, is significant, as will be other developments in the parliamentary triangle and undertaken by the commonwealth government. They will continue to play a very important role in our economy.

At times when we have challenges and slowdowns in our economy, these kinds of large infrastructure projects and large building projects from the commonwealth do make a very big difference to our economy. There can be a legitimate concern over issues around consultation from time to time. There can always be differences of opinion over design issues. But, if we take the ASIO building as an example, there is no doubt that it will play a significant role over the next couple of years in the strength of the ACT economy and indeed in the strength of our construction sector.

I will probably leave it there but just conclude where I started. The gutting of the NCA has been unfortunate. It is something that I would urge the commonwealth government to reconsider because it is not just important for the people of Canberra, though of course the work of the NCA is very important to us in a number of ways—not just the planning aspects but in a lot of the events management and a lot of the promotion of Canberra. But it is important to us as a nation to take some pride in our capital city, and the NCA has played a part in that. I, as a proud Canberran, not only care about Canberrans having pride in their city; I want the rest of Australia to have pride in Canberra as the nation's capital. That is something that I think we should all be striving for, and it is something that organisations like the NCA have contributed to over the years. Hopefully, as we go forward, they will be given the kind of resources to be able to do that job again and to do it with the necessary resources that I believe have been lacking over the last couple of years.

I commend Ms Le Couteur for bringing this forward. It raises all sorts of wonderful interesting issues and we could, I am sure, have a much longer discussion about it. It is an issue worthy of debate and it is an important issue for the ACT, for our economy and indeed for how we feel as a city and the amenity of our city going forward.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (3.28): I thank Ms Le Couteur for bringing this matter forward this afternoon.

I welcome the opportunity to speak about the parliamentary triangle because it is, indeed, the symbolic heart of our city and the democratic centre of our country.

I agree with much of what Ms Le Couteur has said in the debate. Indeed, no-one could question the Greens party's good intentions. Again, though, I urge them to keep sight of the bigger picture. So I would like to put this important matter into the context of the big picture for the parliamentary triangle and the implications for this Assembly, and indeed for the territory government, regarding how we work with the National Capital Authority to develop the parliamentary triangle in the future.

One of our areas of key concern, and certainly one of mine, is in relation to the future of Floriade, which is, of course, undertaken each year within the parliamentary triangle. It is also worth discussing this afternoon how we are working with the NCA's Griffin legacy so that the planning of the parliamentary triangle and the city as a whole is coherent and logical in coming decades.

Whilst the ACT is proudly self-governing, our planning jurisdiction does not extend to the parliamentary triangle. The NCA is responsible for the triangle and, whilst it is frustrating at times, it is simply a fact of life in this unique town. So let me make it clear, in case there is any confusion, that, in accordance with the Australian Capital Territory (Planning and Land Management) Act 1988, the national capital plan sets out development requirements for designated areas. The territory has no planning role in the parliamentary triangle.

That said, the ACT government has always sought to work cooperatively with the NCA. Our advice to the NCA on planning in the triangle is simple, because it is the same as our approach to planning in the city—that is, to keep politics out of planning; to build on a simpler, faster and more effective planning system; to reform and further improve government processes; to include the community in decision making; to support economic growth; to support the jobs of Canberrans; and to meet the challenge of climate change. It is the right approach for Pialligo and Palmerston and it is the right approach for Parkes.

While we do not control the planning and management of the triangle, of course we have a keen interest in what goes on there. As I said, one of our most important interests relates to Floriade. For 21 years Floriade has been the major tourism drawcard for the ACT, and it is clear it will remain so for many years to come. The challenge now is to allow Floriade to continue to grow over the next 20 years. This challenge has many implications for the relationship between the territory and the commonwealth in a range of areas, including planning. I would like to see Floriade draw more visitors to a more diverse range of areas within the parliamentary triangle and, indeed, within our city. This means developing new and permanent sites for the event.

The government is considering this carefully, and the public conversation about this has well and truly begun. This approach is around meeting our goal of attracting visitors to more places throughout the city. It also has the potential to highlight a range of other national tourist attractions and Lake Burley Griffin. It is even possible in the future that visitors could have the unique experience of travelling between

Floriade venues, activities and events by ferry across the lake through the heart of the parliamentary triangle. We will continue to work with the National Capital Authority as these plans take form.

To stand by Lake Burley Griffin and look around the city that we love is truly to see that we live in "the house that Walter built". There is no doubt that the legacy of Walter Burley Griffin and his partner, Marion Mahony, is all around us. The body charged primarily with the delivery and protection of the Griffin legacy is the National Capital Authority. Our approach, as the ACT government, is to ensure that the NCA's planning of the parliamentary triangle and our planning of the city as a whole are coherent and logical in the coming decades.

The NCA's Griffin legacy is a blueprint for the future development of central areas of the capital. It is a strategic planning framework for the city's future development and Canberra as the national capital. The Griffin legacy propositions have been formally adopted in the national capital plan through the statutory amendment process.

The Griffin legacy strategy establishes eight propositions, each supported by a range of strategic initiatives. The strategy aims to protect the Griffin legacy and conserve significant elements of the Griffin plan through heritage and conservation management. The strategy aims to build on the Griffin legacy by keeping the Griffin plan as the enduring city framework. It is not, however, designed to stifle the natural evolution of the city or its growth. In fact, the strategy seeks to revitalise the central national area by delivering what it describes as Griffin's urbanity, cultural life and diversity of land use. It seeks to link the city to the central national area and to reinstate Griffin's seamless city connections by reducing barriers between the central national area and the surrounding areas.

It proposes a variety of waterfront activities and continuous waterfront promenades. It emphasises the main avenues as primary corridors for public transport and dense, mixed-use development. It seeks to capitalise on the presence of the national attractions by reinforcing networks of tourism activity and improved linkages with pedestrian and public transport networks.

The territory government's Canberra spatial plan is informed by the Griffin legacy and strategy. The spatial plan has set the strategic direction of a more compact city. To achieve this, the spatial plan identifies key principles, including containing growth, encouraging residential intensification, and locating employment close to residential centres and transport and good travel connections. These principles, embedded in this government's strategic planning, are carefully designed to work with the Griffin legacy.

Thanks to the genius of Walter Burley Griffin, we live in a very special city. Canberra is one of the great artefacts of the 20th century—or, as it is sometimes called, the largest artwork in the world. But the truth is that the 20th century is over and that Walter Burley Griffin is dead. As planning minister in the world's greatest planned city, I do find the parliamentary triangle to be an inspirational place and I find Griffin's legacy an example to us all. But above all else it is an example of modernisation, an example of innovation, an example of creativity and an example of change.

Griffin's legacy is not the shape of the lake and Mahony's legacy is not the drawings on a page. Their legacy is their example—the reminder that we can never be content with what has gone before. And that legacy, that example, that tradition of change, is what we must never lose sight of when we consider developments in the parliamentary triangle and their impacts on the ACT.

MR COE (Ginninderra) (3.36): The parliamentary triangle, of course, does hold a very special place in the hearts of all members, I am sure, here in the Assembly and, indeed, in the hearts of a vast majority of Canberrans. It very much symbolises our city at a national and international level and it also symbolises our country for many people.

As someone who was born and grew up in Canberra and was four years old when our new Parliament House was built, and at the age of three or four, like many school students in the ACT, went to Parliament House and hammered in a nail at Parliament House, thus contributing to the building of the national parliament, I do take a lot of pride in our city and in that part of our city.

Of course, the ongoing discussion about infrastructure, the ongoing discussion about ownership of and responsibility for the parliamentary triangle, is something that is raging very much at the moment, and I think it will continue to rage into the future.

I think that one of the great pieces of infrastructure redevelopment in recent history is, in fact, the upgrade of Anzac Parade. Anzac Parade is being upgraded in three parts, starting last summer and continuing for the next two summers. The first section, which is a section between Anzac Parade and—

Mr Hanson: Limestone.

MR COE: Limestone Avenue; thank you, Mr Hanson. The bitumen between Limestone Avenue and Constitution Avenue, I think, was a roaring success. To upgrade that stretch of road in that time frame was quite an achievement. They have got to juggle Anzac Day on 25 April and Remembrance Day on 11 November, and given that it is very hard to work in winter, due to difficult weather often, they are just working in the summer months. So they have a time frame from 11 November to 25 April to construct the necessary road, so that it does not interfere with those two important ceremonies.

I understand that the next phase of the Anzac Parade upgrade will be starting very soon, if it has not already started today. The work that has been done has been done very well. I think it is testimony to the infrastructure capacity of the National Capital Authority and hopefully is an example of how other roadworks should be done here in the territory. Hopefully, the ACT government will learn from the National Capital Authority's project management skills, take a leaf out of their book and learn about the way to construct a road properly.

Constitution Avenue is also a road which I think is near and dear to many Canberrans. There are many landmarks which lie along it. In addition to the government offices at

the city end of Constitution Avenue, there are a lot of other iconic buildings and iconic places, such as the Civic pool, which has been an institution in Canberra for many years. I refer also to the National Convention Centre, CIT, St John's Anglican church—St John's Reid—and a number of national industry associations, in addition to other commercial premises at the other end of Constitution Avenue.

Another place which is very special to me is the headquarters of the Returned and Services League of Australia, which is where I worked before being elected to this place. The RSL have some grand plans to redevelop their block. I understand those plans have been somewhat controversial and have met with limited opposition from Canberra residents—mainly from some residents in Getting Crescent in Campbell, I believe. But, by and large, the proposal has been accepted by the Campbell community, I believe. They are proposing that it will be an iconic building. It will be a very symbolic place for both the Returned and Services League of Australia and veterans here in Canberra and across Australia. Also, I think it will be a building that all Canberrans will be able to take pride in. It will preserve the flavour and the sentiments which the RSL espouse, and it is something that I hope will get off the ground.

I believe that one of the impediments to the construction of this building being commenced is the overall marketplace and a lack of tenants wanting to move into that part of Canberra. I think it would be a great location. It is, of course, a part of the defence precinct. I urge all members of this place and our federal colleagues to consider such a location. It is a great place and I think that building would be a great addition to Constitution Avenue and to Canberra.

Another issue which has been talked about for some time is, of course, the bus services here in the parliamentary triangle and the lack thereof. It was mooted, I believe—or even announced; I am not quite sure—in recent years to have a shuttle service connecting the city to the parliamentary triangle. I do not believe that has happened. It may well have happened in the past but it is something for which there may well be demand and I would very much encourage ACTION to look into whether there is a need for some sort of shuttle service that would service the public service departments in Parkes and connect them to Woden and/or the city.

There is also the ongoing issue of parking in the parliamentary triangle and whether we should be charging for parking. This is a very difficult issue. Of course, one of the appeals of working in that part of Canberra is that you do not have to pay for parking, but the flipside is that just about everybody else in Canberra does have to pay for parking, including those in Belconnen mall and the Belconnen town centre in my electorate, and in Woden and Tuggeranong. It is a very difficult issue and it is one that the federal and ACT governments will have to determine in the near future.

I want to thank Ms Le Couteur for bringing on this MPI. I think it is a very important issue. The parliamentary triangle, as I said, is a very special place for all Canberrans, and I hope this Assembly continues to give it the attention it deserves.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development,

Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (3.44): Ms Le Couteur has raised a very interesting matter today. As a result of the fact that it is the parliamentary triangle and we do not specifically provide municipal services to that area, it is an area that perhaps we do overlook in some of our conversations and debates in this place.

It is a unique opportunity for us to take the time to reflect on some of the peculiar or particular issues within the triangle and the relationship of the triangle to the rest of the territory, whilst acknowledging that issues there are within the remit of a different government, by and large. Of course, some of the services are provided by the ACT government.

It is important that we take the time to reflect on the significance of activities within the parliamentary triangle to the ACT and the people of the ACT. There is perhaps no starker example of that than the importance to the ACT of the commonwealth's investments in the cultural institutions within the parliamentary triangle. One of the great endowments that the city enjoys is the endowment of those very significant institutions, including, of course, the national parliament, but in the context of cultural institutions I refer to the National Gallery, the recently opened Portrait Gallery, the National Library, the National Archives and the National Museum, and the significance of those institutions for cultural tourism and, through cultural tourism, the significance of those institutions to our economy.

In that context it is relevant to reflect on just how important the blockbuster exhibitions at the National Gallery are. We will be able to enjoy another one in the next few months—the fantastic Musee d'Orsay exhibition that will open here in December. It will be a significant exhibition featuring the works of a whole range of very significant artists—Van Gogh, Gauguin, Cezanne, Monet and a range of others that will be featured in that outstanding exhibition. It is an exhibition that the ACT government are very pleased to have been able to play some small part in attracting to the territory through our investment of half a million dollars.

The museum anticipates that that exhibition, which will run from December through to April, will attract 250,000 people, with 75 per cent of those, the National Gallery believes, coming from interstate. The relevant estimate is that the impact on the ACT economy will be in the order of $50 million as a result of the National Gallery hosting that exhibition. Of course, each of the cultural institutions plays a significant part in attracting people, most particularly Australians, to Canberra for their holidays and as tourists.

It is interesting that Mr Coe raised the issue of roads within the parliamentary triangle. There has been focus on some of the roads. The focus at the moment is certainly on the Kings Avenue roundabout, which is a major piece of construction—$27 million for an overpass for a more grade-separated or integrated approach, and the connection between that major intersection in the triangle and the roads to the airport.

The issue that has been raised, at one level, is relevant to the issue of major focus which Ms Le Couteur went to, namely, the construction of a major commonwealth office block in Constitution Avenue—the new ASIO headquarters. I think we are all

aware of some of the issues that have been raised around the design of that building. I am one of those inclined to accept that the NCA generally does get it right in relation to design, design approvals and parameters. I am perhaps prepared to be slightly more generous about the design of the new ASIO building than some others have been.

The issue in relation to the new headquarters of ASIO on Constitution Avenue that does give me some concern is some of the traffic implications and some of the road implications. That anxiety is heightened by the decision that was taken by the commonwealth not to honour an arrangement to fund the upgrade of Constitution Avenue—a matter of enormous regret to me but an issue which I continue to raise and agitate for in discussions with the commonwealth, and I hope that the commonwealth will do so.

My discussions, whilst not producing an outcome, have generally been positive at one level, in that the commonwealth—most particularly the minister for finance, Lindsay Tanner—have acknowledged that there is a commonwealth obligation which they have not honoured but which they are prepared to accept is a commitment that was made. We continue to hold out the prospect that the commonwealth will meet their obligations in relation to Constitution Avenue.

It is an issue that we have allowed to run. It is an issue that will need to be resolved at some time. It is not an issue on which we can simply turn our back forever and pretend that it does not exist. It is a genuine issue that needs to be addressed and to be resolved, consistent with the undertakings, agreements, decisions and, indeed, the transfer of land by the ACT government to the commonwealth which underpin the commonwealth's commitment.

The construction and completion of the ASIO headquarters will raise, in time, a significant issue in relation most particularly to Constitution Avenue. I refer to the implications of those thousands of additional people who will be working on Constitution Avenue—those thousands of extra cars per day that will be utilising Constitution Avenue—as a result of their workplace shifting to the site of that new building.

Mr Coe just now went to this issue—and it is relevant, of course, to roads and to transport—of pay parking. One of the current issues being discussed or negotiated between the ACT and the commonwealth, and it has been for some time now, has been the vexed and difficult issue of pay parking. Mr Coe has just made the point that, of course, those who currently work in the triangle are very happy that they park for free. Mr Coe acknowledged that there is an equity issue in relation to that as against all of those workers—commonwealth, ACT and private sector workers—that do not have the advantage of that pay parking holiday.

I believe it is an issue for a whole range of reasons—not just around equity but also around sustainable transport and the signals that each of us, and particularly governments, needs to send, around driving behaviour, modal shift and the need for those issues to be addressed in the instance of people using their cars to travel. The signal needs to be sent that parking should bear a cost, and that travel by car does bear a cost.

I am very pleased that the commonwealth have now, after years of agitation on this issue, agreed that the issue should be reviewed. They have agreed to establish a joint committee, an intergovernmental committee, which will be chaired by the NCA. Three ACT departments will be represented on it—the Chief Minister's Department, Territory and Municipal Services and ACTPLA—and four commonwealth departments. I am hopeful of a positive outcome from the commonwealth in relation to that.

We are aware, of course, that if pay parking does become a reality in the triangle we will need to address issues around ACTION bus services. We are beginning to do that through the Redex service—a service deliberately targeted at the parliamentary triangle and Russell, and deliberately designed to move between the city, Russell, Barton and Kingston.

In conclusion, there are a whole range of other issues that go to the relationship between this government and the commonwealth government. Relations on the NCA, the Burley Griffin vision and the management of the city are, generally speaking, very constructive and positive. I am pleased with the strength of the relationship because these issues are of great concern to each of us. *(Time expired.)*

MADAM ASSISTANT SPEAKER (Mrs Dunne): The discussion is concluded.

Payroll Tax Amendment Bill 2009

Debate resumed from 15 October 2009, on motion by **Mr Hargreaves**:

> That this bill be agreed to in principle.

MR SESELJA (Molonglo—Leader of the Opposition) (3.55): The opposition will be supporting this bill. I thank the Treasurer for arranging a useful briefing on the bill. The provisions contained in this bill, while not formally part of the COAG payroll tax harmonisation project, are intended to achieve greater harmonisation of payroll tax regimes across Australia. In brief terms, this bill tackles the issue where an employee lives in one jurisdiction and works for some of a month in another jurisdiction. At present, there is imprecision as to where the payroll tax liability for this employee lies. That is because the liability is determined by the location of an employee's bank account. This could be a location quite unrelated to either the location of the employee or even the employer. Hence, as the Treasurer said, this nexus is inappropriate and outdated.

