Debates

WEEKLY HANSARD

SEVENTH ASSEMBLY

Legislative Assembly for the ACT

10 DECEMBER 2009

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Thursday, 10 December 2009

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The Assembly met at 10 am.

(Quorum formed.)

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

Planning, Public Works and Territory and Municipal Services—Standing Committee
Reporting date

MS LE COUTEUR (Molonglo) (10.03), by leave: I move:

> That the resolution of the Assembly of 25 February 2009, as amended on 13 October 2009, which referred the issue of live community events to the Committee be amended by omitting the words "and report by the last sitting day in December 2009" and substituting "and present an interim report by the end of the last sitting day in December 2009 and present a final report by the last sitting day in June 2010."

I will briefly explain to members why the committee is seeking to amend the reference. There are two reasons. Firstly, it wants to present an interim report which will be presented later in the day by the chair, Ms Porter, who unfortunately cannot be here at this point in time. While the committee has addressed the items referred to in the inquiry's terms of reference in the interim report, the committee acknowledges there are also a large number of other regulatory approaches to support live entertainment which warrant further consideration, such as transport, access, public liability, security, amenity or public interest considerations when granting liquor licences, noise limits and noise zones in entertainment precincts.

As previously noted, the committee is aware that the cultural ministers working group on contemporary music development is currently developing a best practice guide for development of legislative and regulatory environments supporting live music and entertainment. The committee wrote to the Chief Minister on 23 September 2009 to request that a copy of the best practice guide be made available to the committee when released and this guide was not, unfortunately, available at the time of finalising the interim report. The committee would like to consider the best practice guide before assessing the most appropriate combination of regulatory mechanisms to support live events in the ACT and before preparing and analysing the approaches of other states and territories. The committee, therefore, considers this inquiry should be ongoing.

Question resolved in the affirmative.

Domestic Animals Amendment Bill 2009

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

Title read by Clerk.

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) (10.06): I move:

> That this bill be agreed to in principle.

This bill seeks to amend the Domestic Animals Act 2000. That act regulates the keeping of domestic animals in the ACT. The act establishes the Office of Domestic Animals Registrar, who is given the power to investigate attacks and incidents of harassment involving domestic animals. The bill addresses two areas of concern identified by the registrar in the operation of the act. The opportunity is also being taken to update terminology used in the act.

The first area of concern relates to the operation of section 55 of the act. That section provides that a keeper of a dog must compensate a person injured by, or who suffers damaged caused by, their dog. We all know the devastation that is felt when a family pet is attacked, not to mention the cost of the vet bills following the attack. Generally, the majority of owners of offending dogs that have been involved in attacks willingly provide their names and addresses to other parties without the involvement of the registrar or authorised officers. However, a small minority of dog owners refuse to provide their names to victims, thwarting their ability to obtain compensation for their injury or loss.

It may be interesting for members to note that, in any year, officers from the Domestic Animal Service investigate several hundred complaints involving dogs. A number of these incidents involve attacks that have resulted in injuries to people or to other animals. Where an incident involving a domestic animal has been reported to the registrar and an investigation is carried out by an authorised officer, the identity of the owner of the offending dog may become known to the officers, either through their inquiries or by recourse to details kept on the ACT domestic animals register.

At present, where members of the public request access to identifying information, they are directed to use the Freedom of Information Act. Such requests are generally refused, given the interplay between the Privacy Act and the Freedom of Information Act. Under the Privacy Act, information privacy principle No 11 allows the department to release information if, among other things, the consent of the person concerned is obtained or if the release is authorised by law. This amendment will provide clear legislative authority for the release of the relevant information.

The intention of this aspect of the bill is to provide aggrieved people with a simple and inexpensive means to access information held by the registrar to enable them to seek compensation. This is consistent with the broader objects of the act to encourage responsible pet ownership. It is not proposed to give this right of access to details to everyone, only to those who have suffered as a result of a dog attack or harassment. The right will be limited to situations where the registrar is satisfied both that an attack has occurred and that it has resulted in injury or financial loss to the aggrieved

person. This test is workable, given that the registrar is responsible for dog attack investigations.

The bill also seeks to amend section 124 of the act to remove the requirement of officers' identity cards to include their names. The welfare of government employees is at the heart of this amendment. The need for this has sadly occurred because of threats made against Domestic Animal Service officers and their families. To ensure their safety, I am seeking to amend the act to remove the requirement for officers' names to appear on their identity cards and to instead allow identity cards to include an identifying number unique to each officer. The chief executive of the department will be responsible for issuing each officer's unique number.

I want to assure members that this bill will not absolve officers from providing their names in court proceedings. They will still be required to give their names for the purpose of making formal statements and giving evidence in court as the criminal justice system already provides sufficient protection for witnesses in judicial proceedings. The amendment will put in place a system identical to that which is currently employed on the ID cards of parking inspectors, and it is being employed for the same reason, to protect public servants from harassment that may arise from their daily work.

It is distressing that measures such as this are necessary in our society. It is distressing that public servants who are working for the safety of our community cannot do so without the risk of personal harassment and the fear of repercussions just for doing their job. It is unsettling that they are forced to do their job and have to disclose their name and not have the protection of an ID number. Threats against officers and their children have not been a one-off offence. Sadly, they are issues that have been raised by the Registrar of Domestic Animal Services with serious concern over a number of years.

I would like to advise members that the federal Office of the Privacy Commissioner and the ACT Law Society have been consulted on these proposals and their views have been taken into account in developing the bill.

The final issue that is addressed by this bill can be regarded as housekeeping. The bill also proposes to replace "authorised officer" with "authorised person" throughout the act and subordinate legislation in line with current drafting practice. I commend the bill to the Assembly.

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

Health Legislation Amendment Bill 2009 (No 2)

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (10.11): I move:

That this bill be agreed to in principle.

It is with great pleasure I present to the Assembly today the Health Legislation Amendment Bill 2009 (No 2). The bill adopts a majority of the legislative amendments recommended by the ACT GP Taskforce in its final report entitled *General practice and sustainable primary health care—the way forward*, which I tabled in the Assembly in September this year.

The GP Taskforce final report suggests that the recent mergers and closures of GP practices in Canberra have caused significant concern and disruption to the local community regarding access to health records. No doubt it is in the wake of a period of increased general practice movement that critical gaps in health records legislation have come to the surface, requiring our considered attention. Some of the areas identified by the task force needing particular attention include establishing appropriate requirements for practice closures and relocations, including strengthening notification requirements and clarifying time frames.

Consequently, this bill seeks to amend the Health Records (Privacy and Access) Act 1997 to do the following things:

- it requires that a practice provide a period of four weeks notice to consumers and the community before a closure, merger or relocation of a practice;
- it enables the prioritisation of urgent requests for the transfer of health records;
- it clarifies that consumers can only ask for a copy of their health record and not an original;
- it also clarifies the time frames around when a requested copy of a record must be provided by a record keeper;
- it introduces a requirement that practices notify ACT Health of practice closures, mergers or relocations; and
- it requires that when ACT Health is notified of a closure, merger or relocation of a practice, the ACT Health Services Commissioner be promptly informed of the notification.

It was indicated by the Health Services Commissioner and the GP Taskforce that confusion generally exists in the community regarding the law on whether or not a consumer can request an original of a health record. The bill seeks to clarify that, while consumers cannot request that an original be provided, a health service practice or record keeper may, at their discretion, provide an original. This being said, it would only be under exceptional circumstances that originals are provided.

While it is important that people have access to their health records, the scope of access should not be left open ended and unqualified. It is critically important, from a public health perspective, to minimise the risk that a health record be permanently lost due to inadequate policy foresight. The risk of not being able to continue care because of missing records, which may in serious circumstances lead to the loss of life, suggests that originals should remain with health record keepers who will be required to notify their movements to ACT Health under this bill. With a joint requirement that practices and record keepers notify their movements to ACT Health who must then notify the Health Services Commissioner, a health record will always be able to be

tracked so that care can continue to be provided despite the movements of consumers or health service providers.

I believe the approach adopted in this bill strikes a good balance between meeting the interests of the health record keeper, consumer and the overarching public health interest.

The GP Taskforce also alluded to a need to compile and maintain an ACT general practice directory for disaster and emergency management and planning purposes. By requiring practices to notify authorities of changes to the physical location of practices, this bill will provide the mechanism for the establishment of an up-to-date directory of general practices that could potentially save lives in cases of disasters and emergency.

The GP Taskforce and the Health Services Commissioner made it quite clear that there was a need to ensure appropriate prioritisation of urgent requests for health records. It is not just good policy but common sense—when a person who is threatened with a disability, severe pain and suffering, or even death if medical care is not provided urgently, seeks a copy of their health record—that a request made under such extreme circumstances be given priority. I understand, and am glad to hear, that this presently occurs in practice but we must take the extra step of ensuring that this position is reflected in our legislation.

I am therefore pleased to inform the Assembly that this bill will ensure that, where an urgent request is made by a consumer, the request is not only given priority but the record must be provided within seven days of the request being made, not the usual 30 days. A GP practice receiving an urgent request for record access can either agree to the request if the circumstances are obvious or ask that it be verified by the treating doctor.

I would like to emphasise that the amendments proposed in this bill, which reflect many of the health records recommendations made by the GP Taskforce, have come about from considerable and significant community and industry consultation. It represents not just the sentiments of stakeholders but a balanced view of the interests of the community and primary healthcare industry. I commend the bill to the Assembly.

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

Health Practitioner Regulation National Law (ACT) Bill 2009

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (10.17): I move:

> That this bill be agreed to in principle.

On 26 March 2008, COAG signed an intergovernmental agreement, or IGA, for the national regulation of health professionals through a national registration and accreditation scheme. The IGA contains the fundamental objectives of the scheme. It protects the public by ensuring that only practitioners who are suitably trained and qualified to practise in a competent and ethical manner are registered; facilitates workforce mobility across Australia and reduces red tape for practitioners; facilitates the provision of high-quality education and training and rigorous and responsive assessment of overseas-trained practitioners; supports the public by promoting access to health services; supports the continuous development of a flexible, responsive and sustainable Australian health workforce; and supports innovation in education and service delivery.

The principles that underpin our objective of establishing this new national scheme are plain. The scheme will operate in a transparent, accountable, efficient, effective and fair manner; ensure that fees and charges are reasonable; and recognise that restrictions on the practice of a health practitioner should only occur where the benefits of the restriction to the community as a whole outweigh the costs. The scheme will also maintain the status quo in that the current ACT legislation is contemporary and provides for a high level of public safety.

The process for establishing the national registration and accreditation scheme is a complicated legislative process and requires three separate pieces of legislation, which have become known as bills A, B and C. Bill A, or the Health Practitioner Regulation (Administrative Arrangements) National Law Bill 2008, was passed by the Queensland parliament in November 2008. This bill sets out the overall governance arrangements of the scheme. The second piece of legislation, bill B, called the Health Practitioner Regulation National Law Bill 2009, was passed in the Queensland parliament on 29 October 2009. The ACT is now introducing legislation which will enable the adoption of bill B in the ACT.

In passing the Health Practitioner Regulation National Law (ACT) Bill 2009, or bill C, the ACT will be on target to support national introduction of the scheme by 1 July 2010. This bill C adopts bill B in the ACT, with consequential amendments relating to other ACT legislation, and a slight change to the complaints-handling arrangements in bill B. Bill B only allows for limited collaboration between health complaints entities and national boards. While the ACT is committed to the national scheme, we currently have a complaints-handling model which closely links the health professions board with the ACT Health Services Commissioner. This arrangement is similar to the public interest assessor model, which was strongly based on the current ACT laws, proposed in the exposure draft of bill B.

