Debates

WEEKLY HANSARD

SEVENTH ASSEMBLY

Legislative Assembly for the ACT

8 DECEMBER 2009

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Tuesday, 8 December 2009

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The Assembly met at 10 am.

(Quorum formed.)

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

Matters of public importance
Ruling by Speaker

MR SPEAKER: Members, this morning five members of the opposition each lodged a matter of public importance concerning the importance of reopening Hall, Tharwa, Flynn and Cook primary schools.

Standing order 130 states that a matter on the notice paper must not be anticipated by a matter of public importance, an amendment or other less effective form of proceeding. Private members' business order of the day No 13 listed on today's notice paper also calls on the ACT government to immediately commence the process to reopen Hall, Tharwa, Flynn and Cook primary schools.

At page 276 of the *Companion to the Standing Orders of the Legislative Assembly*, it notes that Speakers have previously ruled MPIs out of order on the ground that the matter anticipated debate on the notice paper. Accordingly, I have ruled that the matters submitted by those members are out of order, and they were not included in the ballot for today's MPI.

Justice and Community Safety—Standing Committee
Scrutiny report 16

MRS DUNNE (Ginninderra): I present the following report:

> Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 16, dated 7 December 2009, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS DUNNE: Scrutiny report 16 contains the committee's comments on eight bills and three pieces of subordinate legislation, six government responses and government amendments to the Crimes (Bill Posting) Amendment Bill 2008. The report was circulated to members of the Assembly when it was not sitting. I commend the report to the Assembly.

Public Accounts—Standing Committee
Report 5

MS LE COUTEUR (Molonglo) (10.03): I present the following report:

> Public Accounts—Standing Committee—Report 5—*Review of Auditor-General's Report No 4 of 2008: Maintenance of Public Housing*, dated 2 December 2009, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

First of all, I would like to note the contribution of the secretariat. Our previous secretary, Ms Cullen, is unfortunately, or hopefully fortunately, from her point her view, on leave writing her PhD. This time, for the first time we were assisted by Glenn Ryall, and we also had the benefit of Ms Samara Henriksen and, as usual, Lydia Chung, in terms of producing the report. I also note that Mr Hargreaves, the newest member of the committee, did not take part in any of the deliberations because, of course, he was the relevant minister for what we were inquiring into.

The next thing I would like to talk about is the process that the committee used. As members may be aware, part of PAC's remit is to look at all the performance audits that the Auditor-General does, which means that we have a steady stream of work every year. Unfortunately, we have found it necessary to look at streamlining and rationalising that to some extent. We have thought about how we should best do this, and we have ended up deciding that there are four options available to the committee when we consider reports from the Auditor-General.

We may inquire into the report by way of a specific inquiry where submissions are called for, there are public hearings et cetera, and the results of a full inquiry are presented to the Assembly. That is what we have done traditionally in the past. Hopefully, if we manage to get it finalised in time, you will see the results of that on Thursday, with the report on the data centre.

The problem with that approach is that it is a very fulsome approach. Given the number of reports that the Auditor-General produces each year, the committee has found that, by using that approach, we are getting behind with respect to the Auditor-General's workload. As well, the Auditor-General has already done a very good job on some of these things and there really is not any value that the committee can add—or there is not always significant value that the committee can add—by doing a more fulsome inquiry.

We have considered a secondary or different form of inquiry, which is what we used in this case. We inquire into the report as part of a periodic public hearing program. In this case, the audited agencies and the responsible minister are invited to appear at a hearing, and a summary report or a standing order 246A statement is presented to the Assembly. Of course, we still have two other options—to refer the report to another committee for their consideration where it more naturally falls there, or to determine that the report does not warrant further inquiry.

As I said, with this report, for the first time we have taken the second option of the more abbreviated inquiry because we felt that this is in fact a really important issue. The maintenance contract for public housing is the biggest ongoing private sector contract that the ACT government has, and just from knowing that it is clear that it is important for PAC to look at it.

The relevant department, the Department of Disability, Housing and Community Services, took on initially 11 out of the 12 recommendations and then, subsequent to that, fully took on the last recommendation. So it was less necessary for PAC to do a full inquiry. We did a summary inquiry and produced the report which I am tabling today.

I would like briefly to go through some of the recommendations. The first recommendation we made was that government report back to this Assembly by the last sitting day in March next year, 2010, on the progress and effectiveness of the government's implementation of the Auditor-General's recommendations. We believe that the Auditor-General made some important recommendations and we want to see how well they are implemented.

Recommendation 2 has two parts. This is an important and large contract, and the last time it was let, very little time was put by the department into the reletting of the contract. The committee recommends that, given the size and importance of the contract, another audit be undertaken before the next letting of the contract, and that tenants' views be sought as part of the audit. We see the second part of the recommendation, that tenants' views be sought as part of the audit, as one of the most important things. Ultimately, the reason we are doing this maintenance is so that tenants will be happy, comfortable, safe and secure in their dwellings. It seemed to us to be a considerable oversight that the audit did not include the views of the ultimate consumers of what was being audited.

We then have another series of recommendations. As I alluded to earlier, previously, the government has not always allowed enough time to do the contract renewals, and that is dealt with in recommendation 3. In recommendation 4, we are continuing to follow up on the renewal of the next contract. Recommendation 5 comes directly from some of the evidence that Mr Hargreaves gave to the inquiry. We asked him about the level of maintenance that is done on our public housing stock. I will quote what he said. I asked him why we did not keep pace with the maintenance to keep the buildings to such a level. Mr Hargreaves answered:

> … the plain and simple answer is that we have got too many properties and not enough money to do it with, historically.

We went on to discuss this at some length. The ACT currently has the oldest public housing stock in the nation, with some properties dating back to the 1920s. While this obviously presents issues for the Department of Disability, Housing and Community Services, given the importance of the houses from two points of view—the lives of the people living in it and preserving the asset base of the ACT government and the Department of Disability, Housing and Community Services—we think it is important that the funding is adequate to keep the asset base in good condition. So in our last

recommendation the committee recommends that the government report to the Assembly on how it will fund the adequate maintenance of all its public housing dwellings by the last sitting day in March 2010.

I commend the report to the Assembly and look forward to the government's response to it.

MR HARGREAVES (Brindabella) (10.11): I, too, would like to record my thanks to the secretariat for what they did in compiling this report.

I would like to put on the record, as Ms Le Couteur so generously indicated, that I did not take part in the deliberative parts of the compilation of the report, quite clearly, because I had ministerial carriage of the issue that was before the committee. I would also like to outline to the Assembly, as I have done to committee members already, the approach I intend to take henceforth with regard to these sorts of reports.

Where there is a matter before a committee which was clearly part of my ministerial responsibilities, I shall not take part in either the hearings or the deliberative part of the meetings. Where there is a possibility that I may have taken part in cabinet discussions on a significant issue, I shall absent myself from the hearing and from the deliberative part of the committee considerations.

I have asked for assistance from my fellow committee members and from the committee secretaries to bring this forward if, by some chance, I miss it myself. There is quite a possibility that, in the conduct of a given inquiry, there may be an element of it, but not all of it. I would seek to have that noted for the public record.

MR SMYTH (Brindabella) (10.13): I would like to thank Mr Hargreaves for the approach he has taken to this. There is always the ability for people to get caught up in changes of position. I think he has shown a lot of integrity by standing aside in the way that he has. It certainly makes it easy for the committee to do its work.

At the heart of this report from the Auditor-General is the fact that the government did not leave itself enough time to go through the tender process properly. What we find now is that we face that same prospect occurring, in that the government is negotiating with the current contractor and, should those negotiations fall over, it does not have enough time to do the process properly if it wants to go to a full tender.

The auditor got it right when she pointed this out in her report. Paragraph 4.10 of the committee report reads:

> This would give the Government less than six months to go to market and select an alternative provider if the contract is not extended. The Committee agrees with the Audit's conclusion that less than six months would not provide adequate time for a proper tender process to be conducted, particularly given that this contract is the ACT Government's largest ongoing contract with a private sector firm.

And there is the nub of it: as with so many of these reports, the government accepts or agrees in principle to the recommendations of the Auditor-General, but the reality is that it has not learnt the lesson. That is something that certainly we in the opposition

will be keeping an eye on, particularly when, as you look at the other recommendations, it is quite clear that this is an important contract. For instance, it is quite clear that maintenance is not being adequately funded by this government and recommendation 5 calls on the government to tell the Assembly, by the last sitting day in March, how it will adequately fund the maintenance of all its public housing dwellings. It is important, as the government is the largest single landlord in the territory.

The acceptance of recommendations from the auditor and the way in which the government responds to them is very important, and the first recommendation goes to that in some detail. It states:

> The Committee recommends that the Government report to the Assembly by the last sitting day in March 2010 on the progress and effectiveness of the Government's implementation of the Auditor-General's recommendations.

I look forward to the minister standing up and telling us that they will do that. It is easy on the one hand to say, "Yes, we accept," or "Yes, we will," but on the other hand the proof of the pudding is always in whether or not it is carried out. I think it is quite clear that often governments accept but then fail to follow through. So the committee will certainly be keeping an eye on that matter as well.

I would like to mirror the chair's thanks to the members of the secretariat for the great work they do. As always, we were well supported and the report got to us in double-quick time. And it was passed in double-quick time, mainly because it was well and clearly presented. So I say to the new secretary of the committee: congratulations on the tabling of your first report.

Question resolved in the affirmative.

Public Accounts—Standing Committee
Statement by chair

MS LE COUTEUR (Molonglo) (10.17): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts relating to two Auditor-General's reports currently before the committee.

On 26 June 2008, Auditor-General's report No 3 of 2008 entitled *Records management in ACT government agencies* was referred to the Standing Committee on Public Accounts for inquiry. This report presents the results of a performance audit that reviewed compliance with records management requirements in selected ACT government agencies. The committee received a briefing from the Auditor-General in relation to the report on 19 March 2009 and a submission from the government on 2 November 2009. The committee has resolved to inquire further into the report and is expecting to report to the Assembly as soon as practicable.

I would also like to update the Assembly in relation to the committee's review of the Auditor-General's report No 3 of 2009, *Management of respite care services*. On 19 May 2009, Auditor-General's report No 3 of 2009 entitled *Management of respite care services* was referred to the Standing Committee on Public Accounts for inquiry.

The committee received a public submission in relation to this report on 3 September 2009 and a briefing from the Auditor-General on 8 September 2009. The committee has resolved to make no further inquiries into the report. As the report refers to the management of respite care services, the committee has written to the Standing Committee on Health, Community and Social Services to bring the report to its attention.

Civil Partnerships Amendment Bill 2009 (No 2)

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.19): I move:

> That this bill be agreed to in principle.

The last bill to amend the Civil Partnerships Act was presented in this Assembly on 26 August this year. That bill restored to the act all the provisions relating to the legal recognition of ceremonies as a means of entering into a civil partnership that had been removed by the government in 2008 to avoid disallowance of the act by the commonwealth.

The Labor government supported the bill that was presented earlier this year. It was, after all, a significant component of the government's original legislation presented in 2006 and was removed under duress in order to secure the survival of the remainder of our amendments. In supporting the 2009 bill, the government also proposed a number of small but significant amendments aimed at further distancing the Civil Partnerships Act from any argument that it is inconsistent with the commonwealth Marriage Act or mimics marriage.

When Labor and the Greens passed this bill on 11 November this year, the commonwealth government had already flagged that its position in relation to these matters was unchanged. As a result, discussions began immediately and on Friday, 27 November this year, I was able to confirm that the government had reached an agreement with the commonwealth on these matters. This bill therefore reflects those amendments achieved through that negotiation. These are amendments that the government would have preferred not to make. Our position is that the act in its current form meets all of the legal concerns that have been raised by the commonwealth in relation to civil partnerships.

There is, however, a need to be pragmatic in the way we address this debate. The commonwealth government has, in good faith, proposed a number of changes that address its remaining concerns, both legal and political, about the perceived impact of the Civil Partnerships Act on the Marriage Act and the institution of marriage. I believe that the commonwealth itself wishes to avoid a disagreement with the territory on this matter and therefore the government has taken the decision that we needed to hear its arguments and engage in those discussions in good faith.

The government is determined to ensure that this very significant step forward, the passage of the Civil Partnerships Amendment Bill earlier this year, comes to fruition. We want to see it maintained and we want to see those reforms available to gay and lesbian couples for many years to come. Therefore, the government has taken the decision to hear the commonwealth's arguments and weigh the negative effects against the positive. In balance, it is clear that the gains that remain for the recognition of civil partnership ceremonies far exceed the impact of the commonwealth proposals reflected in this bill.

There would be little sense, in the government's mind, in risking these major reforms and this major advance for the sake of some relatively minor concessions to put to rest the commonwealth's concerns. The practical effects of the amendments are quite simple. The first is no effect unless registered. Clause 4 of the bill amends section 6A of the act in relation to civil partnerships entered into by making a declaration. Under the amended section, it will still be possible for a couple to enter into a civil partnership by having their relationship registered as a civil partnership.

It will also be possible, as before, for a couple to enter into a civil partnership by making a declaration before a notary. Under the amended provision, however, it will also be necessary to register the relationship before it has legal effect. The effect of the amendment to section 6A is that, unlike a marriage, a civil partnership will not be effective if it is not registered. This is a significant concession and one the government would rather not have made because it does highlight the distinction between ceremonies for heterosexual couples and those for gay and lesbian couples.

It is, however, also important to make some observations about the real effect of this amendment. The first is that section 32A of the Births, Deaths and Marriages Registration Act already requires the registration of a civil partnership. Section 32AA describes how that is to be done. To an extent, the proposed amendment in this bill to section 6A of the Civil Partnerships Act simply reinforces this existing requirement in the Births, Deaths and Marriages Registration Act.

More important, however, is the fact that registration is an essential part of the public recognition of a civil partnership, keeping in mind the process of entering into a civil partnership is designed expressly for the purpose of conferring legal status on the relationship shared by a couple who may not marry or who do not wish to marry. The practical effect of this amendment on couples will be minimal because the existing provisions of the relevant legislation require them to register the civil partnership already.

The second observation to make in relation to the amendment to section 6A is a considerable concession that has been made by the commonwealth. While section 6A will state that a civil partnership will not be effective unless it is registered, clause 7 of the bill inserts a new requirement in relation to the couple's notice of intention to enter into a civil partnership.

Subsection 8A(2A) will require the notice to specify the date on which the couple intend to make the declaration of civil partnership. That date is then referred to in a new section 8BA, inserted by clause 9 of the bill. Section 8BA requires the

Registrar-General to register a civil partnership by endorsing the couple's notice of intention and to specify the day on which the registration is taken to have legal effect, which is to be the day on which the couple made their declaration before the notary.

To summarise, the compromise reached between the territory and the commonwealth in this area is that, while a civil partnership may not have effect unless it is registered, once it is registered it will have effect from the day on which the couple made their declaration in a civil partnership ceremony. Ceremonies continue to have real, meaningful and legal meaning under the act and the roles of civil partnership notaries are unchanged.

I would now like to turn to the issue of notice to be given to the Registrar-General. Clause 5 of the bill inserts into subsection 8A(1) of the act a new requirement. Couples who give to a notary a notice of their intention to enter into a civil partnership will now be required to also give that notice to the Registrar-General. The commonwealth's reasoning for this amendment is that it clarifies the role of the Registrar-General in the registration of all civil partnerships and makes it clear that registration is essential in order for any civil partnership to have legal effect, which, in their view, will make the scheme consistent with schemes in other jurisdictions.

The ACT government's view differs from that of the commonwealth on this issue. I am concerned about the added administrative activity generated by involving the Registrar-General at this point. Once again, while the government would prefer not to make this amendment, it is considered, on balance, to be an acceptable part of the compromise to ensure the continuation of the important gains that have been made. If this is needed to ensure that there are legal ceremonies with legal notaries as celebrants then we believe it is a worthwhile decision. The objective of the bill passed in November was to restore a legally recognised ceremony, and that will be maintained.

Many in the community have argued that this new requirement that couples must notify the Registrar-General at the same time the notary is notified undermines the concept of a ceremony, but I do not think the change is that significant. People who marry must give notice of their intention to marry to a celebrant, who is obliged to give to the Registrar-General particulars of the wedding and the parties involved. In the case of a civil partnership, all that will be required is that the Registrar-General be notified when the notary is notified.

In balance, it really is just a question of timing. It is of great concern to me that the opportunity to make one of the most significant advances in obtaining equality for gay and lesbian people in the ACT may be put at risk because of a need to continue railing against the commonwealth's attitude towards maintaining a distinction between a marriage and a civil partnership. I think we need to remind ourselves that there are many people depending on this Assembly to make sure that these reforms are not lost.

The choice is a simple and clear one: consolidate the significant gains that the agreement with the commonwealth ensures, or risk having all of those gains put at risk. The risk to the recognition of gay and lesbian rights is real. The commonwealth government has maintained its position and its intention quite plainly and I cannot be confident that any further compromise on this issue is available.

If we lose these gains that have been so difficult to secure, and of which I think this Assembly should be proud, how long will it be before the next opportunity to legislate for legally recognised civil partnership ceremonies presents itself? It is not necessary for us to say that we are now satisfied that the rights of gay and lesbian people are now adequately recognised in our community. We need only say that, at this stage, we will lock in the reforms that we have been able to achieve and we will continue to argue for more.

There are two principal areas of change proposed by this bill. The other amendments largely give effect to the notion that, while a civil partnership entered into by making a declaration will be effective from the date of the declaration, it must first be validated by being registered. Clause 13 of the bill simply sets out a number of transitional provisions to ensure that actions already taken under the act are considered to comply with the new requirements. What this means is that for those couples who have already entered into a civil partnership by way of a ceremony, as provided for by the amendments passed by the Assembly earlier this year, the status of their relationship, at law, will be unchanged.

Mr Speaker, this is an important bill. It reflects the unique and sometimes difficult environment in which this Assembly must operate when it comes to legislating in areas of important social reform. But the agreement that we have reached with the commonwealth is a significant one. It locks in ceremonies and it locks in celebrants legally recognised to conduct those ceremonies. These are significant gains. Ceremonies continue to have real practical legal meaning. With these relatively minor concessions that we need to make as proposed in this bill, I believe we can present our community with a guarantee that that opportunity to recognise a relationship through a ceremony authorised under law will be available for many years to come. For that reason, the government is proposing these amendments. I commend the bill to the Assembly.

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

Smoking (Prohibition in Enclosed Public Places) Amendment Bill 2009

Debate resumed from 15 October 2009, on motion by **Ms Gallagher**:

> That this bill be agreed to in principle.

MR HANSON (Molonglo) (10.33): The opposition will be supporting this bill today. The Canberra Liberals do believe that the changes proposed in the bill will actually further reduce the incidence of smoking in our community and hopefully reduce the exposure of workers and other people to environmental or second-hand tobacco smoke. We also believe that the under-age function provisions are a step forward in reducing the incidence of smoking amongst young people.

Mr Speaker, I believe that the ongoing focus of initiatives which seek to reduce smoking is important. Given the significant burden of disease caused directly by smoking, this is something that we should be continually looking at within our

community. We know that smoking is the single most preventable cause of death and illness in Australia. Indeed, smoking accounts for 80 per cent of all lung cancer deaths and 20 per cent of all cancer deaths overall, as well as many other insidious illnesses.

According to the Australian Institute of Health and Welfare, smoking vastly increases the risk of developing chronic obstructive pulmonary disease and reduced lung function. The evidence clearly shows that passive smoking also causes lower respiratory illnesses in children and lung cancer in adults. It also contributes to the symptoms of asthma in children. The evidence also shows that the risk of heart attack or death from coronary heart disease is 24 per cent higher in non-smokers living with a smoker. That is evidence drawn from a scientific information paper from the National Health and Medical Research Council in 1997. I do not think that the facts are in dispute. I think everybody in this Assembly and in the community will be well aware of the insidious effects of tobacco smoking.

As I said, the opposition does support the legislation and its objectives. We believe there is great value in minimising as much as possible both workers' and the public's exposure to tobacco smoke. As well as sending a strong message to young people that smoking is not fashionable, it does cause a number of health problems for people—both for themselves and for others.

In proposing the restrictions, however, it is worth looking at the impact they will have for businesses as well as examining how they can be practically implemented on the ground. We are, therefore, supportive of the designated outdoor smoking area provisions, the DOSA provisions, as outlined in new section 9F, which allows for up to 50 per cent of a venue's outdoor area to be designated as a smoking area as well as the strict requirements that apply to DOSAs. We also believe that the provision to allow DOSA balances the need to further reduce the community's exposure to environmental tobacco smoke against the needs of business and, indeed, of smokers themselves.

The requirements for venues that establish a DOSA to also produce a smoking management plan is a step forward, and we support it. But we do note that this is an increase in the red tape that is being imposed increasingly on our businesses here in the ACT. I flag now that I will be proposing an amendment that will aim to make this legislation more effective and more practical in its implementation in smaller venues. We will come to that later.