The ACT has recognised this issue for some years, and it is emphasised by the juxtaposition of Canberra and Queanbeyan. Unfortunately for the ACT, as we are a small fish in a big pond, it was not until there was an issue between bigger players—New South Wales and Queensland—that this issue finally made the national agenda. That history notwithstanding, it is good that this issue is now being tackled by all jurisdictions.

Issues with payroll tax around the nation include the fact that many employers have employees working in different jurisdictions, and these employers have to maintain

multiple administration systems to manage their situations. This imposes a gross inefficiency on Australian businesses and the Australian community. The position has now been reached where all jurisdictions have agreed to implement the provisions that are set out in this bill.

The crux of this bill is that, where employers have employees who regularly work in different jurisdictions during a month, such as people in the airline industry, the liability for that employer to pay payroll tax will be determined by the employee's place of residence. In situations where an employee does not have a principal place of residence, the liability will be determined by the employer's registered business address.

Even though the bill replaces two pages in the current act with six pages in the bill, I have been assured that the harmonisation of this issue will be of considerable benefit to those businesses which have employees working in different jurisdictions. The new regime will be simpler for employers to apply and for governments to administer.

I do note that the provisions in this bill are being put into operation by all jurisdictions as from 1 July this year. The reason for this was to ensure that neither employers nor employees could "forum shop" to gain the most advantageous outcome. As a matter of principle, we do not support retrospectivity in legislation, and the reason for this is that circumstances in which decisions have been made by an individual or an organisation should not be changed once those decisions have been made. In this instance, however, the question of retrospectivity concerns issues relating to equity and fairness in the application of this revenue-raising measure. To that extent, therefore, we accept that the retrospectivity that has been applied to this change in policy has established a uniform regulatory environment across Australia.

In the context of consideration of this bill, it is appropriate for the opposition to emphasise that there remain considerable differences in the regulatory environment facing businesses in Australia, and the various payroll tax regimes are a major part of this. We urge the ACT government to give as much impetus as possible to the national harmonisation project to enhance the competitive position of Australian companies as they compete in the global marketplace. I think it is fair to say that, along with many other harmonisation activities, the rate of progress is very slow.

We did raise the question of any financial consequences flowing from this change. The advice we received is that it is virtually impossible to quantify any financial effects. The number of employers is rather small; the number of employees also is relatively small. As well, it is difficult to determine whether a jurisdiction might benefit from this change given the difficulty in establishing liability under the former provisions.

We have spoken to the business community about this bill. In general terms, there is support for measures that achieve harmonisation. Anything that makes life less complex for employers and employees is strongly supported. There has been one matter of concern, nevertheless, that has been raised with us by the business community. This concern relates to subparagraph (i) of proposed section 2G(6)(a) on page 7 of the bill. This provision defines "corporate employee" for the purposes of this legislation.

The question that arises is in a situation where an entity engages the services of a company to perform a service. This could be to do some electrical work or some plumbing work—that is, a one-off piece of work. The concern of business is whether this arrangement creates a payroll tax liability for the entity that obtains the services. I am pleased to advise that, after raising the matter with the Treasurer's office, we have been assured that this provision does not lead to an unintended consequence. When this provision is read in the context of other provisions in the Payroll Tax Act, particularly section 4 of the principal act, the concern is resolved. In principle there is no payroll tax liability placed on anyone who employs a contractor to perform a particular service on an infrequent basis. I thank the Treasurer's office for that response and for resolving that matter. With these comments, the opposition will be supporting the bill.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (3.59): The Greens will be supporting this amendment to the Payroll Tax Act. As we understand it, this change is part of the ongoing payroll tax harmonisation as has been agreed between all state and territory governments. In seeking to cover employees working in more than one jurisdiction, it seems logical to agree on one location for the payment of payroll tax rather than the jurisdiction where the employees have a bank account.

It is reasonable to argue that the state of residence incurs the most expense in relation to provision of services for the employee. In any case, what the ACT may lose in relation to employees earning an income in the ACT and living interstate will be balanced out by people in the opposite situation. We have been advised that, while the ACT has a significant share of interstate residents working in the ACT, mainly from New South Wales, the amendments being proposed will not disadvantage the ACT financially. In the worst case scenario, as we understand, the ACT will break even. It is expected these new arrangements will provide greater clarity to employers and reduce compliance costs. The Greens will be supporting the amendment.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (4.01): I am acting for Ms Gallagher, the Treasurer, who is unable to be here this afternoon, so I will close the debate on her behalf.

This bill amends the nexus provisions that determine in which jurisdiction the payroll tax is payable in situations where an employee works in more than one jurisdiction in a month, such as the airline industry. The changes will not affect employers with employees providing services in the ACT only.

The current nexus for an employee who works in more than one jurisdiction based on the location of an employee's bank account is outdated and no longer appropriate. Today's modern electronic banking practices allow the centralising of banking operations. This, together with anecdotal evidence from the ACT Revenue Office, has suggested that this has, in some cases, led taxpayers to "forum shop" for the jurisdiction with the most attractive payroll tax rates and thresholds.

The current use of an employee's bank account to determine the location of a payroll tax liability can result in some absurd examples. For example, if an employee resides in the ACT, works across the ACT and New South Wales borders during a month and holds a bank account which is domiciled in Queensland, then any payroll tax application to the wages paid to that employee is payable to Queensland. ACT and New South Wales roads, resources and municipal services are used during the course of the employee's working, yet the tax is payable to a totally unrelated jurisdiction.

The new nexus provisions implement changes to make payroll tax payable in the territory where the employee resides in the territory. This will only apply to an employer who pays wages to an employee working in more than one jurisdiction during the month. In cases where the worker does not reside in Australia, payroll tax will be paid to the jurisdiction where the employer's registered Australian business number is located. These new arrangements will provide greater clarity to affected employers and will reduce potential compliance costs that could otherwise arise for employers under the existing arrangements.

The amendments are made as part of this government's commitment to the national payroll tax harmonisation and demonstrate the ability of the ACT to agree upon and enact sensible national reform. I thank members for their contributions and their support, and I commend the Payroll Tax Amendment 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.

Justice and Community Safety Legislation Amendment Bill 2009 (No 3)

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

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (4.04): The opposition will support this bill. It makes a number of relatively minor but necessary amendments to various acts and regulations, usually of a technical nature or to clarify intent. I will address only a couple of the specific amendments.

Amongst other things, the amendments to the ACT Civil and Administrative Tribunal Act 2008 make it the responsibility of the applicant to seek a review of an ACAT decision in the Supreme Court if the appeal president refuses on certain defined grounds to deal with an appeal. It also provides that the tribunal must remove a matter to the Supreme Court on application by the parties, or that it can do so if considered appropriate and if a party applies for this to happen. Finally, the amendment to the

ACAT act provides that a new party can only be joined to a proceeding if they have an interest in the proceeding and, in the case of an appeal, that the new party was a party to the original proceeding.

The Agents Act 2003 is amended to allow certain real estate agents an exemption, which can carry conditions, from keeping a trust account if they do not receive or hold trust money. The exemption ends if the agent receives or holds trust money. This is a sensible amendment, because there are circumstances in which a licensed agent may not receive or hold trust moneys, and it seems nonsensical where an agent is in such a situation to be required to open and maintain an empty trust account.

There are amendments that deal with the territory's regulated cap on interest rates, currently 48 per cent per year, on credit contracts. There was agreement between the states, territories and the commonwealth that the commonwealth will take the consumer credit regulation powers back to itself, but the process is ongoing and it is necessary for the territory to retain its interest cap until the commonwealth takes over that function. The powers are transferred in this act from the Consumer Credit Act to the Fair Trading Act.

The Court Procedures Act 2004 is amended to clarify the power of security officers to require everyone entering court to undergo security screening. Certain conditions apply—for example, that the officers believe on reasonable grounds that the screening is prudent for court security. The scrutiny of bills committee considered this engages the right to privacy under the Human Rights Act and calls for a more detailed justification. I do note that the minister has written to the scrutiny of bills committee on this matter outlining that this is a clarification of the words and that the intent has always been as it now appears in the legislation. The aim is to ensure that we have a properly functioning justice system by ensuring that the courts operate in a calm and secure environment.

These are the most substantive amendments to be included in the bill, but there are numerous others which are minor in nature. Together they are sensible amendments, and the Canberra Liberal opposition is pleased to support them. I would say, in closing, that it is good to see that the Attorney-General has finally taken in the message that I gave in relation to the two previous JACS omnibus bills dealt with last year. That message was that omnibus legislation should not be used to introduce major policy changes or otherwise deal with substantial matters. This bill does not seek to make amendments of this kind, and it is a positive step forward for a slow-learning Stanhope government.

MR RATTENBURY (Molonglo) (4.08): The Greens will be supporting this bill today, and I would like to make a few brief comments with regard to the detail of the legislation. This is a bill that has come about because the government has listened to the expertise of the ACT public service, which has made sensible recommendations about how to improve the ACT's existing legislation. For the vast majority of the changes, the case for legislative amendment is well set out in the explanatory statement. Many of the changes are required to update cross-references that have been previously amended or updated. Despite how hard any team of policy officers and parliamentary counsel work, there will still inevitably be unforeseen cross-references

that are missed during initial amendments. Amendment bills such as this are a chance to make sure all cross-references continue to be accurate. It may seem minor, but a consistent statute book is something to be valued, and the Greens support those provisions of the bill.

Other aspects of the bill show greater analysis and a proactive approach to improving the statute book. A good example I will mention is the amendment suggested by the Office of Regulatory Services to the Agents Act. The current operation of the act requires all real estate agents to operate a trust account, regardless of whether they are actually receiving trust money from clients. The amendment allows for a waiver from the requirement for a real estate agent to operate a trust account when they are not receiving or holding trust money.

The requirement to operate a trust account is vital to protecting the rights of consumers who provide real estate agents with advance finance. The money is provided on trust, and the most appropriate way to track and monitor that money is, of course, through a trust account. However, should the real estate agent not receive or not hold trust moneys, for whatever reason, the compliance activity is unwarranted. This amendment is a good example of the forward-looking way that government can reduce compliance costs without undermining overall policy objectives.

The vast majority of amendments are similar proactive refinements that better achieve the original policy objectives, and I support them on that basis. There are, however, two specific amendments that I believe do not so clearly follow the original policy objective. I raise them here as an invitation for the Attorney-General to provide some further information and clarification. I believe that, in both cases, divergence from the original policy objection is slight but important enough to raise and seek clarification on.

Firstly, I refer to the amendment to the Court Procedures Act. The issues I will raise have also been raised in scrutiny report No 14. The amendment will broaden the scope of screening and search requirements at court premises. Where previously a security officer had to be satisfied that such a search was necessary on an individual-by-individual basis, the amendment will allow far more general application of screening and search requirements. This goes against the original intent of the section stated in the original explanatory statement. There it was said that the screening and search powers were "not to be used in relation to all persons who are on court premises" or all proceedings taking place in court.

This proposed amendment represents more of a change in policy than is indicated in the explanatory statement. This may be a necessary change in policy, but we need the supporting reasoning from the Attorney-General. The scrutiny report suggests that this could be achieved by the Attorney-General making available the fuller reasoning underlying the human rights compatibility statement. I would support that action by the attorney.

The second issue I wanted to touch on is the changes made to the referral process from ACAT to the Supreme Court. In the explanatory statement these are said to improve and clarify the existing procedure. I am not so sure that it is as simple as

clarifying the existing procedure, and I raise it as a second point for the attorney to provide further information on.

The existing process under the legislation is that a decision of ACAT may be appealed back to ACAT on a matter of fact or law. The President of ACAT has the option of determining that the Supreme Court would be more appropriate to hear the appeal, obtaining the leave of the Supreme Court and referring the matter to the Supreme Court for hearing.

The amendment will change the process from one of referral by ACAT to one of application by the party involved. This appears to be a change in policy from an active ACAT that seeks the leave of the Supreme Court and forwards through the appeal to a system where the party involved is required to make the application themselves. While I think this is a relatively discrete potential change in policy, I think it warrants further information from the Attorney-General. It does appear to represent a change in policy, and it differs on that basis from the amendments in the remainder of the bill.

With the two exceptions I have set out, this is an amendment bill that is fully supported by the Greens. It makes for better legislation that is more consistent and better suited to pursuing the underlying public policy objectives. The Greens support the bill in its current form and anticipate the clarifying information outlined. I look forward to the attorney being able to make those comments when he comes down to speak on this bill. I am sure the Attorney-General will be keen to follow up the comments that I have made today. I know he takes a very close interest in his legislation. I look forward to the clarification on those points that I have made.

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (4.13): The purpose of the government’s justice and community safety bills is to regularly and frequently maintain the quality of the territory’s legislation. These bills gather together many simple and uncontroversial reforms that are, nevertheless, important to ensure that the territory’s laws function well.

A key benefit of the government’s JACS bills program is efficiency. Rather than introducing separate legislation for each and every change, no matter how uncontroversial or simple, the JACS bills collect these changes into a single package. By introducing JACS bills at regular intervals throughout the year, the government offers agencies an efficient vehicle for enacting basic reforms.

Although these reforms are not controversial and do not represent shifts in government policy, they are important. Constant improvement in legislation helps to ensure that the territory is able to devote its resources to effective delivery of services in the community, with minimal confusion and red tape.

The amendments in this JACS bill of 2009 are all straightforward, simple responses to issues that have arisen throughout the course of the year. These amendments show that the government is paying careful attention to the implementation and administration of law in the territory, and the collection of amendments demonstrates the government’s ability to respond to the need for changes whenever the opportunity presents.

The latest JACS bill contains amendments that are important, current and perfectly suited for inclusion in an omnibus bill of this nature. The criteria for including an amendment in a JACS bill are clear and reasonable. The amendment must not introduce a radical change in policy, and it must not be a controversial change that, by itself, warrants substantial debate. Each amendment in this bill meets those criteria.

The amendments to the ACT Civil and Administrative Tribunal (Transitional Provisions) Regulation 2009 and the amendments to the Firearms Regulation 2008 make transitional provisions permanent in the legislation. These amendments would only make the existing rules applicable under these acts permanent by transferring provisions from a transitional regulation into the body of each authorising act.

These transitional provisions were created with the understanding that they would be made part of the substantive legislation. No changes in the legal requirements of these acts have been introduced in the process. The JACS bill is a good way to enact these kinds of changes, because these provisions have already been made available to the public and the government has already signalled its intention to make them part of the statute book.

This bill will also enact basic procedural improvements. Examples of these kinds of improvements are in the amendments to the Agents Act 2003, the ACAT Act 2008, and the Crimes (Sentencing) Act 2005. Based on experience, agencies within the Department of Justice and Community Safety routinely identify areas where change would help make legislation easier and more efficient to administer.

The amendments to the ACT Civil and Administrative Tribunal Act 2008, for example, streamline and simplify the relationship between the tribunal and the Supreme Court. Also, the tribunal will have some guidance in the legislation for determining when to join new parties to a proceeding. The result will be that the tribunal's procedures for dealing with a range of matters are clearer and more efficient.

The improvements that I have described are appropriate for this legislation because they do not change policies or fundamentally alter the functions of the government. Rather, they build on existing legislation and procedures.

This bill includes basic updates to the construction of the territory's legislation. As legislation changes and new acts commence, the statute book naturally requires regular maintenance to ensure that all references between the acts are correct. Also, updates are necessary to minimise confusion where changes in the law have occurred.

The amendments in this bill to the Door-to-Door Trading Act 1991, the Residential Tenancies Act 1997 and the Supreme Court Act 1933 are of this nature. These amendments update references and remove provisions that could cause confusion. No change will be made to the core operations of these laws.

The JACS bill is a good vehicle for introducing these kinds of amendments. It combines the maintenance of several pieces of legislation into one package, and for these kinds of amendments it is both inefficient and unnecessary to have a separate bill for each.

In closing, I would like to explain why the amendments to the Consumer Credit Act 1995, the Court Procedures Act 2004, the Independent Competition and Regulatory Commission Act 1997 and the Guardianship and Management of Property Act 1991 are appropriate for inclusion in this bill.

The amendments to the Consumer Credit Act, and corresponding changes to the regulation, and the Fair Trading Act 1992 will have the effect of keeping an existing territory law in place regarding interest rates for consumer credit contracts. This amendment is appropriate for the JACS bill because it will not result in a change but, instead, will only preserve the existing law.

The Court Procedures Act and Independent Competition and Regulatory Commission Act amendments do not result in substantive changes. Rather. these amendments are for clarification purposes. The government's existing practices with respect to court security and the Independent Competition and Regulatory Commission reflect the original intention of these acts. Together, these amendments resolve areas where there could have been some dispute about how to interpret the legislation. The government's original policy continues to have effect.

This is also the case for the amendment to the Guardianship and Management of Property Act, which will ensure that sufficient powers are given to the ACT Civil and Administrative Tribunal to deal with matters under the act.

All of the amendments in this bill are of appropriate character for inclusion in omnibus legislation. Because there are no radical policy changes or complete procedural overhauls in this bill, a separate legislative debate for each amendment is unnecessary. Considered together, all of these amendments will result in a general improvement in the territory's legislation without significantly altering any rights, responsibilities or government policies. These amendments are, however, important because they maintain existing policies and streamline the administration of the territory's legislation. I commend the bill to the Assembly.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (4.21): I am representing the Attorney-General, Mr Corbell, who has had to leave the Assembly this afternoon to attend to ministerial council business. I am closing the debate on his behalf.

The Justice and Community Safety Legislation Amendment Bill 2009 (No 3) is the product of detailed consultation and review within the department. The bill amends legislation in the Justice and Community Safety portfolio. As with other bills in this series, this JACS bill will provide timely improvements to the territory's legislation. The administration of the territory's laws will be more efficient and transparent because of this ongoing process of reform.

Experience in dealing with legislation naturally gives rise to opportunities for improvement and reform. The government carefully monitors each new piece of

legislation, and each new circumstance under existing legislation. The JACS bill program is one of the tools used by government to transform its experience into improvements in the law.