As the public interest assessor role was removed from bill B, the ACT has modified its complaints-handling process to retain a joint consideration model between the national boards with the ACT Health Services Commissioner. This decision is in line with the intergovernmental agreement which states:

> The States and Territories will use their best endeavours to ensure legislation as appropriate provide for entities in their jurisdiction to investigate and hear serious disciplinary matters arising from the registration function. Each State and

> Territory will be responsible for deciding which entity will be responsible for that function in their jurisdiction, in accordance with the national criteria agreed to by the AHMC.

It is also consistent with the health minister's announcement of 12 June 2009 stating that if a jurisdiction chooses to handle complaints under state or territory law, that arrangement will be set out in that jurisdiction's bill C. To accommodate this, a number of modifications have been made as to how bill B will operate in the ACT, and these have been included in the Health Practitioner Regulation National Law (ACT) Bill 2009. These changes will help to ensure that the ACT's bill C provides a robust and fair complaints-handling process for the protection of the ACT public.

The ACT's adoption of bill B represents an important step forward towards improving Australia's health system through fully implementing the national registration and accreditation scheme for health practitioners. The national scheme's proposed implementation date of 1 July 2010 means the current state and territory-based regulation will continue to apply to registered health professionals until that date. The implementation of the scheme in the ACT for registration and accreditation of health practitioners is expected to provide increased safeguards for the public, reduce red tape, deliver improved administrative efficiency and consistency by moving from the current fragmented jurisdictional system to one national one, and promote a more flexible, responsive and sustainable health workforce.

I commend bill C to the Assembly to ensure that we support a more streamlined system that removes that unnecessary red tape and allows for easier movement of health professionals right across the country.

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

Human Rights Commission Legislation Amendment Bill 2009

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.23): I move:

> That this bill be agreed to in principle.

This bill amends the Human Rights Commission Act 2005 and other legislation relating to the complaint-handling role of the ACT Human Rights Commission. The commission has identified these amendments as necessary to better discharge its role in dealing with complaints and fulfilling its legislative mandate. It is on that basis that the government presents these to the Assembly today.

The Human Rights Commission was created by the Human Rights Commission Act 2005. The formation of the commission created a new structure for statutory oversight

in the ACT to deliver better quality services to the community and to government. The commission serves in both oversight and advocacy roles and actively promotes improvements in the delivery of human services. The commission has broad functions dealing with complaints about discrimination, health services, disability services and services for senior citizens as well as developing awareness in government and the community of human rights.

As the commission has established and evaluated its complaints-handling processes, it has identified a series of improvements to the act and related legislation to enable it to better achieve its role. The amendments in this bill are the result of the commission's experiences over time. These amendments can be broken into three categories: procedural issues under the Human Rights Commission Act, updates to the Discrimination Act, and a minor change to the Mental Health (Treatment and Care) Act.

In relation to the first matters, many of the bill's amendments seek to streamline and clarify the role and powers of the commission in complaint handling through amendments to the Human Rights Commission Act. These amendments include giving the commission greater flexibility in dealing with complaints and ensuring the commission can consider complaints quickly and efficiently by joining respondents. The bill also clarifies that the commission can close complaints with no further action when they are formally withdrawn by complainants.

The amendments provide greater protection for complainants and those that assist the commission in considering complaints. Protection from civil liability for complainants and those who assist the commission was previously in the Discrimination Act and the now repealed Community and Health Services Complaints Act 1993.

When the Human Rights Commission Act 2005 was enacted, it included equivalent protection from civil liability only for officers of the commission. This bill would amend the act to ensure that protection is afforded to all members of the community who honestly and without recklessness assist the commission in its consideration of complaints. While section 170 of the Legislation Act 2001 arguably provides protection from civil liability in these cases already, the addition of this new provision makes the matter free from doubt.

An example of the need for this protection would be in circumstances where a professional may face a defamation action for providing a negative assessment of a peer, even where that assessment was honestly held and not provided recklessly to the commission. As the commission takes complaints in relation to health services, services for people with a disability, and services for children and young people, the ability and confidence of professionals to report questionable behaviour by their peers is crucial to the commission properly exercising its functions.

The amendments to the Human Rights Commission Act also include requiring the commission to give a copy of a complaint and related documents to the relevant health profession board when the commission considers that a complaint about a health service indicates that a registered health professional may be contravening or may have contravened the required standard of practice. Section 12 of the Health Professionals Act 2004 details how the Human Rights Commission Act and Health

Professionals Act are intended to interact. The Human Rights Commission is intended to operate with great flexibility when dealing with a health profession board. This bill ensures that, where a complaint is lodged with the commission which raises concerns regarding professional standards, the relevant health profession board can have input at an early stage.

Heading to the second group of matters—that is, those dealing with updates to the Discrimination Act—this bill makes minor amendments to the Discrimination Act under which the commission, through the Human Rights and Discrimination Commissioner, handles complaints. Under the Discrimination Act, it is unlawful to treat individuals with certain protected attributes or grounds unfavourably in public life. These amendments modernise and update the existing protected grounds of transsexuality and membership or non-membership of an association or organisation of employers or employees. These grounds are renamed gender identity and industrial activity.

The term "gender identity" is a better, more modern term to describe the type of discrimination that the act is intended to prevent. With this amendment, it will be clear that those who identify as another sex, including people who are of an indeterminate sex, are protected from discrimination. This definition better recognises the protection that was intended to be given in the Discrimination Act.

The term "industrial activity" brings the ACT Discrimination Act into line with the commonwealth's Fair Work Act 2009 and the term used to describe this same issue in equality legislation in other jurisdictions. The amendments ensure that this new terminology is also used in relation to vilification and serious vilification on the basis of gender identity. To clarify, this bill does not add additional grounds to those currently listed but merely modernises the words used to describe two existing grounds. The changes bring the territory into line with contemporary practice adopted in other jurisdictions, including Victoria and the commonwealth.

Other amendments include restoring the protection previously provided in section 68 of the Discrimination Act in relation to victimisation prior to the establishment of the Human Rights Commission. Section 98 of the Human Rights Commission Act currently provides a criminal offence of victimisation. Victimisation occurs when someone is treated unfavourably for asserting their rights or assisting the commission in considering a complaint.

The bill would give options for responding to discrimination apart from the criminal offence of section 98. The new protection does not create a criminal offence. By making victimisation unlawful under the Discrimination Act in this way, civil orders will be available to the Human Rights Commission to protect against victimisation. This means that the commission will be able to respond to a case of retaliation under a civil standard of proof rather than the more strict burden of proof required to prove a criminal offence.

Finally, turning to those changes relating to the Mental Health (Treatment and Care) Act, the bill removes the discrimination commission from the list of recipients of notices of mental health hearings under the ACT Civil and Administrative Tribunal under the Mental Health (Treatment and Care) Act. The discrimination commissioner

should only receive these notices in cases where the commission's involvement is necessary and appropriate. The ACAT may still, on a case-by-case basis, provide the commissioner with notices of hearings, but this amendment ensures this is no longer a mandatory requirement.

This bill makes straightforward and sensible reforms to the Human Rights Commission Act and related legislation. The changes will streamline the commission's procedures, improve the operation of the Discrimination Act, and make a few necessary consequential changes in other legislation. I commend the bill to the Assembly.

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

Surveyors Amendment Bill 2009

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

Title read by Clerk.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (10.32): I move:

> That this bill be agreed to in principle.

The Surveyors Amendment Bill 2009 makes a number of changes to the Surveyors Act 2007. The changes are mostly administrative. The Surveyors Act commenced on 14 November 2007 and continues a well-established practice of registration of those surveyors who define the location of land boundaries within the ACT.

The registration of surveyors involved in land boundary surveys is a practice that has been in place in Australia for over 130 years. The system has resulted in the high integrity of land boundaries which underpins our land administration system. As a consequence, land boundary disputes in Australia are rare.

This bill makes minor, yet important, amendments to the Surveyors Act. These amendments, in the order presented in the bill, are as follows:

- The Surveyors Act introduced continuing professional development for surveyors as a mandatory requirement for annual registration renewal. The Chief Surveyor can make guidelines in relation to this requirement. This amendment simply changes the term "guideline" to "direction" to reflect the mandatory nature of this requirement.

- Currently, approximately 80 per cent of surveyors registered in the ACT are also registered in New South Wales. These surveyors with dual registration are able to renew registration for both jurisdictions by the New South Wales Board of Surveyors and Spatial Information. This saves considerable administrative duplication and cost. However, for this to operate effectively it is necessary to

change the time period for the annual renewal of registration in the ACT to align with renewal periods in New South Wales. This amendment achieves this alignment.

- The amendments also relate to the procedures for suspension of registration. The amendment applies to situations where the registration of a surveyor is suspended for failure to meet renewal requirements but the surveyor subsequently does comply with these requirements and the suspension is lifted. The amendment ensures any surveys conducted while the registration was suspended are valid upon removal of the suspension.

- Importantly, this bill also broadens the scope of occupational discipline provisions. It is reasonable to believe that anyone engaging the services of a registered surveyor would expect that professional discipline provisions apply to all survey work performed by that surveyor. However, this is not currently the case. Under the current provisions, negligent or incompetent work on matters relating to building or engineering work, as opposed to the location of boundaries, is not covered by the occupational discipline provisions. For example, a determination of whether floor levels meet specified building design criteria in a building approval is not covered.

- The bill amends the act to broaden the definition of "survey" to include work relating to more general measurements such as measurements relating to floor levels, road or engineering surveys. The broader definition of "survey" will mean that the occupational discipline regime will apply to this work as well as the more traditional survey work, such as establishing boundaries. The broader definition is consistent with the equivalent New South Wales legislation. It is important to note that this amendment only applies to the grounds for occupational discipline against registered surveyors and does not alter in any way the type of work a surveyor, registered or not registered, is legally entitled to perform.

- Finally, the bill replaces the title "Chief Surveyor" with "Surveyor General". This change recognises that all state and territory jurisdictions, with the exception of the ACT and Queensland, currently have a position of surveyor general. The role of surveyors general in other jurisdictions is very similar to that of the ACT Chief Surveyor. The change of title is also required as the title of Chief Surveyor is often used to describe the most senior surveyor within an organisation, agency or local government. It is believed that the title of Surveyor General would remove any doubt that the role extends beyond the employing agency.

The changes to the Surveyors Act created by this bill have been endorsed by the Survey Practice Advisory Committee and the profession has been consulted. I commend the bill to the Assembly.

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

Construction Occupations Legislation Amendment Bill 2009

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

Title read by Clerk.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (10.38): I move:

> That this bill be agreed to in principle.

This bill amends the Construction Occupations (Licensing) Act 2004 and the Unit Titles Act 2001. For convenience, I will refer to these two pieces of legislation in this speech as COLA and UTA respectively.

In 2004, the government introduced the Construction Occupations (Licensing) Act and this new legislation brought with it significant improvements to the way the construction sector is administered in the ACT. It established a framework which provides for effective regulation of the construction industry in the ACT, ensures high levels of confidence and training in the industry and establishes a qualifications framework which enables labour market mobility. This aspect is essential in ensuring that there are adequate numbers of builders, building certifiers, plumbers, electricians, drainers and gas fitters in the Canberra construction sector.