I think that there is a balance to be achieved in the community between the effects of smoking, the practical implementation of reductions and the effect on small business. Indeed, I think that you have at one extreme the ability to say there will be no smoking at all—outlaw it in our community—and at the other end is probably where we were not that long ago, saying you can just smoke at will wherever you like.

I think that the government has put forward a reasonable bill in trying to find a happy medium. This can actually reduce the amount of smoking and also make sure that we are doing it in a practical way without unduly impinging either on people's rights or pushing people to a point of a view where smoking becomes an illegal product, thus giving rise to the sorts of problems that we see with prohibition.

I am encouraged that we have not, from the government's perspective, at this stage been overly punitive. I think that we are heading in a certain direction with smoking. I think that this has to be a measured response if we are going to recognise the realities of the situation of what happens when those who are smokers and who want to smoke in our community go out to enjoy a few beers. We have to balance that reality with the consequences for them but more importantly the staff in hotels, pubs and clubs and for other patrons.

Mr Speaker, as I said before, I flag that I will move an amendment but in principle we support this legislation. I think that it does go most of the way towards achieving that balance between smoking and being realistic. I welcome the government's initiative in this regard.

MS BRESNAN (Brindabella) (10.38): The Greens will be supporting the Smoking (Prohibition in Enclosed Public Places) Amendment Bill, as we believe it is necessary to seek better health outcomes for our community through preventative health actions like those proposed today. The Greens believe that there is persuasive scientific evidence to support the banning of smoking in outdoor dining and drinking areas and at under-age functions.

For example, smoking in crowded outdoor areas, such as restaurant patios, can lead to harmful levels of chronic second-hand smoke exposure in employees. Given that smoking bans reduce smoking prevalence and consumption, outdoor bans aid a reduction in smoking rates. I also note that smoking, alcohol and obesity have been listed as key areas for governments to target in order to reduce the impact of chronic disease, and this will have an impact on the provision of healthcare in coming years.

In looking at the best model to use when banning smoking in public places, the Greens agree that Queensland provides the most progressive legislation in Australia. Their smoking bans have been in force for several years now and have been effective in achieving their goals with little ill effects. While it also has been acknowledged that there have been some impacts, these have also been dealt with. Queensland is a good example, as it went from having some of the most relaxed smoking laws in the country to having some of the strongest. It was able to adapt to those changes.

The ACT will be following Queensland's lead with one exemption, that being the permit for smoking to occur in outdoor areas that are off a gaming area. Unfortunately we must take this approach because of what can only be described as the half-hearted attempts the government made at legislation in 2005, which saw definitions of enclosed public places using a 72-25 rule. Through Dr Foskey, the Greens sought to disallow that regulation at the time but they were unsuccessful. While we believe the government should have done the job properly back then, given that they did not and clubs have gone and spent the money, it would be unfair of us to override them now and we will be supporting the exemptions.

The Greens also support the proposed banning of smoking at under-age events, given the increased impact that smoking, or second-hand smoke, has on children and young people. The Cancer Council of Victoria, for example, state on their website that children are particularly susceptible to the effects of second-hand smoke due to their

higher breathing rates per body weight, their greater lung surface area relative to adults and the comparative immaturity of their lungs.

The council also states that a person's lungs continue to grow and develop throughout childhood and adolescence, peaking in young adulthood. Second-hand smoke causes decreased lung function during childhood, leading to a reduced maximum level in adulthood. This impairment may potentially increase vulnerability to other insults to the lungs, such as active smoking, second-hand smoke, exposure to air pollution and occupational irritants, and possibly increases the risk of developing future chronic lung disease.

In addition to the impacts of second-hand smoke, the Greens support the government's goal to decrease the level of teenagers' smoking, and the legislation before the chamber assists in achieving that goal. There is obviously peer pressure for teenagers when it comes to smoking and many do engage in the habit when they are around friends. If we can limit the potential for smoking to occur in teenage social settings, I do believe we are having a positive impact.

Finally, I would like to thank the Minister for Health for proposing this legislation. It is not always an easy task to take such steps when you know you will receive some opposition. But I believe the steps provided are necessary if we are, I guess, to "walk the talk" on preventative healthcare and improve the health outcomes of our community.

This legislation being debated today has the support of peak health organisations, including the National Heart Foundation. Clubs in the ACT have also been generally supportive of the laws and the proposed exemptions, which has been noted in the media and also through informal discussions I have had. The key issue here, which we must keep in mind at all stages, is to protect the health of workers, patrons and children. That must be our primary consideration.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (10.43): I thank members for their contributions and their support for this bill in principle. I am very happy to speak today in support of the Smoking (Prohibition in Enclosed Public Places) Amendment Bill 2009, which is another important step forward for the ACT in attempts to implement further tobacco control measures. It will see outdoor eating and drinking places and under-age functions smoke-free in one year's time.

With the passage of this bill, the ACT will be only the third jurisdiction to have in place a ban on smoking in outdoor eating and drinking places. Queensland and Tasmania already have legislation in place. Although these jurisdictions have moved ahead of the ACT in expanding the places where smoking is restricted, I am proud of the fact that the ACT was the first jurisdiction to introduce smoke-free legislation back in 1994. Because of the ACT's initiative we were ahead of many other jurisdictions with their enclosed public places legislation. In fact, it is only as recently as 2007 that every state in Australia had implemented their enclosed public places legislation.

I note that the Australian Hotels Association said when this bill was introduced that the enclosed public places legislation sufficiently addresses the community concern around second-hand smoke. I am glad that the AHA agrees at least that enclosed public places legislation has been successful. But it is time to build on that success and take the next step.

Tobacco use is responsible for the greatest disease burden in Australia. In 2003, it was estimated that at least 15,551 people died from tobacco-related illnesses. Members may note that this estimate is lower than the 1998 estimate of 19,019. This does not mean that this bill is unnecessary. Tobacco is still the leading cause of death and disease in Australia and is a serious public health issue. It does not even compare to the estimated 1,705 deaths from illicit drug use, the 918 deaths from alcohol abuse or, indeed, the 396 road accidents as a result of alcohol use. These are just some of the figures that prompt the government to continue to act in this area.

The evidence is now clear: environmental tobacco smoke is harmful to the community. It is not just about the unpleasantness of smoke drifting across from smokers while people are sitting enjoying a drink or a meal. It has been estimated that 2,000 hospital admissions a year are caused by exposure to environmental tobacco smoke, also known as second-hand smoke.

Some may ask why businesses should be required to manage smoking that is occurring outside. That, however, is precisely the point. Smoking should not be treated differently merely because it is occurring outside in an area provided in an eating and drinking establishment. Diners are concentrated in a small place. They have limited ability to avoid second-hand smoke from adjacent tables.

Of particular concern though is the health and wellbeing of workers who continue to be exposed to tobacco smoke throughout their working lives. These workers are currently expected to approach people who are smoking, serve them, and pick up and empty ashtrays. Hospitality workers deserve the same protection that is provided in other workplaces—indeed, such as this workplace—regardless of whether they are inside the establishment or outside in the open air.

Throughout the development of this legislation, the government has been concerned to ensure that businesses were not put to any greater burden than the legislation that governs enclosed public places. This means that businesses have the same obligation to manage smoking inside and outside their premises. I should emphasise here that the obligation to manage smoking outside is only within the area that the particular premises control where their tables and chairs have been set up.

The bill provides that licensed premises that sell liquor, principally for consumption on the premises—that is, clubs and pubs—may designate part of their outdoor area for smoking. This is a business decision for clubs and pubs and many may not even take up the option of designating an outdoor smoking area.

Several obligations apply, however, in return for the permission to establish a designated outdoor smoking area or DOSA. This is only fair and appropriate. Licensees are to develop smoking management plans, which will detail how exposure

to smoke will be minimised, the training of staff and managing the prohibition on food and drink service to a DOSA. Ideally, the development of these plans should involve staff. Consulting with staff would mean everyone is involved in and aware of the responsibility to manage smoking in outdoor areas.

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

I now turn to the other aspect of the bill, the ban on smoking at under-age functions. While functions at our schools are smoke free, other under-age functions may not be. This bill places an obligation on organisers of functions which are predominantly organised for the territory's children and young people to be completely smoke free. When the bill was presented, I said the government would like to see the restrictions commence on 1 December 2010, the fourth anniversary of the commencement of the ban on smoking in enclosed public places. As the bill is being debated after 1 December 2009, the government will delay commencement of the restrictions to exactly 12 months following passage of the bill. The government considers 12 months should be sufficient time for the hospitality industry to prepare itself.

The ACT already has a lower proportion of people here who are current daily smokers, 15.8 per cent compared to the total Australia rate of 18.3 per cent. When compared to the 16.4 per cent in previous surveys, this shows that tobacco control measures are having an impact on smoking rates in the ACT. That is something we should all be very thankful for.

The ACT government is committed to ensuring that our smoking rate continues to drop and that we lead the nation in reducing the harm that tobacco causes. I thank members for their support for this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR HANSON (Molonglo) (10.50): I move amendment No 1 circulated in my name *[see schedule 1 at page 5486]*.

I indicated when I spoke before that the Canberra Liberals would be moving an amendment that I believe is well within the intent of the legislation, which is about reducing the incidence of smoking on hotel patrons, other club and pub users, and on the staff of those establishments. We must make sure that when this sort of legislation is implemented it is able to be implemented without any negative unintended consequences. I believe that in this case there is a negative unintended consequence for the pubs or establishments that have a small outside area where they would

otherwise be required to introduce a DOSA. What is the correct pronunciation, minister?

Ms Gallagher: It depends where you come from, I think.

MR HANSON: Does it? Okay, I will run with DOSA then. My amendment is straightforward.

Mr Corbell: Very North Shore of you, Jeremy!

MR HANSON: Is it?

Ms Gallagher: Dosa is an Indian dish, I think.

MR HANSON: Right. Maybe it is a "dosser". Anyway, Mr Speaker, I think we all understand what it actually is, rather than how to pronounce it.

My amendment is straightforward. It essentially permits licensed venues with a total outdoor area of less than 100 square metres—and that is quite a small area—to establish their entire outdoor area as a DOSA when the establishment has a single outdoor area. Where it may have multiple outdoor areas that still constitute less than 100 square metres of outdoor space, they would essentially establish one of those areas, that being the smaller of the areas, as the DOSA. This provision seeks to ameliorate the adverse impacts that a total smoking ban will have on the businesses as well as ensure that those smoking restrictions would not have other negative unintended consequences.

In looking at the legislation and the requirements for establishing a DOSA, it is clear that many smaller venues will be disadvantaged and would simply be unable to establish a DOSA because it would be impractical or overly costly to construct the screen that is required. In the separation between a non-smoking area and a DOSA, you are either required to establish a screen or you are required to create a buffer four metres wide between the non-smoking and the smoking areas.

If you consider some of the smaller areas—and I take Green Square as an example—it would simply be impractical and, indeed, potentially impossible to create a buffer of four metres in an area that small, or indeed to build a screen that would effectively separate the two areas, the DOSA and the non-smoking areas.

Certainly, many clubs and pubs, and particularly our larger clubs, will be able to do so under the proposed regime. Whereas particularly our clubs have large outdoor areas—indeed, some of them are actually enclosed and on the establishment—many smaller pubs will not. There are about 30 of those establishments within the ACT, and I am sure many of us would have frequented a number of them from time to time.

Our amendment is aimed at creating a fairer and more even playing field for all of our licensed clubs, bars and nightclubs. My view is that, under this legislation, there are certain provisions which support clubs and which are specifically aimed at having DOSAs that come off gaming areas, and the clubs are far more easily able to

implement this legislation. But it is somewhat overly punitive for the small pubs in the community.

This amendment may be perceived by some as an attempt to water down aspects of the bill. I do not consider it in that way. Indeed, I think that this is a practical application and the amendment will actually make this bill more effective in its implementation. The reality would be that, where a venue is forced to introduce a total smoking ban on its outdoor area, this legislation will actually force smokers onto public spaces, and in some cases directly adjacent areas to where a smoking ban is in place. My amendment will stop this and will actually reduce the community's exposure to environmental tobacco smoke.

Mr Speaker, I am happy to confess that I once was a smoker and I frequented a number of the fine establishments here in the ACT. I can give my own example of visiting establishments like Filthy McFaddens, the Durham and the Holy Grail in Kingston, the Belgian Beer Cafe—

Mr Barr: Very inner-south of you, Jeremy!

MR HANSON: Very inner-south of me. I used to live in Kingston in my younger days, Mr Barr. As a smoker in those days—

Mrs Dunne: Were you ever ejected from Filthy McFaddens by my daughter, perhaps?

MR HANSON: Possibly so, Mrs Dunne. Occasionally, as a smoker, I would go outside to have a cigarette and, if I was not allowed into an area which was established for that purpose, the reality is that smokers will move either onto pavements or further out into Green Square. So the negative consequence is that smokers simply will continue to smoke; we know that is the case. What will happen is that people who are enjoying our public areas will now have smokers essentially impinging on them because they are being forced out of a designated area that is leased by the pub or the club. So it will have a negative unintended consequence by not allowing the smaller pubs and clubs to establish a DOSA in 100 per cent of their areas where they have a smaller area—certainly not in the case where they have a big area.

I would note as well that there is no provision in this legislation to establish buffer areas around the smoke-free public areas. I will again use Green Square as an example, as we probably all know it. If you do make that a non-smoking area, there is no four-metre buffer outside that area so you could simply stand next to where the non-smoking area is and smoke the cigarette directly next to people in a non-smoking area, without any screen or buffer, as I read the legislation.

My understanding is that the Greens have already provided information that they will not be supporting the opposition's amendment. I am yet to hear from the government but in this case I take it that no news is not good news.

Ms Gallagher: I thought we had told you.

MR HANSON: I had a conversation with one of your staff who indicated that—the execution was not quite confirmed. I take it from that thumbs down, minister, that you will not be supporting it. That is something I regret. I think this is a worthy amendment. It would help many of the smaller businesses who are struggling. They have recently had an increase in a number of the fees that they have to pay—licence fees for establishing outside areas. I am very concerned about forcing smokers onto pavements and into public spaces and the effect that will have.

If it is not too late, I would be happy to further discuss the amendment that I have provided. If the Labor Party or the Greens thought that 100 square metres was too much and it should be 80 metres, I would be happy to negotiate. I have picked a measure of 100 metres because I think that is reasonable, but it would appear that the execution is—

Members interjecting—

MR HANSON: It is not actually that big an area. Ten by 10 is not a significant area. Regardless, as I said, I would be happy to negotiate on the size of that area. With respect to my view about the size, it is a matter of where you peg that, at 80 square metres, 60 square metres or 100. I would be happy to negotiate on the specific size. The intent of what I am trying to achieve is to assist the pubs and clubs that have smaller areas.

Every pub, club and nightclub here in the ACT is different. They are all unique and they do have specific provisions. It is clear that this is going to be much easier for the clubs and bigger establishments to implement and it is going to be somewhat punitive for the pubs that have only one small outside area. It will have a significant effect on their business.

I reiterate, though, at this stage that I do agree with the intent of this legislation. I think we all understand the burden of disease that is caused directly by smoking. We will support the legislation, regardless of the outcome of this amendment. But I do encourage members to support my amendment because it will make this better legislation and able to be more easily implemented on the ground.

MS BRESNAN (Brindabella) (10.59): The Greens will not be supporting the Liberals' amendment as we believe that the proposal will water down the legislation and its proposed impact on the overall health of our community, and particularly for preventive health.

I do note that, in proposing this amendment, Mr Hanson and the Liberals are seeking to represent the views put forward by the ACT branch of the Australian Hotels Association. The association also wrote to the Greens. I appreciate the points that they raised about patrons going outside a pub to the pathway to have a cigarette and the issues around security staff and some possible control issues for crowds when they are outside venues. My office did give consideration to this matter but we believe it is more important that we do what we can to prevent the impacts that second-hand smoking have on staff and non-smokers—and patrons, obviously.

I think we would defeat the purpose of the overall legislation if we were to implement this amendment. I also reiterate the Queensland experience with what they have adapted, and the issues that Mr Hanson has raised about smokers on pathways have not been a problem or, to my knowledge, have not actually eventuated to any great degree. So we will not be supporting the proposed amendment by the Liberals.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (11.01): The government will not be supporting the amendment either, for the reasons outlined by Ms Bresnan. It would be a significant watering down of this bill. When you read the object of this bill, when it is turned into an act it will be to promote public health by minimising the exposure of people to environmental smoke in enclosed public places, in outdoor eating and drinking places and at under-age functions.

Essentially, if the amendment was successful it would mean there would be quite a number of outdoor areas that would be smoking-only, as a result of this amendment. That is not something that is in line with the object of the bill or, indeed, in line with the discussions that we have been having.

The community has been discussing this for four years. At the time when the indoor ban was implemented, it was very clear that it was a step on a longer journey, and the longer journey would involve implementing an outdoor smoking ban in drinking and eating areas.

It is important for staff in those areas to be protected from the impact of environmental tobacco smoke. They are the people that do not have a choice about where they perform their work under the current arrangements. Also, the message behind the bill is that the smoking areas, if they are able to be implemented in a workplace, are to be break-out areas. They are not meant to be general areas where people continue to drink and socialise. They are to leave a place to go and have a cigarette and then return to where the socialising is occurring. When you read and understand the bill, the message we are trying to send is that we want break-out areas, and that would be defeated as well by the amendment, which would allow an area of 100 square metres to be a designated smoking area. The government will not be supporting the amendment and we would not be supporting it if it was for an area of 60, 40 or 80 square metres either.

Question put:

> That **Mr Hanson's** amendment be agreed to.

The Assembly voted—

Ayes 5	Noes 9	
Mr Coe	Mr Barr	Mr Hargreaves
Mr Doszpot	Ms Bresnan	Ms Le Couteur
Mrs Dunne	Ms Burch	Mr Rattenbury
Mr Hanson	Mr Corbell	Mr Stanhope
Mr Seselja	Ms Gallagher	

Question so resolved in the negative.

Bill, as a whole, agreed to.

Bill agreed to.

Rates and Land Tax Legislation Amendment Bill 2009

Debate resumed from 19 November 2009, on motion by **Ms Gallagher**:

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (11:08): The opposition will be supporting this bill. The bill makes four amendments to the administration of rates and land tax matters in the ACT. The first concerns where an application is made to register a unit plan and the registration is not finalised until the fees have been paid. The second looks at the definition of "owner". The third looks at the redetermination of unimproved land values. The fourth amendment seeks to provide a more effective process for property owners to advise the commission about the rental status of properties. Mr Temporary Deputy Speaker—

MR ASSISTANT SPEAKER (Mr Hargreaves): Assistant, thank you.

MR SMYTH: Assistant. I am sorry, Mr Assistant Deputy Speaker.

Mr Hanson: He used to say "Madam Assistant Speaker".

MR SMYTH: Yes, he used to say "Madam", but it is quite different. He has cut his mo off.

MR ASSISTANT SPEAKER: Don't you call me a madam, Mr Hanson.

MR SMYTH: "Madam" does not apply to Mr Hargreaves.

Mr Hanson: I will call you "Mr Assistant Speaker".

MR ASSISTANT SPEAKER: Madams don't charge, Mr Hanson.

MR SMYTH: "Madam" has not applied to Mr Hargreaves for a long time. In relation to the bill, Mr Assistant Speaker, and on unit developments, apparently situations have arisen where a developer has failed to pay the rates that are outstanding on the properties before the properties are sold. This includes situations where a developer entity may be liquidated after completing a development but before paying outstanding rates. These amendments ensure that all of the outstanding rates are paid before a unit plan is registered.

In relation to the owners of a parcel of land, there are situations where a new owner may not register the detail of the change of ownership, such as when there is no mortgage involved. There is no imperative to register new details in a timely fashion.

These amendments will clarify who owns a parcel of land, irrespective of the actual registration of these details.

When there is a change of purpose it is necessary to recalculate the unimproved value of the parcel of land for the three years prior to the relevant year to ensure that there is equity in the recalculated value of the land. An objection has been made to the recalculation for more than the previous year, just the previous year. The government sought legal advice about responding to this objection. These amendments will provide for the calculation of the unimproved value based on estimates of the unimproved value for the previous three years on the new land use type.

In relation to the rental status of properties, some situations have arisen where the details of a change in status have been provided to the commissioner but the formal requirements for notifying a change in status have not been followed. These amendments will clarify the process that must be followed to ensure that proper and timely advice is provided on any change in status. These amendments will enhance the administration of the rates and land tax regime in the ACT. The only losers, if we can categorise them as such, will be those people or organisations who do not wish to comply properly with the legislative requirements.

Mr Assistant Speaker, as I said, the opposition will be supporting the bill. However, in the briefing that I had—I thank the minister for the briefing and I thank the staff for, again, a timely and informative briefing—I did ask the eternal question: what consultation has been carried out? The answer was that, given the points were minor ones, it was not felt there was a need for consultation. I have done my own consultation. A number of groups that I spoke to yesterday after I had the briefing were quite surprised that this bill had been tabled and indeed was up for debate for today. They had no idea about it. Again, minister, consultation in this case—and from a government that says it has learnt the lesson of consultation—is lacking. What we might consider a small change or just an administrative change does have an effect on the way in which people and business conduct their affairs. If the government is serious when it says that it has learnt about consultation it needs not just to say that and needs not just to determine when and where it will consult.