The amendments in this bill will improve the administration of the law, update the territory's legislation in response to changing circumstances, and clarify legislation to avoid any confusion.

In February of this year, the government consolidated the work of the territory's tribunals into the ACT Civil and Administrative Tribunal. The new tribunal created a one-stop shop for matters that previously were handled across a number of different agencies and tribunals. The ACAT also reduced the territory's administrative costs by centralising the support and staff previously needed for many tribunals into one cohesive unit.

The ACT Civil and Administrative Tribunal Act creates the structure, powers and procedures for the new tribunal. This legislation had to be comprehensive and detailed, yet flexible enough to allow the new tribunal to undertake many different kinds of proceedings.

Since the tribunal has become operational, reforms have been identified that would improve its operation even further. This bill would, for example, introduce a simplified process for dealing with appeals that go from the tribunal to the Supreme Court. These amendments would put responsibility for appealing a proceeding to the Supreme Court in the hands of the parties alone, rather than in the tribunal. The purpose of this change is to ensure that only matters where the parties actually desire to begin proceedings in the Supreme Court are appealed to that level.

The procedure for joining new parties to a tribunal proceeding would also be improved by this bill. Additional requirements would be added to the ACAT act, to provide guidance to the tribunal in deciding the issue. The amendment would mean that only parties who have an interest in the proceeding may be joined. This will ensure that proceedings do not become complicated by parties with no connection to the underlying matter.

The government's experience in regulating licensed agents also contributed to the improvements proposed in this bill. Under the Agents Act, a licensed real estate agent is required to keep a trust account. If the agent does not do this, he or she cannot have a licence.

Experience has shown that there are limited cases where an exception should be made to this rule. For example, a real estate agent who only teaches other agents about the business would have to keep a trust account under the act. These agents do not, however, receive any client money, because their business does not involve property deals. In that limited scenario, the agent would keep an empty trust account solely for the purpose of maintaining a licence.

This bill would amend the Agents Act so that, subject to the oversight and control of the Commissioner for Fair Trading, agents could seek an exemption. This change

would do away with the need to keep accounts solely for licensing purposes, and would not in any way diminish the territory's consumer protections.

The JACS bill process is also useful for the clarifications that are inevitably required as issues arise under the territory's laws. Over time, there are disputes as to the meanings of laws, including about the extent of powers granted under those laws. The Court Procedures Act gives the courts the power to require security screenings of everyone who wishes to enter court premises. However, the provisions of the act that give this power could be clarified even further. This clarification is important, as it will ensure that the power of the courts to maintain a safe environment is beyond any dispute. The amendment proposed in this bill would allow for reasonable searches to continue at the courts, and would also ensure that everyone entering court premises is treated equally.

I note that the Standing Committee on Justice and Community Safety commented on this particular amendment and I would like to take this opportunity to respond. This amendment simply recognises the existing powers of the courts. It is not a change in policy and was crafted to avoid specifically the confusion to which the standing committee has succumbed. The standing committee refers to the Court Security Bill 2000. That legislation did not in any way limit the courts' power to require security screenings. Rather, it provided a supplementary power to ensure that extraordinary measures could be implemented for particular cases where the courts' inherent powers were unclear. The Court Security Bill was a supplement to existing and inherent search powers, not a limitation as the standing committee implies.

The right to enter court premises in the first place is subordinate to the inherent right of the courts to regulate their proceedings. This rule is made clear under section 41 of the Court Procedures Act. Courts have an inherent power, recognised in the common law, to control the locations of proceedings so that the safety of everyone involved is ensured. This power includes the right to require that people undergo a screening as a condition of entry to the premises of the court.

The recognition of this power in the Court Procedures Act is a simple re-affirmation of existing law and policy. While the power to require searches does engage section 12 of the Human Rights Act, there is more than sufficient reason to consider these searches a reasonable limitation on the right to privacy. The courts daily hear extremely sensitive criminal and civil matters. The risk of providing an avenue for weapons into the courtroom, for example, clearly justifies the use of general security screenings. The only effect of this amendment will be to ensure that, due to confusion over the language of the statute, a limitation on the courts' powers will not be invented or claimed where none had existed previously.

In addition to clarifying the law, the regular introduction of JACS bills means that the government is able to respond to changing conditions that require basic legislative reforms. The amendments in this bill maintain one of the territory's consumer protections as part of a national reform project. The territory agreed to implement a national consumer credit law, as part of a commonwealth initiative. All states and territories are currently participating in the reform, which will result in a consistent and clear set of rules between all jurisdictions.

As part of the reform, the territory's Consumer Credit Act 1995 will be replaced by a national consumer credit code. The national consumer credit code, however, leaves room for states and territories that already have limits on interest rates to preserve them. This bill would preserve the territory's limits on the interest that may be charged to consumers for a credit contract. The law and regulation that provide the limit will be transferred from the Consumer Credit Act to the Fair Trading Act. This simple transfer will ensure that, when the national legislation replaces the territory Consumer Credit Act, consumers will still be protected from unfair and extreme interest rates.

The remaining amendments in this bill update references to renumbered and renamed legislation, make transitional provisions permanent, and remove duplicate provisions. These simple reforms introduce no policy changes. Instead, they ensure that the amended legislation is effective and easy to administer.

Mr Rattenbury gave notice that there were issues which he would require some additional clarification on. I had sought to do that, though I have just been provided with some additional information in relation to a couple of aspects that were, most specifically, gone to by Mr Rattenbury in his comments—to respond to his interest in those particular matters.

I will read some additional advice which I have just been provided by officers. The first issue is about the Court Procedures Act, an issue raised by Mr Rattenbury, seeking clarification. The advice reads:

> … it is a policy change to broaden search and screening to apply generally and some of the reasoning behind that decision …

I will provide some further advice. Some of this does not have context to me, Mr Rattenbury; I am sorry. The simple advice that I can provide is this:

> Legal Advice is that the courts already have an inherent power in regard to this. The rewording of the provision is to ensure that the provision does not apply a limitation on the Courts existing inherent power …

The second matter that was raised by Mr Rattenbury went to changes to referral processes under ACAT. Mr Rattenbury said that he would welcome some additional clarification in relation to this. On that issue, the clarification I have is this:

> These comments—

comments made in relation to this—

> refer to clause 1.7, which amends section 85 of the ACT Civil and Administrative Tribunal Act.
>
> The explanatory statement does not call this amendment a clarification. It is described clearly as a change in tribunal procedures.

> This change in the procedures of the ACAT is designed to improve its operation, but it is not a change in policy. The underlying policy is that matters may be appealed from the ACAT to the Supreme Court. That is still the case after this amendment. These changes address the procedural steps to be taken in bringing an appeal to the Supreme Court after the ACAT has decided not to deal with the matter.
>
> The ACAT will still consider if an appeal will be heard by the ACAT and if it finds that it might be appropriate that the matter be heard by the Supreme Court, the Appeal President may choose to refuse to deal with the matter and provide a notice to the parties under s85 that the parties should seek leave of the Supreme Court to hear the matter.
>
> In particular, the amendment was introduced to avoid the ACAT becoming involved in the dispute in anything like the capacity of a party, as might be the case if it decided on its own to refer the appeal. Also, whether it is necessary to bring an appeal in the Supreme Court is really a question for the parties.

I hope, Mr Rattenbury, that that provides some of the clarification that you sought. I do concede that it was not particularly meaningful to me, though I am sure it will come to be.

In conclusion, I thank members for their contributions and support and 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.

Leave of absence

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (4.31): Madam Assistant Speaker, Mr Corbell had proposed to deal with a matter today but he had not dealt with it before his departure. The matter concerned leave of absence for Ms Mary Porter for today’s sitting, on the grounds of her representing me at a ministerial council meeting interstate. I move:

> That leave of absence be granted to Ms Porter for this sitting due to her attendance interstate on behalf of the Chief Minister.

Question resolved in the affirmative.

Adjournment

Motion by **Mr Stanhope** proposed:

That the Assembly do now adjourn.

Schools—student suspensions

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (4.32): In August of this year the Assembly endured one of those occasional debates which when they occur always remind me of Alexander Pope's enduring words: "what mighty contests rise from trivial things".

You will recall, Madam Assistant Speaker, that Mr Doszpot and I had a difference of opinion about the meaning of some statements by Mr Doszpot about the Shaddock review and Catholic and independent schools. I expressed my opinion about Mr Doszpot's statements in a letter to the Non-Government Schools Education Council.

Mr Doszpot's reaction? Not to clarify his statements; instead he used a vote of the Assembly to try and make me change my opinion. Yes, in August Mr Doszpot moved in the Assembly that I must change my opinion and state that I had changed my opinion. And after he moved that, if I didn't change my opinion, which of course I did not, then the Speaker would write to the Non-Government Schools Education Council saying I had misrepresented him and saying that I had inadvertently used my position of authority.

And so it happened, Madam Assistant Speaker; it really was an extraordinary debate and an extraordinary decision—an extraordinary approach to a difference of opinion between politicians.

Mrs Dunne: On a point of order, Madam Assistant Speaker: I would just like to draw your attention to Mr Barr's words.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mrs Dunne, can you please stop. Gentlemen of the opposition, if you want me to hear Mrs Dunne you will have to shut up.

Mrs Dunne: I would like to draw your attention to Mr Barr's words. He is coming very close to reflecting upon the vote of the Assembly and the subsequent actions of the Speaker in response to the vote of the Assembly.

MADAM ASSISTANT SPEAKER: Thank you. I think he has not yet managed to do that, but Mr Barr please bear this in mind. Clerks, please restart the clock.

MR BARR: As I said at the time, I was worried that it would set a precedent, that every time someone wrote a letter that someone else disagreed with the Assembly

would be sidetracked with a stupid debate of the sort we endured in August. Well, I am sorry to say that Mr Doszpot has written a letter that I disagree with, and Mr Doszpot's letter does not just contain a disagreeable statement about his opinion; it contains a false statement about the facts.

And, Mr Speaker, would you believe it, the letter is to the Non-Government Schools Education Council. Mr Doszpot, what are we going to do with you? On 21 October Mr Doszpot wrote to the Non-government Schools Education Council about the Education Amendment Bill 2009. The letter said, inter alia, that the Liberal proposal was "to increase the amount of time a principal can suspend a student from the current maximum of 5 days to 20 days".

So far so good, but wait for it, Mr Speaker; there is just a little more. He went on to say that this would have brought the ACT into line with most other jurisdictions. I am afraid that is wrong, Mr Speaker, and that is wrong, Mr Doszpot.

These are the facts. Tasmania has a maximum of 10 days, South Australia a 10-day maximum at one time and Western Australia a maximum of 10 days for a serious breach of school discipline. The list goes on: Queensland, Victoria, New Zealand. They all have suspension periods broadly in line with what the ACT government was proposing.

I cannot speak for Mr Doszpot. He will have to explain why he misled the Non-Government Schools Education Council in writing. And he will have to explain why he has repeated the misleading statements to the media. He will have to explain why he has repeated them to the Assembly itself on two separate occasions this week. He will have to say he was ignorant, or dishonest, or negligent or all of the above.

Mr Speaker, if Mr Doszpot wants to make a fool of himself in writing that is his business, but I can speak for myself. I will state the facts and I will state my opinion, but despite the ridiculous precedent that was set in this Assembly in August there will be no censure motion, there will be no deadlines, there will be no letters from the Speaker and there will be no hours of wasted debate. Seriously, Mr Speaker, if we did that every time Mr Doszpot stuffed up, we would be here until Christmas.

Great Song Company
Free-Rein Theatre Company

MRS DUNNE (Ginninderra) (4.36): I want to reflect on some of the events that I have experienced in my capacity as the shadow minister for the arts that reflect the broad range of cultural diversity in this city. One of those was essentially an imported concert, but it was the setting that made it a particularly appealing concert. The Great Song Company that comes from Sydney presented a concert last Thursday night in the Albert Hall which was called The Spanish Muse. It consisted of music of Thomas Louis de Victoria and the Canticas of Our Lady by Alfonso the 10th, the King of Spain.

This was a superb concert which had these two quite diverse settings of music interleaved with bright, joyful music celebrating mainly popular songs but also

celebrating the king's relationship with a lady interspersed with requiem music, which was quite solemn and beautiful.

The great thing about it was that this concert was under the auspices and with the co-operation of the Friends of the Albert Hall, and it was conducted in the Albert Hall. I had been told in the past that the Albert Hall did not have very good acoustics. That was not borne out by this splendid concert in this splendid venue. I congratulate the Spanish Embassy and the Friends of the Albert Hall for bringing this great concert to us in such a beautiful setting and I hope that as the refurbishments of Albert Hall go on we will have more experiences like that. I congratulate the Friends of the Albert Hall for their initiative.

Both Ms Porter and I had the privilege of attending a couple of weeks ago the opening night of Free-Rain Theatre Company's *Cat on a Hot Tin Roof*. I think that Ms Porter, like me, is a regular attender at Free-Rain's events, mainly held in the Courtyard Studio. This was a superb production by an amateur theatre group.

Cat on a Hot Tin Roof has always been a great favourite of mine, and I thought that the interpretation brought by director Jordan Best and a really fabulous ensemble of Jenna Roberts, first-time actor Alexander Marks in the difficult role of Brick, Liz Bradley, a perennial around town, as Big Mama, Tony Turner as Big Daddy and the rest of the ensemble cast was fantastic. I do want to congratulate Anne Somes as the artistic director of Free-Rain and all the fabulous supporters of this great amateur group.

We really should pay more attention to the great work of amateur and semi-professional theatre in the ACT, because they do make a significant contribution to the cultural life of our city—and often on the smell of an oily rag. *Cat on a Hot Tin Roof* was a stand-out performance by all concerned. The set was fabulous, the costumes were great, and it is a great testament to the work of the people associated with Free-Rain Theatre Company.

Housing—stock

MS LE COUTEUR (Molonglo) (4.40): I would like to briefly talk on an issue which has exercised my mind for some time, and that is making better use of our ageing housing stock and one particular area in which we could see some regulatory legislative changes which might enable that.

I live in Downer, and Downer has an ageing population. I am surrounded by houses which are vastly larger than the inhabitants require. They were extended for a large family, and they have now often got one or possibly two people in them. They are just sitting there, which is not ideal from anyone's point of view.

We do have a situation in the ACT where, if you have a large block, you can build a dual occupancy residence in your backyard in certain locations, and some people are happy to have share houses, which is certainly something which has in many cases a lot to commend it. But there is another alternative, which we used to have in the ACT and we do not really seem to have anymore, and that is what used to be called the

granny flat. I believe these days the closest thing to this is what is called the habitable suite.

Mrs Dunne: I love the "habitable suite".

MS LE COUTEUR: This is what happens if you have a house and you have got a disabled child or an ageing parent, someone with whom you have a caring relationship and you wish to house them in your house but with a degree of separation and privacy. You are able to build these suites but with a huge amount of red tape, because every year you have to go back to ACTPLA and demonstrate that you are still caring for this person, and when you build, you have to build it in such a way that it can be removed afterwards. I have a number of friends who have gone through this process, and it really discourages people—

Mrs Dunne: It is obviously designed to.

MS LE COUTEUR: You are probably correct, Mrs Dunne, and it is also because it is so discouraging that I think it is probably one of our laws which is widely not adhered to. Basically, the bottom line of the situation is that a house is only allowed to have at present one kitchen. You can have as many bedrooms as you want, as many bathrooms as you want, but only one kitchen—I guess it is good to know that the kitchen is the heart of the family, so from that point of view it is great.

It seems an area we could look at. We could look at the regulations again. Once upon a time, I think the ACT did allow second kitchens in some circumstances. We all know houses that have granny flats and things in them. There is a big need for this in terms of our ageing population, our ageing housing stock, more need in some cases for disabled people, or for students. Much student accommodation is in fact done this way. I suspect a lot of it is not done legally—and I think this is an area that it would be good for the government and the Assembly to do some work on. There are ways in which we can use large houses better than we do at present where the need for a large house is no longer there.

Not all of Canberra is like that, but particularly where I live there are substantial areas that are. I think that some policy development in this regard would be a step forward in terms of housing affordability and making better use of our land by implementing some very nice urban densification. Generally, I think it would be a positive move forward.

Engineering excellence awards

MR DOSZPOT (Brindabella) (4.44): On 10 September I was honoured to be the guest of Mr Tom Brimson, President of the Canberra Division of Engineers Australia, and Ms Vesna Strika, the CEO of the Canberra division, at their awards dinner, the ACT 2009 engineering excellence awards. The evening was a glittering show of engineering know-how, both in the presentation of the awards as well as in the quality of the entrants. We saw represented quite a diverse range of products and projects, and, as the judges noted, the exceptional quality of all the entrants and the interesting submissions in the electronic areas were perhaps an indication of future directions.

The ACT government new technology and innovation award went to Taskmaster: controlling power at the workstation, developed by Northrop Consulting Engineers Pty Ltd. Engineering excellence awards were awarded to four companies: Kingston foreshore harbour civil works by Macmahon Contractors, AECOM Australia Pty Ltd and the Land Development Agency; InterfereX by NICTA; Taskmaster: controlling power at the workstation, developed by Northrop Consulting Engineers Pty Ltd; and enlarged Cotter Dam geotechnical investigations by Actew, ActewAGL, GHD, Abigroup and John Holland.

Highly commended awards were also presented to the following three projects: AIS altitude facility by Kinetic Performance Technology; materials handling and warehouse solution at the Royal Australian Mint; and Gungahlin Drive extension bridge over Belconnen Way by federal highway joint venture and VSL Australia Pty Ltd.

While all of the winners were of exceptional quality, the winner of the ACT government new technology and innovation award was of particular interest to me, and maybe we should explore the possibility of looking into their power saving device for the ACT Assembly.