As we are all aware, the construction industry plays a significant role in Canberra's economic development. The creation of new employment in the city has not only resulted in high demand for commercial office accommodation but also resulted in high demand for housing in Canberra. The provision of affordable housing is in part dependent on the availability of builders, plumbers, electricians, gas fitters and other tradespeople to ensure the timely completion of new residential development, whether it be infill development or housing in new suburbs.

The amendments made by the bill to COLA and UTA create a new construction occupation that outsources elements of the unit title application process. Under the Unit Titles Act, certain information must be provided with an application to unit title an existing or approved development under construction. Under section 17:

- The application must provide for the subdivision of the parcel into units, unit subsidiaries and common property.

- The application may provide for staged development of all or some of the units. If it does, the application must include a development statement.

- The application must include:

  (1) a certificate from a registered surveyor describing the situation of the building on the parcel; and

  (2) a plan drawn by a registered surveyor showing encroachments into public places, if present.

The Planning and Land Authority may approve a unit title application under section 20 of the UTA if it is satisfied on reasonable grounds that the application fulfils its stated requirements. Those requirements include that the application be in accordance with the UTA; that each unit will be suitable for separate occupation and for use that is not inconsistent with the lease; that the proposed schedule of unit entitlement is reasonable; and that any encroachments into a public place are satisfactory.

As part of determining an application for unit titling, the authority conducts site inspections and requests certification, if required, from relevant agencies, such as TAMS and Actew, on technical specifications for the development. A site inspection may cover, amongst other things, establishing if the building has been built in accordance with the approved plans, other than those matters covered by the Building Act 2004; whether the landscaping is consistent with the approved landscape plan; whether all unit subsidiaries are located and consistent with the proposed units plan; that encroachments have been identified and that these are permitted; and that the proposed units and car spaces are correctly numbered and letterboxes provided.

The amendments made by the bill will privatise discrete elements of the application process to provide flexibilities to applicants for unit titling. The bill creates a new construction occupation of works assessor who, if licensed under COLA, can assess and collate stated requirements for a unit title application. This will take the form of a unit title assessment report which the applicant will then be able to include in their application for unit titling to the authority. The works assessor will certify the report's completeness and accuracy, assume liability and provide this information to the applicant. Applicants will be able to schedule site inspections through use of a private works assessor when the development is nearing completion. The Planning and Land Authority will retain other elements of the process and responsibility for the final decision. The bill requires the works assessor to have professional indemnity insurance and to ensure that they do not have a conflict of interest.

The amendments made by the bill which create this new construction occupation of works assessor have been driven by industry. The Planning and Land Authority set up a forum to promote dialogue with industry about their concerns. One concern raised by industry was the delay in deciding unit title applications by the authority. There tend to be peaks and troughs in the number of unit title applications being made to the authority, and the limited resources of the authority could not always deal as expeditiously as desirable with the volume of work during a peak period. The bill provides a solution to this problem. The bill also legislates for the authority to make requests to an applicant for unit titling for further information. It has been the practice of the authority in the past when processing applications for unit titling to request further information as required. The bill provides a legislative basis for this practice.

I now turn to the more important provisions of the bill. The bill amends two acts in order to achieve its desired outcome of providing a new construction occupation of works assessor for unit title applications. Firstly, COLA is amended to provide for the licensing of the occupation of works assessor. The amendments to the UTA then set out the rules to be applied when a works assessor supplies a unit title assessment report.

Part 2 of the bill amends COLA. The amendments to COLA create a new construction occupation of works assessor who, if licensed under COLA, can assess and collate stated requirements for a unit title application. It does this by amending section 7 of COLA to include a works assessor as a construction occupation and by inserting a new section 14A that provides a definition of a works assessor. A works assessor is an entity who provides, has provided or proposes to provide a works assessment service. A works assessment service is the doing of works assessment work. Works assessment work means preparing and providing a unit title assessment report under the UTA. Section 22B of the Unit Titles Act, which is inserted by clause 18 of the bill, sets out the requirements for a unit title assessment report.

Clause 9 of the bill inserts a new section 26A which details the entitlement to act as a works assessor. The clause effectively prevents self-certification, and ensures conflicts of interest cannot arise, by providing that an entity, other than the original entity, discharges the original entity's interest by certifying the plans either as part of the development approval process or the building approval process or a works assessment service, done by another works assessor. An example of how section 26A(2)(b) works is as follows: a building designer draws up plans for a building. The building designer's interest is discharged when the designer hands those plans to another entity for certification. In this instance, it would be in the form of a development approval where the authority is the decision maker in relation to those plans in the form of a development approval. A unit title plan is then prepared for the building and such a plan can only be prepared by a registered surveyor; that is, the building designer who drew the plans for the building cannot prepare the unit title plan. The building designer who drew the initial plans can then be engaged as the works assessor, without there being a conflict of interest, to complete the work of a unit title assessor in the form of a unit title assessment report.

It is a part of licence criteria under COLA for certain entities in the construction industry to have professional indemnity insurance. Sections 51 and 52 are amended by the bill to extend this requirement to those people who wish to do works assessment work.

Part 3 of the bill amends the UTA to require a unit title application to include a unit title assessment report that is not more than three months old in certain circumstances. The Planning and Land Authority may refuse to approve a unit title application if the applicant has not provided a unit title assessment report as required or if further information requested by the authority under section 22F has not been provided as required. It should be noted here that if not all required parts of the unit title assessment report have been included, the report will be taken as not having been provided with the application.

Clause 18 of the bill inserts a new division 3.1A which provides information about unit title assessment reports for unit title applications.

New section 22A inserts the meaning of unit title assessor. A unit title assessor means:

(a) a works assessor licensed under the Construction Occupations (Licensing) Act; or

(b) a building surveyor licensed under the Construction Occupations (Licensing) Act when providing a works assessment service.

An applicant for unit title application may apply in writing to a unit title assessor for a unit title assessment report. The application must include any details or material prescribed by regulation.

If a unit title assessor receives an application and the unit title assessor agrees to undertake the work, the unit title assessor must prepare a unit title assessment report and give it to the applicant; and not later than five working days after the day the assessor gives the report to the applicant must also give a copy of the report to the Planning and Land Authority. The unit title assessor may refuse to prepare and provide a report if the unit title assessor does not have enough information.

If, after taking reasonable steps, an applicant cannot find a unit title assessor who will agree to prepare a unit title assessment report, the applicant may apply to the construction occupations registrar to appoint a unit title assessor to prepare a unit title assessment report. A regulation may prescribe the requirements for a unit title assessment report.

A unit title assessor may, by written notice, ask the applicant to give the unit title assessor further information in relation to an application for a unit title assessment report and new section 22D sets out the requirements for a request for further information. If the applicant fails to provide some or all of the information in accordance with the request, the unit title assessor may refuse to provide a unit title assessment report. A request for further information may require the applicant to confirm all or part of any information provided by statutory declaration and an applicant has at least 20 working days. If a shorter period is prescribed by regulation, the applicant has the shorter period within which to provide the further information. The unit title assessor may, on application, extend the period within which the further information must be provided once only, for a period not longer than 20 working days. A unit title assessor may refuse to prepare and provide a unit title assessment report under section 22B if the applicant has not provided some or all of the information by the end of the period stated in the request.

New section 22F provides the Planning and Land Authority with the power to require an applicant to provide further information if it is needed for the authority to be able to decide the application under the UTA and the authority believes on reasonable grounds that the further information will help the authority to decide the application.

New section 22G sets out what is the required content of a request for further information by the authority. A request for further information must state the period in which the further information must be provided and that the applicant need not provide the further information. But, if the applicant fails to provide some or all of the information in accordance with the request, the authority may refuse to approve the unit title application. The period within which the further information must be provided must be at least 20 working days or, if a shorter period is prescribed by regulation, the shorter period. The authority may extend the period within which the further information must be provided once only, and again for a period not longer than 20 working days.

Clause 19 of the bill inserts a new section 181(2) that states that a regulation may create offences and fix penalties of not more than 60 penalty units for the offences.

Clause 20 inserts a new part 25 which provides for transitional matters. A lessee is not required to provide a unit title assessment report if an application for a unit title subdivision has been made to the Planning and Land Authority but has not yet been decided or proceedings in ACAT in relation to the application have not ended when part 25 of the act commences. Part 25 also provides a regulation-making power to quickly correct or cover a matter that may have been inadvertently left out or needs amending or correcting. Part 25 operates for five years only.

Through its engagement with industry, the government has acted decisively in the last 12 months, as part of the ACTPLAn initiative, to address several areas of concern. This is another example of a practical response to one of the few remaining issues that industry have raised. We will continue to work to ensure close cooperation with the construction industry to ensure that the industry is able to continue to deliver housing stock in Canberra as part of the government's overall strategy of ensuring the provision of more housing, particularly more affordable housing.

Continuing the tradition, on behalf of planning nerds in the territory, I commend this bill to the Assembly.

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

Planning and Development Amendment Bill 2009 (No 2)

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

Title read by Clerk.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (10.55): I move:

> That this bill be agreed to in principle.

This bill makes various minor amendments to refine and improve the readability and operation of the Planning and Development Act. The changes are, for the most part, of a technical or minor nature, including amendments for consistency and clarity. In addition, the bill makes a number of minor policy adjustments.

Members would be aware that earlier this year, in October, the government released an exposure draft of this bill for public comment. The exposure draft was available for comment until 26 November 2009.

The Planning and Development Act commenced on 31 March 2008 and put in place national leading practice for the assessment of development applications. When I introduced the Planning and Development Bill back in 2007, it was clear that we

would need the capacity to make refinements based on changing circumstances and with the benefit of having used the legislation in the field.

Happily, all parties recognised this by permitting the power to modify the act by regulation. And we have monitored the effect of the act during its initial implementation phase. We have consulted with industry and the community and made a number of priority modifications by regulation in response to unforeseen and emerging issues.

These modifications were made permanent through the Planning and Development Amendment Act 2009. In presenting the bill for that act earlier this year, I emphasised that the government's commitment to planning reform was ongoing and that further amendments would be introduced later in the year. This bill includes those further amendments.

The public consultation on the exposure draft did not generate a large volume of comment. Perhaps there are not as many planning nerds as we thought. However, detailed written comments from the Property Council and the Woden Valley Community Council and verbal comments from the Law Society were received. Written comments were also received after the due date from the Australian Institute of Architects and these have also been considered.

The comments were greatly appreciated and of significant assistance in the refinement of the bill and I thank these organisations for their responses. I also thank other organisations, including the Housing Industry Association and the Master Builders Association, who attended presentations and reviewed the bill but did not feel the need to provide formal comment. It is clear that all of these organisations, including the Law Society and the Property Council, support or do not object to most of the proposed amendments.

I now highlight a number of the comments received and the government's response. The exposure draft included a proposal to make it clear that land and buildings must not be left entirely unused for more than 12 months. There were a number of significant exceptions to this requirement. For example, it did not apply to private residences. The point of the amendment was to make this position clear in cases where the provisions of the relevant lease are not clear.

The Law Society and the Property Council both strongly disagreed with this proposal, suggesting the matter remain one determined solely by the provisions of the relevant lease. In light of these concerns, we have withdrawn this item from the bill, to permit further consultation.

Other specific comments were made, and I am happy to acknowledge the bill includes a number of improvements as a result. I will mention some of these changes by way of example. The bill before us now extends the scope of permissible changes to already granted development approvals. Currently it is possible to apply for a change to an approval provided the change is not substantial. But an application for change must always be refused if an application for a new development approval, that is, for the approved development plus the modification, would be assessed in a different assessment track. In considering this rule, it is necessary to keep in mind that there are

three tracks for assessable development: code track, which is the lowest track, involving a minimal level of assessment; merit track; and impact track. The impact track requires the maximum or highest level of assessment.