The people I spoke to were concerned. They went away and checked and came back and said, "It seems reasonable." But their problem was that they did not know. The government says it has learnt its lesson on consultation but, yet again, there were groups that felt a little put out at the fact that this was being debated today and they had so little notice about having time to have input. That said, the opposition will support the bill.

MS BRESNAN (Brindabella) (11.12): The Greens will be supporting the Rates and Land Tax Legislation Amendment Bill 2009 as these amendments will ensure that the territory is able to collect land tax in an efficient and equitable manner. It is the Greens' understanding that the first and fourth amendments have the effect of making the registration of a units plan conditional on the payment of all outstanding amounts of rates and land tax for a parcel of land that are payable by that owner of the parcel of land. This is a practical amendment that ensures the territory collects adequate revenue when it is due. This amendment will become increasingly important as many of the suburbs closer to the city centre will be developed from single houses on large parcels of land to more sustainable medium density dwellings.

The second amendment addresses any doubt that may have surrounded whether or not current provisions allow for a redetermination of an unimproved value of land to be applied across all affected unimproved values used to determine rates and land tax. This will allow the Commissioner for ACT Revenue to rectify areas in unimproved valuations so as to ensure that accurate valuations are used in determining a rates and land tax liability.

The third and fifth amendments will clarify that a person who has obtained effective ownership of a parcel of land but who may not yet have become the registered owner is the owner of that parcel of land for the purpose of the Rates Act and the Land Tax Act.

The sixth amendment provides an improved mechanism to support the existing requirement for owners to notify the Commissioner for ACT Revenue when a property is rented. The amendments achieve this by extending the requirement to notify the commissioner, through real estate agents, accountants and solicitors, who are entrusted by the owner with the management of the land. The amendment also clearly outlines what is a criminal offence with regard to notification of the rental status of a property. Again, the Greens will support these amendments so that ratepayers can be assured of greater efficiency and equity.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (11.14), in reply: The Rates and Land Tax Legislation Amendment Bill makes technical amendments to the Rates Act 2004, the Land Tax Act 2004 and the Land Titles (Unit Titles) Act 1970. The first of the amendments made by the bill addresses the issue of outstanding rates and land taxes that need to be paid by owners of a property before the property is unit titled. This amendment is necessary because in some instances where subdivision of a parcel of land occurs, rates and land taxes are not fully paid during the financial year or quarter when the units plan is registered.

At present, future owners of a subdivided property are not liable for the taxes until the next financial year or quarter, but there is currently no formal mechanism to ensure that the previous owner has paid the applicable rates and land taxes on a parcel of land. This is different to ordinary conveyances of land where the liability for rates and land tax transfers with the land to the new owner. Accordingly, this amendment will require the ACT Revenue Office to produce a certificate that verifies that any rates or land tax payable on the land that is to be subdivided have been paid in full before the subdivision can be registered. The bill also makes consequential amendments to this effect to the Land Titles Act.

In relation to the second amendment, the Rates Act uses a three-year rolling average of unimproved value of property in order to calculate the amount of rates or land tax payable. The unimproved value of all parcels of land in the ACT is determined as of 1 January each year. In the case where a clerical error has occurred in determining a value or where a change in circumstances causes the value of the land to change, the Rates Act allows the redeterminations of those values. However, it has been determined that it is necessary to clarify whether or not the current provisions allow redetermination of an unimproved value to be applied across all affected unimproved

values. The amendment will ensure that any redetermination of unimproved land values for error or changed circumstances can be applied across all affected years.

The third of the amendments made by the bill will clarify that the definition of an owner of a parcel of land includes owners who are not yet registered on the title to the land. This amendment will ensure that the underlying policy of the rates and land tax acts is maintained by making sure that owners are liable from the time they obtain effective ownership of the land.

Finally, the fourth of the amendments made by the bill will provide a stronger mechanism to ensure that property owners notify the ACT Revenue Office about the rental status of a property for land tax purposes. The Land Tax Act requires owners of residential properties who rent out their property to pay land tax. Owners must notify the ACT Revenue Office within 30 days of the property becoming rented or within 30 days of purchasing the property if they are continuing to rent it out.

The amendment is being made in response to a growing number of property owners who fail to notify the ACT Revenue Office that their property is being rented. In order to deal with this issue, the bill makes amendments that aim to provide a stronger legislative mechanism to support the rental status notification requirement. It prescribes an approved form to be used by owners or their agents to notify the commissioner of the property's rental status. The approved form will provide an additional level of clarity and certainty for taxpayers that will assist them in meeting their obligations. The measures contained in this bill will have a negligible financial impact on the ACT.

I thank members for their support. I take Mr Smyth's consultation comments seriously. I think we can always improve our consultation processes. I look to do that. I will speak with Treasury about how we can make sure that that happens to a high degree in the legislation that I bring forward in future.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Racing Amendment Bill 2009

Debate resumed from 19 November 2009, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (11:19): The Racing Amendment Bill 2009 enables organisations involved in racing in the ACT to charge for the use of their race field information. This is already done in all other jurisdictions except for the ACT. It is under some cloud in Tasmania, where there has been an appeal against the use of this charge. It will be interesting to see the outcome of that appeal.

Basically, what jurisdictions do is sell the information that is involved in their race field. That in the ACT will bring something like $1.5 million back into the industry, which, of course, will be a good thing, given that at this stage they are paying $2.5 million in the other direction. The legislation seems simple. It is interesting to note that the minister will be bringing in some amendments. Apparently when I brought amendments forward to my bill just three weeks ago, that was a bad thing and showed some flaws in the bill, but clearly when the minister does it then—

Mrs Dunne: But we know this minister cannot write, cannot count.

MR SMYTH: We did know that the minister could not count, but apparently now the minister may not be able to read or write. I am sure he will explain that when he stands up. It does show that legislation is evolving. When you get sort of trite responses from the minister over people moving amendments to their bill, it is hard to stand here and just raise with him gently the need to amend legislation.

That said, having seen the amendments, they seem reasonable. Again, I spoke to the organisations that have an interest in this bill. Some of them were also concerned with the consultation that had been undertaken. At least one group said that they had not seen a final draft of the bill. It is well and good to put a draft out into the field, so to speak, but when there are amendments that affect industry and when the final bills have gone though cabinet, perhaps I could suggest to the minister that it might be appropriate for them to go back out to those groups and say, "This is the final format that has got through." I mean, if you are serious about consultation, to consult on a document and then change it, and not tell people that you have changed it, would seem to be rather a waste of the consultation.

That said, the minister provided me with a briefing and I thank the staff for the briefing. It was very informative. It clearly outlined the need for the bill and the way forward. With that in mind, the opposition will be supporting the bill.

MS BRESNAN (Brindabella) (11.21): The ACT Greens will be supporting this amendment to the Racing Act 1999. We understand that the ACT is currently paying fees to interstate racing bodies for the right to wager on their racing products. This legislation will allow the ACT racing industry to charge similar fees from betting operators across Australia for betting on ACT racing products.

The amendment will allow all authorised betting operators to use the ACT racing information, provided they have approval and have paid a fee based on a percentage of the betting operator's net revenue. This scheme is similar to those established in other jurisdictions.

The minister, Mr Barr, in tabling this amendment on 19 November 2009, indicated this reform was part of the ACT government's plan to secure funding from the ACT budget and that the changing nature of the betting industry meant that the ACT racing industry funding is under threat. New entrants to the wagering market are necessitating changes to the system.

This has happened before. Prior to 1961, the racing industry was largely funded by spectator admission fees and fees paid by on-course bookmakers. Of course, bookmakers such as the starting price bookmakers, or SP bookmakers, operating mainly in hotels undermined this model. In order for the racing industry to survive, this was addressed by granting licences to government-owned TABs to provide off-course retail wagering.

This gave punters a legal and convenient alternative to illegal off-course bookmakers in addition to providing an effective means of raising taxation for government. This arrangement ensured that the racing industry was paid for the use of its product through agreements between the TABs and the local racing authorities.

Something similar is happening again. With the advent of the internet and telephone betting, off-course bookmakers or betting exchanges are now offering cheap and innovative betting products across Australia 24 hours a day. While most of these new players now pay some product fees, the amendments to the Racing Act, which essentially revolve around adequate compensation for the ACT racing industry for all forms of wagering on its product, will ensure that the major players pay their fair share.

In addition, we are assured by the racing community that the revenue returned to the ACT racing industry from this amendment to the Racing Act will enable them to continue to produce a high-quality racing product, better facilities for race goers and prize money to attract quality horse and greyhound fields.

It is important in relation to this proposed revenue scheme that we at least try to balance some of the expense the ACT incurs in paying for racing products from other states. We understand from briefings provided by Treasury officials and through the Treasurer's and Mr Barr's offices—and we thank them for organising the briefings—that the ACT pays out close to $2.7 million a year for access to interstate betting products.

Under the proposed amendment to the act, the ACT will collect around $1.5 million from other states for allowing them to access ACT betting products. It is worth noting that the betting side of the racing industry in the ACT and in Australia is not small. Australia has the sixth highest betting turnover in the world and fourth in per capita terms, it has the greatest number of thoroughbred racing clubs in the world—379 in 2007—and it is among the top three countries in terms of the number of races held and prize money paid.

The betting turnover that occurs per race in Australia is similar to that of Canada and the United States. Figures from ACTTAB's annual report show that $170 million was turned over on thoroughbred, harness and greyhound racing in the ACT last financial year. This leads us to the issue of what must be done by ACTTAB to play a major role in the community around responsible gaming and ongoing support of community activities.

It is all very well to have a vibrant racing industry and get our share from our racing products. We acknowledge that the racing industry provides employment, economic,

entertainment and social benefits for the ACT community, but we need to be mindful of the cost to our community through the impact of problem gambling.

In supporting this amendment to the Racing Act 1999, the ACT Greens urge the government and ACTTAB to pay close attention to this and direct funding and resources to assist with problem gambling and continue to financially support community groups who raise awareness of the negative impacts of gambling and provide support and counselling services to problem gamblers.

We have been advised that legislation similar to this is being challenged through the courts in other states and there is considerable resistance from betting operators to paying these charges. Decisions from these cases are not expected until well into 2010, but we understand the ACT has little to worry about if these challenges are successful. It will mean, in fact, that while we miss out on the $1.5 million expected under this amendment, we no longer will have to pay out the $2.7 million we do at present.

In conclusion, this amendment has the ACT Greens' support. If, as proposed, the scheme is managed effectively at low cost by the Gambling and Racing Commission, it will assist the ACT racing clubs to improve their revenue streams and benefit the ACT budget. It is important, however, as I have noted, to ensure that the issue of problem gambling is continually addressed and that funding for these programs is increased to meet current and future needs of individuals who are addicted to gambling and their families who suffer because of this addiction.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (11.27), in reply: I thank members for their contributions to this debate. As previous speakers have mentioned, this amendment bill provides for the introduction of a new source of revenue for ACT racing clubs. The charge enabled by the bill is something the ACT racing clubs have been seeking for some time and it is important that this new source of revenue be provided to support sustainability and to allow growth in the local racing industry into the future.

The bill is required because it is not expected that wagering operators would pay a charge to use ACT race fields without the backing of legislation. Wagering operators who take bets on ACT racing obtain a benefit from racing activity in the territory. However, wagering operators throughout Australia do not currently contribute to the ACT industry. This charge is seen as a means of ensuring that they contribute to the activity from which they obtain revenue and profits.

Similar schemes exist or are being developed in all other jurisdictions except for the Northern Territory. Specifically, this charge will go some way towards the clubs being recompensed for the benefits accruing to wagering operators from being able to use ACT race fields.

A primary element of this bill is that Australian licensed wagering operators must be approved by the Gambling and Racing Commission if they wish to use ACT race field information. The bill makes it an offence to use such information without approval. The charge will be set by each ACT racing controlling body—the Canberra Racing Club, the Canberra Greyhound Racing Club and the Canberra Harness Racing Club.

Revenue from the charge will belong to these clubs. So I repeat that it is not a government fee but it will be held in trust by the government for the clubs. The charge will be set as a percentage of net revenue generated by licensed wagering operators from bets taken on ACT races. It will be payable by approved licensed wagering operators whose turnover exceeds a threshold which will be set by disallowable instrument. The revenue from the charge will be payable to the ACT racing clubs.

The estimated revenue from this charge is in the order of $1.5 million per annum. The bill provides a commencement date of 1 March 2010. This will provide time for applications to be invited from licensed wagering operators and for all the consequential administrative work to be carried out. The Gambling and Racing Commission will undertake the administration of this scheme on behalf of the clubs, who have agreed to pay the commission an administration fee for this work. This arrangement will assist in making a smooth introduction to the scheme, given the commission's involvement in its preparation.

The government's concern is that the compliance burden on operators is minimised. The administrative arrangements and requirements for the ACT scheme are therefore consistent with those in the states and should not therefore create any significant extra work for those approved holders who are liable to pay the charge. ACT clubs have indicated their support for the introduction of this charge. They will retain control of the charge by deciding the rate or percentage that will apply each year. It may stay the same; it may change. The revenue will be calculated by multiplying the rate the clubs decide by the approved licensed wagering operators' net revenue for the relevant financial year.

Members may be aware that the Productivity Commission has issued a draft report on gambling. The report canvasses the potential for a national funding model. The ACT government supports this concept and we are working with our counterparts in the states and territories to progress it. I would like to advise the Assembly that I will be proposing an amendment to this bill. This is a very minor and technical amendment which is required to ensure that the integrity of the provisions of the bill is robust. Finally, this charge is intended to support the ACT clubs in raising their own revenue and to build on that capacity.

I thank the scrutiny of bills and subordinate legislation committee for their comments on the Racing Amendment Bill. The committee has raised two matters. The first matter refers to the proposed section 61I, where subsection 61I(3) states that criminal liability of corporation officers does not apply if the corporation has a defence to a prosecution for the relevant offence—that is, if the corporation has a defence then the corporation officer cannot be found liable.

The committee is concerned that it may be difficult for an officer to make such a defence if the corporation does not cooperate in providing information. However, the officer can get a summons or a subpoena to obtain information from the corporation and it is a criminal offence not to comply with a summons or subpoena.

Further, it should be noted that this issue does not often arise in practice. The only reason to pursue an individual, rather than the corporation, would be if there was

some particular behaviour of the individual that gave rise to concern. If this legislative provision was not available then it might be possible that a potentially culpable person would not be brought to account.

The second matter raised by the committee relates to the proposed section 61I, which describes matters which the Gambling and Racing Commission must consider in deciding who is a suitable person to be approved to use ACT race fields information. The committee advised that subsection 61I(2), which provides that "any other relevant issues can be considered" in deciding whether an applicant is a suitable person is too open-ended.

However, under administrative law, subsection (2) needs to be considered in the context of subsection 61I(1), which outlines the specific matters to be considered in deciding if an applicant is a suitable person. This constrains what can be considered under "any other relevant issues" in subsection (2). So this suggests that the provision is not as open-ended as the committee suggests.

Having said that, I again thank members for their support and commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (11.35), by leave: Pursuant to standing order 182A(b) I move amendments Nos 1 to 3 circulated in my name together as they are minor and technical in nature *[see schedule 2 at page 5486]*.

I also table a supplementary explanatory statement to the amendments. As I noted in my introductory speech and my closing speech at the in-principle stage, the bill establishes the race field products scheme which provides a new source of revenue for ACT racing clubs. The amendments that I am moving today are minor and technical in nature and do not affect the purpose or major provisions in the bill. However, I am advised that they will certainly improve the administration and integrity of the race field product scheme.

As currently drafted, the bill allows the Gambling and Racing Commission to impose conditions contained in the regulations only, and as such this limits the flexibility of the commission to administer the act. The amendments I am moving today will allow the Gambling and Racing Commission to impose specific conditions on approved wagering operators. For example, this will allow the commission to require an approved wagering operator to provide information in addition to that required by the mandatory conditions. It is the government's view that this will improve the integrity of the regime and is consistent with other gaming laws that the commission administers.

However, in order to ensure procedural fairness, the amendments also provide that commission decisions to impose specific conditions on an operator are reviewable by the ACT Civil and Administrative Tribunal. Further, the amendments clarify that the mandatory conditions applicable to all approved wagering operators that are imposed by statute are not reviewable. This is appropriate to ensure the proper operation of the scheme and is, indeed, consistent with other racing and gaming legislation.

Having clarified those two points, Madam Assistant Speaker—

Mr Smyth: Madam?

MR BARR: I am doing it too; force of habit, clearly. I commend the amendments to the Racing Amendment Bill 2009 to the Assembly.

MR SMYTH (Brindabella) (11:38): Madam Assistant Speaker, given that now is the terminology when speaking to Mr Hargreaves when he is in the chair, I just rise to say thanks to the minister for the clarification. The amendments do seem to be sensible, but I do remind him that apparently when people bring amendments to bills, it is to make them better; it is not the chaotic thing he spoke of just three weeks ago—to quote him—"that Mr Smyth has had to bring an amendment to his own bill".

One can say the same now. The fact is that Mr Barr has had to bring amendments to his own bill. Bills do change, and when you consult and when you talk to people, we all seek to improve them. The minister might have learnt a lesson about being critical of people who seek to deliver the best outcome for the people of the ACT.

MS BRESNAN (Brindabella) (11:39): The Greens will be supporting these amendments. As Mr Smyth has stated, these are just to clarify parts of the bill and to make statements in there more understandable in nature. So we will be supporting the amendments.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Justice and Community Safety Legislation Amendment Bill 2009 (No 4)

Debate resumed from 19 November 2009, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (11.40): The opposition will support most of this bill. The Canberra Liberals will be opposing elements relating to the amendments to the Security Industry Act and regulations. It seems that this government, and particularly this Attorney-General, have slipped back into the trap of attempting to use omnibus legislation to make substantive changes to legislation. Omnibus legislation should

deal only with amendments of a minor, technical or non-contentious nature, and generally they do. But here we have yet another example of this government, and especially this Attorney-General, trying to slip significant policy changes through hoping that no-one would notice. Well, Mr Assistant Speaker, we have noticed.

Let me first deal with the elements of this bill that the Canberra Liberals will be supporting. The bill permanently enacts a number of temporary modifications to legislation effected by the introduction of the ACT Civil and Administrative Tribunal Act 2008. They are contained in the Civil and Administrative Tribunal (Transitional Provisions) Regulation 2009 and expire on 2 February next year. Under the ACT Civil and Administrative Tribunal Act 2008, territory entities will be able to pay filing fees to the ACAT trust account on a quarterly basis rather than up front for each application. This will reduce transaction fees and administrative costs.

There are also amendments to the Legal Profession Act 2006 which will re-establish a longstanding requirement that the identity of the legal professionals in occupational disciplinary matters cannot be disclosed publicly unless and until an adverse finding is made and, if appealed, after the appeal either expires or confirms the original finding. This is a matter that has caused some concern for us in the ACT Liberal Party. We are concerned that there are moves to suppress the identities of certain classes of people when they come before courts and tribunals but the ordinary, everyday Canberran is subjected to the full scrutiny of public reporting on matters, even before they enter the courtroom.

When average Canberrans find themselves charged with any kind of offence, their names are regularly reported. There was a recent case of a teacher being charged with particular offences, having her name splashed over the media and having the matter gone into in considerable detail for a number of days, only to be found not guilty. One has to weigh the impact that that has on that person and their family as opposed to other classes of people who are automatically exempted. There has also been a recent case of a doctor who was found guilty of professional misconduct but has managed to have his name suppressed.

This is a matter of considerable concern to the ACT Liberals. We are currently looking at ways of protecting ordinary Canberrans who might have their name trawled through the mud and then be found innocent of the matters. Under the Magistrates Court Act 1930, where a person represents another person before the ACAT, that arrangement will be allowed to continue in an order enforcement procedure in the Magistrates Court.

The JACS bill No 4 also amends the Trustee Companies Act 1947 to accommodate the COAG agreed transfer of the regulation of trustee companies to the commonwealth and to bring them under the Corporations Act and the ASIC Act. Under these arrangements, trustee companies will be required to hold financial services licences. There are some transition provisions to allow for the timing of the legislative amendments that the commonwealth will need to make, and they commence on the minister's written notification.

The Utilities Act 2000 is amended to permit the ICRC to continue to determine the annual licence fee payable by utilities to fund ACAT's costs of dealing with utilities

matters not otherwise covered by appropriation. There was a power previously held by the Energy and Water Consumer Council which was removed by the establishment of the ACAT. These amendments are reasonable and in the most part restore previously existing arrangements. The Canberra Liberals will be supporting them.