Taskmaster: controlling power at the workstation, developed by Northrop Consulting Engineers Pty Ltd, is an interesting product. The Taskmaster system reduces carbon emissions in the office environment by turning off the power to the work station when it is not required. The system is unique in that it utilises the existing building lighting control system for its operation, making it economical and simple to integrate with other building systems.

The Taskmaster system comprises two principle components: the control unit and the desk mounted power rail. These devices integrate into the existing base building lighting control system to control appliances at the desktop, including lighting and computers. This allows an existing lighting control system designed to save energy consumption to be extended to other appliances. The desk mounted power rail has white power points which switch off at 6.30 pm every night, and automatically come back on at 7.30 am on a working day. The power can be reset for two hours at the desktop if you are working between these hours. The red power points are essential and remain on, allowing for computers and other essential equipment to be plugged in.

I am reading obviously from the hand-out at the evening, which is extolling the virtues of an interesting product. In the words of the judges:

> This system is simple, saves power, is cheap, and a very well developed system—a great innovation! Why didn’t someone develop it years ago?

So, Madam Assistant Speaker Le Couteur, knowing your interest and passion in environmental technology and innovation, I commend this Taskmaster: controlling power at the workstation to you to perhaps explore with the Speaker to see how it would fit with our Assembly.

Viet Tan

MR COE (Ginninderra) (4.49): Recently I was pleased to attend a democracy dinner to discuss the ongoing campaign for democracy in Vietnam. My Liberal colleague Steve Doszpot MLA also attended the event. The dinner was hosted by the International Chairman of Viet Tan, a Vietnam reform party, Mr Diem Do, and attended by other representatives of Viet Tan in Australia. Viet Tan is a pro-democracy party with members both inside Vietnam and around the world. The party aims to establish democracy and bring about political change through peaceful means. Viet Tan believes that a free society is the best means to harness the vast potential of the country and its people. Also, a democratic Vietnam will contribute greatly to the prosperity and stability of the Asia-Pacific region.

Viet Tan operates in a very professional manner and is using the latest in new media and other campaign technology to get its message out. New media has opened up new opportunities for the campaigning work of Viet Tan as it has enabled them to spread the message to many in Vietnam and around the world that had previously not been able to be reached. However, the Vietnamese government has severely restricted the ability of some in Vietnam to post their views on the web.

The night was a reminder to me of how lucky we are in Australia, through all the hard work of previous generations and generations to come, that we do enjoy the great freedoms, in particular freedom of speech, that those in Vietnam and other countries do not enjoy and, in fact, are persecuted for. Viet Tan's grassroots movement is important because, for freedom in Vietnam to be sustainable, the movement must come from within. It must be a movement from the bottom up, and this is what Viet Tan aims to do.

In order to transform Vietnam from a dictatorship to a democratic society, a pluralistic society must first be established, with all existing constraints against human rights completely removed. To accomplish this, Vietnam have developed an action plan that details their ideas. The plan is as follows: program 1, improving social welfare and restoring civil rights; program 2, promoting pluralism; program 3, building collective strength; program 4, expanding the knowledge base; program 5, investing in the future generation; program 6, lobbying international support; program 7, strengthening the overseas Vietnamese community; program 8, building the foundation to reform Vietnam; program 9, protecting national interests and territorial integrity; and program 10, restoring truth to recent history. Freedom of information about the past democracy is available at www.viettan.org.

A Canberra journalist, Graham Cooke, recently published a fascinating article about the Viet Tan democracy movement and the struggle for peace that so many people have endured and are committed to. In this article, Cooke writes:

> Diem says members inside Vietnam are routinely persecuted. "Article Four of the Vietnamese Constitution states that there should be only one lawful political party and that is the Communist Party, so our members keep their identities a secret. If they are discovered they usually find themselves under 24-hour surveillance, they are harassed and even jailed," he said.

> Viet Tan aims for a peaceful transition to democracy. "We would not have anything to do with a violent uprising. There has been enough violence in the past," he said.

Cooke goes on to say:

> He sees change coming through four kinds of pressure. "The first is popular pressure and that can express itself in many ways in calls for social changes, protests against corruption or calls for land rights. The second type of activity is the creation of a united opposition front where political parties band together in a call for a multi-party system and eventually free elections.
>
> Then there is international pressure—we travel the world, seeking support; that is why I am in Canberra at the moment. Finally we look to eventually see pressure coming from within the party leadership itself. Only when we can have all four working in coordination will we have enough power to crack the system.

As I mentioned earlier, the dinner was hosted by the international chairman, Mr Diem Do, who was born in Saigon in 1963 and was a champion of freedom whilst at college, joining Viet Tan in 1982. He has an accomplished career in the industries of banking, manufacturing and health care. Mr Diem Do was awarded an MBA from the University of Houston. In his role he has conversations with political leaders around the world, including the US congressional committee and, more recently, the Australian parliament.

I would also like to recognise the fantastic contribution of Lieu Do and Dr Phong Nguyen to the Viet Tan movement. These leaders are very successful in their chosen professions, thus they give up a tremendous amount to commit so much time to the Viet Tan movement.

On the night I was very privileged, along with Mr George Lemon, to be awarded honorary membership of Viet Tan. Viet Tan has no better friend in Canberra than George Lemon, a person who has tirelessly campaigned for freedom in Vietnam and many other worthy causes. I look forward to continuing to support Viet Tan and its promotion of democracy and freedom in Vietnam.

Hospitals—Clare Holland House
Mr Merv Armstrong
Heart Foundation

MR HANSON (Molonglo) (4.53): I rise tonight just to clarify an issue during question time. There were questions asked about Clare Holland House and the transfer of ownership. During the debate the question of the mission of the sisters arose, the Sisters of the Little Company of Mary. Previously, as I have interjected in this place, Mr Stanhope directed an attack towards me. In an earlier incident he essentially said that I had vilified the Catholic Church. In this case, today he attempted to suggest that I had somehow vilified the Sisters of the Little Company of Mary.

I contend that anyone reading the *Hansard* or listening to what I said would know that I simply indicated to Mr Stanhope that the mission of the sisters extended beyond their mission, which is to care for the dying. If you refer to their website, you will see an explanation of the good works of the Little Company of Mary, which originated from Mary Potter in 1850. They have done good works for so many decades in the UK, where they formed, and here in Australia. They have performed a wonderful mission across Australia. Unfortunately, the reports of my “attack on the Catholic Church” have been reported in the media because it had been spun that way, and I just want to clarify that issue.

Moving on, yesterday was Remembrance Day, and I congratulate Mr Seselja on his great speech in honour of our veterans. I would just like to pay homage to a particular veteran, a fellow called Merv Armstrong. As many of you know, I have a bit of a sore back. Merv is 87 and a veteran of World War II, and last Friday we were selling poppies. He has been doing that for close to 40 years. As I was there feeling a bit sore after eight or nine hours of this, Merv was still going strong. He had been doing it all day every day for about six days. He is quite a remarkable individual, and it was a great honour to do that with him. From the way that Merv was going, I am sure he has many years left in which he will be selling poppies to the people of Canberra.

I would like to turn now to the Heart Foundation anniversary dinner that was conducted on Saturday night at Manuka Oval. I congratulate the CEO, the president and all those who were involved in coordinating that night. Indeed, the main organiser of that evening was Ms Erin Blake, who is actually Minister Corbell’s partner. She has done some wonderful work for the Heart Foundation. She organised a wonderful night, and she has organised a number of functions previously, one on my behalf here at the Assembly in my role as a Heart Foundation ambassador. It is a very important charity, and it was great to see so many people supporting it that night. A lot of money was raised, and it was great to see the generosity of Canberrans putting their money where their mouths are to support such a wonderful cause.

Mrs Valerie Campbell

MR SESELJA (Molonglo—Leader of the Opposition) (4.57): Today I would like to recognise the important contribution made by grassroots members of the Liberal Party, and one, in particular, who has reached a milestone in showing deep commitment and exceptional dedication. I am hopeful that this individual will be able to be with us at some point in the next few minutes. For all parties, the individual members are a vital element of the structure of representative democracy. They are the foundation upon which the party platform is built. It is they who give of their time, their energy and their ideas to form the structure of the party and set the standards we pursue.

I am particularly impressed by those members who stand firm in their commitment and who stand by their party and their beliefs through thick and thin. Today I would like to pay special tribute to one such member of our own party who has stood loyal and steadfast and who this year has reached a truly remarkable milestone. The party member I refer to is Valerie Campbell, who celebrates 60 years as a Liberal Party member this year. This extraordinary commitment shows truly exceptional dedication,

and I would like to acknowledge the remarkable story of Mrs Campbell, who has been kind enough to share with me some of the details and recollections of her time as a loyal Liberal.

Valerie joined the Young Liberals in Camberwell at the age of just 16 in February 1949. Her introduction to grassroots politics and party membership was the December 1949 election. Valerie letterboxed and handed out how-to-vote cards along with many fellow members. The 1949 election was, of course, the election that saw Robert Menzies swept to power, a momentous occasion for a young Liberal and an exciting introduction to party membership.

Valerie tells me she has been letterboxing and handing out how-to-vote cards for the Liberal Party ever since, for which many successive candidates owe her thanks. She was Secretary of the Camberwell Young Liberals for three years in the late 1950s and was rewarded with a life membership of the Young Liberals. Her brother, Bill Collett, now of Portland in Victoria, is also a life member of the Camberwell Young Liberals for his service as president of the club in the early 1960s.

As you might imagine, such a long association with the party has furnished Valerie with a multitude of memories and a wide array of anecdotes. From correspondence with Valerie, I would like to share just two of those stories as illustrative of the ebb and flow of grassroots political life. Valerie has recounted to me her memory of a night time rally in Balwyn in the mid-1950s to welcome back Prime Minister Menzies from overseas. Seventy Young Liberals formed a guard of honour, holding aloft flaming kerosene torches while Mr Menzies, his wife, Pattie, and daughter, Heather, were piped across the park. That sort of histrionics is not evident in this era of politics, but it shows the sort of engagement that the party membership could engender in those early days.

Other anecdotes show how party members can have an intimate connection with those who go on to shape history. Valerie recalls another event which stands out in her memory, which was the suspension by the Victorian state council in 1951 of Alan Missen, who was Vice-President of the Young Liberal and Country Movement, as it was then known, for writing to the *Argus* newspaper criticising the government's Communist Party referendum. According to Valerie, Alan had written the letter as a private person and not as the Vice-President of the Young Liberal and Country Movement, but the newspaper recognised his name and inserted his details at the end of the letter.

The Camberwell Young Liberals were holding their monthly meeting the same night, and Valerie was present when Ivor Greenwood, later Attorney-General in the Fraser government, and Vern Hauser, afterwards a Victorian state MP, arrived to inform the meeting of the council's decision. Alan himself was subsequently elected as a senator for Victoria in 1974 and held that seat until he died in 1986.

Valerie and her husband, Russ, who are now here with us in the chamber—and I acknowledge their presence—subsequently moved to Canberra, where Valerie joined the Long Gully branch of our own branch of the Liberal Party. Valerie was Secretary of Long Gully branch for a few years in its early days, and she and her husband were

Liberal Party booth captains at the Farrer school polling booth for quite a number of elections. They have been letterboxing and handing out how-to-vote cards at Farrer and elsewhere ever since. Mr and Mrs Campbell have also been active in our southern electorate branch and the central electorate branch and now attend the Woden-Weston Creek interest branch.

We are a party that honours our past. That past is built upon the dedicated service of people such as Valerie and Russ Campbell. Their selfless effort and tireless support have kept steadfast, and for Valerie that has been the case through six decades of commitment. She was there for the Menzies years; she was there for the dismissal and the Fraser government; she was there when John Howard started his administration; she was there through his government and she is there now in opposition; she was there through political crisis and political calm; and she was there for her party and for her beliefs.

On the 60th anniversary of party membership of Mrs Valerie Campbell, I would like to formally recognise her extraordinary commitment. I would also like to personally express my thanks and gratitude for a genuine believer in Liberal ideals, a loyal supporter of the party and a true Liberal stalwart. Mrs Campbell, on your 60th anniversary as a party member, for your dedication, loyalty and continued support, the Liberal Party in the ACT recognises you, thanks you and congratulates you.

Question resolved in the affirmative.

The Assembly adjourned at 5.02 pm until Tuesday, 17 November 2009, at 10 am.

Schedule of amendments

Schedule 1

Long Service Leave (Community Sector) Amendment Bill 2009

Amendment moved by the Minister for Industrial Relations

1
Clause 9
Proposed new section 2A.7 (3)
Page 6, line 12—

omit

Answers to questions

Environment—air quality reports (Question No 310)

Ms Bresnan asked the Minister for Health, upon notice, on 17 September 2009:

(1) Will the Minister provide measurements for the Monash station with regard to PM10 and PM2.5 as at June 2008 and June 2009 in a format similar to that provided in the ACT 2007 Ambient Air Quality Report, as published by the Environment Protection and Heritage Council and available at http://www.ephc.gov.au/sites/default/files/AAQ_MntRpt__2007_ACT_Report_Final_0.pdf.

(2) What time periods, if any, were measurements at the Monash station of PM_{10} and $PM_{2.5}$ found to be invalid, due to problems with measuring equipment.

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

(1) The Health Protection Service (HPS) operates and maintains instruments that monitor the ACT air for a number of determinants including Particulate Matter less than 10 micrometres Equivalent Aerodynamic Diameter (PM_{10}) and less than 2.5 micrometres Equivalent Aerodynamic Diameter ($PM_{2.5}$).

The air monitoring data is validated before being transferred to Environment Protection Unit (EPU) of the Department of the Environment, Climate Change, Energy and Water, which prepares the National Environmental Protection Measures (NEPM) report for the ACT. The EPU is currently preparing the 2008 ACT ambient air quality report.

The ACT 2007 Ambient Air Quality Report provides the data in a calendar year format and this format has been followed when providing the requested PM_{10} and $PM_{2.5}$ data for years 2008 and 2009.

ACT $PM_{2.5}$ and PM_{10} Air Quality Report

$PM_{2.5}$

Only data classed as valid from the NEPM $PM_{2.5}$ monitor is used to produce these tables. NEPM standard is 25µg/m3 for 24-hour average, 8µg/m3 for an annual average.

Table 1 - NEPM $PM_{2.5}$ Monash

Year	Data Availability rates (% of Days)					Annual Mean Concentration (µg/m3)	Number of 24-Hour exceedences (days)
	Q1	Q2	Q3	Q4	Annual		
2007	47.8	61.5	47.8	75.0	58.0	7.5	8
2008	71	75	55	0	45	8.7	6
2009	23	45	44*	*	26	7.0	1

* = Current and further quarter, more data will be available later.

Note: For reporting against the NEPM insufficient data has been collected due to instrument failures or weighing filter occurred outside of strict temperature and relative humidity conditions.

PM_{10}
Only data classed as valid from the NEPM PM_{10} monitor is used to produce these tables. NEPM standard is 50µg/m^3 for 24-hour average.

Table 2 - NEPM PM_{10} Monash

Site	Data availability rates (% of days)					Number of exceedences (days)	Performance against the standard and goal
	Q1	Q2	Q3	Q4	Annual		
2007	98.9	100	100	100	99.7	5	Met
2008	100	100	100	46	82	3	Met
2009	0	24	65	*		4	**

* = Current and further quarter, more data will be available later.
** = Insufficient data due to instrument failures and current year not complete.

(Additional graphs are available at the Chamber Support Office).

(2) I have been advised that in the second half of 2008 and the first half of 2009, due to a range of reasons, the HPS did not collect NEPM data for particulate matters $PM_{2.5}$ and PM_{10}. While there are usually some gaps in most data sets there are unusual gaps in the 2008 and 2009 data as highlighted by Tables 1 and 2 above.

Significant $PM_{2.5}$ and PM10 data are missing for the following periods:

- $PM_{2.5}$, 7 months (July 2008 to end of February 2009); and
- PM_{10}, 7 months (November 2008 to beginning June 2009).

The data gaps result from a sequence of events commencing with the failure of the PM2.5 sampling monitor. The expansion of Goodwin Village and the subsequent relocation of the Monash station; the refurbishment of the Monash station roof to improve OH&S conditions for staff servicing the roof mounted monitors; and issues surrounding the refitting and failed calibration of the PM10 monitor, also added to the non collection of air monitoring data.

HPS has now completed the relocation of the Monash station and refurbished its roof. The various monitors have been refitted, calibrated and assessed as functioning correctly.

As a consequence of not collecting the air quality data for the specified periods, the ACT will not achieve all the targets for PM2.5 and PM10 in 2008 and 2009 set by the Ambient Air NEPM. The status in terms of data capture rates for PM2.5 and PM10 for the Ambient Air NEPM for 2008 and 2009 is:

- $PM_{2.5}$ – not achieved in 2008 or 2009;and
- PM_{10} – achieved in 2008, will not be achieved in 2009.

It is regrettable that a complete set of measurements was not recorded for 2008 and 2009. However, the previous year's trends indicate the ACT experiences a low number of exceedences per year. In the case of Particulate Matter the exceedences have been associated with wood smoke (home heating or bushfires) or dust storms.

TJ & C Family Consultancy
(Question No 312)

Ms Bresnan asked the Minister for Disability and Housing, upon notice, on 17 September 2009:

(1) Does the ACT Government provide funding directly to TJ & C Family Consultancy, a provider of respite services for people with a disability; if so, how much did the ACT Government provide in (a) 2009-10 to date, (b) 2008-09, (c) 2007-08 and (d) 2006-07.

(2) Does the ACT Government provide funding indirectly to TJ & C Family Consultancy, via another organisation that pays for respite care; if so, how much in did the ACT Government provide in (a) 2009-10 to date, (b) 2008 09, (c) 2007-08 and (d) 2006-07.