As a result of comments received, the bill relaxes this rule on changes to development approvals. The new rule permits changes even if the modified development proposal would need to be assessed in a different assessment track to the original proposal, provided that track is lower than the original track. For example, if the modified development proposal would be assessable in the code track and the original proposal was assessed in the higher, merit track, then the change would be permissible. In such a case the modified proposal would be less substantial than the original and so the assessment of the original, in conjunction with the assessment of the modification, would still be appropriate to the modified proposal.

However, if the modified proposal would be assessable in the merit track and the original proposal was assessed in the lower, code track, then the change would not be permissible. This is because in this case the modified proposal would be more substantial than the original proposal and the assessment of the original would no longer be appropriate.

The revised rules on changes to approvals will still ensure that the level of assessment applied to the original development proposal remains appropriate. The process will not be able to be used as a backdoor method for bypassing the assessment track required by the territory plan, and this matter is covered in clause 41.

I now turn to other areas where the bill differs from the exposure draft as a result of comments received. The bill differs from the exposure draft in that it makes it clear that the clarification of the definition of a concessional lease in the bill has retrospective effect. This change is reflected in clause 47.

The bill also differs from the exposure draft in the wording of provisions relating to the assessment of development applications and existing use. The underlying purpose of these amendments remains the same, however. The intention is to make it clear that a development application for a new building does not require reassessment or revisiting of the existing use of land if that use was already authorised by an existing lease. These matters relate to clauses 9 to 11. The Law Society and the Property Council both suggested these provisions could be clearer, and as a result a number of changes were made, including the addition of examples.

While the Property Council might consider the provisions are still too complex, I do note that this is an inherently complex area of law relating to land administration. I note also that the Law Society raised the possibility of more extensive change. However, in the government's view, this is not warranted and would be beyond the scope of this bill.

ACTPLA has replied to those organisations which commented on the bill and thanked them for their comments. The reply details the changes made in response to comments and the reasons why some suggestions were not taken up at this stage.

A number of comments were made in relation to matters that lie outside the scope of this bill. The government will continue to consult on these matters and to assess the need for further administrative, legislative or other adjustment.

My approach to the ACT's planning legislation is that it should be open to periodic review and continuous improvement to ensure it continues to meet the needs of industry and community. It should also reflect leading practice across the nation.

In this context, it is timely to briefly reflect on the unequivocal value of the Planning and Land Authority's ACTPLAn initiative. ACTPLAn was implemented almost 12 months ago to the day as part of the ACT Labor government's determination to see our building industry through the worst economic downturn since the 1920s. This initiative has delivered better customer service and stronger coordination between ACTPLA and other agencies.

It has resulted in the creation of the industry monitoring group to improve communication between government agencies and industry. This group includes representatives from the Housing Industry Association, the Master Builders Association and the Property Council. It was originally envisaged that this body would exist for a period of 12 months. However, it has proven so effective that all members have agreed to keep it going as an effective way to identify and resolve issues as they arise.

This industry monitoring group has expressed its general support for this bill, subject to the detailed comments I mentioned earlier. The group has also expressed its support for a number of recent regulations to reduce red tape by exempting certain development from the need for development approval.

The value of ACTPLAn is clear when one looks, for example, at the improvements in the processing time for development applications. As a result of these initiatives, 1,483 merit track DAs, with an estimated value of $1 billion, were assessed and determined between Christmas 2008 and 28 October 2009. Development application processing times have been steadily improving since the introduction of the new planning system in March 2008. The average processing time for all DAs under the new system is approximately 35 business days, an excellent result when compared to other jurisdictions. ACTPLAn achieved its best result in November 2009, reaching 82 per cent of merit track applications determined within the legislated time frame. These practical results help illustrate the real-world worth of this government's drive to cut red tape.

I turn now to the specifics of this bill and its potential to build on these recent system improvements. A significant number of the provisions in the bill are of a technical and minor nature. For example, some changes are made to terminology to ensure consistency with the terminology in the ACT Civil and Administrative Tribunal Act 2008. I do not propose to go into these in any detail at this stage. For now, I will simply highlight a number of the more significant features of the bill and in doing so will refer to a number of specific clauses.

Clause 6 permits quick, technical variations to be made to the territory plan to improve clarity of language or remove redundant provisions.

As noted earlier, clauses 9, 10 and 11 make it clear that the development application for a new building does not require reassessment or revisiting of the existing use of land if that use was already authorised by an existing lease.

Clause 12 makes the default track for lease variations the merit track, unless the development table of the territory plan says otherwise. Clause 12 also confirms the assessment track for adding a use to a lease is the track that applies to the new use.

Clause 19 makes it clear that a call-in of a development application does not stop public notification and agency referral steps unless the minister expressly requires this. This position is consistent with the underlying principles of the existing act. The act currently requires the Planning and Land Authority to stop work on a development application when a call-in is made. Whether the call-in has the effect of stopping the public notification process depends on the timing, in other words, when the minister elects to call the matter in. Clause 19 recognises these options in the call-in process but does so in a clearer and more transparent fashion.

Clause 41 prohibits amendments to an already granted development application if the amendment would interfere with a court-imposed DA condition.

Clause 72 permits ACTPLA to obtain full data set and updates of lessee contact addresses from the ACT Revenue Office. Updates are to be available on a regular basis but not more often than once every three months. This will enable ACTPLA to notify development applications and to take compliance action more effectively and quickly. This information will be protected by existing provisions in the Planning and Development Act.

Clause 77 is a transitional provision to extend the power to make temporary modifications to the Planning and Development Act by regulation. This power will now persist for a five-year period, expiring on 31 March 2013. This is to ensure that the government has the flexibility to respond quickly to any new issues that may arise as a result of continuing industry and community consultation.

These amendments involve a number of incremental but important clarifications and improvements to the planning legislation. The bill will in effect help consolidate and augment the recent major improvements to the planning system that I referred to earlier.

The Planning and Development Amendment Bill (No 2) confirms the government's commitment to ensure that our planning system is simpler, faster and more effective. It reflects our consultations with the community and industry and reflects the great work that the Planning and Land Authority's legislation team and, indeed, all the staff at ACTPLA are generally doing. I commend the bill to the Assembly.

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

Children and Young People Amendment Bill 2009 (No 2)

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

Title read by Clerk.

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) (11.11): I move:

> That this bill be agreed to in principle.

I am pleased to table before the Assembly the Children and Young People Amendment Bill 2009 (No 2), proposing amendments to the Children and Young People Act 2008.

The Children and Young People Act 2008 was passed by the ACT Legislative Assembly in July 2008 and implementation commenced in September 2008 and was completed by July 2009. During its implementation, issues have been identified that require clarification of interpretation and flexibility of application. The amendments focus on the provisions of temporary childcare exemptions and the information sharing and secrecy provisions.

The childcare provisions of the act provide the Chief Executive of the Department of Disability, Housing and Community Services with regulatory powers in relation to childcare services in the territory. These regulatory powers include the granting of licences and the monitoring of compliance with the childcare service standards.

Childcare licences are granted to the family day care schemes, before and after school care programs, holiday programs and childcare centres. The ACT provides for the granting of temporary standard exemptions against one or more childcare service standards. Exemptions ensure operators of licensed childcare services are authorised to continue to provide a childcare service in the best interests of children in the ACT. All exemptions granted to licensees are instruments open to public scrutiny and notified on the ACT legislation register and on display within the service.

Currently a temporary standard exemption, against any single standard, may only be granted to a service on one occasion during the duration of a licence. Licences are usually granted for one year for new services and three years for established businesses. Additionally, the current provisions limit the granting of exemption extensions for up to 12 months.

These conditions may restrict the viability of childcare services in the ACT and impact on the provision of childcare offered to children and families. For example, a childcare centre seeks an exemption regarding an accommodation standard while refurbishments are underway. An exemption is provided for the planned duration of the refurbishment, usually six months, and can be extended to 12. Sometimes delays occur affecting the completion of the work. In accordance with the act, a further

exemption to the relevant accommodation standard is unable to be authorised and the centre must close rooms and limit services until the work is completed.

Similarly, a childcare centre may seek an exemption while undertaking recruitment of staff or while staff complete their childcare qualifications. Should a service require a second exemption for the same standard within the licence period, even if this is for a different staff member, it is not available under the current provisions. If not granted, the service may have to close rooms and parents will need to find childcare places elsewhere.

The childcare provisions of the act and the childcare services standards are administered by the Children's Policy and Regulation Unit of the department. As of 12 November 2009, the unit regulates 243 proprietors granted a childcare licence, monitoring these proprietors for compliance with up to 396 childcare service standards. It must be noted that not all licensed services must comply with all standards. Temporary standard exemptions have been granted on 43 occasions to licensed childcare services and each exemption is notified on the ACT legislation register and displayed at the centre.

In addition, the provision of an exemption requires staff of the Children's Policy and Regulation Unit to form a belief on reasonable grounds that the exemption: (a) will not prejudice the safety and educational, social and developmental wellbeing of children being cared for in childcare service; (b) is not likely to impact on the childcare service's promotion of the educational, social and developmental wellbeing of children; (c) the childcare service has taken, or is taking, steps to comply with any childcare service standard included in the exemption; and (d) will not result in the service failing to take all reasonable practicable steps to protect the health, safety and welfare of employees.

The amendment proposed clearly states that a temporary standard exemption may be granted on more than one occasion during a licence period for any one standard and the duration of the exemption is determined by the chief executive in accordance with stringent requirements and accountability measures, and where there is an agreed plan in place to remedy the situation.

Information sharing provisions in the act are the second area of this bill that is proposed to be amended. The Children and Young People Act 2008 makes provisions for information sharing and information secrecy requirements when undertaking functions under this act or as required under another law. The restrictions and limitations placed on information sharing ensure that the best interests, safety and wellbeing of children and young people are paramount in decision making. The act also provides that a person who receives information under the act becomes an information holder and restricts the information shared by information holders and the chief executive.

The act differentiates information as protected information and sensitive information. Protected information includes all information about a person obtained by, or disclosed to, an information holder and includes sensitive information. Sensitive information includes prenatal reports, reports made to the Public Advocate; care and protection report information, including child concern reports; care and protection

appraisal information; interstate care and protection information; family group conference information; contravention report information; and information prescribed by regulation.

The act limits the sharing of protected information and provides further limitation on the use or disclosure of sensitive information. Provisions that allow for the divulging of sensitive information require the consideration of the best interest, safety and wellbeing of the child or young person and prohibit the release of information that would identify a person who has made a child concern report.

Upon receipt of a child concern report or the making of a child protection report, a prenatal report or notification, child protection authorities need to ascertain the level of risk to the children or young people concerned and the nature of voluntary or statutory involvement required. To achieve this outcome, inquiries are made of persons or agencies who may be involved with the children or young people. This information is directly linked to the reports which are sensitive information.

An amendment is proposed to expand the definition of sensitive information to include the information gathered following receipt of a report. This will ensure consistent protection of a reporter and the information pertaining to the report or concern. The protection of a reporter's identity is a primary consideration when considering the release of sensitive information. The act allows for the release of sensitive information in limited circumstances and sections prohibit the release of sensitive information which could identify a person as a "reporter" under the act.