We will not be supporting the amendments to the Security Industry Act 2003 and the Security Industry Regulation 2003. These amendments will create a new prerequisite application requirement for employee licence applicants. They will be required to seek information from an employee organisation about workplace rights and responsibilities relating to the security industry. They will also be required to provide a certificate to say that the information has been provided before they can take up employment.

As I have said before in this place, omnibus legislation should not be used to get new policy through the Assembly by stealth. In supporting the JACS 3 bill last month, I noted:

> … 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.

I noted that it was "a positive step forward for a slow-learning Stanhope government". Regrettably, there has been one step forward but three steps backwards with this government. Out of the four JACS bills dealt with by this Assembly this year, including this one before us today, three have attempted to make substantive legislative amendments. In the case of the JACS 4 bill, the amendments to the Security Industry Act and regulations implement new government policy. This has significant implications, not only for employees in the security industry but also for employers in that industry, and it has implications for consumers of the services provided in that industry. And that does not take into account, if we introduce this policy here today, the implications it would have for the whole of the ACT workforce.

What consultation has there been on this policy, Mr Assistant Speaker? None. When I took this matter to the chamber of commerce and the security industry, it was revealed to me that they did not know that this legislation existed. It was the Liberal opposition that raised this matter as a matter of concern with the community. There was no consultation with me and there was no consultation with the major players in the security industry in the ACT about this substantial and substantive change to policy.

What has emerged from the process of consultation that I undertook? Perhaps if we had time to think about it, we would have other ideas on how we might ensure that prospective employees can be well informed about their workplace rights and responsibilities. Perhaps it might have been revealed that information could be provided by registered training organisations as part of the training for security industry employees. This government did not know that, because it failed to consult with the experts—the people and the businesses in the industry. It will come as a surprise to the Attorney-General that the security industry and its consumers do not support this new policy.

Mr Corbell: What about the workers?

MRS DUNNE: What about the workers indeed, as Mr McMillan would say. If the minister had taken time to consult, he would have found, as I was advised by Mr Fanner, the General Manager of the ACT branch of the Australian Hotels Association yesterday, that the view of the Hotels Association is that this was essentially legislating for compulsory unionism. The point that Mr Fanner made was that there was no way that a union would give a non-union member this information, required for their employment, in a timely fashion.

I was told by Mr Fanner that in the hospitality sector of the security industry, the unions are thought by the employees to be irrelevant. Mr Fanner asked why security industry employees should be treated differently from other kinds of employees. He went on to make the point that the federal workplace relations act, the Fair Work Act—all 800-odd pages of it—sets out employer obligations and employee rights, and there is no need for this. It was put to me that Labor was trying to sneak in a free kick for its union mates. Mr Fanner also raised, quite rightly, the implications that this would have for other industries, such as the building and property industry. If everybody had to go to a union and have signed off and certified that they had been informed about their rights and responsibilities as, say, an employee in the building industry or in the hospitality industry more generally, the implications for this would be quite wide ranging.

In addition to this, the chamber of commerce, in response to my inquiries of them, informed me that the relevant industry association, ASIAL, the Australian Security Industry Association Ltd, had not been consulted on this issue. The chamber saw that there were significant policy issues that had been hidden in this omnibus bill, which is where they would expect to find technical changes only. In a press statement today, Mr Peters reinforced that there had been "no consultation … on such a significant policy change with the Chamber, the industry or any of the other industry bodies". Mr Peters also took the view that this was "a back-door attempt towards compulsory unionism" and was "contrary to Federal Government industrial relations policy in this regard". He said:

> The Federal Government has the Workplace Ombudsman whose role it is to deal with such industrial issues.

Mr Peters also asked:

> Where might this lead to?

He asked if it would now become government policy for every applicant for a public service position to require a certificate from a trade union. He said that perhaps staff of members of the Legislative Assembly would require a certificate from a union. Mr Peters went on to make the point that this is a significant increase in red tape which will be an inevitable cost to the community.

What we have seen here today is appalling arrogance from this government. It has clearly not diminished since the people of the ACT ripped away its majority at the last

election. The people of the ACT are fed up with this arrogant government, unwilling to consult on important government policy. The people of the ACT are fed up with an arrogant government that will not listen to them. The people of the ACT are fed up with an arrogant government that works out its own agenda of wasting money and opportunities.

It seems that this government's arrogance and its refusal to listen or consult with the people of Canberra continue. Consequently we will not support government policy being introduced in omnibus legislation. We, the Canberra Liberals, will not support government policy being foisted on an industry without proper processes of consultation. We will not support government policy coming forward without first having considered the options and the alternatives. And we will not support the amendment of the Security Industry Act and its regulations. We will not support this bill if our amendments to the Security Industry Act and regulations are not successful.

MR ASSISTANT SPEAKER (Mr Hargreaves): The question is that the bill be agreed to in principle. Mr Rattenbury.

MR RATTENBURY (Molonglo) (11.53): I thank you, Mr Assistant Speaker, and welcome you to the chair for the first time, today, at least in the term of this Assembly.

MR ASSISTANT SPEAKER: It is nice to be here again. I love it.

MR RATTENBURY: The Greens will be supporting this bill today, but I will flag now, and come back to discuss this later, that we will also be supporting the amendments flagged by Mrs Dunne.

This bill makes changes that are required to fully implement the ACT Civil and Administrative Tribunal. When ACAT commenced in February of this year, a range of transitional provisions were put in place for one year. These provisions are due to expire in February 2010 and need to be continued more formally in legislation.

Some of the amendments have also arisen out of experience of how the ACAT is operating. The Greens support that responsive style of legislating where improvements are made through learning from experience. A good example of that responsive style of legislating is the changes to the Magistrates Court Act. The amendments clarify that a lawyer acting for a client in the initial stages of a civil matter can continue to act for that client in the concluding stages of the matter once it has moved to the Magistrates Court. This is a sensible outcome for those people before the courts. Being continuously represented by the same lawyer is better for the client than being forced to change lawyers just because the matter has changed courts.

There is a range of other amendments made to consolidate the existing transitional provisions in legislation. These are required for the continued operation of ACAT. Another area that the bill addresses is the transfer of trustee company regulations from the states and territories to the commonwealth following the decision of the Council of Australian Governments. National regulation of trustee companies makes good sense, and the Greens support the intent and the staggered implementation that this bill achieves.

The Greens will be supporting all of those elements of the bill, but I should address the area Mrs Dunne has already talked about in relation to the security industry. The Liberal Party will move amendments to omit these clauses, and the Greens will be supporting those amendments.

In part, the Security Industry Act requires bodyguards, crowd controllers and similar jobs to be licensed. The licence required is an employee licence. The amendments proposed by the government to the Security Industry Act would mean that, before an application for an employee licence can be approved, the applicant must have been provided with information about workplace rights by an employee organisation—in other words, a union. This change to how people become licensed as an employee in the security industry has raised concern amongst a considerable number of individuals and groups involved in the security industry. The chamber of commerce, the Hotels Association and ClubsACT have all raised concerns about the model in the legislation today.

The Greens fully support all workers being made aware of their workplace rights and responsibilities. All workers need information on matters such as minimum wages and workplace safety. We believe that unions play an important role in providing information to employees. However, it is an extraordinary step to make engaging with the union compulsory prior to commencing employment.

As the Attorney-General has noted publicly, the security industry is particularly exposed to breaches of workplace rights, given that they are often disconnected from organised representation. However, whilst the ACT Greens recognise the difficulties in organising security industry employees, we question whether the unusual step the government seeks to take is an appropriate response.

The Greens believe that introducing a model of better information flow can be achieved with the involvement of all parties. This includes employer groups as well as employee groups. We believe that unions and employers can go beyond bitter disputes and recognise that both the employer and the union have a role in protecting workplace rights.

To date, employer groups have not been consulted about the proposed changes. Because they were not involved in the process, they have feared the worst from these changes. We believe that employer groups and unions can sit down, discuss in good faith and agree on the information that workers should receive. The Greens urge the government to go back to employer and industry groups, as well as unions, and work out an agreed model where potential workers are given all the information they require.

It is on this basis that we will support the Liberals' amendments to omit clauses relating to the security industry. We support better information for workers on workplace rights, but we also support better consultation with all affected groups before introducing legislation such as this.

However, we need to be clear regarding our reason for supporting this amendment. We are not—I repeat: not—opposed to unions being involved in providing

information about workplace rights and responsibilities. The Greens believe that an informed, responsible worker should be given the choice of whether or not to join a union. We believe that joining a union and working together to protect the rights of your fellow employees is a fundamentally good thing. However, a legislated requirement that permits the union to be the sole definitive source of information for a worker prior to their employment creates difficulties in ensuring that a security employee receives comprehensive information about their rights and responsibilities, particularly in the event of industrial disputes between the union and the potential employer.

We expect the government to be able to undertake the required consultation, sit down with the employers and unions, and come back to the Assembly with a more widely accepted model that achieves the same objective. I make it clear that we are happy to consider a new model as soon as practicable, given the essential intent of these provisions. We look forward to discussing with the government new ideas to achieve the intended objective that has been proposed in this legislation.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.59), in reply: This bill is the 23rd bill in a series of legislation that concerns the Justice and Community Safety portfolio. As members have noted, the bill contains a number of amendments to the ACT Civil and Administrative Tribunal—ACAT—legislation, the Trustee Companies Act 1947 and the Security Industry Act 2003. I would like to discuss each of these elements in a little more detail before turning to the last issue, which is the Security Industry Act.

During the establishment and initial operation of the new ACAT, a small number of additional transitional issues have been identified. After consultation with the ACAT, courts and other stakeholders, I have decided to amend the transitional regulations. This bill will re-enact those temporary modifications as permanent amendments to the statute books. These amendments will ensure that the final stages of transition from the former tribunal system to the ACAT will continue to run smoothly.

The ACAT amendments include a new section 115D in the ACT Civil and Administrative Tribunal Act to allow ACT government agencies the option to pay ACAT application fees into the ACAT trust account on a quarterly basis. The quarterly payment option will allow agencies to reduce their transaction costs by remitting accumulated fees directly to the trust account at the end of each quarter, rather than attaching an application fee to each individual application.

The bill also reintroduces a provision dealing with the naming of lawyers prior to the expiry of the appeal period for occupational discipline matters. New section 423A of the Legal Profession Act 2006 prohibits publication of the names of parties to disciplinary proceedings until the proceedings, including any appeal, have concluded. This section balances two important rights contained in the Human Rights Act, being the right to a fair trial, contained in section 21, and the right to privacy and reputation, in section 12.

The bill amends the Magistrates Court Act 1930 to allow for continuation of legal representation from ACAT hearings to any potential enforcement proceedings in the

Magistrates Court. In many civil dispute proceedings, enforcement action is required after an ACAT order is made. In law and practice, enforcement action is simply another step in the same application, although, for reasons of convenience, ACAT orders are enforced in the Magistrates Court.

New section 266B provides for continuation of legal representation from the initial hearing in the ACAT to enforcement proceedings in the Magistrates Court. This new section is consistent with the former practice in small claims and residential tenancy matters prior to the commencement of the ACAT.

The bill amends section 45(2) of the Utilities Act 2000, which deals with the determination of annual licence fees for utility companies operating in the ACT. Section 45(2) is amended to require the Independent Competition and Regulatory Commission, when determining a utility's annual licence fee, to consider the costs incurred by ACAT in hearing matters to which a utility is a party. This provision is consistent with former section 45(2), which required consideration of the costs incurred by the former Energy and Water Consumer Council, which has now been incorporated into the ACAT.

In addition to the ACAT amendments contained in this bill, there are a range of amendments to effect the transfer of trustee company regulation from the territory to the commonwealth. I will not go over these details again, and I note that members are supporting these arrangements.

I now turn to the elements of the bill that amend the Security Industry Act 2003 to expand the current suitability criteria and prerequisites for applicants for an employee licence to work in the security industry. Firstly, these amendments simply reinforce existing policy and practice in relation to the provision of workplace information to industry employees. Mr Rattenbury and Mrs Dunne should note that, under the commonwealth Fair Work Act which applies Australia-wide, unions in the ACT can already access workplaces to provide information to employees about their rights and responsibilities at work. This is not compulsory unionism. Indeed, compulsory unionism is illegal under commonwealth statute.

But what is important about this change is that it is particularly difficult for people who work in the security industry to access important information about their rights and entitlements. Often, these employees are working alone, with no-one else supporting them in their workplace. They provide contract services to other organisations. Further, by necessity, they are often working at night, after hours, in circumstances where they are completely isolated in their workplace. Because of this isolation, they are further disadvantaged. They are unable to access emails or have face-to-face discussions with colleagues about workplace information and issues. They are particularly vulnerable workers, low paid and often in transitional employment.

These amendments will ensure that their employee rights under commonwealth law are also extended into ACT law. The amendments will require an applicant for an employee licence to obtain information about their workplace rights and responsibilities before they commence work in the security industry. Prospective employees will already know before they start work about the importance and the

benefits of OH&S in the workplace and their legal entitlements in terms of pay, leave, sickness benefits and so on. These are important pieces of information for low-paid workers to have.

I note that the Greens will not be supporting these provisions today, and the question really needs to be asked: why not? Why won't the Greens support a provision that ensures that low-paid workers are guaranteed to get information about their rights and entitlements in the workplace?

I note that Mr Rattenbury in his comments said, "Well, we're not convinced that this is the best model to do it; employers should be part of the picture as well." What about those employers that do the wrong thing, that do not pay award rates and conditions, that do not respect their employees' rights under appropriate legislation? What about those employers? Are those employers suddenly going to stand up and say, "I'd better let you know about your occupational health and safety rights and responsibilities; here you go; you'd better have some information about how much you are meant to be paid for the award"? Of course they are not going to do that. But that is the sort of naive position that we have got from the Liberal Party and the Greens on this matter today—that the bad eggs, the employers that do the wrong thing, that exploit low-paid workers in the workplace, in the security industry, are suddenly going to, out of their own benevolence, tell their employees what their rights and entitlements are at work. No, they are not, and they do not.

The Liquor, Hospitality and Miscellaneous Workers Union have recently commenced a campaign to better represent the views and concerns of low-paid workers in the security industry. This is one of the issues that they want to see addressed—that workers in that industry have full access to their rights and entitlements at work. This is a provision that guarantees that. It is not compulsory unionism; it does not compel union membership on anyone. All it does is to ensure that those workers get information on how much they should be paid, what their benefits are for sick leave, holiday leave and overtime, and occupation health and safety obligations. What is wrong with that? These are important pieces of information.

I note the comment that has been made about consultation. If there was such a problem with consultation, why is it that representatives of one of the largest security companies in Australia, Wilson Security, are supporting the union in this proposal? One of the largest employers here in the ACT, Wilson Security, is supporting this proposal, and the union has worked closely with a broad range of employer groups across the territory to get their support.

The only objection that has been made, in that discussion that the union has had with those employer groups, is: "Is this going to cost us anything more?" The answer is no, it does not cost the employer a cent more in terms of the training. The training in terms of the provision of information will be provided by the employee organisation, the union. So there is no cost to employers.

Large firms like Wilson Security are backing the move because they want to see the cowboy operators out of the industry. They want to see the security companies, those cowboys that do not do the right thing, that pay below-award wages, that do not provide appropriate conditions, that do not inform their employees about occupational

health and safety, out of the industry. And members of this Assembly should want to do exactly the same thing, because it is those employers, those people who are doing the wrong thing, who will lose out through these amendments. Ironically, because of the actions of the Greens and the Liberals today, it is those employers who do the wrong thing who will be able to keep doing the wrong thing and take advantage of low-paid workers in the security industry.

I ask Mrs Dunne and Mr Rattenbury to reconsider their position. I ask them to recognise that this is not a major change; this is a minor change, a minor provision, that ensures that workers get the benefit of information so that they can be properly informed in their workplace. These are low-paid staff. They are transient. They work alone. Often, they do not even have access to a computer in the workplace. So let us think about them, let us think about what we are trying to achieve today, and let us not protect those employers who do the wrong thing. Let us make sure all workers get the support and the information that they deserve.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, as a whole, by leave, taken together.

MRS DUNNE (Ginninderra) (12.11), by leave: I move amendments Nos 1 to 3 circulated in my name together *[see schedule 3 at page 5487]*.

These amendments all go to the Security Industry Act and regulations. They remove parts 1.5 and 1.6 from schedule 1 of the bill, which are the offending parts. It is quite simple, Mr Assistant Speaker: these parts require that an employee must obtain from an employee organisation, a union—and have it certified that he has done so—certain information about his rights and responsibilities. He cannot obtain a position in the security industry without having obtained that certification. This is not a question about whether or not workers are entitled to appropriate information about their working conditions. Like Mr Rattenbury, we believe that members of the security industry, like other employees, are entitled to accurate and timely information about their working conditions.

What we object to in this legislation is that the only source of that information can be a union. That is the way it is described in the legislation and that is the thing that we object to. If it is such an important matter of principle, why has the Attorney-General not gone out to the industry and consulted them on this? If it is such an important matter, why did he not bring in here stand-alone amendments to the security act? The answer is that the minister wanted to sneak this matter through under the cover of an omnibus piece of legislation so that his colleagues in the unions could get an advantage.

It simply works like this: if I become a bouncer when I cease to be a member of the Legislative Assembly I will have to go to the miscellaneous workers union and ask them to provide me with certain information and the miscellaneous workers union

must certify that. Of course, one of the pieces of information they would be providing me with would be how to join the miscellaneous workers union, because that is the union that has coverage over this industry. I may not want to be a member of the miscellaneous workers union

I would like to put it on the record, Mr Assistant Speaker, that most of the time I was employed in the commonwealth public service I was a member of a union. The attorney may want to make statements about how members of the Liberal Party are anti-union, but that is not the case. I have always been a member of a union. I have always encouraged my children to join the appropriate union which has coverage, especially when they are minors, because it is important that someone looks after their rights. Interestingly enough, they could never see why they should do that, which means that unions often are not relevant to young people. They do not see the benefits for them, even when their parents encourage them to do so, as I have always done.

If I become a bouncer I may or may not choose to become a member of the miscellaneous workers union. If I choose not to and say, "Thank you for that information, but I won't be filling out your membership form today," I wonder how long it will take before I receive certification. That is the issue that concerns me most—that this could become a barrier to people getting their commencement in the industry and that we may return to the no ticket, no start approach that we have seen from unions.

Mr Rattenbury spoke at length about the way in which this matter could be dealt with and could have been dealt with by this minister had he chosen to. He could have said to ASIAL, the chamber of commerce and the major employers across the town: "I think that we have some vulnerable workers here. I want to find some ways of ensuring that they are appropriately informed. Let's have a conversation about it." But he did not do that; he just tried to sneak it in under cover.

If this minister wants to consult and goes out to the chamber of commerce, the AHA, ClubsACT, ASIAL, Chubb, Wilson and all the other people who are major employers in this town and has that conversation, I will support him. When he has that consultation with all those people and with the union and comes up with a proposal, I will look at it very carefully. If it had general sign-off across the community, we would be in a very difficult position to oppose it.

If the minister can come up with a proposal to ensure that vulnerable workers—as he describes them—get access to this information, which does not breach commonwealth law and has general sign-off, the Liberal Party will be happy to look at it. We have not got that today. We have got compulsory unionism by the back door, snuck in by Simon Corbell, in consultation with his left-wing union mates. We will not be supporting that. I am quite grateful for the considered support from the Greens because it shows that they too see the problems with this.

As I have said before, I wonder what large employer groups, union groups and consumer groups around the ACT would think if this went through. What would stop Mr Corbell then saying, "Well, you know, there are a whole lot of people in the building industry and the building industry is a dangerous place"—yes, it is—"and how about we say that you can't start work in the building industry until you go to the

CFMEU and have it certified that you have received particular information?" What would the building industry say about that? What would the property industry say about that?

I wonder what would happen if we said: "If you're waiting on tables or serving at McDonald's you must go to the miscellaneous workers union and be told what your rights are. You have to do that before you, as a 15-year-old, can sign on at McDonald's or you, as a university student, can go and wait on tables in any restaurant in this town." I wonder what all of those students would say. I wonder what all of the people in the hospitality industry would say. The question then is: if you do it for one industry, why will you not do it in other industries? What is so special about this industry?

If we want to have that discussion about how we protect vulnerable workers, whether they work in the security industry, the hospitality industry or the construction industry, let us have the conversation. Let us do it openly; let us do it with everyone at the table—not just your union mates. When we have that conversation and find there is general community agreement that there needs to be a form of information provided to people that is not in breach of commonwealth laws and does not seriously raise the costs of employing people, we will look at it. Until then, we will not. I thank Mr Rattenbury for his support and I condemn the minister for this sneaky approach.

MR RATTENBURY (Molonglo) (12.20): I would like to make a few comments in light of the attorney's earlier intervention. I think the attorney and I are in furious agreement on what we seek to achieve here, which is to ensure that workers receive all the information they need for both their rights and their safety. The debate we are having is how that is best achieved.