(3) On what basis had the ACT Government decided that TJ & C Family Consultancy was an appropriate disability service that should receive ACT Government funding directly or indirectly, for example, was it an accredited service.

(4) Has the ACT Government ever had concerns about the standard of care provided through TJ & C Family Consultancy; if so, (a) what were the ACT Government's concerns, (b) what did the ACT Government do in response to these concerns and (d) when did the ACT Government take these actions.

(5) Has the ACT Government ever been aware of any concerns that NSW Government agencies or the Queanbeyan Council have had with the standard of care provided through TJ & C Family Consultancy; if so, (a) what were the concerns and (b) what did the ACT Government do in response to hearing these concerns.

(6) Did the ACT Government take any action in response to the death of Jack Sullivan in 2008; if so, what were these actions.

(7) What steps does the ACT Government currently take to ensure that respite services that are purchased from TJ & C Family Consultancy, for residents of the ACT who have a disability, meet the necessary standards of care.

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

(1)-(7) The NSW Coroner is currently investigating a death which has links to TJ & C Family Consultancy.

As part of this process, the Department of Disability, Housing and Community Services is collating information under subpoenas from the New South Wales Crown Solicitor's Office.

In light of the investigations being undertaken by the NSW Coroner it is inappropriate for the question to be answered in this forum.

Law reform—gender issues
(Question No 315)

Mr Rattenbury asked the Attorney-General, upon notice, on 17 September 2009:

(1) In relation to the 2003 referral to the Department of Justice and Community Safety (JACS) of matters concerning law reform for the sex and gender diverse community, and noting the statement made during the 2006 Estimates Committee hearing by the Attorney-General that intersex people and also issues around gender change, are still on the Government's work program and that he anticipated them dealing with that issue during this term, what was the content of the referral to JACS regarding transgender and intersex law reform in 2003.

(2) Were items from the 2002 ACT Government Consultation Paper on Gay, Lesbian, Bisexual, Transgender and Intersex people in the ACT referred to JACS for further research, such as (a) is there is a need to define sex for the purposes of ACT law; if so, should different definitions apply for different purposes, (b) does the *Discrimination Act 1991* provide adequate protection from discrimination for transgender and intersex people, (c) should vilification provisions of the Discrimination Act 1991 be extended to prohibit acts of vilification against transgender and intersex people, (d) are the provisions and corresponding regulations in Part 3 and 4 of the *Births Deaths and Marriages Act 1997* appropriate, (e) is it necessary to regulate normalising surgery carried out on intersex children, (f) does the ACT Government need to take better account of the specific needs of transgender and intersex people in the ACT and (g) is there a need to amend the Defence of Provocation Law – The "Tranny Panic Defence".

(3) Were any other items referred, other than those in part (2)

(4) In relation to the items referred to in parts (2) and (3), (a) what, if any, progress has been made by JACS over the last six years on the particular issue, (b) has the Government received any advice from JACS over the last six years in relation to the issue; if so, what has the Government done, or is intending to do with the advice, (c) is the issue still on the JACS workplan and (d) what are the proposed future actions in relation to the issue, if any, and what is the timeframe for their completion.

Mr Corbell: The answers to the member's questions are as follows:

Mr Rattenbury has asked a total of 13 questions in Questions on Notice No. 315, 316, 317 and 318. All of those questions are interrelated in that they consider transgender issues. To that end the answers to the questions raised in Question on Notice No. 315 can be found in more specific responses to other questions. The following four responses may seem more general than Mr Rattenbury anticipated, but I think he will find a complete understanding in the composite of all of the responses.

(1)
The Department's consideration of transgender issues has occurred over an extended period of time, including both before and after the 2003 *Discrimination and Gay, Lesbian, Bisexual, Transgender and Intersex People in the ACT – Government Report to the ACT Legislative Assembly*. The Department has been closely involved in advising on the Government's submissions to the estimates Committee, and discussed with the then Attorney General, the issues that should be under consideration. Transgender issues were

very much on the Government's agenda in 2006, as they had been in 2003, 2004 and 2005. In 2006, the Department's work program included the proposed consideration of the issues generally, including the matters specifically raised in the Estimates Committee hearings.

(2) and (3)
I will answer questions (2) and (3) together.

The matters covered in the 2003 Government Report to the Legislative Assembly were the subject of various briefings by the Department to the Government. The Department's work program included consideration of transgender issues generally. I understand from both the briefing material and the work program that all of the issues raised in relation to transgendered people were open to consideration.

(4)
Work on some transgender issues have progressed significantly, whereas in some areas the Government recognises that much remains to be done. Specific and precise responses to each of the four parts to this question, as would be the case with each of the seven parts to question (3), would necessitate considerable work in re-tracing the steps of a number of working units within the Department, some of which no longer exist.

I would point out, however, that since 2003, the Government's strong focus has been on the protection of rights of all members of the ACT community, including transgender people, through the Government's development of the *Human Rights Act 2004* and establishment the Human Rights Commission in 2005. This is in addition to the Government's development of the *Civil Unions Act 2006* (and its successor, the *Civil Partnerships Act 2008*) – including the provisions that the Greens propose to restore through the Civil Partnerships Amendment Bill 2009. The focus has been on recognition and protection of the rights of all people, no matter what their sex.

The issues affecting transgender people are, as I know Mr Rattenbury is aware, complex and diverse. To the extent that these issues are not addressed by general policy and legislative reform, they do require specific consideration and action. It has not been possible to devote the Department's resources to all of the important matters requiring review.

I should also point out that transgender issues, particularly those issues relating to gender reassignment and recording the alteration of a person's sex, are matters of ongoing consideration by all jurisdictions. This Government would support a nationally coordinated review of all such issues.

Law reform—gender issues
(Question No 316)

Mr Rattenbury asked the Attorney-General, upon notice, on 17 September 2009:

(1) In relation to the 2009 Australian Human Rights Commission (AHRC) report Sex Files: the legal recognition of sex in Government documents and records which makes a series of recommendations for State, Territory and Federal Governments to remove legislative discrimination against sex and gender diverse communities when it comes to legal recognition of sex, what is the ACT Government's response to recommendations 1 to 9 of this report within the framework of the ACT Human Rights Act.

(2) Is the Government willing to implement each of the recommendations of the AHRC report; if not, why not.

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

(1) The ACT Government is considering Recommendations 1 to 9 of the Australian Human Rights Commission Report, *Sex Files: the legal recognition of sex in documents and government records*. I have recently written to the Commonwealth Attorney-General expressing the ACT Government's support of these recommendations and expressing my concern that a significant impediment in the implementation of the Commission's recommendations, particularly Recommendation 1, is the Commonwealth Government's resistance to the full legal and social recognition of civil partnerships.

(2) My Department is considering the Recommendations in the context of the existing legal framework and cross jurisdictional discussions.

Law reform—gender issues (Question No 317)

Mr Rattenbury asked the Attorney-General, upon notice, on 17 September 2009:

(1) What is the Government's policy on the requirement for sterilizing surgery as a prerequisite to obtaining a legal change of sex.

(2) Does the Government acknowledge possible inconsistencies between existing legislative requirements regarding the legal recognition of sex and provisions of the Human Rights Act and/or the Discrimination Act.

(3) Would the Government consider abolishing a surgical requirement and has the Government considered adopting one of the non-surgical models that exist in other jurisdictions around the world, such as the model set out in the UK Gender Recognition Act which has been in operation since 2004.

(4) Would the Government consider introducing Gender Recognition Certificates as provided for in the UK Gender Recognition Act which has been in place since 2004.

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

(1)
The ACT requires a person to have undergone sexual reassignment surgery to alter the register to record a change of sex under the *Births Deaths and Marriages Registration Act 1997*.

The Government has watched with interest developments in other Australian jurisdictions, in particular Western Australia, in relation to the requirement to undergo sexual reassignment surgery in order to register to record a change of sex, or apply for a gender recognition certificate. Notwithstanding this, in the absence of a comprehensive review of such requirements, Government policy is reflected in the requirements in the *Births Deaths and Marriages Registration Act 1997*. Should a nationally coordinated review take place, this Government would support such a review, in relation not only to the

requirement to undergo sexual reassignment surgery but also to the consideration of issues affecting transgender people generally.

(2)
The Government recognises that ACT legislation defines a 'transgender person' through the operation of section 169A of the *Legislation Act 2001* in addition to the *Discrimination Act 1991* definition of a 'transsexual person' for the purposes of that Act.

There is a tension that arises with the two definitions sitting alongside one another in ACT legislation. The Government however acknowledges the current debate regarding the appropriate definition of the sex and gender diverse, and that a variety of terms are used in this discourse, and terminology has not yet been settled.

(3)
The Government would only consider abolishing the requirement in the *Births Deaths and Marriages Registration Act 1997*, to undergo sexual reassignment surgery in order to register to record a change of sex, following a substantial review of that Act and an extensive consultation process. We would support a nationally consistent approach, or at least a nationally coordinated review, with a view to reforming this highly contentious area of the law. This Government would hope that any review would encompass consideration of law and procedure in other jurisdictions, both domestically and internationally, with a view to identifying the best model to pursue.

(4)
The Government considers that the current mechanism contained in the *Births Deaths and Marriages Registration Act 1997*, whereby a person registers to record a change of sex, is sufficient at this point in time for the ACT, while recognising the difficulties that transgender people face on Territory, State and Commonwealth level when altering the nomination of their sex in a number of official documents.

Should this Government decide to conduct a review, it would consider the merits of introducing gender recognition certificates in assessing other jurisdictions' requirements, and would support a nationally consistent, or coordinated, approach in choosing the most appropriate model.

Law reform—gender issues
(Question No 318)

Mr Rattenbury asked the Attorney-General, upon notice, on 17 September 2009:

(1) In relation to recommendations made by the public in submissions sought by the Government in the context of their 2003 discussion paper on the issue of sex and gender diversity, does the ACT have a consistent definition of the term transgender across all legislation.

(2) Is it appropriate or necessary to include the separate terms transgender and transexual across ACT legislation.

(3) Does the ACT Government have any plans to amend the Discrimination Act to provide protection from discrimination on the grounds of gender identity and expression, as opposed to current provisions which only protect a minority of people who meet the legislative definition of transgendered.

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

(1)
As discussed in the 2003 *Discrimination and Gay, Lesbian, Bisexual, Transgender and Intersex People in the ACT – Government Report to the ACT Legislative Assembly*, ACT legislation defines a 'transgender person' through the operation of section 169A of the *Legislation Act 2001* (inserted into the Act in 2003) as:

(1) A ***transgender person*** is a person who—

(a) identifies as a member of a different sex by living, or seeking to live, as a member of that sex; or

(b) has identified as a member of a different sex by living as a member of that sex;

whether or not the person is a recognised transgender person.

(2) A ***transgender person*** includes a person who is thought of as a transgender person, whether or not the person is a recognised transgender person.

(3) A ***recognised transgender person*** is a person the record of whose sex is altered under the *Births, Deaths and Marriages Registration Act 1997*, part 4 or the corresponding provisions of a law of a State or another Territory.

It is noted that, in addition to the generally applicable definition in the *Legislation Act 2001*, the *Discrimination Act 1991* defines a 'transsexual person' for the purposes of that Act.

There is a tension that arises with the two definitions sitting alongside one another in ACT legislation. However the Government acknowledges the current debate regarding appropriate definition of the sex and gender diverse, and that a variety of terms not confined to 'transgender' and 'transsexual', are used in this discourse.

(2)
This Government recognises that a variety of terms, not confined to the terms 'transgender' and 'transsexual', are used to describe people who are sex and gender diverse, as discussed in the *Discrimination and Gay, Lesbian, Bisexual, Transgender and Intersex People in the ACT – Government Report to the ACT Legislative Assembly* and the Australian Human Rights Commission report *Sex Files: The Legal Recognition of Sex in Documents and Government Records*.

We acknowledge the debate in relation to the definition of transgendered people, and consider the current wording contained in the *Legislation Act 2001* and the *Discrimination Act 1991* to be appropriate given this debate. The Government will continue to be responsive to the needs of the community, and will give any submissions in relation to the definition of transgender and transsexual people in ACT legislation due consideration, as and when we are able.

(3)
Both this Government and my Department have considered the possible discriminatory effect of legislation and practice in relation to transgendered people in the ACT following both the Australian Human Rights Commission report *Sex Files: The Legal Recognition of Sex in Documents and Government Records and the Yogyakarta Principles: The*

Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity.

Any consideration of amendments to the *Discrimination Act 1991* in order to protect people from discrimination on the grounds of gender identity would take place in the wider context of more comprehensive amendments to the *Discrimination Act 1991* and would require detailed consideration by my Department. All relevant stakeholders would be thoroughly consulted in that process.

Environment—building energy ratings (Question No 322)

Ms Le Couteur asked the Attorney-General, upon notice, on 17 September 2009:

(1) Has the real estate industry been informed of transitional arrangements to the real estate industry and energy auditors confirming the continuance of existing provisions and use of first generation software.

(2) Has the Department of Justice and Community Safety (JACS) developed information sheets to inform the community of the different requirements for energy assessment for new buildings and energy ratings for the purpose of sale of property under the provisions of the Civil Law (Sale of Residential Property) Act.

(3) Will JACS be providing information on the operation and enforcement of the energy efficiency rating scheme mandated under the Civil Law (Sale of Residential Property) Act in its 2008-09 annual report.

(4) Will the reporting referred to in part (3) include providing detail on the total number and proportion of (a) new house energy ratings audited by (i) software assessment of rating and (ii) physical inspection and (b) sale of premises ratings audited by (i) software assessment of rating and (ii) physical inspection.

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

(1) The energy efficiency rating (EER) guidelines are prepared by the ACT Planning and Land Authority (the Authority) under section 20A of the *Civil Law (Sale of Residential Property) Act 2003*. I refer the Member to the Authority via the Minister for Planning for a response to this question.

(2) No. As the EER guidelines are prepared by the Authority, I refer the Member to the Authority via the Minister for Planning for a response to this question.

(3) No.

(4) See answer to Question 3.

Schools—Campbell primary school (Question No 324)

Ms Le Couteur asked the Minister for Planning, upon notice, on 17 September 2009 (*redirected to the Minister for Education and Training*):

(1) On what date did the car park plans for Campbell Primary School receive departmental approval and commitment for funding.

(2) Was there any community consultation made prior to the department approving and committing funds for this project.

(3) How many additional car parking spaces will there be when this project is completed.

(4) Was consideration given to extending the current car park; if so, what reasons were given for not proceeding with that option.

(5) What is the estimated total cost of the new car park at Campbell Primary School and will the entire cost be met by the ACT Government.

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

(1) The Department of Education and Training committed to the project on 28 July 2009. Construction of the new carparking arrangements is included in a Procurement Plan approved on 16 September 2009.

(2) Yes. Consultation was firstly undertaken with the school community (school principal and staff, School Board and Parents and Citizens Association) in relation to design options to address traffic flow and safety at Campbell Primary School. The preferred option was then presented to a community meeting held on 11 March 2009 with the majority of people attending supporting the proposal. The Department received a report from a consultant traffic engineer dated 22 April 2009 that addressed submissions and concerns expressed by local residents at the community meeting.

(3) The new carparking arrangements at Campbell Primary School include seven additional set-down/pick-up spaces along the main school entrance off Chauvel Street and the construction of an additional car park off Vasey Street with 16 long stay spaces and nine set-down/pick up spaces.

(4) The alternative proposal to extend the existing carpark was assessed by the consultant traffic engineer, who undertook a risk analysis of both the original proposal and the alternative proposal against 12 hazards. While the assessment report found ten 'high' or 'medium' risks in the alternative proposal, the original proposal was rated 'low' against all hazards.

(5) Funding of $250 000 has been allocated to construct the additional car parking and related works. This project has been funded by the ACT Government in 2009-10 under the Schools Infrastructure Refurbishment program through the Department of Education and Training.

Environment—building energy ratings (Question No 325)

Ms Le Couteur asked the Minister for Planning, upon notice, on 17 September 2009:

(1) What is the progress of the Government's strengthening of auditing of the approval and certification of new buildings to enable better auditing of energy efficiency ratings.

(2) What is the progress of the ACT Planning and Land Authority (ACTPLA) consultation process regarding energy efficiency ratings.

(3) What information sheets has ACTPLA prepared to help inform consumers and industry of the differences in energy efficiency performance requirements for new buildings and energy ratings prepared under the provisions of the Civil Law (Sale of Residential Property) Act.

(4) What progress is there on the expansion of mandatory disclosure of energy efficiency at the point of sale and lease to all buildings as per Action 19 of Weathering the Change.

(5) What progress is there on mandatory disclosure of energy efficiency at the point of sale and lease to all buildings through the National Framework for Energy Efficiency.

(6) Will ACTPLA be providing information on the operation and enforcement of the energy efficiency rating scheme mandated under the Civil Law (Sale of Residential Property) Act in its 2008-09 annual report.

(7) Will the reporting referred to in part (6) include providing detail on the total number and proportion of (a) new house energy ratings audited by (i) software assessment of rating and (ii) physical inspection and (b) sale of premises ratings audited by (i) software assessment of rating and (ii) physical inspection.

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

(1) Auditing of building certifiers, energy efficiency documentation used for building approvals and on-site inspections of new buildings has commenced.

(2) Comments received through the consultation process have been compiled and recommendations on the proposals are currently being finalised.

(3) Updated information on the requirements for ratings for new buildings and the new guidelines for mandatory disclosure ratings has been posted on the ACTPLA website and sent to building certifiers and energy assessors. An information sheet for consumers is being drafted and will be available shortly.

(4) Information and comment provided to the energy efficiency rating consultancy will be taken into account in developing the final proposals and priorities for expanding the scheme. Work on regulatory impact analysis of expanding mandatory disclosure to building types and transactions not already regulated will be undertaken once the policy parameters are finalised.