The protection provided by these sections is currently limited to the reporter of a child concern report, not including a prenatal reporter, a confidential report or an interstate care and protection report. The proposed amendment will provide protection to all reporters under this act, including prenatal reporters, and child protection and prenatal reporters under the Children and Young People Act 1999 and reporters of notifications under the Children's Services Act 1986. This will continue the ongoing protection of reporters when sharing crucial information to assist and support children and families.

A further information sharing amendment is the provision of information to police. The act provides that an information holder must produce or give protected information to a court or investigative entity when doing so is "required" or "authorised" by the act or another territory law. The act provides no specific limitations on the provision of sensitive information when required by an investigative entity acting under a lawful authority.

The proposed amendment authorises the chief executive to provide a reporter's details to police to assist in the investigation of an alleged criminal offence committed against a child or young person or children or young people. The amendment also provides that the chief executive can provide police with the reporter's name when police request this information when investigating offences disclosed in a child concern report which has been referred by the chief executive to the police.

The amendment extends what is currently authorised under the act to release to the police as an investigative entity. The amendment does not affect or modify a courts or investigative entities authority to compel information under a lawful authority.

The amendment maintains a high threshold for the protection of reporter confidentiality. This position is maintained to reflect community expectations regarding protection of children and young people and acknowledging the role of reporters of child abuse and neglect in this process.

The last amendment proposed is a technical amendment to section 875 of the act to ensure clarity of interpretation when the information secrecy and sharing provisions of the act interact with other acts. It is the intention of the act that its application is given precedence over other legislation that might otherwise allow or restrict information exchange. The amendment ensures that the restrictions contained in this act continue to apply to an information holder who is performing a function under another law that does not have a purpose under this act.

Mr Speaker, I table the Children and Young People Amendment Bill 2009 (No 2) for consideration by members.

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

Declaration of members' interests

MR RATTENBURY (Molonglo) (11.22), by leave: I move:

> That continuing resolution 6 be amended as follows:
>
> Omit paragraphs (2) and (3), substitute the following paragraphs:
>
> "(2) under the general direction of the Speaker, the Clerk shall store the declarations of private interests made by each Member and arrange for the declarations to be placed on the Legislative Assembly website on the internet. Any alterations shall be placed on the Legislative Assembly website on the internet every six months. When a Member vacates his or her seat and is not re-elected at the next general election for the Assembly, the Clerk shall destroy all declarations made by that Member in his/her custody and remove those declarations from the Legislative Assembly website on the internet;
>
> (3) any declaration stored by the Clerk be made available for perusal to any person on request; and".

I am moving this motion today in order to update the Assembly's procedures for transparency for making available the register of members' interests. This move will bring us into line with other parliaments across Australia who have all of their declarations tabled on the floor on a regular basis. As our system currently stands, members are asked to update their registers when they change, and they are stored with the Clerk and are available for access. However, the more regular practice across Australian parliaments is to table them, usually annually.

Some other Australian parliaments are also considering placing the declarations on the internet. If this motion is passed today, the ACT will be amongst the first to do so. This change, along with placing other information on MLAs' entitlements on the

internet, such as travel and expenditure on discretionary office allocation, is an attempt to be more open and transparent about MLAs' entitlements and follows on from a fairly critical federal Auditor-General's report this year, which noted that a strong accountability regime was needed over expenditure and that there would be a considerable benefit in greater reporting on entitlements in a way that was more publicly accessible. Of course, it also follows on from considerable publicity in the UK about member entitlements and the lack of transparency and disclosing of those entitlements.

Mr Barr: Have you had your moat cleaned lately?

MR RATTENBURY: Whilst I have not had my moat cleaned lately, as Mr Barr suggests, it is important that, for the sake of public confidence, this information is available and we are seen to not have a system like that in the UK, which is clearly unacceptable.

The change is also in accord with the moves by the Assembly in late 2008 to endorse the Latimer House principles under continuing resolution AA. In relation to ethical governance, the principles state that ministers, members of parliament, judicial officers and public office holders in each jurisdiction should respectively develop, adopt and periodically review appropriate guidelines for ethical conduct. These should address the issues of conflict of interest, whether actual or perceived, with a view to enhancing transparency, accountability and public confidence. I would suggest that these changes proposed are designed to enhance transparency, accountability and public confidence.

I particularly note that, in an era in which the internet and the web are the means of seeking information for many people, it is entirely appropriate that we move forward and place these documents on the internet and move past that era where one simply has to come in and have the Clerk open his safe in order to be able to access these documents. I think we do live in a different world. It also means the Clerk does not always have to remember the combination to his safe.

I would like to say that I appreciate the unanimous support given to these proposed changes by all the members of the administration and procedure committee where we first discussed this. I think it can give the ACT public confidence that all members in this place are committed to transparency. I welcome that support that I received in the committee for these proposed changes.

One final note as a matter of practicality is that it obviously will take a little while to put these changes in place. We would aim to make the first ones available earlier in the year in accordance with the proposed six-month timetable. I think that is achievable in my discussions with the Clerk, but I will write to members with several weeks warning to advise them when this will specifically take place in order to give members an opportunity to update their registrable interests and the like before they are placed on the web and made available in this way. I commend the change to members, and I welcome your support.

MRS DUNNE (Ginninderra) (11.27): The Liberal opposition is happy to support this motion, because it does go down the path of increased transparency on these matters.

It is worth noting that, in the context of discussing these matters, the administration and procedure committee has also agreed to put on the web non-executive members' travel, their travel reports and their office expenditure. This matter puts us out in front of the executive members of the Assembly who, at this stage, do not have a mechanism for providing that information to the public.

This is something I have raised at the administration and procedure committee, and I hope that in the future we will see equal transparency across all parts of the Assembly. I am glad to see that non-executive members are leading in this, and I congratulate the Speaker on his initiative on this matter. I think that it will be good for the Assembly.

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) (11.28): The government, too, will support these proposed amendments to continuing resolution No 6. It is important that the people of Canberra, the residents, those that elect us to office, do have confidence in our system of government. Of course, publications of members' interests go to the heart of ensuring that members do deal appropriately with conflicts of interest. The declaration of interest really is just about ensuring that, where there is a conflict of interest or a potential conflict of interest, they be respected.

There are some interesting issues around privacy in relation to publication of members' interests, and I think it is fair to accept that the people that put themselves forward for election, are elected and become decision makers accept that their privacy will be impacted to some extent as the result of an overarching requirement for that level of confidence in our system that a declaration of members' interests provides.

One area I think of some ambiguity and some additional complexity in relation to publication of members' interests is the extent to which close family members—spouses, partners and other family members—of members are caught up in a thorough declaration of interests. I think there are some issues for us in relation to the need for us, from time to time, to protect our families, our partners. I know it is a matter of enormous regret to me that I have successively in recent years been forced, as a result of unacceptable and untoward behaviour and threats, including death threats directed at me and directed at me through my family, been forced to remove from the telephone book the public listing of my telephone number. I have been forced as recently as this year, as a result of threatening, obnoxious and offensive mail being delivered to my home letterbox years after I had had my telephone number removed from the public list, to go to what I think is quite the extreme level of having my address removed from the electoral roll.

Always in relation to these issues we do need to be mindful of the fact that we public officials—indeed, politicians—and the families of politicians do face behaviours that are simply unacceptable and that we do potentially face risks that need to be protected against. We should not be complacent about these things. Whilst certainly, as I say, the government supports the rationale and supports the proposal and the need to move with the times and with technology—I certainly have no hesitation in commending the proposal—I do think always as we embrace the need for greater accountability and transparency that we do need to be mindful of some essential checks. For instance, we

should be mindful of declarations that, in their current form, require the identification of interests of a partner or a family member as a result of their particular commercial life or their interests and a declaration that potentially identifies their workplace or identifies where they might be personally confronted or put at risk.

So I just make that as perhaps an issue that we need to continue to be mindful of and about as we continue to expand, through technology, information about our private or personal affairs that should, of course, appropriately be declared, but to ensure that we do not create some unanticipated issues for family members. I say that as one who has directly received threats of harm and death and as one whose wife and daughter have had, in answering the telephone, threats to my life made to them. I can assure you, there is nothing more unsettling or offensive than to be subjected to that sort of behaviour. So I just make that caution, but the government supports fully and wholly this proposal.

MS BRESNAN (Brindabella) (11.34): The Greens will also be supporting this motion. It does bring the ACT in line with other states and territories in terms of what they provide in terms of public information. I think it is also a fairly practical measure to be putting in place. I do take Mrs Dunne's point as well about executive information that is provided, and I think that it is something that the admin and procedure committee will probably look at in the future. I also note what Mr Stanhope has said about protecting individuals and not exposing the family members or spouses of members to the types of actions which are very unsettling. I have to say that when I was first elected I did actually receive some phone calls at home, probably not of the nature that Mr Stanhope has, but I do understand what it might be like to have that happen to your family when it is not something they should be exposed to, and members should not be exposed to it either. Just to reiterate, the Greens will be supporting this. I thank Mr Rattenbury for bringing this initiative to the Assembly.

MR RATTENBURY (Molonglo) (11.35), in reply: I thank members for their support. I would particularly like to thank Mrs Dunne for bringing forward those couple of suggestions this morning to ensure that the implementation of this is as smooth as possible. I particularly take note of the Chief Minister's comments. I think they are important comments around personal safety, and I would just make the observation that it is something we do need to be vigilant about. I invite members, if there are concerns about the implementation of this procedure, to please approach me or the admin and procedure committee as soon as possible so that we can continue to ensure those issues are dealt with whilst at the same time having the transparency that we are obliged to undertake given the role that we play in the ACT. I thank members for their support and look forward to continuing to work with you on these matters.

Question resolved in the affirmative.

Committees—process

MRS DUNNE (Ginninderra) (11.36): I move:

> That this Assembly:
>
> (1) re-affirms the importance of the Assembly committee process and its role in:

(a) providing the Assembly, as a unicameral system of parliament, with the kinds of checks and balances not otherwise available;

(b) preserving and promoting the value of transparency and accountability in the assessment of government decision-making, policy development and legislative processes;

(c) giving constituents "a say" in government decision-making, policy development and legislative processes; and

(d) providing Members of the Assembly with opportunities to engage in in-depth analysis and examination of and seek expert advice about government decisions, policies and legislation; and

(2) unconditionally supports the right of Assembly committees to:

(a) have unfettered access to documents and witnesses relevant to matters being considered;

(b) call for and consider public submissions;

(c) report on their findings and recommendations without fear or favour; and

(d) be entitled to respectful responses from government.

In presenting this motion today, I am reminded of one of my very first experiences in this place. In December 2001, soon after my election, I was appointed to the Standing Committee on Planning and Environment and I became the chair of that committee.

As chair of that committee, I learned one very important lesson very quickly: to ensure that when the then Minister for Planning came to brief the committee on anything, it was important that Hansard was present because there were a number of occasions when he said things that he was never held to account for elsewhere. When later challenged on those comments, he denied that he had said them. It would have been useful to have a *Hansard* record of what he said.

Eight years on, Mr Assistant Speaker, and Mr Corbell's contempt for the legitimate committee process of this Assembly remains the same.

Mr Corbell: Point of order—

MR ASSISTANT SPEAKER (Mr Hargreaves): Order, Mrs Dunne! Thank you very much, Mr Corbell. Mrs Dunne, I would ask that you withdraw that imputation of the minister.

MRS DUNNE: I withdraw.

Mr Stanhope: We thought this was a serious motion.

MRS DUNNE: It is a serious motion.

Mr Stanhope: Well, treat it seriously.

MR ASSISTANT SPEAKER: Mrs Dunne.