It is my understanding that all security industry staff must go on a compulsory training course before they are allowed to commence work in the industry. It strikes me that it would be possible for a component to be added to that training course which outlines entitlements and safety requirements, for example. I am sure there are other possible approaches, but in the time that we have had to consider the bill and from the consultations we have undertaken, that is a possible pathway that we see. I simply offer that example as an illustration of where this debate is at: how do we best achieve what I think both Mr Corbell and I agree is a necessary step?

As I said earlier, I look forward to addressing this, hopefully early in 2010, in moving forward in a better and more balanced way that acknowledges the very important role that unions play in protecting workers' rights and finds a more flexible way of ensuring that workers get the information that they need and the information that they deserve.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (12.22): Mr Rattenbury, we are not in furious agreement. We are not because you are not supporting these amendments. The Greens' position on this is incredibly disappointing. It is incredibly disappointing because they fail to understand how this operates.

Mr Rattenbury has just suggested that as part of the training course that employees in the security industry already have to go through to be accredited to work in the industry there should be a component that informs them about workers' rights and entitlements. That is exactly what this amendment does, Mr Rattenbury. It requires that a component of that training must be delivered by an employee representative organisation on employee's rights and entitlements.

I am yet to hear an argument from the Greens and the Liberal Party about why it is that employers who do the wrong thing and do not pay award rates and conditions or do not observe occupational health and safety obligations are suddenly, out of the goodness of their heart, going to deliver a training program that informs employees of those rights and entitlements. They are just not going to do it, Mr Rattenbury, because they do not do it now. The good ones do it now, but we are not worried about them. We are worried about those vulnerable workers caught in employment situations where the employer does not properly inform them of their rights and conditions in terms of work or about their occupational health and safety rights and obligations. That is what this amendment does.

The amendments proposed now by Mrs Dunne gut the bill of these provisions in their entirety. Make no mistake about it: that is what the Greens will be voting for today. They will be gutting this bill of all the provisions that provide low-paid workers with information about their rights in the workplace. That is what the Greens are going to be voting for today. The government will be calling a division on this bill. We want to see the other parties put their names on the record in relation to these proposals. I know where the Liberal Party stand. I am not surprised at the Liberal Party. They will find any reason to oppose the involvement of unions in the workplace. For the Greens to come into this place and say, "We're opposed to unions being involved in the workplace and delivering this information to employees" is a disgrace and they should be ashamed of themselves.

Question put:

> That **Mrs Dunne's** amendments be agreed to.

The Assembly voted—

Ayes 8		Noes 6	
Ms Bresnan	Mr Hanson	Mr Barr	Mr Hargreaves
Mr Coe	Ms Le Couteur	Ms Burch	Mr Stanhope
Mr Doszpot	Mr Rattenbury	Mr Corbell	
Mrs Dunne	Mr Seselja	Ms Gallagher	

Question so resolved in the affirmative.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

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

Sitting suspended from 12.29 to 2 pm.

Matters of public importance

Ruling by Speaker

MR SPEAKER: Members, I would like to make a further Speaker's ruling, following on from this morning's discussion where I ruled a number of proposed matters of public importance out of order because they infringed standing order 130.

It has since been drawn to my attention that the matter that was selected, that being the importance of responding to the challenge of climate change, is very similar to private members' business order of the day No 16 listed on today's notice paper. That order of the day notes the importance of addressing climate change and sets out different options for responding to that issue.

As advised previously, page 276 of the *Companion to the Standing Orders* notes previous Speakers' rulings. Accordingly, I rule that the matters submitted by Ms Porter and Mr Hargreaves are out of order as well.

That being the case, as standing order 79 states that I shall determine by lot before the commencement of the sitting day the matter to be submitted to the Assembly for discussion that day, I do not believe that I am authorised by the standing order to conduct another determination of an MPI. Accordingly, there will be no matter of public importance for discussion today, unless the Assembly directs otherwise.

MR SESELJA (Molonglo—Leader of the Opposition): Mr Speaker, I thank you for your ruling. I think this is something that we as an Assembly will have to have a broader discussion about. We do not want to see MPIs ruled out on this basis because this could be very broad. So I just put that for the attention of the Assembly; perhaps it is something we will come back to in the sittings in the new year.

Questions without notice

Alexander Maconochie Centre—loss of radio frequency identification bracelets

MR SESELJA: My question is to the Attorney-General. It was reported in the *Canberra Times* on 3 December 2009 that ACT Corrective Services lost three radio frequency identification bracelets. This was described by one officer as, and I quote, a "cock-up". Minister, can you advise the Assembly how three radio frequency identification bracelets went missing from the Alexander Maconochie Centre? Have they been located and, if not, what is the status of any investigation into their whereabouts?

MR CORBELL: I thank Mr Seselja for the question. There have been approximately three of these tracking devices lost. The circumstances involving—

Opposition members interjecting—

MR CORBELL: Do you want an answer to the question or not? The circumstances involving the loss of these bracelets in the first instance was where a person was released from custody by the courts and immediately departed the courtroom prior to the bracelet being able to be removed. In the other instances, there has been a breakdown in procedures at the AMC that has allowed prisoners to be released lawfully but with the bracelet still attached. The procedures have now been revised and I have directed my department to ensure that there is no repeat of these circumstances.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Thank you, Mr Speaker. Minister, can you advise if the missing bracelets constitute a compromising of the entire RFID system and confirm that these missing bracelets cannot be used to undermine the integrity of the RFID system?

MR CORBELL: Yes, I can confirm that. I am advised by Corrective Services that once the bracelets leave the vicinity of the prison they are no longer operable. Nor is there any material information that can be obtained from them in some sort of illicit manner. So there is no compromise to the operations of security or the RFID at the AMC as a result.

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: Minister, can you advise how the commissioning of the RFID system is proceeding and whether this latest cock-up will delay the implementation of the system?

MR SPEAKER: Mr Hanson, I do not think it is necessary to keep repeating the quote from the *Canberra Times*.

Mr Smyth: It is actually a quote from the staff at the AMC.

MR SPEAKER: Nonetheless, I think it was gratuitous for the question.

MR CORBELL: The commissioning of the RFID system is continuing and these particular incidents have not had any impact on the ongoing commissioning of the RFID system.

MR SPEAKER: Mr Hanson.

MR HANSON: A supplementary: minister, when will the RFID system be operational?

MR CORBELL: I will have to take that question on notice. I do not have that information.

Beryl refuge

MS HUNTER: My question is to the Minister for Women. It was reported in the *Canberra Times* of 25 November that the Beryl refuge was forced to send away two-thirds of the women seeking some shelter from domestic violence. The manager disclosed that demand was so high that they were unable to offer accommodation and 150 women had to be referred to other agencies. Can the minister assure the Assembly that there is adequate service provision so that all women seeking help to escape domestic violence will be able to access accommodation when they are in crisis?

MS BURCH: I thank the member for the question. We do have a commitment to ensure that women are accommodated, are provided emergency accommodation. In fact, in the short term we will put on emergency accommodation to cover the Christmas period where women and children are leaving domestic violence.

In response to the particular centre raised in the question and the *Canberra Times*, I will take that on notice, Ms Hunter, and bring an answer back to you.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Minister, I understand about the extra provision put on at Christmas, but I am really seeking answers about the other weeks during the year and asking you to assure the Assembly that there will be adequate services to accommodate any woman who is seeking shelter from domestic violence. And, if the service is already stretched, will the government be making extra provision at the Christmas period, as you have said, but also beyond the Christmas period for the other weeks of the year?

MS BURCH: This government is committed to ensuring that women are accommodated. I will get the details of the numbers, the nights and everything available. I will go to each centre. I will ask the department to provide information back. I am happy to give you a briefing, and I will give a commitment to ensuring that the women in this town are safe and cared for.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Could the minister inform the Assembly what is the current level of unmet demand and how much funding would be required to meet this demand?

MS BURCH: I am happy to provide a detailed response to that. I will take it on notice.

ACT youth plan

MR COE: My question is to the minister for young people. Minister, yesterday you launched the ACT youth plan 2009-14. It has been reported that you admitted you had not read the report and in fact asked that the admission not be made public through the media. This morning in the media you denied this was the case and in fact blamed the media for its coverage of the issue. Minister, when did you first read the report?

MS BURCH: I have indeed read the report.

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Yes, Mr Speaker. Minister, if you have, in fact, read the report why did you say last night, and I quote, "Sorry I haven't read the …er … sorry I shouldn't um … cut that"?

MS BURCH: Thank you for the question. It is so unexpected to have this question come my way today. I have read the plan. I presented it to cabinet for consideration and endorsement. The question was actually a particular question around examples of an implementation plan. There are over 160 items in the implementation plan with multiple performance indicators that will deliver on the young people's plan. If the opposition want five seconds out of a five-minute grab and if that is how they are setting their policy then so be it. Our plan will deliver on making sure that Canberra is a youth-friendly city for Canberra. If they want me to read through the 160 items, I am happy to do that.

ACT youth plan

MR HARGREAVES: A new question. Nobody is rising to ask a supp. I am interested in this plan. My question, through you, Mr Speaker, is to my very dear friend the Minister for Children and Young People. I would like to know—

Mr Coe: Is she as good as you were, John?

MR HARGREAVES: She is better than you are ever going to be, mate. Dream on, son. I would like to know what exactly does the young people's plan do to make Canberra a better place for young people. You ought to listen to this, Mr Coe, because it is really about you. You went right through it because you are a young person.

MS BURCH: I thank the member for his interest in young people in Canberra. The young people's plan is a great example of how the Labor government will be delivering on the community's future. It identifies the needs of young people in the ACT and sets out a detailed vision to address those—a very detailed vision, 166 items in a 12-month implementation plan that sits under the five-year strategic plan.

We have consulted widely with the community and with young people to develop the plan. The priorities of the plan cover health, wellbeing and support, families and communities, participation and access, transition and pathways, environment and sustainability. Within each of these priorities there are 166 key actions this government will be taking to make Canberra a youth friendly city.

For example, in the area of health and wellbeing and support, one of the defined actions is to develop a women's and children's hospital. In the families and communities priority area, a key action is to expand the housing young people pilot to improve service delivery to young people at risk of homelessness.

In the participation and access priority area, the key action is to develop and implement a charter of rights for children and young people in care, to be implemented in 2010. On the charter of rights, I am pleased that I joined Ms Hunter and the commissioner to launch the charter of rights just last week.

In the transitions and pathways priority area, the plan aims to develop the CIT vocational college to provide customised student support, introduce work experience and career advice. In the environment and sustainability priority area, a key action is the sustainable transport action plan, delivering free smartcards to school and tertiary students by the end of 2010.

These are only just five of the 166 actions that this government will be taking in partnership with the community. I look forward to reporting annually on the progress of this plan in the Assembly.

MR SPEAKER: Mr Hargreaves, a supplementary question?

MR HARGREAVES: Thank you very much, Mr Speaker. Could the minister please indicate how the government consulted with young people on the development of the plan and whether you consulted with the Assembly's mascot young person?

MS BURCH: Thank you for the question. Indeed, I think it is within the age group of the member you are referring to. Yes, we did indeed consult with the young people of Canberra. I think the young people of Canberra would agree that we listened to Canberra's young people. We consulted widely with our youth to develop the young people's plan. This included surveys distributed to young people through ACT schools, colleges, universities, youth services and at the national youth week—432 people from the ages of eight to 28 responded to these surveys.

It is interesting to note that the most important issue for young people was the environment, followed by alcohol and drugs and health and wellbeing. In June and July, 10 forums were also held to engage young people from a variety of backgrounds, experiences, cultures and abilities. Their feedback was used to identify any gaps in service delivery. The responses we received through these consultations were reflected in the plan's priorities.

This government has also been listening to the youth sector, to the people who work with youth on the ground. We released a draft version of the plan in August and we received eight submissions. Some of the things that we have heard through the consultative process have been linked in to the plan. So I am pleased to say that we incorporated many of the recommendations in the submissions in the final plan.

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

MR SPEAKER: Mrs Dunne, a supplementary.

MRS DUNNE: Minister, you still have not answered the question: when did you first read the report and have you launched other reports or statements without having read them first?

Mr Hargreaves: I raise a point of order, Mr Speaker. That was not my question. That was one from Mr Coe and the supplementary has been and gone. The question I asked in fact was: what does it do? It was about the people. That is out of order.

Opposition members interjecting—

MRS DUNNE: I am quite happy to rephrase the question if Mr Hargreaves has a problem with it.

Mr Hargreaves: It is just out of order.

MR SPEAKER: Mrs Dunne, I invite you to reframe the question with more regard to Mr Hargreaves's original question.

MRS DUNNE: Thank you, Mr Speaker. Minister, when did you first read the youth plan that you launched yesterday, and have you launched or made other statements about other reports that you have not read?

MS BURCH: I read the youth plan, I think, within the first 10 days of being minister. It went to cabinet for consideration and endorsement. And the answer to the second part is: none.

MR COE: Supplementary, Mr Speaker. Minister, you mention that the report includes issues with sustainability. What exactly does the report say about this issue?

MS BURCH: Thank you, Mr Coe. I hope that you do read the plan, Mr Coe. The young people of Canberra did raise the environment as a key issue. They identified that they were very concerned around the environment and future sustainability—unlike some other discussions that are happening in the country today.

The plan has a number of goals: to "assist and support young people to raise awareness of the environment" and to participate in decision making about future environmental policy. For example, the Department of Education and Training is working with the commonwealth on the Australian sustainable schools initiative, which includes the development of best practice guides to reduce schools' ecological footprint. The ACT government is also participating in the caring for country initiative, engaging young people in the natural resource management of 2009-10 and 2010-11.

The success of the plan will be measured by an increase in awareness and knowledge of environment and sustainability issues, through such measures as workshops and policies integrated into the territory plan.

Another aim is for active participation in policy development by young people. This will be achieved by consultation with the community and peak youth bodies, including the Youth Advisory Council.

Visitors

MR SPEAKER: Members, before I proceed to the next question, I would simply like to note the presence of the year 9 group from Burgmann Anglican college in the gallery today. Welcome to the Legislative Assembly.

Questions without notice
Recycling—Aussie Junk

MS LE COUTEUR: My question is to the Minister for Territory and Municipal Services and it concerns the reuseables facility at Mugga Lane. Minister, Aussie Junk closed down in July this year and it is now December and you still have not appointed a new contractor to run the reuseable facility. Why has there been five months with no resolution?

MR STANHOPE: I thank Ms Le Couteur for the question. The government has gone through a rigorous tendering process, as you would expect of a government, or indeed any responsible organisation. Five months in the context of a detailed tender process for a significant contract utilising government moneys is a significant issue. It is an issue that the government takes seriously. While it is regrettable that Aussie Junk and Aussie Junk's tenure at Mugga and at Mitchell hit a significant speed bump, I do not apologise at all for ensuring that our tendering processes are transparent and rigorous, that they are designed to ensure that our processes are above question and represent best standards in relation to contracting and tendering and that we ensure, at the end of the day, that we return through that process a system or an outcome that the people of Canberra can have faith in. It is about rigour in tendering. It is about due process. It is about the highest levels of probity. It is about transparency. It is about good government.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Thank you, Mr Speaker. Minister, if Thiess is awarded the reusables contract, how will you ensure that there is no conflict of interest, given that it would then run the landfill, the weighbridge and the reusables facility?

MR STANHOPE: I am aware of Ms Le Couteur's concerns about perceptions of conflict of interest, but I think it would be pre-emptive in the extreme for me to assume at this stage the outcome of that tender process. At this stage I have no idea who has tendered, and I do not think it is appropriate that I begin to speculate on who may or may not have tendered for that contract. These are issues that are dealt with appropriately at arm's length from government. I do not know who has tendered. I do not know who is in the mix. And it would not be very productive for me to begin to speculate on whether or not a particular company, who may or may not have tendered in the first place and who may or may not be successful, is an appropriate company to receive that contract.

MR COE: I have a supplementary question—

MR SPEAKER: Yes, Mr Coe.

MR COE: Chief Minister, when was the last time you personally met with representatives of Revolve, or is it true that you have not met with them since becoming Chief Minister in 2001?

MR STANHOPE: Mr Speaker, I correspond regularly with Revolve and indeed signed a letter just yesterday—

Opposition members interjecting—

MR STANHOPE: In the context of legal action, I tend not to meet with people who have initiated legal action against the government. I am not sure that I can think of a single instance in which I have agreed to meet with an organisation or a company that has initiated legal action against the government. I think that is something that one would do with significant—

Mr Smyth: So that happened eight years ago?

Mr Seselja: Eight years ago they did that, did they?

MR STANHOPE: Ages ago. Revolve has initiated legal action against the government. I am not aware that that legal action has terminated. In the light of your question, I will actually take advice on that, but Revolve is, I understand, certainly in litigation.

There are other issues too in the context of that, if my memory serves me correctly. I will, of course, check the facts on these now that you have asked the question. I believe the ACT has served a letter of demand on Revolve in relation to what I understand to be in excess of a year's unpaid rent. So there are significant issues between the ACT government and Revolve of a legal nature. When there are issues of that order between the government and parties, it is only in an extreme circumstance that a minister would appropriately meet with somebody with whom the government has a very problematic relationship.

I will confirm those two issues. Over recent years, there has been a problematic relationship. I do not believe Revolve has paid rent for well in excess of a year. This is a matter of some serious concern for the government—that there is a company occupying land for which it simply, blatantly, refuses to pay rent.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Considering that there has not been a contractor at the reusable facility for five months, is the limited space causing more reusables to go to landfill as each month passes?

MR STANHOPE: There is still a capacity, of course, for reusables to be deposited at both Mitchell and Mugga. In the context of the specifics of the question on the amount of waste going to landfill, I will take advice from the department. As you would expect, I do not have in my head the numbers, quantity or quantum of waste going to landfill. I will have to take the question on notice. I will be more than happy to provide you with an answer on how much waste continues to be diverted.

Along with everybody else, I certainly hope that the tender process will be concluded sooner rather than later. I expect that to be the case.

Disability services—wheelchair access

MR DOSZPOT: My question is to the Minister for Disability, Housing and Community Services. Minister, I have received representations from stakeholders from the disability sector who were invited to attend the 2009 International Day of People with a Disability celebration breakfast held last week at the National Botanic Gardens. Minister, these stakeholders have mobility issues and use wheelchairs and were unable to attend the function because of accessibility issues. Were you aware that this particular venue is difficult to access if you are in a wheelchair?

MS BURCH: It was a wonderful morning, a beautiful Canberra morning on a Thursday, having breakfast. There were people there in wheelchairs after breakfast, and also there was the Oxfam walk. Indeed, on that walk there were people accessing that walk that were in a wheelchair. If there are problems with that site, raise them with me, but I want the Assembly to know that I am not aware of that. I encouraged people to go on the walk, and given that there were people in wheelchairs there and at the walk, I was not aware of those concerns.

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: Minister, what research took place before you signed off on the use of the venue?

MS BURCH: I will ask my department for advice on that and get back to the member.

MR COE: Mr Speaker—

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Thank you, Mr Speaker. Minister, what is the policy of DHCS with regard to the use of wheelchair-accessible venues for all functions and meetings, and is there any advice sought from people who use a wheelchair?

MS BURCH: I go back to the first thing, that I thought it was a wheelchair-accessible venue. You would like a copy of DHCS policy and venue assessment. The detail I do not have but, as I have said before, I will get back to you.

Public housing—maintenance

MR SMYTH: My question is to the Minister for Disability, Housing and Community Services. Minister, a performance audit report on the maintenance of public housing by the Auditor-General earlier this year noted in relation to the total facilities maintenance contract:

> There are opportunities for further improvement, particularly in monitoring the quality and timeliness of work carried out by sub-contractors.

Minister, what opportunities for improvement have you identified and what improvements have been implemented to date?

MS BURCH: I thank the member for the question.

Mr Smyth: Uh oh!

MS BURCH: It is an "uh oh" moment yet again. Maintenance in public housing is done by Spotless under a total facilities management arrangement and contract. I understand that we are the only jurisdiction that has a total facilities management contract in place. Approximately $380 million worth of work will occur in 2009-10. Spotless conducts all work through its subcontractor base, supervisors and managers, audits and repairs. The total management contract is for three years. The department of housing noted the Auditor-General's report and the 11 recommendations that we agreed to and have progressed. I also note that this morning in the Assembly the committee—

Mr Seselja: On a point of order, Mr Speaker: the question was very specific—the opportunities for improvement that have been identified and what improvements have been implemented to date. I would ask you to direct Ms Burch to the question.

MR SPEAKER: Frankly, Mr Seselja, I am surprised you could hear what Ms Burch was saying over the racket. Ms Burch, you have the floor to continue.