(5) Mandatory disclosure at point of sale and lease for commercial buildings will commence nationally in mid 2010 beginning with office buildings of a net lettable area of $2000m^2$ or greater.

The timeframe set for national introduction of mandatory disclosure of energy efficiency information at point of sale and lease for residential buildings through the National Framework for Energy Efficiency is May 2011. Work on introducing mandatory disclosure in other jurisdictions is progressing in accordance with the project timeline.

(6) ACTPLA does not administer all of the provisions relating to energy efficiency under the *Civil Law (Sale of Residential Property) Act 2003*. Any assessments of an energy rating or related building matter undertaken by ACTPLA have been included in general compliance activities in the 2008-09 report.

(7) Specific detail on the number of audits for the 2008-09 financial year have not been included in the report because an audit program for energy ratings as distinct from standard compliance procedures did not commence during that year. Therefore these figures would not have been representative of the level of activity undertaken over the year. Future annual reports will however contain individual items as agreed to by the Assembly on 1 April 2009.

Children—protection
(Question No 329)

Ms Hunter asked the Minister for Children and Young People, upon notice, on 13 October 2009:

(1) What is the overall budget for the care and protection activities for children and young people in the ACT.

(2) What percentage of the budget referred to in part (1) is allocated towards tertiary interventions in child protection activities.

(3) How much of the budget referred to in part (1) is allocated to community services aimed at providing primary prevention and early intervention activities.

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

(1) As per the 2009-10 Budget Paper No.4 (page 236), the overall 2009-10 budget for care and protection activities for children and young people in the ACT is $44.7 million.

(2) Tertiary interventions supported through the Care and Protection unit and through the non government sector account for around 90% of the funding in part (1).

(3) Nil, however a further $16 million is directed at Early Intervention and prevention services and the Family and Youth Support Programs through the Office for Children, Youth and Family Support.

Roads—traffic lights
(Question No 331)

Mr Coe asked the Minister for Transport, upon notice, on 14 October 2009:

(1) How many sets of traffic lights are synchronised.

(2) What investigation has the Minister's Department undertaken into the further synchronisation of traffic lights;

(3) What is your Government's policy on the synchronisation of traffic lights.

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

(1) 165.

(2) Roads ACT is continually looking to improve and expand the synchronisation of traffic lights. Roads ACT is in the process of purchasing the latest release of software that will help to determine the optimum synchronisation arrangements to minimise delays and stops.

(3) Roads ACT implements traffic lights control and synchronisation via the SCATS adaptive computer control system developed by RTA NSW. The policy is to provide progression for the major direction of traffic flow along arterial roads during peak periods. Outside peak periods the form of control depends on individual circumstances such as the primary role of the road in question, the total volume of traffic, the balance of traffic in the two directions, the relative values of through traffic against side road and turning traffic and the need to cater for pedestrian movements without undue delays.

Mt Ainslie nature reserve
(Question No 334)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 14 October 2009:

(1) In relation to the Mt Ainslie Nature Reserve, how many signs have been installed since 1 January 2006.

(2) What different types of signs were installed.

(3) Under what program were these signs installed.

(4) What is the cost of these new signs installed.

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

(1) Since 2006 Parks, Conservation and Lands (PCL) has installed 44 signs on the Mt Ainslie Nature Reserve.

(2) The types of signs installed are as follows:
- large anodised aluminium signs welcoming visitors to Mt Ainslie;
- large Visitor Orientation Display sign (includes space for community groups to add information);
- directional signage identifying the management tracks throughout Mt Ainslie Nature Reserve; and
- Small 300mm x 300mm metal instructional signs placed at entry points to the reserve advising users dogs must be on a leash.

(3) All signage was funded under the relevant financial year's recurrent budget. The directional signage identifying management tracks was an action item in the 2008/09 Bushfire Operations Plan.

(4) The costs are as follows:
- Anodised aluminium signs $3,380
- Visitor Orientation Display $4,000
- Directional signage $2,978
- 300mm x 300mm instructional signs $200.

Environment—green economy strategy (Question No 336)

Mr Seselja asked the Chief Minister, upon notice, on 14 October 2009:

(1) What is the progress in developing a green economy strategy.

(2) Will it be consistent with other government strategy documents.

(3) When will this document be published.

(4) How much will this initiative cost.

(5) Is this a firm commitment or an aspirational one.

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

1. A green economy framework paper (prepared by the University of Canberra) is nearing completion.

2. Yes.

3. I would anticipate the public release of the scoping paper this side of Christmas. It will be used as a consultation tool to finalise the strategy.

4. The University of Canberra scoping paper consultancy will cost $77,000 including GST.

5. The Government is committed to developing a green economy strategy for the ACT.

Griffith and Kingston libraries (Question No 338)

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 14 October 2009:

(1) How much did it cost to close the Griffith Library.

(2) What happened to the librarians and other staff that worked at the Griffith Library.

(3) What happened to the books and other materials held at the Griffith Library.

(4) How do the services available at the Kingston Library compare with those at the Griffith Library.

(5) How do the opening hours at the Kingston Library compare with the Griffith Library.

(6) How does staffing at the Kingston Library compare with the Griffith Library.

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

(1) Approximately $8015.30.

(2) Staff were relocated to other areas of ACT Library and Information Service.

(3) A large proportion of the collection was distributed throughout other ACT library branches; items which no longer met the guidelines were withdrawn and dealt with in the same manner that all superseded items in the libraries are dealt with. All other equipment located at Griffith Library, including computers, was also distributed throughout the other ACT library branches.

(4) Services at Kingston Library will be comparable to those offered across all ACT library branches.

(5) Opening hours for Kingston are still in the process of being finalised.

(6) Kingston Library will have 4.1 full time equivalent staff while Griffith Library had 4.54.

Waste—recycling
(Question No 339)

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 14 October 2009:

(1) How much will the trial of organic waste recycling cost.

(2) Have the residential developments been selected for this trial.

(3) Who will conduct this trial.

(4) When will the trial be completed and its outcomes published.

(5) Is this commitment firm or aspirational.

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

(1) The 2009-10 Budget provides $483,000 over two years for the development of a Commercial Waste Scheme and Future Waste Strategy in which options for improving the recovery and recycling of organic waste will be examined.

(2) No.

(3) This has not been determined, but will be consistent with procurement procedures.

(4) This depends on the outcome of the procurement process.

(5) The ACT government is firmly committed to improving organic waste management in the ACT.

ACTION bus service—demand responsive transport trial (Question No 340)

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 14 October 2009:

(1) What progress is being made in developing the demand responsive transport trial.

(2) What will be the scope and duration of this trial.

(3) What is the total cost of this polity initiative.

(4) Is this a firm commitment or an aspirational commitment.

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

(1) Under the *Road Transport (Public Passenger Services) Act 2002* and the associated regulations, provision has already been made for the accreditation and operation of Demand Responsive Transport (DRT) services. In the past ACTION trialled a form of demand responsive transport called flexi bus. However, this was discontinued due to customer feedback indicating a preference for a fixed route service rather than having to book a bus. Given this response to flexibus, and the fact that there has been no commercial interest in the provision of demand responsive services, the focus of improvements to public transport services is being directed at better fixed route services.

A draft strategic public transport network plan has been developed which is intended to deliver significant improvements in levels of public transport services, both in terms of frequency and speed of services. Following public consultation on this draft strategic plan a Public Transport Strategy for the ACT is being developed as part of the Sustainable Transport Action Plan 2010-16. In the context of this Plan, consideration will be given to the potential for demand responsive transport services to contribute to public transport in the ACT and how a trial of DRT could assist in assessing the most effective use of DRT in the ACT.

(2) The scope of a DRT trial will be considered in the development of the Public Transport Strategy.

(3) A budget will be developed at the appropriate time.

(4) The Government is committed to improved public transport services and ensuring that the most effective service models are used to deliver improved services.

ACTION bus service—timetable (Question No 341)

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 14 October 2009 *(redirected to the Acting Minister for Territory and Municipal Services)*:

(1) What progress has been made in guaranteeing a bus frequency every 30 minutes.

(2) When will this commitment be fully implemented.

(3) Does this commitment apply to all services at all times of day.

(4) What is the total cost of this policy initiative.

(5) Is this a firm commitment or an aspirational commitment.

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

(1) A trial of a rapid transit service, REDEX, will run from 16 November 2009 to 30 June 2010. Services will run every 15 minutes between 7am to 7pm.

(2) The Department of Territory and Municipal Services is currently engaging with the community regarding the Government's proposed Strategic Transport Action Plan for implementation during the period 2010 to 2016. Initiatives on service frequency will be part of the final Plan.

(3) No. The REDEX service has been designed to be consistent with the longer term draft strategic public transport network plan (released for public comment in July 2009). The draft plan proposes a "frequent network" of rapid and frequent buses operating at 15 minutes or better frequency, 7 days a week. The plan is based on a speed standard on the trunk routes rather than a frequency standard across the whole network. It will have a focus on increasing patronage, which makes a public transport system more cost effective and more sustainable.

(4) The Government has allocated $1.0 million to undertake the REDEX trial. Costs of further increased services will be reflected in future ACT Government Budgets.

(5) The Government is committed to improved service frequency in the current and future network, which includes 30 minute frequency or better. REDEX is an example of this commitment.

Roads—cycling infrastructure
(Question No 342)

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 14 October 2009:

(1) How much will be spent on cycling infrastructure in 2009-10 and subsequent years.

(2) What will this money be used for and when will the works be completed.

(3) What is the extent of the maintenance backlog for cycling infrastructure.

(4) What is the Government doing to address this backlog and when will it be cleared up.

(5) What work is the Government doing on improving signage on the cycling network.

(6) Are the Government's commitments firm or aspirational.

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

(1) $3.5 million will be spent on new cycling infrastructure and $1.6 million on cycle infrastructure maintenance in 2009/10.

In the forward three years, $2.0 million/annum has been budgeted for new cycling infrastructure and $1.6 million/annum for the maintenance of cycling infrastructure.

(2) The money will be used to progress new cycle infrastructure projects which have been identified as a priority and also to maintain the existing cycle path network in the current and forward year work programs.

(3) The current identified maintenance backlog for cycle infrastructure is estimated at $5.0 million.

(4) The ACT Government is reviewing the priority for cycling infrastructure maintenance and progressing work as part of the annual maintenance programs. The current identified backlog is expected to be addressed over the next three years.

(5) $0.8 million has been allocated as part of the 2009/10 Capital Works budget for improvement to signage on the cycling network.

(6) The ACT Government is firmly committed to improving cycling infrastructure throughout the ACT.

Roads—footpath maintenance (Question No 343)

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 14 October 2009 *(redirected to the Acting Minister for Territory and Municipal Services)*:

(1) How much additional funding has been provided for footpath maintenance in the 2009-10 budget.

(2) What additional footpath maintenance will be provided from this funding.

(3) Is there a backlog of maintenance of footpaths; if so, when will this backlog be cleared up.

(4) Is the Government's commitment on additional funding for footpath maintenance a firm commitment or an aspirational one.

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

(1) Additional funding amounting to $1,600,000 has been provided in the 2009-10 Budget for maintenance of footpaths.

(2) Additional resurfacing of approximately 49,000 m2 of asphalt paths and further reconstruction of approximately 7,100 m2 of concrete paths will be undertaken with this additional funding.

(3) Yes. All currently known defects on the footpath network are expected to be completed in the next six months to twelve months.

(4) The Government is firmly committed to fund additional maintenance on footpaths.

Finance—government investment practices (Question No 345)

Mr Seselja asked the Treasurer, upon notice, on 14 October 2009:

(1) How is the independent review of the ACT Government's current investment practices going.

(2) When will the review be completed.

(3) What is the total cost of this policy initiative.

(4) What is being done to protect the interests of past, current and future ACT Government employees in this review.

(5) Is this a firm commitment or an aspirational one.

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

Background

- The Government, through the Parliamentary Agreement (item 11.1), agreed to:
  - *"Undertake an independent review of the Government's current investment practices by the end of 2009, to determine how the UN Principles of Responsible Investment are being addressed.*

    : Subject to the outcome of the review, develop a timeline for staged implementation of the review's recommendations."

- In accordance with the terms of the review as set out in the Parliamentary Agreement, the purpose of the review is to examine the Government's implementation to date of the established policy in relation to the UN Principles for Responsible Investment, not about re-examining the Government's established Environmental, Social and Governance investment policy.

(1) The Terms of Reference and the process for the review are currently being finalised.

(2) Early in 2010.

(3) The cost of the review is yet to be determined until tender submissions are received.

(4) The review is about the Government's implementation to date of the established policy in relation to the UN Principles for Responsible Investment.

The review will have no impact on the interests of any past, current or future ACT Government employees in relation to their superannuation entitlements.

(5) The Principles are voluntary and aspirational.

The Principles are not prescriptive, but instead provide a menu of possible actions for incorporating ESG issues into mainstream investment decision-making and ownership practices.

As an institutional investor, the Territory has a duty to act in the best long-term interests of its beneficiaries. In this fiduciary role, environmental, social, and corporate governance (ESG) issues can affect the performance of investment portfolios (to varying degrees across companies, sectors, regions, asset classes and through time).

Being a signatory to the Principles for Responsible Investment represents the Government's commitment.

Mental health—funding
(Question No 347)

Mr Seselja asked the Minister for Health, upon notice, on 14 October 2009:

(1) How is the Government progressing in reaching a target allocation of 30% of mental health funding going to the Government.

(2) What policy initiatives will be implemented to achieve this target.

(3) What will be the total cost of these initiatives.

(4) Is this a firm target or an aspirational one.

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

(1) The Government has no such target.

(2) Not applicable.

(3) Not applicable.

(4) Not applicable.

Women—gender impact statements
(Question No 348)

Mr Seselja asked the Minister for Women, upon notice, on 14 October 2009:

(1) What is the progress in phasing in gender impact statements and gender disaggregated data.

(2) When will this initiative be phased in.

(3) How much will this policy initiative cost.

(4) Is this a firm commitment or an aspirational one.

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

(1) A gender analysis pilot will be conducted in 2009-10, in collaboration with ACT Health.

(2) It will be phased in commensurate with the pilot.

(3) It will be met within existing resources.

(4) The government is committed to implementing gender impact statements.

ACT Housing—plumber visit program
(Question No 350)

Mr Seselja asked the Minister for the Environment, Climate Change and Water, upon notice, on 14 October 2009:

(1) How much will the Plumber Visit program initiative cost.

(2) When will it start and finish.

(3) How many low income houses will be visited in 2009-10 including ACT Housing properties.

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

1. Funding of $500,000.00 for 2009-10 has been allocated.

2. The Plumber Visit program builds on the existing ToiletSmart program. The additional services (ToiletSmart plus) of an audit and access to discount priced water efficient showerheads and tap flow regulators and leaking tap repairs will be available to participants in early 2010. The 2009-10 program (a combination of the existing ToiletSmart and new ToiletSmart plus programs) will end on 30 June 2010. A successful 2009-10 program will see continuation of the program into 2010-11.

3. A minimum of 350 fully subsidised ToiletSmart services will be provided in 2009-10.

Housing—energy efficiency
(Question No 351)

Mr Seselja asked the Minister for the Environment, Climate Change and Water, upon notice, on 14 October 2009:

(1) What steps will need to be taken in order to meet the commitment on improved energy efficiency for Canberra households over ten years.

(2) What is the total cost of this policy initiative.

(3) What legislation will have to be introduced in order to facilitate this aim and over what timeframe.

(4) What will be the regulatory impact on small business.

(5) Is this commitment a firm commitment or an aspirational one.

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

(1) As part of this Government's recent commitment of $19.1 million to encourage Canberrans to reduce their carbon footprint, the ACTSmart one-stop-shop provides information and advice on energy efficiency programs and rebates for ACT households.

During 2009-10, ACTSmart will provide access to a range of improved energy efficiency programs and rebates to the ACT community through new assistance packages and rebates as well as expanding existing programs and services including:

- a new Residential Energy Efficiency program that provides rebates on energy efficient appliances, domestic insulation and an improved solar hot water rebate, and expands a number of programs such as the ACT Energy Wise program, and Water and Energy Savings Trial programs – tender negotiations for delivery of these programs are in progress;
- assistance packages for renters and low-income households that provide rebates for household energy saving additions and for energy efficient domestic white goods;
- web based access to all rebates and assistance packages that are available through the Department of the Environment, Climate Change, Energy and Water. These will be linked to assistance packages and services available through other ACT Government departments; and
- continuing collaboration between the Sustainable Schools program (AuSSI) and the Department of Education and Training to ensure the results of energy audit program are linked to student and school community behavioural change.

Nationally, the ACT Government is part of the agreement between all state and territory governments to implement a range of energy efficiency measures under the National Strategy for Energy Efficiency (NSEE). The NSEE is a ten-year strategy that contains 37 policy initiatives, many of which relate specifically to the residential building sector. For example, the NSEE includes:

- increasing the energy efficiency provisions for all new residential buildings;
- mandatory disclosure of residential building energy, greenhouse and water performance at the time of sale or lease;
- providing incentives for residential building owners to undertake energy efficiency improvements;
- an energy efficiency audit of public housing stock;
- addressing opportunities that can be derived from building lot or precinct level layout that support solar access, solar hot water and solar photovoltaic systems;
- providing and promoting information on energy efficient housing options; and
- improving understanding of the energy efficiency of the housing stock.

The ACT Government is also considering a number of ACT-specific initiatives to increase energy efficiency of households as part of Weathering the Change - Action Plan 2 and the draft Energy Policy. These include:

- the development of Carbon Emissions Reduction Target (CERT) legislation along the lines of that in place in the U.K;
- smart meters – a trial is currently underway. Smart meters provide consumers with greater information to make more informed decisions about energy consumption; and
- bringing forward implementation of NSEE measures, where appropriate for ACT.

A public consultation process on energy efficiency initiatives will be undertaken with the release of the draft Energy Policy in late 2009. This will also include an opportunity for interested members of the public to submit additional policies for consideration.