MRS DUNNE: Mr Corbell's disregard for the committee system is no better exemplified than in his outburst in this place on 19 November last, when he made, as he put it, "some observations" of his own on the JACS committee report on the Alexander Maconochie Centre. Having only had an opportunity—again as he put it—"to briefly read the report and its key findings and recommendations", he had been able, nonetheless, to gain such a depth of understanding of the report that he was able to pronounce the committee's inquiry as "a sham from go to whoa".

Indeed, that brief reading gave him a sufficient depth of knowledge of the content of the report to enable him to pronounce the entire report, to repeat that pronouncement:

> This report is a sham, it should be considered a sham …

We have a minister in the ACT government able to get such a full grasp of a committee report, tabled only minutes before he rose to speak, that he was able to pronounce both the inquiry and the report a sham. In short, the JACS committee had caught Mr Corbell short and he knew it. The committee had delivered a frank and fearless report and Mr Corbell simply, as the pithy line from *A Few Good Men* put it, could not handle the truth. Mr Corbell's outburst was nothing short of shameful and goes to the heart of what this motion is about.

The heart of this motion is about respect. It is about respect for the role of Assembly committees. It is about respect for the committee processes. It is about respect for the right of committees to drill down and examine in detail and depth the efficacy of government decision-making, policy development and legislative process, as well as looking at issues that are of importance to our constituents. It is about respect for the right of the committee to deliver reports without fear or favour.

It is about respect for the rights of committees to expect respectful and considered responses from government, not the likes of Mr Corbell's tirade of abuse, a tirade much like he might have given if he were a little boy who had lost his lolly. It was a shameful tirade of a response that showed that there was no respect for the JACS committee and the outcomes of the considerable and complex work done by that committee.

Just to be clear, we are not just talking about respectful responses from government. We are also talking about the speeches in the Assembly once a committee report has been presented. We are also talking about evidence given in hearings. We are talking about responses to questions. We are talking about timeliness of responses to questions taken on notice. And here, Mr Assistant Speaker, I have to look at your record.

Your performance before the estimates committee of inquiry into the 2007-08 budget is an example of what I am talking about. Your behaviour before the committee was so appalling—

Mr Corbell: On a point of order, Mr Assistant Speaker: in her speech today, Mrs Dunne has cast a range of aspersions against me and now against you. The motion does not name me or you specifically by name. I am just seeking your guidance, Mr Assistant Speaker, as to whether or not—

Mr Smyth: No, he is just going to keep interrupting. Could we stop the clock, please?

MR ASSISTANT SPEAKER: Stop the clock.

Mr Corbell: If Mrs Dunne wishes to make such aspersions, she needs to move a substantive motion that does so explicitly, rather than this cowardly and unprecedented use of Assembly business to try and move some sort of quasi-censure against me and you. I think it is contrary to the standing orders and I seek your guidance on it.

Mr Seselja: On the point of order, Mr Assistant Speaker: the motion that is being moved by Mrs Dunne today is a fairly broad-ranging one and we have always had broad-ranging debates in this place. If there are specific examples that Mrs Dunne uses to back up the rationale for the motion, that is well within order and that is completely relevant to the motion. I would also ask you to draw Mr Corbell's attention to the use of language in the Assembly. Calling Mrs Dunne a coward is unparliamentary. I would ask you to ask him to withdraw.

MR ASSISTANT SPEAKER: On the question of Mr Corbell's point of order, I would remind members to reacquaint themselves with the standing orders regarding imputations against members. I ask Mrs Dunne to be very careful as to where she proceeds from here because I will actually have to call her to order. I think you are getting very close to the mark. I think that Mr Corbell has a valid point. I would just remind members of the standing orders and seek that you reacquaint yourselves with them.

On the question of Mr Seselja's point of order, I think that is really pushing the boat out a bit. I think that particular word has been used in this chamber in the middle of debates on a number of occasions.

Mr Seselja: Okay.

MRS DUNNE: Mr Assistant Speaker, on that point of order, yesterday the Chief Minister was asked to withdraw the same word.

MR ASSISTANT SPEAKER: In that case, thank you very much, Mrs Dunne. Mr Corbell, I ask you to withdraw.

Mr Corbell: Mr Assistant Speaker, on the point of order: I did not call Mrs Dunne a coward. I said that the attack was cowardly. However, if Mrs Dunne is sensitive on the matter, and I accept that she is, I withdraw the comment.

MR ASSISTANT SPEAKER: Thank you very much, minister. Mrs Dunne, I guess that if you have had time to reacquaint yourself with the standing orders, that is good.

MRS DUNNE: Thank you, Mr Assistant Speaker. What I am doing here is setting in context why there needs to be a higher level of respect for Assembly committees than we have previously experienced. You will recall, Mr Assistant Speaker, that the estimates committee report on the 2007-08 budget was moved to make substantial comments on your behaviour. I will quote a little of that. The committee said:

> The committee is concerned about the conduct of the Minister for Territory and Municipal Services during some of the hearings. At times the Minister was less than respectful to certain members of the Committee—

that is the term used in this motion—

> during questioning. The Committee reminds Ministers that, under the Ministerial Code of Conduct, Ministers have an obligation to 'recognise the importance of full and true disclosure and accountability to the Parliament' as well as having respect for persons.

The report went on to say:

> … the Code of Conduct states that, 'in the discharge of his or her public duties, a Minister will not dishonestly or recklessly attack the reputation of any person.

That is something that Mr Corbell could have thought about the other day. It continued:

> During the hearings—

Mr Corbell: Point of order, Mr Assistant Speaker.

Mr Seselja: Can we stop the clock again, Mr Assistant Speaker?

MR ASSISTANT SPEAKER: Stop the clock.

Mr Corbell: Mr Assistant Speaker, Mrs Dunne has just suggested that I attacked somebody in a dishonest manner.

Mrs Dunne: Disrespectful, actually, but yes.

Mr Corbell: Well, disrespectful and dishonest, I think was the language that was used, and that is an imputation. It is unparliamentary. She knows that. You have already warned her about it and I would simply ask that the comment be withdrawn and Mrs Dunne try to confine herself to the standing orders in this place.

MR ASSISTANT SPEAKER: Mrs Dunne, I would ask you to withdraw any imputation of dishonesty by the minister. If not, I think, as I have warned already, that you are getting very close to that particular offence under the standing orders. I would ask you to be particularly careful and to withdraw that comment, please.

MRS DUNNE: I withdraw any imputation of dishonesty that may have been implied in respect of the minister, but I think it is interesting to note that I just drew the

minister's attention to part of the ministerial code of conduct which I understand that he signed up to.

MR ASSISTANT SPEAKER: Sorry, Mrs Dunne. I am sorry, the standing orders do not allow for qualification of withdrawal. It is either withdrawn or it is not.

MRS DUNNE: It is withdrawn, Mr Assistant Speaker, but I do note that the committee—

MR ASSISTANT SPEAKER: I repeat my comment, Mrs Dunne. It is not a qualification. You either withdraw it or not.

MRS DUNNE: It is not a qualification. I was going on with my speech.

MR ASSISTANT SPEAKER: Okay, fine.

MRS DUNNE: I do note that the committee did comment that the code of conduct states:

> … in the discharge of his or her public duties, a Minister will not dishonestly or recklessly attack the reputation of any other person.

The report went on to note:

> During the hearings of 26 June 2007, the Committee considers that the Minister for Territory and Municipal Services, Mr Hargreaves, failed to act in accordance with the Code of Conduct in his dealings with the Estimates Committee.

These are the kinds of attitudes towards Assembly committees that have led me to compose this motion before the Assembly today. Let me go to another element of this motion, that dealing with delivery of reports without fear or favour. In November, Mr Corbell made this extraordinary claim:

> It has been quite clear what the agenda has been from Mrs Dunne: they are going to try and pin the political blame on the minister. Ignore the facts, ignore all the evidence, just pin the blame on the minister, because that is what it is all about. It is just a simple sham inquiry to achieve a political end.

Apart from the strong implication that the minister's own colleague Ms Porter in some way was participating in a sham inquiry to achieve a political end, Mr Corbell forgets three vital points: firstly, the JACS committee has equal representation from three parties in the Assembly; secondly, the report of the JACS inquiry into the Alexander Maconochie Centre was agreed unanimously by the three members representing the three parties in the Assembly; and, thirdly, there were no additional or dissenting comments to that report.

If the JACS committee inquiry and report were running to my agenda, it would be the case that I would be the only dissenting member and I would have had to present an additional or dissenting report. Clearly, Mr Corbell does not understand, much less have any respect for, the role of members of the committee.

When a committee presents a unanimously agreed report, it means that all the members of the committee, all three, one from each of the political parties that make up this Assembly, have agreed to its contents. They are satisfied that the report delivers a fair and reasonable but, more importantly, frank and fearless account of the committee's deliberations.

The committee takes into account the evidence provided to it, both written and oral. It delivers its findings and recommendations that arise from the process of inquiry and evidence taking. By trying to claim the committee's inquiry and unanimous report were somehow to meet my agenda, the minister is suggesting that there is some kind of collusion going on.

Such a suggestion is utterly offensive and I reject it in the strongest terms. In any case, collusion would require me to convince the other two members of the committee, representatives of vastly different parties, to come on board with me. The chance of that happening, although I have considerable regard for my persuasive powers, I think is very low.

Mr Seselja: Is Ms Porter colluding in a conspiracy against you, Simon?

MR ASSISTANT SPEAKER: Mr Seselja, Mrs Dunne has the floor. She is doing okay by herself.

MRS DUNNE: In his speech made on 19 November, Mr Corbell observed:

> This committee has the gall to act as though it is some commission of inquiry or a court.

Mr Corbell shows ignorance and disrespect because that is precisely what the committee is set up to do. Committees are established or commissioned, if you like, by the Assembly. They are set terms of reference. The Assembly sets terms of reference for them. They operate under privilege. They are able to subpoena witnesses and they are able to make findings of contempt for poor behaviour or perjury. They are able to inquire into matters of their own volition or by motion of the Assembly. The role of the Assembly's committees is precisely to conduct inquiries. Mr Corbell further observed that the committee:

> … is not satisfied with recommendations; it has to make findings …

Well, why not, Mr Assistant Speaker? Surely, a committee is a nonsense if nothing comes out of it. A committee's role is to inquire into government decision making, policy development and the legislative processes. Then it will make recommendations that are underpinned by the findings that arise out of the inquiry process. What is the purpose of these findings and recommendations? Quite simply, they are to inform the government of matters that can assist the government to learn from past experiences and thus improve and refine the processes for the future.

The minister's reaction to the JACS committee report on the AMC showed quite clearly that he took the report personally. He could not rise above the personal and see

that the purpose of the report is to pave the way for improved and refined processes in the future. So, once again, we have a minister showing his ignorance of and disrespect for the process of committees in this place.

Assembly committees are important, even critical, elements in the parliamentary process. They are the pathway to transparency and accountability. They are the pathway to detailed analysis of government decision making, policy development and their legislative processes. They are the pathway for the people of the ACT to be engaged in the parliamentary process in a very direct and effective way. They are the pathway to learning about past mistakes and how those mistakes can be turned into positive outcomes in the future. They are the pathway to better outcomes for the people of Canberra.

Assembly committees play an important role in the process of government. They and their deliberations and outcomes deserve support and respect. I put this motion forward today because I feel it is time that the Assembly stopped for a moment and reflected on the important role of committees. I put this motion forward because I feel that it is time members individually reflected on their own attitude towards Assembly committees and their roles. And I put this motion forward because I feel it is time that the Assembly reaffirms its support for the committee process. I therefore commend this motion to the Assembly.