MS BURCH: Thank you. I was saying that I also note that the public accounts committee tabled a report today which we will respond to in turn. Efficiencies have been made when people put in a call for maintenance and where they log maintenance. We have made improvements around logging. We have made improvements around response times. We have made improvements around what we use, the materials, when responding to maintenance. For example, if there is a call-out to fix heating we will replace that with energy efficient heating. Just in 2009-10, we have provided $9.7 million of responsive repairs, $13 million of planned maintenance, $14 million of capital upgrades, and that includes energy efficiency items within public housing. We have put half a million dollars into the Narrabundah long-stay park upgrades and day-to-day responsively planned in common areas. We have responded to the Auditor-General's report and we have made improvements.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Thank you, Mr Speaker. Minister what were the difficulties and delays in implementing the total facilities maintenance contract, and are these difficulties still being experienced?

MS BURCH: Again, matters that were covered in the pack, highlighted again in the pack today, we will respond to. We are negotiating the total facilities management contract with Spotless. The original contract was in 2005 for a period of three years, with two by two-year options. That is the contract that we are working through because they are providing service to the public housing sector.

MS PORTER: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Minister, how many properties does ACT Housing manage? Is it true that we have the largest number of older properties in Australia? What challenges does this pose?

Mr Smyth: On a point of order, Mr Speaker: the question is actually about the implementation of the contract for total facilities management. It is not a general blurb about properties and what does Housing do. It is about the problems that were encountered in the facilities management. I ask that you rule it out of order.

MS PORTER: In response to the point of order, it is about the oldest properties that we have in Australia being in the ACT and what challenges this poses in relation to maintenance.

MR SPEAKER: The question is in order. In the context of asking about the maintenance contract, it is relevant to ask what properties it covers.

MS BURCH: I thank Ms Porter for her question. Indeed, Housing ACT is the largest landlord in the ACT. We have over 11½ thousand single unit and multi-unit properties, ranging in age. We do have a significant component of properties that are ageing properties and they are being considered for responsive maintenance—as I said, $9.7 million in responsive maintenance, planned maintenance and capital upgrades. In particular, the older properties benefit from the capital upgrades where we are putting in energy efficient systems, particularly for heating and energy.

MR SPEAKER: A supplementary, Ms Le Couteur?

MS LE COUTEUR: Thank you, Mr Speaker. Given that the same audit says that nearly 30 per cent of tenants were not happy with maintenance, what are you doing to address that issue?

MS BURCH: Thank you, Caroline, and I must point out the obvious sums, that 30 per cent may have raised a question around response to maintenance but 70 per cent did not raise a response.

Members interjecting—

MR SPEAKER: Order, members! I cannot hear Minister Burch.

MS BURCH: The response to maintenance is that there have been systems put in place around—we audit the log of maintenance calls. We have also got a joint champions committee that works across public housing. These are tenants within the public housing community that work with government and raise issues, whether they be maintenance, response to maintenance, housing, behaviours—a whole range of things. We continue to work directly with the tenants themselves. They are our client base; they are the ones that we need to respond to. Improvements have been made into Spotless, the total management facility systems, in responding to responsive maintenance.

Multicultural affairs—ministerial decisions

MR HANSON: My question is to the Minister for Multicultural Affairs. Minister, are you or your department reviewing any decisions made by your predecessor?

MS BURCH: No.

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: Mr Speaker, yes. Minister, can you categorically rule out that your department has given consideration to removing the statue of Al Grassby from its current location?

MS BURCH: At this moment I am not giving it any consideration.

MR SPEAKER: Supplementary question, Mr Doszpot?

MR DOSZPOT: Yes, Mr Speaker. Minister, do you stand by the decision of the previous Minister for Multicultural Affairs regarding the commissioning of the Al Grassby statue and its placement in the foyer of the Theo Notaras centre?

MS BURCH: Yes.

Alexander Maconochie Centre—infection rates

MS BRESNAN: My question is to the Minister for Health. It is about the Alexander Maconochie Centre and blood-borne viruses. I understand that the ACT government is looking to collect over 18 months data about blood-borne virus infection rates of remandees and detainees. Minister, can you please advise us whether all remandees and detainees are tested for blood-borne viruses on release or exit from the AMC? If not, why not?

MS GALLAGHER: My understanding is that they are tested on arrival at the AMC through the routine medical assessment that they go through. Is that the question you were asking? It is voluntary. It is run by ACT Health within the corrections framework. It is an individual-based decision on the type of care they are after and the treatment they are provided with, based on what their own medical needs are and what their own desires are.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Thank you, Mr Speaker. Minister, is it possible for the government to take action so that it can test all remandees and detainees upon release and, if it is possible, how is the government advancing implementation of this?

MS GALLAGHER: This is one of those issues that requires a lot of work in consultation, indeed, with individual residents themselves. It is very hard to compel anyone to undergo any kind of medical procedure or testing if they object to it. They are, I think, some of the issues that Health and corrections will work through as we

formalise the process forward on the review that we have committed to over the 18-month period.

It is a human rights compliant jail. It is very difficult, and I would be interested if the Greens have any views on how we would compel individuals who are against having a blood test done and force them to have a blood test against their will. I would think that, if it does not contravene standards, it would certainly raise concerns, I would imagine, with the Human Rights Commission about compelling an individual to undergo testing.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Thank you. Minister, with regard to any possible human rights concerns about forced blood sampling, have you sought the advice of the human rights commissioner on this issue and, if so, what has been her response?

MS GALLAGHER: I have not sought it on that specific issue. I have had discussions with Health, and indeed with the Attorney-General, around how we proceed forward on putting together a working group and terms of reference for how the review is going to proceed, what data it collects, and how useful that data is if a number of the individuals are not allowing blood testing and the impact that they may have on the quality of data that we are then required to make our decision on about the provision of health services in Alexander Maconochie Centre. But I can absolutely guarantee that the views of the Human Rights Commission will be involved in that in terms of advising that working party or directly working within the framework of the working party.

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: Minister, given the confusion over the opening date of the Alexander Maconochie Centre, can you update the Assembly on what date the 18-month trial will actually conclude?

MS GALLAGHER: I think we were always clear that it would be 18 months of data collected from residents within the Alexander Maconochie Centre, so when we had 18 months of data we would base our decision on that.

Mr Hanson: When is that?

MS GALLAGHER: Eighteen months after the data started being collected, Mr Hanson.

Childcare—fees

MRS DUNNE: My question is to the Minister for Disability, Housing and Community Services. Minister, a new national agreement for childcare will come into effect on 1 January 2012. Could you update the Assembly on the impact the new framework will have on childcare fees in the ACT?

MS BURCH: Thank you for the question. Yes, COAG has, indeed, endorsed early childhood and education reform. It is on quality and safety for our young children. That is the premise; that is the base from which it starts. It will bring in quality safety across ratios of worker to child. It will bring in quality and safety through education and qualifications for the workers.

In response to the question on cost, the commonwealth commissioned Access Economics to provide modelling, and that information is available publicly. I would direct Mrs Dunne to www.coag.gov.au where a copy of the Access Economics modelling is available.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Thank you, Mr Speaker. On the back of the Access Economics report, minister, will the government be providing support to childcare operators to minimise fee increases as a result of the change to the ratios?

MS BURCH: With respect to cost increases, any cost increases are likely to be met through subsidies such as the childcare benefit, state and territory government funding arrangements and those to early childhood education providers. But it is worth noting that the CCB increased under the federal Labor government from 30 per cent to 50 per cent. So that is a 20 per cent decrease in childcare fees under the federal government through its increase in CCB. I think we have had this discussion before around the cost of childcare fees. They are individual operators and, as such, they determine their own fee structures.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Yes, thank you, Mr Speaker. Minister, will the increase in childcare fees that result from this policy provide a disincentive for parents wishing to re-enter the workforce after having children and what impact will this have on the ACT economy more broadly?

MS BURCH: There are many reasons behind participation in the workforce. Childcare supports the workforce. The ability of families to access quality, safe childcare placements actually increases participation in the workforce.

Mr Hanson interjecting—

MS BURCH: The new framework is around lowering staff to child ratios. It is around new qualifications—

Mr Hanson interjecting—

MR SPEAKER: Order! Mr Hanson, you are making far too many interjections today. I ask you to continue question time in silence. Thank you. Minister Burch, you have the floor.

MS BURCH: Thank you. I was just talking around the reforms. These reforms will improve—these are our youngest children; this is the future of our nation—children's educational health and wellbeing outcomes, developing the capabilities of the next generation and contributing to Australia's future prosperity. The Australian government—it is an Australian government commitment—is providing $61 million between 2010 and 2014 to states and territories to support the framework. This is on top of the support the Australian government provides to families through the childcare benefit and the childcare rebate.

MR SPEAKER: Supplementary, Mr Coe?

MR COE: Thank you. Minister, have you read the Access report yourself?

MS BURCH: Indeed I have Googled www.coag.gov.au.

Housing affordability

MS PORTER: My question is to the Chief Minister. Can the Chief Minister update the Assembly on progress in implementing the government's housing affordability action plan?

MR STANHOPE: Thank you, Ms Porter, for the question. I am very happy to do that. The housing affordability action plan, a leading plan nationally, I think, represents the most rigorous and comprehensive attempt by any government in Australia to deal with the issues of housing affordability. And we are beginning to see the fruits of such a detailed and extensive plan.

There are over 60 actions and the government has worked on the implementation of each of them. One of the most significant initiatives we have pursued is, of course, to accelerate land release. It was a significantly enhanced and accelerated land release which led to the release just last year of over 4,300 units of land for housing and, the year before that, 3,700. This year, we anticipated we would release somewhere in the order of 3,100, which would make a total of over 10,000 in just the last three years.

We have already reviewed this year's land supply target as a result most particularly of a continuing strong economy and housing activity within the ACT, assisted, of course, by the commonwealth government's enhanced first home buyer grant which did stimulate enormous interest in the ACT. There have been very high levels of take-up of land and of available housing in the territory over this last year.

I have asked the department to provide me with advice on the possibility and, indeed, the steps we would need to take to increase this year's supply by perhaps another 1,000 units. The department is currently working on advice on how we might best put into the market an additional 1,000 units for housing in this financial year. Of course we would hope that some of that would be in relation to units.

One of the impediments, perhaps, to driving forward affordability to the extent that we might have liked in this last little while has been access to capital, particularly for those that would wish to develop units. There has been a slowing in unit development

and we have lost something of an opportunity in relation to continuing to meet issues on affordability as a result of a lack of capital in, most particularly, the unit development market.

As I say, we have released, in the last two years not counting this year, over 7,000. We have already released 2,000 in this financial year and I am hoping that by the end of the financial year we will have released 1,000 units for housing.

We have a number of significant partners in relation to what we are doing to address issues of affordability. I think central to the success that we have had has been the 15 per cent house and land package arrangement which we introduced 2½ to three years ago to ensure that within every greenfields estate 15 per cent of all housing provided would be house and land at $300,000. That has been successful and, indeed, one of the really pleasing aspects of our strategy has been the extent to which development and construction, particularly in the housing market, has embraced the initiatives the government has introduced.

I have done it before and I will do it again. Four of our developers have embraced this, none more willingly than Bob Winnel and the Village Building Co in relation to the massive rollout of affordable house and land packages, which has seen them produce, just in the last two years, somewhere in excess of 800 houses that can be described as affordable.

MR SPEAKER: Ms Porter, a supplementary question?

MS PORTER: Thank you, Mr Speaker. Minister, can you tell the Assembly how Canberrans fare in relation to the proportion of their earnings needed to support home loan repayments or rent in comparison to other Australians?

MR STANHOPE: I am more than happy to do that in the context of affordability. It is about definitions, to some extent, and there is always some argy-bargy and some willing debate or conversation around exactly how we measure the most rigorous of the measures. The most objective is, of course, that employed by the Real Estate Institute of Australia, which is around the proportion of income required to support home loan repayments. When you think about it, it is the most objective, the most rigorous and the most transparent. And it is the measure which the Real Estate Institute of Australia employs.

It must always be accepted, of course, that there are within our community significant numbers of people currently in housing stress, finding it impossible or very difficult to access housing that meets their needs, or indeed struggling to enter the housing market. On the Real Estate Institute of Australia index, the proportion of weekly family income required to service a mortgage in the ACT in the September quarter of this year was 17.2 per cent, which was a reduction from 17.5 per cent in the June quarter. I think the most significant aspect of that, of course, is that that is against a national figure of 29 per cent.

I regret that I do not have the New South Wales figure available today. The ACT figure is 17.2 per cent. The national figure is 29 per cent and the New South Wales figure, in the context of our geographical location, perhaps the most pertinent to us, is

somewhere in, I believe, the high 30 per cents. Similarly, the Real Estate Institute of Australia's latest rental analysis shows that the proportion of weekly family income required to meet rental payments in the ACT was 17.1 per cent, against a national figure of 25 per cent. Unfortunately, again, I do not have the New South Wales figures, which perhaps would have been more telling in relation to that.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Thank you, Mr Speaker. Chief Minister, what are you doing to look at long-term affordability issues? I am referring here specifically to bus transport available to the affordable houses and solar access to the housing.

MR STANHOPE: I thank Ms Le Couteur for the question. Ms Le Couteur, there are a whole range of initiatives that we are pursuing—60 of them or in excess of that—and I do not dispute, Ms Le Couteur, how in the context of affordability everything at the end of the day is connected to everything else. Issues around quality of housing, the capacity to run the house more cheaply than we currently do as a result of issues like solar access, sustainability, green star rating and access to public transport are all part and parcel of affordability, just as they are, of course, of growing a sustainable city.

In the context of other things that we are doing, I have mentioned before that this is a very genuine partnership. In the context of what we are doing, we have entered into a very significant agreement or partnership with CHC Affordable Housing to deliver 1,000 new affordable dwellings for rent and for sale over the next 10 years. That is quite stunning and over the course of this last year is a program that has grown significantly. Indeed, the latest development by CHC Affordable Housing on Flemington Road will provide in excess of 100 units at affordable rates, and each of those units, of course, has already been taken up.

In relation to OwnPlace, another initiative that we are pursuing—it is being pursued by the LDA accepting its responsibility—239 blocks or houses have been taken up through the OwnPlace scheme with the LDA. Twenty have now been completed, 81 are under construction and work will commence on others.

The government has also negotiated and is at the point, I believe, of settling arrangements with a provider in relation to a private rental initiative where we are hoping to deliver between 200 and 400 new rental dwellings through a program that is also outlined in our affordable housing strategy.

MR SPEAKER: Supplementary question, Mr Seselja?

MR SESELJA: Thank you, Mr Speaker. Chief Minister, how many blocks will be available and ready to build on in the Molonglo valley by the end of this financial year?

MR STANHOPE: In the Molonglo valley? The Molonglo valley, of course, represents the newest development front in the ACT. Gungahlin will continue to be the most significant development front in the ACT for some time. Gungahlin has just passed 40,000 in population; it has another 40,000 or thereabouts to go. Molonglo will

be next. We anticipate releasing in, I am told, I think, on my last advice, March to April—the first estate, I think of up to 1,000 blocks, in Wright. I think the first release will be in Wright. As to when and whether there will be development ready within this financial year—I would suggest not, but they certainly will be sold and the new and much sought after development front in Molonglo will certainly see houses being built in the next calendar year.

Of course, some of those houses that will be built in Molonglo will be built on planned rental blocks. We all recall very vividly the Liberal Party's determination to ensure that land rent not be a reality, that those families that could otherwise not access housing be excluded forever from owning their own homes—a Liberal Party philosophical position that there are people within our society that apparently, according to the Liberals, do not deserve to own a home: those that do not have the access or the capacity to buy a block of land and to build a house but who certainly have the capacity to rent a block of land and build a house.

I note that the Liberal Party have not asked me a single question on this issue since a major financial provider was found to actually support and fund the land rental scheme. I must say that the Liberal Party's silence speaks volumes. I am sure that Mr Seselja and the Liberal Party, who fought hand and fist to destroy this scheme, would be interested to know that 106 Canberra families have now settled on blocks, for the land rent scheme is growing every week.

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

Papers

Mr Speaker presented the following papers:

> Standing order 191—Amendments to:
>
> > Building and Construction Industry (Security of Payment) Bill 2009, dated 24 November 2009.
> >
> > Financial Management (Board Composition) Amendment Bill 2009, dated 24 November 2009.
> >
> > Statute Law Amendment Bill 2009 (No 2), dated 24 November 2009.
>
> ACT Legislative Assembly Secretariat—Annual Report 2008-2009—Erratum, dated 1 December 2009.

Executive contracts
Papers and statement by minister

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

> Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contracts:

Christopher Reynolds, dated 25 August 2009.

Hamish McNulty, dated 17 November 2009.

Joanne Howard.

Short-term contracts:

Barry Folpp, dated 26 October 2009.

Christine Murray, dated 23 October 2009.

Conrad Barr, dated 28 October 2009.

David Evans, dated 31 October 2009.

Glenn Lacey, dated 4 and 9 November 2009.

Greg Kent (2), dated 28 October and 6 November 2009.

Jon Quiggin, dated 26 October 2009.

Paul Coleman, dated 26 October 2009.

Phil Canham, dated 9 November 2009.

Contract variations:

Danielle Krajina, dated 11 November 2009.

David Dutton, dated 19 and 22 October 2009.

David Read, dated 26 October 2009.

Eric Swan, dated 12 November 2009.

Glenn Bain, dated 10 November 2009.

Jayne Johnston, dated 5 November 2009.

Jocelyn Vasey, dated 5 November 2009.

Kaaren Blom, dated 6 November 2009.

Martin Hehir, dated 4 and 5 November 2009.

Susan Hall, dated 6 November 2009.

Tania Manuel, dated 26 October 2009

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

Leave granted.

MR STANHOPE: I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all chief executive and executive contracts and contract variations. Contracts were previously tabled on 17 November 2009. Today I present three long-term contracts, 10 short-term contracts and 11 contract variations. The details of the contracts will be circulated to members.

Ministerial appointments and administrative arrangements
Papers

Mr Stanhope presented the following papers:

> Administrative Arrangements—
>
> > Administrative Arrangements 2009 (No 3)—Notifiable Instrument NI2009-593, dated 30 November 2009.
> >
> > Australian Capital Territory (Self-Government) Ministerial Appointment 2009 (No 3)—Notifiable Instrument NI2009-594 (Special Gazette No S5, Tuesday 1 December, 2009)

Paper

Mr Stanhope presented the following paper:

> Hawker—Blocks 8 and 10 Section 34—Planning study, prepared by the Land Development Agency, dated November 2009.

Financial Management Act—instrument
Paper and statement by minister

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations): For the information of members, I present the following paper:

> Financial Management Act, pursuant to section 16—Instrument directing a transfer of appropriations from the Chief Minister's Department to the Department of Land and Property Services, including a statement of reasons, dated 1 December 2009.

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

Leave granted.

MS GALLAGHER: As required by the Financial Management Act, I hereby table an instrument issued under section 16 of the act. Sections 16(1) and (2) of the act allow the Treasurer to authorise the transfer of an appropriation for a service or a function to another entity, following a change in responsibility for that service or function.

Section 16(3) of the FMA requires that, within three sitting days after the day the authorisation is given, the Treasurer must present to the Legislative Assembly a copy of the direction and associated statement of reasons for the instrument. Consistent with the administrative arrangements announced on 1 December 2009, this instrument facilitates the transfer of the appropriation from the Chief Minister's Department to the Department of Land and Property Services.

The transfer provides initial appropriation for the new department pending resolution of the final funding requirements. The transfer is budget neutral. I commend the instrument to the Assembly.

Financial Management Act—instrument
Paper and statement by minister

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations): For the information of members, I present the following paper:

> Financial Management Act, pursuant to section 18A—Authorisation of Expenditure from the Treasurer's Advance to the Department of Justice and Community Safety, including a statement of reasons, dated 23 November 2009.

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

Leave granted.

MS GALLAGHER: As required by the Financial Management Act 1996, I table a copy of the authorisation in relation to the Treasurer's advance to the Department of Justice and Community Safety. Section 18 of the act allows the Treasurer to authorise expenditure from the Treasurer's advance. Section 18A of the act requires that, within three sitting days after the day the authorisation is given, the Treasurer must present to the Legislative Assembly a copy of the authorisation and a statement of the reasons for giving it, and a summary of the total expenditure authorised under section 18 for the financial year.

This instrument provides funding of $120,000 to JACS for the Office of the Work Safety Commissioner to commence the work safety fund. This is required to ensure that a comparable level of funding to court-imposed fines under the Work Safety Act 2008 will be used by the Work Safety Commissioner to promote better work safety practices. I commend the paper to the Assembly.

Public Accounts—Standing Committee
Report 4—government response

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations): For the information of members, I present the following paper:

> Public Accounts—Standing Committee—Report 4—Review of Auditor-General's Report No 8 of 2008: 2007-08 Financial Audits—Government response.

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

Leave granted.

MS GALLAGHER: I present the government's response to the Standing Committee on Public Accounts *Review of Auditor-General's report No 8 of 2008: 2007-08 financial audits*. I note that the recommendations included in the committee's report largely relate to the adequacy of information included in agency statements of

performance, the requirement for continuous monitoring of processes for addressing audit findings and information technology controls.