(2) The ACTSmart total cost is $19.1 million of which approximately $8.2 million will be directed towards energy efficiency programs and provision of advice.

The cost of implementing the CERT model of legislation is currently being analysed as the Government examines its potential introduction.

The full cost of introducing smart metering can only be assessed at the conclusion of the trial currently under way.

(3) Most of the policies implemented via the NSEE do not require legislative changes. New legislation will be required to introduce CERT arrangements. This is expected to be undertaken in the first half of 2010. Other legislative changes are not envisaged at this stage.

(4) It is expected there will be no significant additional regulatory burden placed on small businesses.

(5) The ACT Government is firmly committed to improving the energy efficiency of Canberra households, as evidenced by its adoptions of a goal of zero net emissions.

Environment—plastic bag levy
(Question No 352)

Mr Seselja asked the Minister for the Environment, Climate Change and Water, upon notice, on 14 October 2009:

(1) Will the Minister introduce a levy on plastic bags in retailers; if so, when and how much will the levy be.

(2) How much revenue will the levy raise.

(3) What consultation will the Minister hold with retailers and other affected people prior to the introduction of such a levy.

(4) Is this a firm commitment or an aspirational one.

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

(1) The ACT Government is considering a range of policy options, including the potential for a levy, to reduce the use of plastic bags. The outcomes of community and stakeholder consultation will inform the choice of policy approach.

(2) Should the Government decide that a levy is the most appropriate way to reduce the use of plastic bags, the level of revenue will be dependent upon the design of the scheme and how retailers and consumers respond.

(3) Public consultation on the use of plastic bags in the ACT has been undertaken to gauge Canberrans' views on use and the range of options the Government is considering. Community consultation includes discussions with people and groups that might be particularly impacted upon. Consultation with retailers about impacts of potential measures to reduce plastic bag use is being undertaken.

(4) The Government is committed to acting to reduce plastic bag use in the ACT.

Swimming skills
(Question No 354)

Mr Seselja asked the Minister for Education and Training, upon notice, on 14 October 2009:

(1) What progress has been made in providing enough funds to ensure that all primary school students have access to swimming and water survival skills.

(2) When will this target be achieved.

(3) How much will this policy initiative cost.

(4) Is this a firm commitment or aspirational.

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

(1) The Department of Education and Training has a contract in place with Royal Life Saving Society (RLSS) to oversee and manage a 'Swim and Survive' program to ACT public primary schools. Currently, this program operates at four swimming centres and RLSS are endeavouring to increase the number of centres willing to provide access to make it easier for schools to participate.

In 2008, 19 ACT schools chose to participate in the program with a total of 1887 students. In 2009, 14 schools participated with a total of 1800 students. Other schools have chosen to use other learn-to-swim providers such as Belgravia Leisure and the Australian Institute of Sport, while some schools have chosen not to offer a program.

(2) All schools can choose to participate in a swimming and water survival skills course through either the RLSS or another learn-to-swim provider.

(3) The current arrangement with the RLSS costs $66 000 per annum.

(4) The ACT Government is committed to ensuring all primary schools have access to an appropriate swimming and water survival skills programs, and will continue to examine ways to further improve access and reduce costs to parents.

Business—development impact statements (Question No 357)

Mr Seselja asked the Minister for Planning, upon notice, on 14 October 2009:

(1) Has the ACT Planning and Land Authority started undertaking small business impact statements for large new commercial developments; if not, when will this be implemented.

(2) How much will this policy initiative cost.

(3) Is this a firm commitment or an aspirational one.

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

(1) Yes.

(2) Nil. For large commercial developments small business impact statements are currently submitted by the proponent as part of a development proposal.

(3) The Government is committed to ensuring the interests of small business are taken into account in the development approval process.

Planning—child friendly principles (Question No 358)

Mr Seselja asked the Minister for Planning, upon notice, on 14 October 2009:

(1) How is the incorporation of UNICEF child-friendly planning principles into ACT planning guidelines progressing.

(2) Will these principles be incorporated into the development of future suburbs such as Wright, Sulman and Coombs.

(3) What consultation with the community has been conducted as part of this process.

(4) How much will it cost to implement this policy.

(5) Is this a firm commitment or an aspirational one.

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

(1) Options are currently being developed.

ACTPLA is preparing a technical amendment to the *Territory Plan* for the existing Coombs and Wright Concept Plans. This will ensure that child-friendly planning principles are incorporated into these concepts plans, and set the standard for future concept plans for the Molonglo Valley.

Estate development plans, which are development applications for detailed subdivision of suburbs, will be required to be assessed against, and be consistent with, these concept plans.

An inter-departmental sub-committee on child-friendly cities will consider ways of incorporating child friendly cities principles into government policy and decision making. It will also audit the ACT Government's performance against the UNICEF building blocks for developing a child friendly city.

(2) See response to (1) above.

(3) See response to (1) above, in particular the preparation of a technical amendment to the Territory plan which involves public consultation.

(4) While not quantifiable in dollar terms, it is considered that the implementation of the policy will provide benefits to the broader community.

(5) The Government is committee to incorporating the principles of child friendly planning promoted by UNICEF into ACT planning guidelines.

Housing—energy efficiency
(Question No 360)

Mr Seselja asked the Minister for Planning, upon notice, on 14 October 2009:

(1) In relation to minimum six star ratings for new residential housing by 2010, when will the ratings be in place.

(2) How much will this policy initiative cost.

(3) What policy consultation has been held with the business community and other stakeholders about this initiative.

(4) What is the regulatory impact of the initiative.

(5) Is this a firm commitment or an aspirational one.

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

(1) At its meeting on 30 April 2009, COAG agreed to the National Strategy for Energy Efficiency which, amongst other things, included the introduction of 6 star NATHERS rating for housing in the Building Code of Australia for its 2010 amendment, not including any transitional arrangements.

This is likely to be the 2010 Building Code of Australia, with effect from May 2010; the commencement date, however, will depend on how jurisdictions introduce the changes as part of the transition to 6-star.

(2) This is being implemented as part of the national reform process.

(3) Consultation is being undertaken as part of the national reforms.

(4) See response to question 1. A regulatory impact process will be undertaken by the Australian Building Codes Board.

(5) The Government is committed to implementing 6-star ratings for new homes. It will do this within the framework of the Building Code of Australia.

Roads—Monash Drive
(Question No 361)

Mr Seselja asked the Minister for Planning, upon notice, on 14 October 2009:

(1) What representations have been made to remove Monash Drive from the National Capital Plan.

(2) What progress has been made in the Minister's negotiations on this issue.

(3) Is this a firm commitment or an aspirational one.

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

(1) On 19 March 2009 the Chief Minister wrote to the Commonwealth Minister for Home Affairs, the Hon Bob Debus MP, seeking the National Capital Authority's agreement to remove Monash Drive from the National Capital Plan.

The NCA has advised that it agrees with the removal of Monash Drive - "given the other transport planning and development that the Territory has undertaken".

(2) The NCA will add the removal of Monash Drive to its work program for 2009-10 and has undertaken to discuss details around the removal with ACTPLA.

(3) The Government is committed to removing Monash Drive from the National Capital Plan.

Finance—investment facilitation program
(Question No 363)

Mr Seselja asked the Chief Minister, upon notice, on 15 October 2009:

(1) How many companies participated in the Investment Facilitation Program in 2008-09, referred to on page 37 of the Chief Minister's annual report.

(2) What was the total cost of this program in 2008-09.

(3) What is the estimated cost of this program in (a) 2009-10 and (b) each of the outyears.

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

(1) In 2008-09 two Expressions of Interest were received for participation in the Investment Facilitation Program (IFP). One EOI was assessed as unsuitable to progress further. The second EOI is awaiting Formal Application.

(2) Nil.

(3) It is not possible to estimate the cost of the IFP in 2009-10 or future years. This is dependent on the value of payroll tax waivers that may be approved and the meeting of related milestones. Factors to note include:

- There is no cash component to the Program.
- The Program is an 'exceptional opportunities' program and the Government is not expecting a significant volume of applicants or approved waivers.
- The Global Financial Crisis environment has resulted in the postponement of significant private sector investments at all levels across the economy and low activity in the Program is a reflection of this.

Government—advertising (Question No 365)

Mr Seselja asked the Chief Minister, upon notice, on 15 October 2009:

(1) What is the cost to the ACT Government of running the Canberra 100 E-Newsletter.

(2) How many (a) people in total currently subscribe to the newsletter and (b) subscribers use an email address ending in "act.gov.au".

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

1. The initial one-off set up cost for the C100 E-Newsletter was $695. Each new newsletter is updated at an average cost of $300. The newsletters are sent out at a cost of 15 cents per email. Newsletters are sent out four times per year. To date five newsletters have been circulated through a total of 1,217 emails at a total cost of $1,300 to the ACT Government.

2. Currently the C100 E-Newsletter has 764 subscribers and of these 102 have an email address ending in "act.gov.au".

Taxation—payroll (Question No 366)

Mr Seselja asked the Treasurer, upon notice, on 15 October 2009:

(1) How many businesses paid payroll tax in 2008-09.

(2) What was the average amount paid by (a) businesses and (b) businesses with less than 20 employees.

(3) How much payroll tax is paid by Federal Government departments and agencies.

(4) Given that Budget Paper No. 3 for 2009-10 estimates that payroll tax will increase by six per cent from 2008-09 to 2009-10, which sectors of the ACT economy will drive this increase.

(5) How much of the six per cent referred to in part (4) is attributed to growth in (a) small business and (b) Federal Government spending in the ACT.

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

(1) 2,410 businesses submitted payroll tax returns in the ACT in 2008-09.

(2) The average yearly payroll tax amount paid by:
  (a) businesses: was $111,560.13 per business; and
  (b) businesses with less than 20 employees: this data is unavailable as employee numbers are not included by businesses in payroll tax returns. It is useful to note, however, that the ACT has a tax free threshold of $1.5 million. As such, businesses with 20 employees are likely to be exempt from payroll tax unless their average wages and other taxable payments exceed $75,000 per employee.

(3) Federal Government departments and agencies are not liable for State and Territory taxes and therefore do not pay payroll tax.

(4) Payroll tax forecasts are done on an aggregate basis and not on a sectoral basis. It is therefore not possible to pinpoint which sectors of the ACT economy will be the main contributor to payroll tax growth in 2009-10.

(5) (a) As mentioned in response to 2(a) above, small businesses (5 to 19 employees) are likely to be below the tax free threshold and therefore not liable for payroll tax.
  (b) The Federal Government is not liable for payroll tax.

Economy—stimulus task force (Question No 367)

Mr Seselja asked the Chief Minister, upon notice, on 15 October 2009:

(1) How many ACT Government officers work as part of the ACT Stimulus Package Taskforce.

(2) What are the levels of each officer.

(3) What was the total cost of the taskforce in 2008-09.

(4) What is the total cost of the taskforce estimated to be in (a) 2009-10, (b) 2010-11, (c) 2011-12 and (d) 2012-13.

(5) Which departments or agencies are the officers ordinarily employed with.

(6) Has the taskforce identified changes to any systems, procedures, practices or policies in order to meet the timeframe set by the Australian Government to implement the Nation Building – Economic Stimulus Plan; if so, which changes have been identified by the taskforce and what are the costs for each change to the ACT Government.

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

(1) Eight officers currently work as the ACT Stimulus Package Taskforce.

(2) Five officers are Senior Executive Service officers; one is a SOGA; one is a SOGB and one is an ASO5.

(3) The total cost of the Taskforce in 2008-09 was $475 022.

(4) The total cost of the Taskforce is estimated to be:
   (a) $905 752 in 2009-10;
   (b) funding in 2010-11 subject to budget determinations; and
   (c) and (d) Nation Building arrangements and costs beyond June 2011 have yet to be determined.

(5) Three officers are from the Department of Disability, Housing and Community Services, one is from the Chief Minister's Department, one is from Territories and Municipal Services, one is from the Department of the Environment, Climate Change, Energy and Water and one is from the Department of Education and Training. One officer is a contract employee.

(6)The changes identified by the Taskforce to systems, procedures, practices or policies were reported to the Legislative Assembly on 16 June 2009. A further report outlining subsequent enhancements will be made to the Assembly shortly. The cost of changes implemented to date has been absorbed within existing budgets. Where recommended future changes have cost impacts, it will be the responsibility of the relevant agency to pursue funding, if necessary, within normal budgetary processes.

Children—after school and vacation programs (Question No 368)

Ms Hunter asked the Minister for Children and Young People, upon notice, on 15 October 2009:

(1) What are the numbers of licensed places of (a) before school, (b) after school and (c) vacation programs in the ACT.

(2) Are vacation care programs licensed and required to meet the ACT Childcare Services Standards, as is the case with before and after school care programs.

(3) What premises are used for the provision of before and after school and vacation care in the ACT.

(4) Who (a) owns and (b) maintains those premises referred to in part (3).

(5) What are the costs of maintaining and utilising those premised referred to in part (3).

(6) Has any funding from the Federal Stimulus funding to ACT schools been spent on opening or upgrading facilities or services for before and after school and vacation care in the ACT.

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

(1) There are 94 services licensed to provide school age care. The individual service determines if they will provide before school, after school or vacation care or any

combination of all three, dependent on demand for these services at the individual school. Of the 94 licensed services:

(a) 43 services (3216 licensed places) operate before school care programs;
(b) 81 services (5827 licensed places) operate after school care programs; and
(c) 42 services (3310 licensed places) operate vacation care programs.

(N.B. Not all licensed places are fully utilised at all times, the figures above are a total of the maximum licensed capacity of individual licences.)

(2) Yes. Vacation care programs are licensed under the *Children and Young People Act 2008* and must comply with the *ACT Childcare Services Standards 2009*.

In addition to licensed after school care and vacation care programs many additional sporting and specialised educational activities are offered after school and during school holidays such as football and tennis clinics, drama and art classes. The *Children and Young People Act 2008 (Act)* has a provision which allows these services to be exempt from the licensing requirements prescribed in the Act.

(3) School Age Care Programs are usually located at primary schools:

- 59 at ACT Department of Education and Training (DET) schools;
- 22 at Catholic Education Office schools;
- 1 co-located DET and Catholic Education Office school;
- 9 at independent schools; and
- 3 vacation care programs are at sporting facilities.

(4) (a) The premises where school age care programs are provided at schools are owned by the ACT Department of Education and Training, the Catholic Education Office, and a small number of independent schools.

(b) The premises where school age care programs are provided at schools are maintained by the owners of the buildings - the ACT Department of Education and Training, the Catholic Education Office, and a small number of independent schools.

(5) Before and after school care programs operate in existing school facilities that are also used by schools. The cost of repairs or maintenance is not able to be separately identified.

(6) The *Building the Education Revolution* (BER) initiative will benefit school communities, including before school and after school care service providers operating in ACT public school premises. While the BER initiative does not directly fund services or facilities for before and after school care service providers, the larger Primary Schools for the 21st Century program under the BER initiative includes projects to construct new and to refurbish existing school halls, libraries and classrooms at ACT public schools. Many of the before school and after school care service providers will be able to work with schools to access these areas and therefore will benefit from the new or refurbished facilities.

Water—projects tendering
(Question No 371)

Mrs Dunne asked the Minister for the Environment, Climate Change and Water, upon notice, on 15 October 2009:

(1) In relation to the Major Water Security Projects, what tendering programs have been undertaken or will be undertaken in relation to the design, construction and management of the projects.

(2) If no tendering programs have been or will be undertaken, why not.

(3) If tendering programs have been or will be undertaken, what is the approximate value of each of those tendering programs.

(4) What tendering process will be used for each of those programs.

(5) What policy will be employed in relation to the procurement of products or services from local suppliers.

(6) If local suppliers will not have the opportunity to supply products or services, why not.

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

(1) ACTEW advises that ACTEW's Water Security Major Projects are being delivered by the Bulk Water Alliance (BWA). The selection of the alliance partners was undertaken using a conventional project alliance model, based on a progressive engagement design-build, conducted as a two-step tender process. The selection of both the design and construction partners was undertaken through a publicly advertised Request for Proposals (RFP) in local and national newspapers in late November 2007. The RFP detailed submission requirements and selection criteria for the design partner and construction partners. RFP submissions were assessed against the RFP criteria. A probity adviser was engaged to ensure the selection process was fair to all bidders.

The BWA is responsible for the procurement of products and services needed to deliver the Water Security Major Projects. The Project Alliance Agreement (PAA), signed by each of the BWA partners, directed the preparation of a Procurement Management Plan which has been developed within the framework of the National Code of Practice for the Construction Industry. The purpose of this plan is to ensure that the BWA procures the required consultant, subcontractor(s) and or supplier(s) in accordance with the target program, on budget, to the appropriate quality and occupational health and safety standards and within acceptable risk limits for the specific project. All tendering programs required to deliver the Water Security Major Projects, developed as the projects roll out following final approvals, will be undertaken within the scope of the plan.

(2) ACTEW advises that a tendering program is, and has been, undertaken by the BWA for the project.

(3) ACTEW advises that the value of BWA tendering programs will be recorded on the Procurement Register of ACTEW. This is commercial-in-confidence. Contracts are

being developed over the course of the project and will involve subcontracts. The number of and quantum of contracts is yet to be determined as the program is ongoing at this stage.

(4) ACTEW advises that tendering processes used for BWA procurement programs will be in accordance with guidelines set out in the Procurement Management Plan. The table below sets out the standard forms of contracts by which the BWA will engage all suppliers/subcontractors/consultants.