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

> That debate be adjourned.

Standing and temporary orders—suspension

MRS DUNNE (Ginninderra) (11.53): I move:

> That so much of the standing and temporary orders be suspended as would prevent debate on the motion to adjourn debate being debated.

This is a very unfortunate turn of events. This motion has been available to members since Tuesday. If the minister is not prepared or the government is not prepared, this is not the way to deal with it. This is an important matter, and what we see is the tetchiness from the minister who does not want to deal with this matter.

We in the opposition consider that the position of committees is somewhat in jeopardy because of the response of this minister and how he was supported by the Chief Minister the other day, and it is time to reaffirm this very important matter. I do not think that it is appropriate, with the reputation of our committees being held up to such ridicule by the Attorney-General and the Chief Minister, that we let this hang over until February.

I understand that there is some level of support for this motion from the Greens but it is inappropriate that it should be adjourned at this stage. We have plenty of time available to us in Assembly business. It is also part of what seems to be the characteristic of the government, which is in a tearing hurry to get out of here today, for some reason—I cannot quite work it out—and this is all part of their process: "We want to get through the business."

Mr Seselja: There are media drinks at six.

MRS DUNNE: We have got media drinks at six. That is what it is. At least we managed to put our media drinks on at a time that did not interfere with the operations of the Assembly. We have got to clock off early today so that we can get to our drinkies and, as a result, the business of the Assembly is going to be curtailed. No sooner was the ink dry on the program—

MR ASSISTANT SPEAKER (Mr Hargreaves): Mrs Dunne, can I interrupt you. Stop the clock, please, Clerk. Mrs Dunne, you moved the suspension of standing orders but you neglected to tell us why.

MRS DUNNE: I am telling you why.

MR ASSISTANT SPEAKER: In that motion. You suspend standing orders to do what?

MRS DUNNE: I moved to suspend standing orders so that we can debate the adjournment.

MR ASSISTANT SPEAKER: Resume the debate. Thank you, Mrs Dunne.

MRS DUNNE: And it is important to debate this adjournment because the government should justify why they want to adjourn this motion today. And it turns out that the justification is that they want to go to drinks.

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

> That the member be no longer heard.

MR ASSISTANT SPEAKER: Mr Corbell, I am informed that the chair does have a discretion on this matter. In the event that Mrs Dunne has only 2½ minutes left, I will allow Mrs Dunne to continue.

MRS DUNNE: Thank you, Mr Assistant Speaker. It is very important that we debate this adjournment today because what the Attorney-General is doing is adjourning an important motion about the status of the committees. The committees, as I said in my speech, are a very important element of the way that this Assembly runs. But this member, who has spent a whole lot of time ridiculing the committee process in the past, even in question time yesterday, is not prepared to put his reputation on the line and justify his comments.

Now we find that one of the reasons why we need to adjourn is that this Labor Party are so intent on getting out of here early today—and the reason has just been brought to my attention—because they have got media drinks for the executive and the media. And that is much more important than looking after workers compensation matters or things like that, all of which are being proposed to be adjourned today because this government just wants to bundy off.

That is why this minister should be prepared to justify why he wants to adjourn this debate. If he can give a really good reason why he wants to adjourn this debate, that would be a useful piece of information for this Assembly and then we could go on with looking at why we should not. If he wants to justify why we should not show respect for the committee process, well and good. You put forward your arguments and you vote against the motion, by all means. But this is an important matter.

The status of the committees is an important matter. It needs to be dealt with before we adjourn before Christmas. The cloud hanging over committees cannot be left hanging over committees in the way that this Attorney-General and his Chief Minister have done over the last few sitting days. It must be put to an end. We cannot adjourn this matter, and this minister should be asked to justify why he does want to adjourn this matter.

MR SESELJA (Molonglo—Leader of the Opposition) (11.58): The reason that this motion from Mrs Dunne should be supported is reflected partly in the attitude of Mr Corbell in his interjections and in his motion to shut a member down. I cannot remember the last time we had a motion in this place that a member be no longer heard. This is how sensitive it seems that Simon Corbell is to having any sort of debate on these issues.

Firstly, there is the debate which has been proposed to be shut down by the Labor Party on this committee process because of Mr Corbell's clear embarrassment as a result of his performance in the last sitting week. Mr Corbell's attack on the committee system, on his own colleagues, was a great embarrassment to the Labor Party. I am sure it was embarrassing to Mr Corbell when he reflected on it. And of course it was an embarrassment to his colleagues, Ms Porter in particular, whom he attacked. But he attacked the entire committee. He attacked all members of the committee, claiming they had engaged in a sham process. He said that Ms Porter, Ms Hunter and Mrs Dunne had all engaged in a sham process.

Now, when we have a motion that seeks to debate some of these issues and seeks to put back some civility in the way that committees are treated and lay some framework for how ministers should respond to committees, Simon Corbell's touchiness has been evident. He is particularly vulnerable and touchy on this point, to the extent that he has sought to shut down the debate and then, when he could not immediately shut down the debate, he sought to move that the member no longer be heard. He sought to put the gag not just on the motion but on Mrs Dunne.

Is this the way we are going to do things in the Assembly now? Will we have ministers believing that they can simply shut down debate whenever they like? I would say to all members of this place that they should not support motions such as this and should not allow the government to shut down motions that they find inconvenient for no good reason. There has been no reason put.

I think Mr Corbell simply moved the motion that this be adjourned, without any rationale. We have not had any rationale from the minister as to why this should be the case. We can only surmise that it is because of his embarrassment over this motion. It is because he does not want to debate this motion. That has become evident, to the

extent that he has gone to the extraordinary length of seeking to shut Mrs Dunne down halfway through her speech against this motion of Mr Corbell's.

I put it to all members of the Assembly that we should not allow the government to simply call the tune and treat this Assembly in the same way as they treated it when they had a majority. They treated it with absolute disdain when they had a majority, and they are seeking to do the same thing now. It is evident in this move to shut down the debate. It is evident in Mr Corbell's move to gag Mrs Dunne, and I would put it to all members of the Assembly that they should support Mrs Dunne's motion to suspend standing orders so that we can complete this debate and get on with other business.

If Mr Corbell had not moved this, he could have had the chance now to respond. He could have by now had 10 minutes to respond to the arguments that Mrs Dunne had put. Perhaps he felt that his arguments were not strong enough. Perhaps he felt that he did not have much to contribute. Given that is the case, he should allow other members to contribute; he should allow the debate to take its course; and he should allow this motion to continue.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (12.02): The Greens today will not be supporting the suspension of standing orders. We are supporting the adjournment. And this in no way reflects on the importance of the motion or that we do not support what Mrs Dunne has brought forward.

Mr Coe: How can you say that? How can you possibly say that?

MS HUNTER: If you would be quiet, you might hear what I have to say. There are some very important matters in relation to committees. We do share some of those concerns. We understand the incredible importance of committee work in the Assembly and that that work can only be carried out if the Assembly has access to information and has questions on notice, or whatever other queries are put forward, answered in a timely manner. This is all incredibly important.

But I think there are a couple of things that do need to be drawn out here. One is that we do have some important business on the agenda today. I know that our party whip did go around to have this discussion this morning. We believed that Mrs Dunne was in agreement with an adjournment of this matter. The situation is that this government has taken a couple of items of business off the agenda today so that we can get through other items by the end of the day. We do understand the importance, as I said, of this motion and we are quite supportive of what the motion is attempting to get at.

But we also believe that it can be debated in February. What we all know is that committees do not have hearings over January. We know that this place pretty much closes down as far as committee business goes, as far as public hearings and so forth are concerned. So it is a nonsense to say that we cannot come back in February, then debate this matter and have whatever comes forward set up for the new year. It does not need to be done today. It is a nonsense to say that everything will fall apart if we do not get this through today.

We do believe that this is an important motion but we also have some other important business on the agenda today. I will correct Mrs Dunne. Workers compensation is going ahead. It is not one of the matters that have been taken off today.

Another important matter that is very close to the Greens' heart is the civil unions bill, and we believe this does need to get through today. There needs to be some certainty on this matter out there. I do wonder whether this is more a tactic from the Liberals about not getting to that item of business, because we know their views on civil unions. We know that they do not believe in equality in this area, and that is probably more going to the heart of the matter, rather than what you have put forward which is your views about adjournment for Christmas drinks.

I would just say, to finish, that we are in accord with where you are going here, Mrs Dunne, but it is not going to be the end of the world if we do not get to it today. We very much support it coming back in February and we look forward to debating the matter then.

MR ASSISTANT SPEAKER: I remind members that the time limit for the debate on the suspension of standing orders is 15 minutes. I think you have got a matter of minutes, Mr Smyth.

MR SMYTH (Brindabella) (12.06): There you go. Thank you, Mr Assistant Speaker. It is interesting that the Greens are concerned but not concerned enough about how committees are treated. It is an argument we hear so often. We will watch and see. "We are concerned but we are not really concerned." It is interesting that the real objective of this is to get the government out of here in time for their media drinks.

The point has been made that things are taken off the agenda. Why are we taking things off the agenda—items that the government, for instance, thought were serious enough to list this morning but have now taken off?

Members interjecting—

MR ASSISTANT SPEAKER: Order, members! Mr Smyth has the floor.

Mrs Dunne: You don't care.

MR ASSISTANT SPEAKER: I warn you, Mrs Dunne.

MR SMYTH: The problem is that at least two of the parties in this place do not have a good work ethic in regard to staying back and doing the work. If it is lack of time that people are suggesting and that there are more important things to get to on the notice paper, stay tonight. It is very easy. We can have a dinner break from six to 7.30, we can come back and do this supposedly important business.

All members have different views on the level of importance of things on the notice paper. The simple answer is: come back and do your job. Stay back once. Have a late sitting once. The Assembly used to have a lot of late sittings. I will not foreshadow the debate that is coming on in regard to the calendar and potential changes to the

sitting times but if there is a problem in that, if there is too much work on the agenda, the logical answer is to stay back late and do your job.

MR ASSISTANT SPEAKER: The time allotted for the debate has expired.

Question put:

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

The Assembly voted—

Ayes 4	Noes 9	
Mr Coe	Mr Barr	Ms Hunter
Mrs Dunne	Ms Bresnan	Ms Le Couteur
Mr Seselja	Ms Burch	Mr Rattenbury
Mr Smyth	Mr Corbell	Mr Stanhope
	Mr Hargreaves	

Question so resolved in the negative.

MR ASSISTANT SPEAKER: The question now is that debate be adjourned.

Question resolved in the affirmative.

Assembly business

It being 45 minutes after the commencement of Assembly business, ordered that the time allotted to Assembly business be extended by 30 minutes.

Assembly sittings 2010

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (12.12): I move:

> That, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 2010:

February	9	10	11
	23	24	25
March	16	17	18
	23	24	25
May	4	5	6
June	22	23	24
	29	30	
July			1

August	17	18	19
	24	25	26
September	21	22	23
October	19	20	21
	26	27	28
November	16	17	18
December	7	8	9

As members would be aware, I circulated a proposed sitting calendar for the 2010 year to members at the end of October and I sought comment from members in relation to the proposed sitting calendar. I received some comments from Mr Rattenbury as the Speaker. I would like to thank Mr Speaker for his comments. As a result of his comments, particularly his concern about the absence of the Clerk, or the Acting Clerk, during a period in September, in particular in the proposed sitting week 14 to 16 September, I have modified the calendar from that which was circulated to include, instead, a sitting week on 21 to 23 September.