Significant progress has been made in implementing the majority of these recommendations, in light of previous audit outcomes, with the remainder well on the way to being implemented. As such, the government's response agrees to all 10 recommendations included in the committee's review. The committee's review also recommends that I table in the Legislative Assembly the ACT government's 2009-10 review of the territory's unfunded superannuation liability.

The outcome of the funding plan review will be considered in the development of the 2010-11 budget and, if there is a variation to superannuation funding arrangements as a result of the review, details will be included in the 2010-11 budget papers and the associated actuary's report will also be provided to the Assembly.

I commend the paper to the Assembly.

General practice and sustainable primary health care final report—government response

Paper and statement by minister

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations): For the information of members, I present the following paper:

> General Practice and Sustainable Primary Health Care: The Way Forward—Final report—September 2009—Government response.

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

Leave granted.

MS GALLAGHER: It gives me great pleasure today to table the government's response to the ACT GP task force's final report *General practice and sustainable primary health care: the way forward*. In September of this year I tabled in the Assembly the GP task force's final report, which contained 30 recommendations for the ACT government to consider. Some of those proposals included focusing efforts on international recruitment in the next four years; considering ways to incentivise general practice in the ACT with a low-interest or interest-free loan scheme; focusing efforts on promoting the ACT as a unique location to engage in flexible, multifaceted work in government, education and innovative models of service provision; supporting GPs taking parental leave to return to the workforce through help with child are and re-entry programs; creating and publicising opportunities for GPs over 55 years to remain in the workforce; expanding and better supporting the role of nurse practitioners, practice nurses and other assistant positions in general practice and primary healthcare; developing a new model of care, inclusive of team-based models that support existing practices and networks; focusing on reducing red tape through consultation and collaboration with ACT and commonwealth agencies and organisations; developing an e-health platform to underpin the health home scheme as well as support a virtual primary health service; rolling out an in-hours locum service

to support GPs and residents of aged care facilities; exploring options to enhance overall access to transportation; exploring a mandatory requirement for practices to notify of practice locations to assist in the maintenance of an up-to-date practice directory; and a geospatial map to assist with disaster and emergency management policy and planning.

I am pleased to say that in the past three months the government has worked hard to coordinate a response to the task force's set of recommendations, all of which I think have great potential in paving a way forward for improving the critical GP and primary healthcare workforce shortages in Canberra.

I would like to note that the government response contains agreement or agreement in principle to all of the recommendations in the final report and I would like to take this opportunity to again thank the members of the task force for their considerable effort and commendable work.

The government found that the GP task force's method of presenting GP snapshot survey data a particularly interesting and useful way of informing the community about bulk-billing, patient intake and the availability of nurses at practices in the ACT. Additionally, the government considers a map of GP locations in the ACT a beneficial tool for the community to better locate practices in their area and also for government policy and planning purposes.

I would like to note that the government response highlights that the $12 million already budgeted for various initiatives in the next four years is in line with several recommendations and initiatives proposed by the task force. The government will certainly continue to advance these initiatives as a matter of priority.

Today, we have announced the call for expressions of interest for the newly established fund, the GP development fund, which has been established to provide a biannual grants pool for GP practices. This important initiative, providing $4 million over four years, strongly supported by the GP task force and the broader GP community, will support the attraction, retention and development of the general practice workforce through practice infrastructure grants to support and maintain the general practice workforce; supporting teaching and learning at all levels in general practice; and supporting ideas to attract and retain the general practice workforce.

Although most grants are expected to be around $50,000, proposals for larger sums may be considered and applications for smaller amounts are welcomed. Information relating to this initiative will be provided this week to all GPs working around the ACT and will be advertised locally and online. I look forward to hearing about the success of this initiative and seeing first hand how this fund is being rolled out in the community.

As a further demonstration of the government's willingness to move quickly on the findings of this report, I will be introducing a second health legislation amendment bill later this week to give effect to a good number of the health records recommendations made by the GP task force. In November of this year, I introduced the first Health Legislation Amendment Bill in the Assembly to give effect to one of the recommendations made by the GP task force regarding the clarification of the

status of electronic copies of health records under the Health Records (Privacy and Access) Act.

I hope that these actions demonstrate to the Assembly and the community that the government is acting swiftly and diligently on the recommendations of the GP task force report where it perceives that benefits can be gained for the community.

I commend the paper to the Assembly and I move:

> That the Assembly takes note of the paper.

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

Papers

Ms Gallagher presented the following papers:

> Gene Technology Act—
>
> Pursuant to subsection 136(2)—Operations of the Gene Technology Regulator—Annual report 2008-2009, dated 16 September 2009.
>
> Pursuant to subsection 136A(3)—Operations of the Gene Technology Regulator—Quarterly report—1 April to 30 June 2009, dated 3 September 2009.

Mr Barr presented the following paper:

> Education Act, pursuant to section 66A—Government Schools Education Council—ACT Budget 2010-2011.

Ms Gallagher presented the following paper:

> Workers Compensation Amendment Bill 2009—Revised explanatory statement.

Young people's plan
Papers and statement by minister

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (3.09): For the information of members, I present the following papers:

> ACT Young People's Plan 2009-2014—
>
> Plan, dated December 2009.
>
> Delivering, dated December 2009.
>
> Developing, dated December 2009.

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

Leave granted.

MS BURCH: I am pleased to table for the information of members the *Young People's Plan 2009-2014*, with two supporting documents: *Developing the young people's plan 2009-2014* and *Delivering the young people's plan 2009-2014*.

This government is strongly committed to ensuring that young people have the services, support and opportunities that enable them to reach their full potential and contribute to our community. The young people's plan is an expression of the ACT government's commitment to young Canberrans. It reflects that we as a government and community value and invest in our youth and want the very best outcomes for them.

The young people's plan is an important guide for us as a government and as a community. It sets a vision and articulates a set of principles to help shape and direct our collaborative efforts in improving outcomes for all young people in our community. What the plan aims to do is identify the needs of our young people and direct our actions in policy development and service delivery over the next five years.

The development of this plan in 2009 builds on the commitment and successes of the ACT young people's plan 2004-2008, the blueprint for young people at risk and the commitment to young people to strengthen opportunities for all young people in the ACT. The young people's plan 2009-2014 provides an integrated policy for all young people in our community, particularly vulnerable young people.

This plan expresses a vision for our young people into the future. We want to make Canberra a child and youth-friendly city that supports all young people. The purpose of building a child and youth-friendly city is to recognise and reflect the needs and rights of children and young people to be participating members of the community. A child and youth-friendly city is one where young people's views and experiences are respected, listened to and taken into consideration in decision making. This includes involving young people in the planning of our city, particularly public space and amenities.

In keeping with this vision, the young people's plan aims to ensure that young people have a voice on what is important to them, their peers and their communities. It commits to engaging young people actively to ensure that they are involved in all decision making involving them and their community.

While the young people's plan 2009-2014 maintains a strong focus on building strength and addressing disadvantage of young people in Canberra, it also reflects contemporary issues affecting young people and recognises the challenges and opportunities that impact on young people, including our most vulnerable young people.

The young people's plan is a commitment from the government to invest in young people's futures that aims to keep young people connected to education and training, improve their health and wellbeing and enhance access to information, support and services as they progress to adulthood. The young people's plan 2009-2014 has been developed in parallel to a revisited ACT children's plan and critical linkages have been drawn between the two plans. This is in recognition of the need to monitor a

number of common outcomes for children and young people, that children grow into adults and the importance of transition pathways.

The young people's plan is based on extensive research and consultation with young people and the community as outlined in developing the young people's plan 2009-2014. The key priorities outlined in the young people's plan 2009-2014 were developed through a series of youth consultations. The plan has a clear commitment to youth engagement at its core. This is the very essence of building a child and youth-friendly city.

Youth consultations revealed a high degree of consistency in relation to issues of importance to young people. Young people called for more support, better access to a range of support services, and higher levels of support within the education system and youth sector. They expressed the need to be valued and heard and that they want to contribute to and participate in our communities and have a say over the direction of their own lives.

The majority of young people identified that family, community and culture were important elements to their lives. They felt that civic participation plays a crucial role in addressing local issues of social connectedness and belonging and subsequently enhances their own wellbeing.

By building on youth engagement initiatives, such as involving young people in the development of the young people's plan through to planning recreational facilities such as Eddison Park, this government will continue to build Canberra as a child and youth-friendly city and community.

The five key priority areas that underpin the young people's plan are: health, wellbeing and support; families and communities; participation and access; transitions and pathways; and environment and sustainability. We know from research that these are the areas we need to focus on to improve outcomes for our young people and young people have told us we also need to make these our priorities for action.

So today I am also tabling *Delivering the young people's plan 2009-2014*, which outlines a one-year implementation plan with real and achievable targets against the five key priority areas. These five priorities provide a guide for the government and the broader community to ensure that the needs of young people are met over the next five years.

Progress will be reported over the life of the young people's plan 2009-2014 through performance indicators for each priority and an annual progress report. Whole-of-government and non-government forums will be established to work in partnership to implement the plan. The Department of Disability, Housing and Community Services will have responsibility for the coordination and evaluation of whole-of-government community and young people's involvement in the young people's plan implementation.

The government will work closely with the Children and Young People Commissioner and the ACT Youth Advisory Council, who will have key roles in providing advice to the task force and the young people in the ACT on the progress of

the young people's plan and its achievements. Implementation will require a collaborative multi-agency approach with the departments committed to looking at new ways of working together to achieve the key priorities and progress indicators through the implementation plan.

In closing, I would like to remind members of the Assembly that this is a significant opportunity to ensure Canberra is a child and youth-friendly city that supports all young people to reach their full potential, make valuable contributions and share benefits of our community, a goal that we are all committed to through the implementation of the young people's plan 2009-2014.

Before I conclude, Madam Assistant Speaker, I would like to acknowledge the contribution of my predecessor, Minister Barr, the efforts of the youth involved and of the department in developing this plan. Members of the Assembly, I look forward to your support for this plan to improve outcomes for our young Canberrans.

I move:

> That the Assembly takes note of the papers.

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

Papers

Mr Corbell presented the following papers:

> Subordinate legislation (including explanatory statements unless otherwise stated)
>
> Legislation Act, pursuant to section 64—
>
> > Education Act—Education (School Boards of School-Related Institutions) Early Childhood Schools Determination 2009—Disallowable Instrument DI2009-226 (LR, 12 November 2009).
> >
> > Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission (Investigation into Projected Costs of the enlarged Cotter Dam water security project) Terms of Reference Determination 2009—Disallowable Instrument DI2009-227 (LR, 12 November 2009).
> >
> > Radiation Protection Act—Radiation Protection (Fees) Determination 2009 (No 1)—Disallowable Instrument DI2009-228 (LR, 16 November 2009).

Nation building and jobs plan
Ministerial statement

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage), by leave: It gives me great pleasure to report for the second time to the Assembly on progress by the ACT stimulus package task force on the implementation of the nation building and jobs plan.

Since the first report in June this year, there has been a great deal of activity by officers in a number of ACT government agencies to ensure that the ACT has met the tight application time frames and project commencement requirements set by the commonwealth. Indeed, implementation of the nation building plan in the ACT has been an opportunity to demonstrate and showcase whole-of-government collaboration and to take that collaboration to a new level—work that will remain as a legacy of this exercise long after the last project funded through the stimulus package is complete.

The commonwealth government's response to the global financial crisis has resulted in an unprecedented burst of investment in infrastructure in the ACT through the nation building plan, and it has been investment with an eye to the future. In addition to the commonwealth's stated aims of rapid delivery of economic stimulus measures to support employment and growth and to foster a more resilient Australia, the commonwealth and the states and territories have taken the opportunity to build on a number of COAG reforms already underway. These have included reforms to social housing and microeconomic reform to enhance delivery processes.

The ACT government, in turn, has been able to use this historic investment to leverage its own policy agendas in the areas of education and housing. We were already investing massively in school infrastructure; now we are in a position to do more. We were already delivering once-in-a-generation change in the area of social housing, delivering more affordable and appropriate housing to Canberrans most in need; and we are now doing more.

I turn to some of the specific process and policy reforms that have been implemented, leveraging the commonwealth's stimulus spending. In the area of planning, a number of important regulatory improvements have been made. In some cases the need for a development application has been done away with, where prescribed physical parameters have been met. In others, where a development application has been required, new regulations have allowed for shortened notification and review periods.

The school construction program has been expedited by exemptions from development applications that took effect on 23 March this year. A notifiable instrument regarding regulated trees has also come into force for projects funded as part of the building the education revolution. A further regulation in relation to social housing commenced on 24 June 2009, and a DA is still required for any multi-unit social housing dwelling or non-exempt single dwelling but with a 10-day public notification period.

With the enactment of the Planning and Development Act 2007, work is advancing on a number of new codes relating to residential, including social housing and multi-unit housing, community facilities, subdivision, engineering, landscape assets and infrastructure standards, commercial development, and industrial development. These codes will help agencies standardise their practices, some of which are statutory and some of which are based on historical practice and internal standards. The task force has also commissioned work on TAMS infrastructure standards.

The government has delivered not just reforms in the processes that lead up to the commencement of a capital project, but reforms that go to the very business of project

delivery. Social housing projects are using the expanded panel of builders and architects developed by Housing ACT and the Procurement Board. All projects funded under building the education revolution are being managed by experienced construction managers from industry. Procurement Solutions staff members have been embedded in the Department of Education and Training, as has previously been done for goods and services procurement. We are also looking at the potential for wider adoption of the embedding model.

I have commented before on the genuinely progressive stance that the commonwealth government has taken in using this massive stimulus to drive a lasting change in the area of social housing. It is hard to imagine any but a Labor government seizing the opportunity to massively boost the number of social housing dwellings for those in our communities most at risk of homelessness and most affected by the nationwide challenge of affordability. The commonwealth and ACT governments are determined to tackle properly and comprehensively homelessness and to create, through careful and creative developments, mixed communities where true social inclusion can flourish.

In August this year, the ACT government released the ACT affordable housing action plan phase 2, setting out new actions to increase the supply and variety of affordable and appropriate housing for older Canberrans at every level, but particularly those in the target groups living on modest or low incomes. The plan responds to the need to boost the number of public housing properties that are appropriate for older public housing tenants, and this is being actively progressed through the nation building and jobs plan initiative, with 132 dwellings approved on eight sites across Canberra.

The nation building work is delivering a mixture of larger, multi-unit dwellings and detached dwellings, while also preserving the benefits of the disaggregated housing stock which is a proud feature of social housing here in the ACT. The result is a housing portfolio that works better for more tenants and a portfolio that also delivers on the government's urban consolidation objectives, including the objective of having greater numbers of dwellings close to public transport and shops.

One other crucial focus of the commonwealth has been on education infrastructure. This leverages the ACT government's own major investment in public education since 2006. As part of the ACT government's own reforms, a three-yearly cycle of infrastructure review was completed. This meant we were already well placed to maximise the commonwealth's stimulus investment.

Rather than having to use design templates or sourcing prefabricated demountables, the ACT has used standard design briefs to scope each project. In addition, where appropriate, limited works from the Department of Education and Training's list of required future refurbishments and projects have been brought forward and incorporated into the construction activity already underway as part of the BER investment.

One aspect of the stimulus package worth special mention is the flow-on benefit for apprentices and Aboriginal and Torres Strait Islander Australians. We can all recall, in the darkest days of the last government, when commonwealth money for capital works was sometimes made conditional on the offer of individual agreements under

Work Choices. The bilateral agreements signed under the stimulus package demand something rather more Australian—targets in relation to employment of apprentices and Indigenous people.

The Construction Industry Training Council is facilitating and validating industry take-up of apprentices, trainees, cadets and Indigenous employees. This mechanism has been developed in consultation with, and has the support of, peak industry bodies and training authorities. All nation building contracts in the ACT with a value over $100,000 require the employment of one apprentice for every four qualified tradespersons. Credit is given in tender evaluations to those subcontractors who intend to employ apprentices on projects.

The task force has also worked with the Construction Industry Training Council and Indigenous Success Australia to develop Indigenous employment training opportunities on the nation building projects. CITC and ISA identify potential candidates and provide pre-employment training to make them site ready. By working with group training providers, ISA is creating lasting employment extending beyond the life of these nation-building projects.

These elements of the stimulus package—the focus on social housing, the concentration on education infrastructure and the long-term training outcomes—are not just icing on the cake; they are essential ingredients. So too is the focus on sustainability. Every dwelling constructed under stage 2 of the social housing component of the nation building plan will have a six-star energy efficiency rating. While the commonwealth only demanded these standards for stage 2 dwellings, the ACT government decided that houses being constructed under stage 1 would also meet the six-star rating, and that many would incorporate principles of universal design as well.

The drive for sustainable development is not confined to housing. School projects are required, wherever possible, to incorporate sustainable building principles and the work itself is designed to maximise future energy efficiency through inclusions such as insulation, energy efficient solar hot water, energy efficient lighting, energy efficient glazing, heating and cooling, and water tanks. The ACT government takes this matter so seriously that the Department of Education and Training has allocated additional capital works funds to the BER program funds, just to ensure that ESD initiatives are included in the projects.

Under the training and infrastructure for tomorrow element of the commonwealth package, the ACT has received over $6 million to establish a sustainable skills training hub for hands-on green skills training in emerging sustainable technologies for both the residential and commercial construction sectors. This leading-edge facility will position the ACT well in developing an all-new skills base as part of Labor's transition to a clean economy. And we should not forget that the commonwealth is funding households directly under the energy efficient homes package as well. More than 200 homes in the ACT received assistance under phase 1 of the homeowner insulation program element and 25 homes under phase 1 of the low emission assistance plan for renters. Under phase 2 of the scheme, which began on 1 July, 1,425 ACT households have made claims.

The ACT stimulus package task force was disbanded on 13 November 2009, which coincides with a shift in focus from planning to delivery over the next 18 months. Processes remain for monitoring and quality assurance. A small unit in the new Department of Land and Property Services will continue to lead, manage and coordinate the ACT government's delivery of undertakings for the nation building package.

In closing, I put on record the government's, and my own, profound appreciation of the work of the ACT Coordinator General, Ms Sandra Lambert, and her hand-picked team of very superior public servants.

I present the following paper:

> Nation Building and Jobs Plan—Implementation in the ACT—Second quarterly report 2009—Ministerial statement, 8 December 2009.

In tabling this statement, I have also tabled a progress report as an attachment, detailing some of the programs in relation to the nation-building projects in the ACT from March to September 2009.

Adjournment

Motion by **Mr Stanhope** proposed:

> That the Assembly do now adjourn.

Schools—contextual profiles

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): Earlier this year I committed to updating the Assembly on progress with the national transparency and reporting reform agenda in education. Parents, teachers, principals and students will soon be able to see contextual profiles of almost 10,000 Australian schools.

Early next year, before schools go back for 2010, parents will be able to see their school's profile on the national myschool website. I would certainly encourage interested members of the public, including members of this Assembly, to take the time to visit the myschool website at www.myschool.edu.au. A range of fact sheets, frequently asked questions and a draft school profile are already available online.

Schools' profiles will show a range of information such as a short description of the school and a link to the school website, a new school index of community socio-educational advantage, or ICSEA, value and the percentage of students achieving at each band on the NAPLAN tests. It will allow parents to compare their school's performance with the average performance of all schools in Australia and with statistically similar schools. Importantly, the myschool website will help parents to identify schools that are doing well.

The reason we are doing this—all Australian government are undertaking this reform—is simple. This information will empower parents to ask the hard questions, questions which will make teachers, principals and governments more accountable—information which will allow parents to walk into their school, sit down with their teacher and ask about how literacy and numeracy is being taught; information which will encourage students to make an appointment with the principal and ask about their results and their future careers; information which will challenge teachers to look at their teaching practices and their student results, to look at the range of diagnostic data that is available and to further improve their teaching plans.

Yes, more information means more work in the education sector. But I want to look parents in the eye and honestly say that the government is working to provide the best possible education for their son or daughter. And I know our best teachers feel the same way. So we are pressing ahead.

When these results are released early next year, there will be surprising outcomes. There will be schools that everyone expects to do well who are, frankly, cruising. And there will be schools that everyone expects to do badly who actually are making a significant difference where it is needed most.

I have said before, many times in this place, that the so-called league tables debate, both for them and against them, is a distraction. I know some people are concerned about how the media will report these results. But let me put on the record that I have great confidence in the professionalism and responsibility of Canberra's journalists, editors and news producers. I am sure that the media will meet their obligations to report with integrity and accuracy, that they will tell the full story about our schools and that they will report the context and the achievements of our schools.

That is why the ACT government is pressing ahead with these reforms. Parents want them, students need them and schools will benefit from them. I look forward to a well-informed public debate in 2010.

Arts

MS LE COUTEUR (Molonglo) (3.3): I rise this afternoon to reflect briefly upon the arts scene in Canberra. I have the pleasure and privilege of being the Greens' arts spokesperson. Partly as a result of that but also, I guess, as a result of what I do normally in my life, I have been able to partake of a lot of art this year. My partner and I did make the decision at the beginning of the year that we would not, as we had in other years, have a subscription to the Canberra Theatre because we thought that we may not quite have time to go to enough stuff in the Canberra Theatre, and you could regard that as either fortunate or unfortunate. It was the right decision because there is so much happening in the Canberra arts scene.