Contract Type	Guidelines for Use
Purchase Order	For minor supply only and "off the shelf" items Not to be used to engage a consultant Not to be used to labour Not to be used where on-site work is involved other than delivery Not to be used to engage a subcontractor
Supply Agreement	Used for major materials, e.g, concrete, reo, quarry products etc in large quantities rather than a Purchase Order Used for super critical components of machinery etc irrespective of dollar value Used for materials requiring commissioning, warranties, completion documentation, manuals etc Used where the supplier has a design liability or design component Not to be used where on-site work is involved, other than delivery, without amendment to include site specific special conditions covering safety, environment and Industrial Relations
Plant Hire Agreement	To be used for the hire of external plant No monetary limits apply To be tailored to suit whether equipment is on "Dry Hire" where the Alliance takes the risk of damage to and caused by the plant and "Wet Hire" where the risk of damage to the plant and works rests with the Hirer and not the Alliance. The 'Letting Approval' is to include the forecast final cost and the budget details (ie, not merely the hourly rate).
Short Form Subcontract Agreement	A risk assessment of the scope of the work, its complexity and time constraints to be made
Standard Works Subcontract Agreement	A risk assessment of the scope of the work, its complexity and time constraints to be made Requires tailoring to PAA conditions where applicable AS4903-based for piling works
Short Form Consultant Services Agreement	No monetary limit but for low value or low risk services For delivery of routine professional services, eg Flora & Fauna, Heritage, Soil Conservation, Routine Testing, Quality Auditors etc A risk assessment of the scope of works must be made Also used for consultants providing reports only without design component
Standard Consultant Services Agreement	To be used in circumstances of medium to high risk where the project is relying upon the professional and expert advice or data provided by a consultant such as a Marine Design Consultant

(5) ACTEW advises that the BWA is committed to taking full advantage of the capabilities of ACT and local NSW industry and, where possible, increasing local content in the Alliance program. The BWA has developed, as part of the Procurement

Management Plan, a Local Industry Participation Plan (LIPP). Implementation of the LIPP will be demonstrated and managed via the procurement process by either:

a. inclusion of the LIPP as part of the Tender Evaluation. For example, tenderers will be requested to submit known and/or intended ACT and local NSW content; or

b. developing a Tender List by utilising the Industry Capability Network (ICN) database, and/or by selecting known local suppliers and subcontractors.

The successful implementation of the LIPP will also allow the project to become eligible for the Enhanced Project By-law Scheme (EPBS), an Australian Government initiative that provides tariff duty concessions on overseas goods (i.e.eligible equipment or goods from overseas can be imported duty free).

(6) Local suppliers will have the opportunity to provide their products or services under the arrangements set out in the response to question 5.

Neighbourhood Watch (Question No 372)

Ms Le Couteur asked the Chief Minister, upon notice, on 15 October 2009:

(1) Can the Minister provide advice on which Government consultation lists is Neighbourhood Watch part of.

(2) Is Neighbourhood Watch used by government as a vehicle for passing on any community information on issues which should reach each household, for example, tips on how to prepare your house for the bushfire season.

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

(1) Neighbourhood Watch is not a part of any government consultation list. They have recently been included on ACT Consultative Committees for the Charnwood/Dunlop area and the Red Hill/Narrabundah area in conjunction with ACT Police.

(2) The Emergency Services Authority passes on information to Neighbourhood Watch for inclusion in their newsletter. ACT Policing utilises Neighbourhood Watch to obtain and disseminate information. This information includes advice about safety, security and the promotion of CrimeStoppers.

Environment—greening the local economy (Question No 373)

Ms Le Couteur asked the Chief Minister, upon notice, on 15 October 2009 (*redirected to the Acting Chief Ministe*r):

(1) Can the Minister provide advice on what stage the Greening the Local Economy paper preparation is at.

(2) What are the next steps for the Government on this issue.

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

A scoping consultancy conducted by the University of Canberra is nearing completion, and I would anticipate the public release of that document, as a consultation tool, this side of Christmas. This also answers part 2 of your question.

Civic—street furniture
(Question No 374)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 15 October 2009:

(1) What was the cost of the new street furniture in Civic that was installed this year.

(2) Has the installation been completed; if so, why was only some of the street furniture replaced instead of all of it; if not, when will it be completed.

(3) Why was the street furniture replaced, and what are the advantages of the new street furniture over the old.

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

The cost of Street Furniture installed this year to date is $495,000.

(2) Installation is complete in Garema Place and most of City Walk. Sections of Petrie Plaza and Ainslie Avenue are due for completion in February 2010.

Street furniture in the remaining areas of the city will be replaced as funds allow through the budget process or as commercial developments undertake installations as off-site works.

(3) The Canberra Central Design Manual, which includes a suite of quality street furniture, is part of a larger Government initiative designed to bring vitality to Canberra City. The replacement of street furniture in line with this manual will progressively integrate Canberra's Central Business District public realm to deliver a distinctive and high standard of consistent design.

Roads—car parks
(Question No 375)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 15 October 2009:

How much did the Parsons and Brinkerhoff consultation report into the proposed car park in section 25 Turner cost.

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

Parsons and Brinckerhoff was engaged in June 2008 to undertake the 'Carpark Site Investigation – Turner and Greenway - Feasibility Study' for a fee of $180,000 including GST.

The scope of the study included three sites:

1. Turner, corner of Barry Drive and Watson Street (Block 8 Section 25 Turner) - suitability of the site for use as a multi-level carpark;

2. Turner, Watson Street/Masson Street (part of Block 6 Section 25 Turner) - suitability of the site for a temporary surface carpark.

3. Tuggeranong Town Centre (Block 14, Section 2 Greenway) - suitability of the site for a multi-level carpark.

Roads—Bunda Street
(Question No 377)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 15 October 2009:

(1) What money has been budgeted for the Bunda Street upgrade.

(2) What is the breakdown of how this money has been spent and how it will be spent.

(3) What are the timelines for completion of this work.

(4) Do the upgrades of the existing design of Bunda Street mean that the Government will not undertake a significant redesign of Bunda Street in the near future, for example, converting the area to a shared street area and redesigning the street to include a dual, separated bike path.

(5) Will the refurbishment of Bunda Street influence the recommendations made in the upcoming review of city pedestrian and cycling infrastructure.

(6) Will the Government implement recommendations made in the upcoming review of city pedestrian and cycling infrastructure that recommend significant redesigning of Bunda Street.

(7) Will the money already spent on refurbishing Bunda Street be a relevant factor in deciding whether to implement recommendations in the review that relate to Bunda Street.

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

1) A total of $4,130,000 has been allocated to the Bunda Street Upgrade project.

2) The total budget, of which $382,000 has been expended to date, is broken down as follows:

ACT Procurement Solutions Fees	$ 160,000
Design and Superintendence Fees	$ 450,000
Public Artwork	$ 260,000
Construction Costs	$ 3,260,000

3) Call for construction tender was advertised 17 October 2009. Construction is programmed to commence in January 2010, with completion due in June 2010.

4) No.

5) The current upgrade deals predominantly with the replacement of paving and street furniture behind the kerb. The design has been developed to keep options open for traffic arrangements to Bunda Street in the future.

6) The ACT Government will consider the current review of cycling and pedestrian infrastructure and will implement those projects that are identified as a high priority as part of its cycling and pedestrian infrastructure programs.

7) No. There is no work included in the current refurbishment of the Bunda Street verges that precludes the implementation of the Civic Loop Cycle link proposal.

Superannuation—government investments
(Question No 379)

Ms Le Couteur asked the Treasurer, upon notice, on 15 October 2009:

Can the Treasurer provide a list of current government investments, especially those relating to the ACT Superannuation Fund.

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

Summary of government investments – by portfolio and asset class as at 30 September 2009

Superannuation Provision Account Investment Portfolio

Asset Class	**$'000**	**Benchmark**
Cash Enhanced	312,683	UBSA Bank Bill Index
Australian Fixed Interest 'index'	168,744	UBSA Composite Bond (all mat)
International Fixed Interest 'index'	174,088	Barclays Capital Global Treasury Index (hedged)
Australian Equity 'active'[1]	366,244	S&P/ASX 300 Accumulation Index
Australian Equity 'index'	149,304	S&P/ASX 300 Accumulation Index
International Equity 'active'	231,779	MSCI World ex Australia (unhedged)
International Equity 'index'[2]	385,440	MSCI World ex Australia (hedged & unhedged)
Australian Private Equity	116,683	S&P/ASX 300 Accumulation Index
Australian Property – indirect/unlisted	113,462	Mercer Index
TOTAL	**2,018,427**	

1 Includes Australian Equities 'small caps' of $51,502, benchmark S&P/ASX Small Ords ex Property Accumulation Index.
2 Includes Emerging markets Equities of $25,030, benchmark MSCI Emerging markets Index (net dividends reinvested).

Territory Banking Account Investment Portfolio

Asset Class	**$'000**	**Benchmark**
Cash Enhanced[1]	1,413,162 [2]	UBSA Bank Bill Index
Australian Fixed Interest 'index'	228,040	UBSA Composite Bond (all mat)
TOTAL	**1,641,202**	

1 Is a diversified fund comprising cash, short-term notes such as bank bills, floating rate notes (mainly asset backed securities) and fixed rate notes (bonds).
2 Includes $312,683 being Superannuation Provision Account investments.

Health—asbestos
(Question No 380)

Ms Le Couteur asked the Attorney-General, upon notice, on 15 October 2009:

(1) Which ACT agencies are involved in managing asbestos in residential and non-residential buildings.

(2) Are there agencies other than the Office of Regulatory Services involved in managing asbestos; if so, (a) what are all their roles and (b) is there a lead agency.

(3) What process is followed by the Office of Regulatory Services/Work Cover when a resident contacts it and reports the presence of asbestos at an ACT residential property.

(4) What process is followed by the ACT Planning and Land Authority when a resident contacts it and reports the presence of asbestos at an ACT residential property.

(5) Is it a practice of any of these agencies to require the person reporting the asbestos to have the property tested at their own expense before the agency acts and has this ever been a requirement; if so, is this money refunded.

(6) What action has been undertaken in relation to asbestos at demolished properties in Rankin Street, Campbell, in the last year.

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

(1) The Chief Minister's Department, ACT Planning and Land Authority, the Department of Justice and Community Safety, ACT Health and the Department of Territory and Municipal Services.

(2) Yes. (a) ACTPLA is responsible for licensing of asbestos assessors and removalists and for approving works involving removal of asbestos where the quantity to be removed exceeds 10m2. ACT Health is responsible for advice and information relating to risks to people's health from exposure to asbestos and action that persons who might have been exposed to asbestos should take. TAMS are responsible for issues relating to the environment and for waste management. (b) There is no formalised lead agency, however ORS will generally lead and co-opt other areas based on the circumstances of the case and specific expertise that might be required.

(3) The usual practice is for the ORS to record the details of the report and for the job to be prioritized in the work program. An Inspector will usually inspect the reported premises and, where warranted, arrange for analysis of material samples. If the samples are proven to be asbestos then ORS will work with the property owner to ensure that the asbestos is removed in accordance with relevant legislation and other guidelines.

Typically there are two types of asbestos found in existing buildings built before 1990, (asbestos was progressively banned from use in new construction during the

1980's) the two types of asbestos are bonded asbestos and friable asbestos. In addressing issues of concern from homeowners the ACT Planning and Land Authority (ACTPLA) would establish what type of material the homeowner is concerned about.

Friable (loose) asbestos is the higher risk of the two materials and can only be removed by a licensed class A asbestos removalist. Bonded asbestos is the lower risk material and can be removed by a person in a prescribed occupation who has undertaken a course in asbestos awareness if the amount of the material is less than 10sqm. Where there is more than 10sqm the removal can be undertaken by a Class B or a Class A asbestos removalist. A list of all licensed removalists is available on the ACTPLA website.

(4) ACTPLA will advise home owners to seek the advice of either a licensed asbestos removalist or a licensed asbestos assessor before undertaking any work on their home.

(5) In the event that a residential home is assessed as having loose friable asbestos the homeowner will be directed to the Office of Industrial Relations within the Chief Ministers Department who has a process in place for addressing the removal of friable asbestos.

Where the person reporting the asbestos is the owner of the property it is usual for that person to pay for the costs of testing of material to determine if it contains asbestos. The role of the ORS and ACTPLA is to ensure that material containing asbestos is removed and disposed of in accordance with the legislated requirements. It would not be normal practice for the ORS to require the person reporting the asbestos, where that person is not the property owner, to pay for the costs of testing.

(6) In the instance surrounding the Rankin St Campbell demolition site, an inspector had previously inspected the area and taken a sample from another resident in the street to the ACT Health test facility, which came back negative for asbestos. Samples of other material from that site have since proven positive for asbestos and ORS is working with the property owner, ACTPLA and an environmental hygienist to manage this situation. ACTPLA is conducting an investigation into irregularities with respect to the building approval process.

The circumstances of this matter are currently the subject of an ongoing investigation by the ORS and ACTPLA. Given the status of the investigation it would not be appropriate to provide further detail at this time.

Environment—energy efficiency ratings (Question No 382)

Ms Le Couteur asked the Minister for Planning, upon notice, on 15 October 2009:

(1) What is the progress of the Government's May 2009 discussion paper on the auditing of energy efficiency ratings, and will the results be released soon.

(2) What are the next steps being taken on this issue by the ACT Planning and Land Authority.

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

(1) ACTPLA is currently finalising the proposals for improvements to the ACT House Energy Rating Scheme. It is doing this in light of the submissions and feedback received during the consultation and additional work that is occurring under the National Framework for Energy Efficiency to introduce mandatory disclosure nationally.

It is anticipated the results and refined proposals will be released in November 2009.

(2) As a consequence of the discussion paper the ACT Planning and Land Authority is finalising a proposal for consideration by Government.

Housing—energy efficiency (Question No 383)

Ms Le Couteur asked the Minister for Planning, upon notice, on 15 October 2009:

(1) Was there an audit undertaken of the energy efficiency ratings of the houses in the Harrison display village; if so, what was the average energy efficiency rating of the houses in the village.

(2) Did all the houses meet the Building Code of Australia requirements of having an EER of 5.

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

(1) An audit of the energy efficiency ratings of the house plans in the Harrison display village was undertaken in 2008. Ratings ranged between 5 and 6 stars, noting that 6 stars was the upper limit of the first generation of *FirstRate* software as opposed to the full 10 star range in second generation NatHERS software.

(2) The Building Code of Australia does not have a requirement for all houses to meet a specific EER. Rather the Building Code of Australia has a requirement that buildings perform to a set standard. This can be verified by different methods one of which is an EER.

Alternatively the deemed-to-satisfy provisions can be used to establish compliance with the Building Code of Australia.

All of the buildings were certified as meeting the minimum mandatory requirements of the Building Code of Australia which was current at the time of construction.

Housing—solar hot-water heaters (Question No 384)

Ms Le Couteur asked the Minister for Disability and Housing, upon notice, on 15 October 2009:

(1) Is the reason for not installing solar hot water systems in public housing because it requires some analysis of the design and siting of the house.

(2) What is the default hot water service installed and is this based on efficiency and low running costs.

(3) What Government contracts are in place regarding the replacement of hot water systems for these houses.

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

(1) No. Housing ACT currently installs solar hot water systems in some of its properties.

(2) Where gas is already connected to a single residential property, 5 star gas hot water systems are installed. Where a home is orientated to maximise solar collection without obstruction from trees or other buildings, panelled solar systems are installed on the roof otherwise heat pump systems are generally installed. Multi unit sites such as apartments and flats have like for like replacement although the opportunity is taken to right-size electric resistive units to reduce unnecessary waste.

(3) Housing ACT contracts Spotless P&F Pty Ltd to provide Total Facilities Management services, including hot water installations in public housing properties.

Health—e-health initiatives
(Question No 385)

Mr Hanson asked the Minister for Health, upon notice, on 15 October 2009:

(1) Can the Minister list all e-health initiatives (a) completed this financial year, (b) currently being implemented or (c) currently being planned.

(2) How much funding is currently committed to all e-health initiatives currently being (a) implemented or (b) planned.

(3) How was each contract issued and what are the details of the vendors that were awarded contracts, for all e-health initiatives referred to in part (1),

(4) What is the detail on how any contract yet to be awarded will be awarded and what is the proposed timeframes for these tenders to be released.

(5) In relation to the development of an e-health record, or Personal Electronic Health Record, can the Minister detail the status of this project, including the vendor or vendors contracted or engaged to implement this project.

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

(1) (a) Nil

(b) and (c)
The list of e-health initiatives are Electronic Health Record , Electronic Medical Record, Personal Electronic Health Record, Clinical Portal, e-Referrals, Patient Master Index, Calvary Patient Master Index, Provider Index, Integrated Chronic Disease Management, Electronic Medicines Management , Cancer Clinical Information System, Clinical Protocol System, Community Care System, Renal

Management System, Theatre System Integration, Centralised Staff Rostering System, Real-time Bed Management, Integrated Patient Meal System, Calvary Patient Administration System, Integrated Bedside Communication System, Digital Health Enterprise, Medical Grade Network, Wireless Network, Calvary Public Hospital Integration, Calvary Desktop/Network Upgrade, ICT Devices – Clinical, User Provisioning and Single Sign-On, Patient Tracking, Equipment Tracking, Staff Tracking, Health Integration Engine, Equipment Loan Service System, Breast Screening Project, ICU Information Management System and the NICU Video Camera Streaming Service.

(2) The funding committed to the projects listed in (1) above is $101.85 million.

(3) Each contract is awarded according to the ACT Government Purchasing Guide with assistance and advice from ACT Procurement Solutions. Vendors that have been awarded contracts are iSoft, Orion Health, HealthLink, MKM Consulting, Booz&Co, Opticon, and Initiate Systems.

(4) Each contract will be awarded according to the ACT Government Purchasing Guide with assistance and advice from ACT Procurement Solutions. The proposed timeframe for tenders to be released is within the next four years.

(5) The status of the Electronic Health Record project and Personal Electronic Health Record project is at the planning phase. No vendors have been contracted or engaged to implement these projects.