I am not going to bore everyone by going through a list of all the things I have been to over the last year. I have expanded my horizons. Specifically I would like to mention the Canberra Symphony Orchestra, which I spoke about in the last sitting period.

One of the wonderful things about Canberra is that it has two great parts to the arts scene. It has got the local arts scene but it has also got the international, the state and the Australian-based arts scene. I think there is proportionately more of for our size because we are the capital, Canberra, and we are really lucky to have some world-class productions.

I will mention a couple here. Very recently I went to a production by the Bangarra Dance Theatre, and that was one of the best performances I have been to. That was a world-class performance. Contrasting with that, last week I went to two visual arts events in the same evening. I went to the Masterpieces from Paris at the National Gallery, which was gorgeous.

Before that I had the pleasure, as an ANU alumnus, to go to the graduating students' arts exhibition. Some of the stuff was certainly up in the same category, I believe, as the art in the National Gallery. I saw a wonderful sculpture. Now that the proceedings are recorded on video I could show what the person was like. I must admit I had a look and saw there was a red mark on it; otherwise I was going to go back to the committee and say, "It would go quite well on the wall in the members' entrance area where we are looking for something." It would have gone brilliantly there. And that is just one example of the great local art that we are privileged to have in Canberra.

A couple of others I would like to mention include Quantum Leap, which is easily one of the best dance theatres in Australia. This an area where I believe funding nearly ceased a few years ago. I am very pleased that the ACT government saw fit to continue this funding of beautiful young people.

Another show I went to was Short+Sweet. And for those people who are not aware of this, you have about half a dozen plays in an evening but they are only 10 minutes each. It was a sell-out performance. It was, admittedly, in a very small theatre but it was brilliant. It was wonderful. You have 10 minutes in tears and the next 10 minutes you would be laughing. It was brilliant and I highly recommend it to all of you next year because I am sure it will happen again.

I have already spoken a bit about visual art but, before I end, I would like to put a plug in for ANCA. Living in Downer and ANCA being in Dickson, I could regard it as my local gallery. I have been to many exhibitions there. I will not name any or single them out but they have invariably been interesting and there have been some wonderful pieces in them.

In closing, I would just like to say that we are very fortunate in the arts scene in Canberra and I am very fortunate to be the arts spokesperson for my party.

Marymead

MR COE (Ginninderra) (3.35): Last month, I was very privileged to be able to attend the opening of the new Cassells building at Marymead in Narrabundah by the Governor-General, Her Excellency Quentin Bryce. It is the first substantial construction for 40 years at the Marymead Child and Family Centre.

Marymead was established in 1967, and its mission is caring for children, supporting families, building community. Marymead provides assistance to 1,000 vulnerable and disadvantaged children and families in Canberra. The organisation's 175 staff and 140 volunteers are tireless in their commitment to look after those less fortunate in our community.

Of course, like other charitable organisations, Marymead depends on the generosity of those in the community to deliver the vital services it does. I would like to congratulate Ms Hilary Martin, the chief executive officer, for her leadership of the organisation. Ms Martin reflected on the generosity of the Canberra community last month:

> The fact that such a building is even possible is a true reflection of the respect and appreciation that the Canberra community has for the work we do at Marymead.

Too often it is said that Canberra is a city without a soul. But in this case, and in so many other cases around our city and territory, we prove that this is most definitely not the case. The entire construction of the Cassells building was funded by donations. The Cassells building is named in honour of Alice Patricia Cassells, who was very generous in bequeathing a large amount of money for the construction of the building. In 2007, as part of the 40th anniversary celebrations, the buy-a-brick campaign was launched, which enabled further funds to be raised. Others individually sponsored the construction, and the Marymead Auxiliary also played a very important role in raising further funds.

I would like to pay tribute to all those who have contributed to the construction of such a wonderful facility. It is an important addition to Marymead and will ensure that Marymead can help those vulnerable and disadvantaged in our community in an even more effective and sensitive way.

Christmas is now fast approaching and there are many Christmas appeals across Canberra to provide some Christmas cheer for those who would otherwise not have much to enjoy at Christmas. Marymead has been busy organising one such appeal, and I would now like to mention some of the organisations and businesses that have been generous enough to contribute: ACT Woodcraft Guild, the Amaroo preschool, the ANZ business bank, the Australian Academy of Science, the Australian Fisheries Management Authority, the Australian Institute of Management, the British High Commission, Calvary hospital social club, Canberra Accueil, Canberra Quilters Inc, Centrelink Canberra, Church of St Andrew, D&S Datafix, Dimension Data, Florist at Parliament House, GHD, Hawker primary school, infrastructure division social club at the Department of Defence, InTACT, King Financial Services, Lions Club of Canberra at Woden, Lyons primary school, Macquarie Real Estate, Mountain View, Servcorp, Snedden Hall and Gallop lawyers, Stepping Stones, St George Bank, Style Emporium, the Swiss High Commission, the Hermitage, the Smith Family (ACT), UnitingCare Kippax, Urambi primary school, Westfield Belconnen, Westfield Woden and Zoo Design Advertising.

I would also like to acknowledge their major corporate partner, Oakton; their community partners, the Tradies and the Canberra Southern Cross Club; and their corporate partners, Southern Cross Ten.

Of course, anyone wishing to contribute to Marymead's work can visit them at Goyder Street, Narrabundah, or visit their website at www.marymead.org.au.

Sport—media coverage

MS PORTER (Ginninderra) (3.39): I rise to congratulate the local media for their coverage of sport in the ACT and, in particular, their coverage of women's sport. I am sure that all members of the Assembly would agree that balanced media coverage of local and national sport will inspire our community to maintain a healthy lifestyle through involvement in sport and recreation.

In general, it must be said that Australia is well behind leading jurisdictions when it comes to the media's coverage of women's sport and female athletes. In Norway, for example, equality of men and women's sport coverage is enshrined in legislation. In the country that boasts the highest proportion of women serving on boards anywhere in the world, near parity has been reached in salaries paid to elite athletes based in Norway as a direct consequence of the increased coverage in the media that women's sport enjoys in that country.

We also have reason to be proud of the local media's coverage of women's sport. I think it would be fair to say that local media in the ACT afford the greatest level of exposure to women's sport of any jurisdiction in Australia, and it is ahead by a reasonable distance, I would suggest.

In the 2009 Australian Sports Commission medal awards, Merryn Sherwood of the *Canberra Times* won a special commendation for best journalism on women in sport. We should be proud of that. In the ACT, we value our female athletes and we should be proud that the local media give them the exposure that they thoroughly deserve. I believe that such coverage further enhances the quality of the women's sporting teams that we have in the ACT by boosting their morale.

I have made no secret that I am a fan of Canberra United, our terrific women's football team, and I was very pleased to be there on the weekend to see them win another game and get into the semi-finals against Sydney, which will be played next weekend. I would also congratulate those that won medals over the weekend at national awards: young player of the year, Ellyse Perry; coach of the year, Ray Junna, both from our team; and our team which won the fair play award. Congratulations to the women's league on that.

However, we can always make progress in this area. A report released by the Australian Sports Commission at the end of the decade suggests that print coverage of women's sport contributes a little over 10 per cent of the overall coverage, up from a woeful two per cent in the 1980s. A further report on this issue will soon be provided to the federal government and, when it is released for public consumption, we will be able to see whether further progress has been made on this score.

I would like to reiterate that I am very encouraged that the media in the ACT recognise the importance of covering women's sport. Clearly, better media coverage leads to better opportunities to gain individual and team sponsorships. It leads to increased salaries for female athletes and increased competitive opportunities for sportswomen and certainly lifts the morale of everybody. It improves and raises the exposure of young girls to positive, healthy female role models pursuing excellence in their particular field.

That is why it is so very important to recognise our female athletes and our female teams and to recognise the work that the media does in supporting and promoting them whenever they get the opportunity, as we should in this place.

DLA Phillips Fox triathlon
White Ribbon Day

MR SESELJA (Molonglo—Leader of the Opposition) (3.43): Today I want to make brief mention of the DLA Phillips Fox corporate triathlon, which I had the opportunity to compete in recently, on Sunday, 29 November. I competed as part of the Meyer Vandenberg team, which put in a fantastic showing. I think that they put the greatest number of teams in the triathlon, so well done to Meyer Vandenberg. Indeed, in the short course—short division, non-government mixed—they came first and second. They did very well and put in a fantastic showing. I had the opportunity to run in the long course, and hopefully did not slow the team down too much.

It was quite an enjoyable day. To all the team at Meyer Vandenberg—Garreth Harms, who helped organise; Archie Tsirimokos; and all those who participated—let me say that it was a wonderful team event and a very enjoyable day. To all the sponsors—Phillips Fox and others—who supported the event, let me say that there were many people there, including at least one other member of the Assembly: as I look down the list, I see a team called the Barrbarians, which finished 25th in the short course. I am not sure if that has anything to do with our own Andrew Barr, but it may well have, because I saw him there on the day.

Well done to all those who competed. One of the great things about events like this is that you do see the community getting behind people, you do see people participating and you do see a lot of people volunteering a lot of their time. Triathlon is a fantastic event. Thank you again to the organisers. Thank you to Meyer Vandenberg for allowing me to be part of their team and to participate—and for the wonderful way they made me feel welcome on the day. I just wanted to also—

Ms Gallagher: Everyone is—

MR SESELJA: Ms Gallagher is keen to get up.

Ms Gallagher: It is not me, mate. It is everyone else.

MR SESELJA: I have not sat down yet. I just saw Ms Gallagher get up; I do not know what is going on.

Ms Gallagher: Everyone is jumping.

MR SESELJA: All right. I will see how I time my finish. I might just slow down and then speed up again.

I want to speak about one other issue and just give a plug to White Ribbon Day. A number of us attended the White Ribbon Day breakfast on 25 November in Civic Square. It is a fantastic initiative. It is something that we should all get behind—that everyone in the community should get behind. In particular, it is a chance for men to get behind it and to speak out against violence against women. It is something that I am very pleased to lend my name to, and I know that many members of the Assembly have done so as well. There was a good attendance from members right across the political spectrum at the ACT White Ribbon Day event.

This is something that we should not take for granted. We would hope that this is something our community had left behind, but unfortunately it is not the case. We need to keep restating it. Events such as this allow us as a community, and as men in particular, to say: "This is not acceptable; this is completely unacceptable. We as men will speak out against it whenever we have the opportunity."

To all those who helped organise White Ribbon Day, well done. It is a massive event now right around the world, I understand, and certainly very big in this nation. It draws political leaders from right across the spectrum, sporting leaders and other community leaders to lend their name to a worthy cause. Well done once again to those who put together White Ribbon Day.

Mr Mark Cormack

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (3.47): I promise not to take my full five minutes just to let everyone calm down a bit. Thank you, Mr Seselja.

I just rise briefly, and it is with some regret, to inform the Assembly of the decision of the Chief Executive of ACT Health to take on a national role as the Chief Executive Officer of Health Workforce Australia.

This is a significant achievement for Mr Cormack. Whilst the government regrets the loss of Mark from a chief executive position here in the ACT, we do acknowledge that Mr Cormack's skills and abilities will be a fantastic start for the new Health Workforce Australia. Members will know that Health Workforce Australia has been established by all the governments of Australia to support the planning and development of the health workforce across the country and is being funded significantly by all governments of Australia. It is a big promotion for Mr Cormack.

Mr Cormack started his career with ACT Health back in the early 1990s. He went off to New South Wales and worked for New South Wales Health, but he came back to ACT Health almost five years ago, in a deputy chief executive role, and then three years ago took over the chief executive position. When I reflect back on those three years when Mark was the chief executive, I realise that he has seen and overseen a

significant expansion of the public health system right across the ACT. He is widely recognised across all major health stakeholders as a highly effective senior bureaucrat within the ACT public service, and he has overseen the very significant capital asset development program for the government.

I have always found Mr Cormack to be a passionate supporter and strong defender of the public health system. I know that this drives him in his career and I know that it is what makes him a highly sought-after executive for senior health positions, the ones that the commonwealth headhunts so viciously for.

On a personal and professional level, I will miss working with Mark Cormack enormously, but, as the saying often goes, the ACT's loss is the nation's gain. On behalf of the ACT government, I would like to thank Mr Cormack for his service to the ACT community. I wish him well in his new career and I am sure that all of those that have worked with him over the past five years wish him well also.

Yogie awards

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (3.49): This afternoon I want to speak about an event I went to last Friday, the annual Yogie awards. These are the awards that are held each year by the Youth Coalition of the ACT to recognise, celebrate, promote and reward outstanding practice for individuals, organisations and programs that work with young people in the ACT and the surrounding area.

The awards that were handed out were in two areas. One was the organisation, service, program or project awards. This area included the outstanding achievement in youth participation award; the innovation in practice award; the collaboration for change award; the excellence in research and evaluation award; and the excellence in organisational practice award. Then there were a number of individual awards: outstanding youth worker; outstanding new talent; outstanding contribution to young people; and lifetime achievement.

I know that these awards are held in very high regard by workers and youth organisations out there across the ACT. As the former director of the Youth Coalition, I was very pleased to receive a lifetime achievement Yogie last year at the awards.

I would like to recognise the wonderful work that was done by the winners and also by the many people, programs and organisations that nominated. Those who did get awards this year included the Young Carers Leadership Committee from the Cyclops program run by Anglicare Canberra and Goulburn, and the STEPS program, the step-up, step-down mental health facility for young people run by CatholicCare Canberra and Goulburn.

There were a couple of winners for collaboration for change; they were Headspace ACT, a mental health service for young people; and the multicultural youth service driver project run by Multicultural Youth Services, a much-needed program to provide driving lessons for young migrants and refugees.

The excellence in research and evaluation award was won by the Institute of Child Protection Studies for a very important research project called "Who cares?" This was looking at young people and their experiences in living with a family member who had an alcohol or other drug issue. That was an incredibly important piece of research that was done by the institute.

We had the "Create your future" program by the Create Foundation ACT. And with the individual awards, there was Steve Byrne, who worked at the Youth Coalition when I was there. He is a youth worker of many years standing. I know that there were many, many people who very much agreed and applauded Steve getting the outstanding youth worker award.

Maryse Pietersz was awarded the new talent award in the youth sector. I met her at the "Gimme shelter" fundraising event that was held in the Albert Hall a few months ago. This was a fundraiser for young people who are homeless. It was given over to Barnardos. Maryse was one of the young people who managed to organise a highly successful event in only several weeks; there were many, many thousands of dollars handed over to Barnardos.

With the outstanding contribution award, there was a very important winner here, Carrie Fowlie, the Deputy Director of the Youth Coalition, who was my deputy director for many years. She was also a very popular winner at this year's awards. She has made an incredible contribution, particularly in the last few months, in the area of alcohol and other drugs, in assisting the alcohol and other drugs sector to look at a number of issues such as establishing a peak organisation and also the important issues of how alcohol and other drugs intersect with mental health issues; what we call co-morbidity. So she was a well deserved winner there.

Finally there was the lifetime achievement award, which went to Andy Miles. Andy is known as a bit of a legend out there in the youth sector. He has been a youth worker of many, many years standing, working through the Barnardos transition program, which supports young people into long-term housing. Andy again was a very popular winner. It was a well-deserved win; I do congratulate him for getting that lifetime achievement award.

It was a great morning. There were many people there. It was a fantastic day. Congratulations to Youth Coalition.

Yogie awards
Nativity story
Australian Hungarian Cultural Convention

MR DOSZPOT (Brindabella) (3.54): I echo Ms Hunter's comments. I was at the Yogie award night as well and I very much respect the work done by the Youth Coalition and the awarding of the Yogie awards.

On Friday, 27 November, I had the pleasant task to join Fusion Australia and the children from Trinity Christian school in the celebration and re-enactment of the nativity story. The story of this simple, poor family, Joseph and Mary, as they make

their journey from the town of Nazareth to Bethlehem and prepare for the birth of their child, is celebrated by thousands of Christian communities around the world around Christmas time. It was a pleasure to join the children from Trinity Christian school in their celebration and their reminder to our Tuggeranong community about the real meaning of Christmas and the nativity story—the celebration of the birth of Christ 2,000 years ago, that Christmas is about giving and sharing, thinking of people less fortunate than ourselves, thinking of people who have no room at the inn. There are many modern examples of this today.

In last year's celebration, I was very much taken by the look on the faces of the people busily shopping in the Tuggeranong Hyperdome, the look of joy on the faces of the parents and children as they watched the Advent procession go past the shops within the Hyperdome, as Joseph called the various shops to find room for his family and there were many rejections, with familiar statements from the shop keepers playing their part in telling Joseph that there was no room at the inn for his family.

It is rather ironic and sad that this year there was no room in the inn for this annual celebration—no room in the Hyperdome for the children to share the joy and message of Christmas with the shoppers in the Hyperdome, as in past years, through this re-enactment of the nativity story. It is also a real and perhaps timely reminder of the importance of maintaining and growing this wonderful celebration of the nativity story, to ensure that the Ninja Turtles and other forms of commercialisation do not push the true meaning of Christmas from our children and our community.

I received several representations from the community and from Fusion Australia about the cancellation of an event that has been a trademark of Fusion Australia and a much-anticipated community Christmas event of the past seven years, the Tuggeranong Advent pageant. Along with many other members of our community, I hope that sanity will prevail next year and allow this event to once again resume as a celebration in its normal venue in Tuggeranong.

As shadow minister for multicultural affairs, I have been invited to attend and open a number of events during the 14th Australian Hungarian Cultural Convention, which is being held in Canberra from 27 December this year to 3 January 2010. Canberra has the honour of hosting the Australian Hungarian Cultural Convention this year, a convention that has a long history involving our multicultural community. The convention commenced in 1969. The inaugural event took place in Melbourne. Every three years, the convention provides an opportunity to celebrate colourful Hungarian traditions. To date, Adelaide, Melbourne, Perth and Sydney have hosted the event. This will be the first occasion when it will be held in Canberra.

The Australian Hungarian Cultural Convention is one of the oldest Australian-Hungarian traditions and has been a primary agenda item for the Australian-Hungarian community over the last 40 years. I would like to pay tribute to the energy and enthusiasm of the Canberra organising committee, and in particular to Attila Ovari, the president of the federal council of Hungarian organisations in Australia and New Zealand, and Gabriella Ovari, in Canberra the chief organiser of the 14th Australian Hungarian Cultural Convention.

Visitors to the festival will enjoy a bouquet of wonderful Hungarian folk dances and new art created by various Hungarian artists living in Australia, including a quilt display from Hungary, and will be able to taste Hungarian cuisine, including the well-known goulash, the Transylvanian sweet dough delicacy and much more.

The festival will conclude on 3 January and I commend it to our members.

Question resolved in the affirmative.

The Assembly adjourned at 3.59 pm.

Schedules of amendments

Schedule 1

Smoking (Prohibition in Enclosed Public Places) Amendment Bill 2009

Amendment moved by Mr Hanson

1
Clause 11
Proposed new section 9F (4) (b)
Page 11, line 21—

omit proposed new section 9F (4) (b), substitute

(b) if the total area of the licensed outdoor area of the premises that is not an off-gaming area is 100m^2 or more—up to 50% of that area; and

(c) if the total area of the licensed outdoor area of the premises that is not an off-gaming area is less than 100m^2—

(i) if it is a single area¬—up to 100% of that area; or

(ii) if it is made up of 2 or more separate areas—up to 100% of the smallest area (or any 1) of those areas.

Schedule 2

Racing Amendment Bill 2009

Amendments moved by the Minister for Gaming and Racing

1
Clause 4
Proposed new section 61H (b)
Page 6, line 14—

omit proposed new section 61H (b), substitute

(b) the operator does not comply with a condition on the approval that was imposed by the commission.

2
Clause 4
Proposed new section 61N
Page 11, line 6—

omit proposed new section 61N, substitute

61N Other conditions of approval

An approval issued under section 61K, or a renewal issued under section 61Q—

(a) is subject to the conditions prescribed by regulation; and

(b) may be subject to any other condition imposed by the commission.

3
Clause 6
Schedule 3, proposed new items 6 and 7
Page 17—

omit proposed new items 6 and 7, substitute

6	61N (b)	issue approval on condition	applicant for approval
7	61N (b)	renew approval on condition	licensed wagering operator

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Schedule 3

Justice and Community Safety Legislation Amendment Bill 2009 (No 4)

Amendments moved by Mrs Dunne

1
Clause 2 (1) (except notes)
Page 2, line 5—

omit clause 2 (1) (except notes), substitute

(1) Schedule 1, part 1.7 (Trustee Companies Act 1947) commences on a day fixed by the Minister by written notice.

2
Schedule 1, part 1.5
Page 6, line 17—

omit

3
Schedule 1, part 1.6
Page 7, line 15—

omit