I note that the Liberal Party did not respond to me until 5 pm this Tuesday, in which instance they simply indicated they would be moving a motion to provide for an additional two sitting weeks. At no time have the Liberal Party indicated to me their reasons for that decision. I can only presume that it is the standard tactic that occurs every December now from the Liberal Party, which is to try and prove that theirs is bigger than ours and they have a stronger work ethic than everybody else in this place. I am sure that we are going to hear such sentiments very shortly from Mrs Dunne and others. All I would say is that the sitting calendar has been extensively consulted on and the only party that has failed to take up that offer in any good faith has been the Liberal opposition.

The sitting calendar reflects the requirements to take into account public holidays, school holiday periods, times when there are Council of Australian Government meetings, ministerial meetings, CPA events and a range of other matters. As a result, the sitting calendar is for a 14-week sitting period, the same as this year and, in fact, very similar to many previous years. I thank those members who have engaged, in good faith, in developing the sitting calendar for the year. I commend the motion to members.

MRS DUNNE (Ginninderra) (12.15), by leave: I move the amendments circulated in my name:

"(1) after March, insert:

2 3 4; and

(2) after November 18, insert:

23 24 25.".

The Canberra Liberal opposition have proposed two extra sitting weeks, as we did this time last year. The variation in the sitting pattern over the years has been somewhere around 14 to 16 weeks, but there have been times when we have had more rather than fewer sittings. We are concerned about the amount of work that is done in this Assembly. Part of the problem is that the people who pay us, the people of Canberra, think that we only work when we are sitting. They find it quite amazing when we say that we only sit for 14 weeks a year. They think that for the rest of time we do not work. Some people do actually spend a large amount of their non-sitting time doing constituency work and there is often the feeling that sittings get in the way of the actual business of being a member of the Legislative Assembly.

First and foremost, our job is to legislate. Our job is to be in this place or working on committees. That is what we are paid to do. We are constantly cutting back on the amount of time available for debate in this place—and we have it seen it here today—because it is just too hard for the Labor Party to have debates in this place. The Canberra Liberals firmly believe that we should be having more sitting days. Last time we had the debate Ms Bresnan said, "Look, we've actually MacGuyvered you the same number of hours by extending the sittings."

Ms Bresnan: But it's true, Vicki.

MRS DUNNE: Yes, there were the same number of hours but there were not the same number of question times. Question time is part of the process. Every time you extend the sitting by a few hours you become less accountable because by doing that you cut back the number of question times.

Mr Coe: We finish short on Wednesdays anyway.

MRS DUNNE: We finish short most days. Everyone is desperate to go home on a regular basis around this place, or the Labor Party and the crossbenches seem to be desperate to go home. It is time that Assembly started to do some work and it is time this government became accountable.

Part of the process of extending the number of sitting days is extending the number of question times. That is part of the process of ensuring accountability from this place—accountability for why there was a cost blow-out for the dam; why Mr Corbell can never deliver any public works project on time or on budget; why people are still in hospital after 2½ years when they need to be in disability housing. There is a whole range of things that we are questioning people on here on a regular basis. These are important matters. That is why we need more sitting days and more question times. I commend the amendments to members.

MS BRESNAN (Brindabella) (12.19): I think we know who is on the red cordial today; it is not Mr Stanhope. The key issue for next year's sitting pattern seems to be whether or not we should extend the amount of time we spend in this place. I appreciate Mr Corbell having approached the parties in a timely manner and seeking our response to his proposed sitting pattern. Three ideas that we have raised in response that I wish to discuss are: adding two sitting weeks, having flow-over debates on Fridays and extending lunch hours.

This week the Liberal Party has proposed that we add two extra sitting weeks to our sitting program to bring us to a total of 16 sitting weeks. The Greens do not support this proposal as we believe the Assembly has been able to deal effectively with the amount of business it has had over the past few years, and particularly the past year, in the 14 sitting weeks that have been the average number of sitting weeks the Assembly has had over the last few years.

We note also the importance of committee business, which we have already discussed this afternoon, and the amount of time that MLAs spend in committee meetings and hearings. We would like to retain the current amount of time that is available to committees so that we can effectively investigate policy and issues via committee business. We must remember that the committees are the main opportunity for the community and non-government organisations to provide input via public hearings and submissions. It is the main opportunity for the community, which I imagine we are trying to consider in this debate, to come and present their views publicly to the Assembly.

Taking annual reports as an example, the number of questions that MLAs can fit into a hearing far outnumbers those which can be pursued via a sitting week and question time. It is also the primary opportunity for members to question ministers and departmental officials. I note that the Greens also put forward changes to question time. This has extended the number of supplementary questions that members can ask ministers and has obviously made a big difference to question time. I think Mrs Dunne should also be noting that. She did not mention it in her speech.

The Greens note the achievements that can be made through private members day. It can be disappointing when we are unable to complete all six items that are listed for debate. For that reason, the Greens would like to see debate continue on Wednesdays until all six items have been completed or until we reach 9 pm, whichever comes first. I note that we can do that already under standing orders. Perhaps this is something we will have to pursue in time. It is something we would like to see—late sittings on Wednesdays becoming a permanent feature. We put this proposal to both the Labor and Liberal parties. I did not receive any feedback from that proposal from either party.

With regard to the debate of the ACT government's budget, I note the very late Thursday nights we have and the impact this has on all MLAs and staff within this building, but particularly the Secretariat and attendants. For that reason we would like to see the budget debate finish at a reasonable time on Thursday night and then flow over to Friday for conclusion. I think we would be able to have a reasonably full debate about the budget in a more appropriate time frame. Friday sittings would allow issues to be pursued in a more thorough manner. Mr Corbell has said that such a move can be achieved under current standing orders. I look forward to us making such a change and also receiving support from all parties next year. That would be nice.

The final item I would like to discuss is lunch hours, which I think is interesting in this debate. I note that both the Liberal and Labor parties made representations on this and requested that another half hour be allocated to the lunch break.

Mrs Dunne: No, not true.

MS BRESNAN: It is true, Mrs Dunne. As of today, not all parties continue to support this move. Although the Greens do not feel the need for another half hour, we were willing to make the change.

Members interjecting—

MS BRESNAN: Yes, I find that Mrs Dunne's memory is going on a number of items which she has discussed today. It is somewhat confusing as to why parties are no longer supporting this approach. Maybe we can have a discussion early next year and check what the Secretariat would prefer, as we must recognise the impact that this has on them.

Apart from those issues, the Greens are happy to support the sitting program. I note Mrs Dunne has said that with the additional hours we do not have the same number of question times. I reiterate that we have changed the number of supplementaries so that significantly increases the number of questions members can ask. I also reiterate that it is through the committee process that we can really question not only ministers but also departmental officials. That really is the primary opportunity that we have to dig deeper into issues. I cannot see how the Liberal Party can disagree with that. If they do, I do not think they are considering this issue in a thorough manner; they are just making some political point or point scoring, which we have seen a lot of today, and are not serious about discussing this issue adequately.

MR HANSON (Molonglo) (12.24): I was not intending to speak to this until I heard the drivel coming from the Greens. We must remember that the desire to have more committee work and fewer sitting days came from Meredith Hunter, the Greens convenor, but we never see her in committees. The Treasury spokesperson for the Greens did not even bother to turn up to half the estimates meetings, so this advocate of—

Ms Hunter: On a point of order, Mr Speaker: I want Mr Hanson to withdraw such an outrageous allegation against me—that I have never been in committees.

MR ASSISTANT SPEAKER (Mr Hargreaves): I am sorry, Ms Hunter; there is no point of order.

MR HANSON: Harden up, Meredith. The point here is that the advocate of committee work is the least busy committee attendee, the poorest performer when it comes to committees. For her party to come here—

Ms Hunter: On a point of order, Mr Assistant Speaker: I ask Mr Hanson to withdraw that remark. It is simply untrue.

MR ASSISTANT SPEAKER: Mr Hanson, I think you should withdraw that.

MR HANSON: What am I actually withdrawing, Mr Assistant Speaker?

MR ASSISTANT SPEAKER: You need to remind yourself of standing orders 55 and 202 and withdraw the imputation against the member.

MR HANSON: I withdraw.

Mr Smyth: What is the imputation?

MR HANSON: I am not sure what it is, but I withdraw whatever it is.

It is a remarkable situation. This is about the government not facing up to scrutiny and this is about preventing the opposition, and indeed the crossbench, from discussing private members' business.

A couple of weeks ago, I was at a public service seminar in the reception room at the Assembly, with Mr Smyth and Ms Le Couteur. I will be fascinated when we hear her speak on this topic, if she does. She was complaining that there were not enough private members days, so she could not introduce the bills, the legislation and the work that she wanted to. She was saying that it is a real shame that we do not have more days. We are restricted to 14 a year; it would be good if we could have more private members days. I made the point that last year the Liberals had advocated more private members days. The public service then inquired, "Who makes the decision on how many days you have?" It was somewhat ironic that Ms Le Couteur then had to confess that, ultimately, it was us.

It was a very interesting position that Ms Le Couteur took. She was advocating for more private members days; she was dissatisfied by the lack of private members' business items she had in terms of legislation that she was able to introduce. At the same time, she freely admitted that it was her party, ultimately, in this place, that made the decision to restrict the number of private members' business days that were available.

I just want to make that point. This is lazy. This is about avoiding scrutiny and account. This is hypocrisy from the Greens. On the one hand, they say that they are the champions of committee work; then their leader fails to turn up to much of the committee hearings that were heard through estimates.

Ms Bresnan: On a point of order, Mr Assistant Speaker: Mr Hanson was asked to withdraw a comment which he has just made again. He is making imputations about Ms Hunter which are untrue.

MR HANSON: It's true.

Ms Bresnan: Not true.

Mr Smyth: What is the imputation?

MR HANSON: Mr Speaker, on the point of order: I would recommend that if Ms Bresnan has any evidence to counter what I am saying she should present it. The simple fact is that Ms Hunter failed to attend the sessions during the estimates. That is

the point I am making—that someone who is advocating committee work then fails to attend those committees.

MR ASSISTANT SPEAKER: Thank you very much, Mr Hanson; please resume your seat. Members, my hearing of the debate was that Mr Hanson used the word "hypocrisy", but he was talking about a party and not an individual member. So I am sorry, Ms Bresnan; I will have to rule your point of order out of order. Mr Hanson, have you concluded your speech?

MR HANSON: I have.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (12.28): I can recall a time in this place when the motion to set the sitting calendar in the Assembly took all of 20 seconds.

Mr Hanson: You were a majority government, mate; no wonder.

MR ASSISTANT SPEAKER: Mr Hanson.

MR CORBELL: No, Mr Assistant Speaker; it was well before that, I can assure you.

Mr Smyth: You did it your way then.

MR CORBELL: Well before that. It is unfortunate, Mr Assistant Speaker. I do not think it would matter how many sitting weeks I proposed; the Liberal Party would propose an extra two.

Mr Hanson: Try us. Propose 16 and see what we do.

MR ASSISTANT SPEAKER: Mr Hanson, you have a very loud voice.

MR CORBELL: The reason they would do that is so that they could score what is the incredibly cheap political point that they work harder than everybody else.

Mr Assistant Speaker, I think it is incumbent upon members in this place, in their role as members, to communicate to the broader community that the Assembly does not just work when it is in session in this chamber. The Assembly works in its committees and in the community, and those members of the Assembly who are members of the executive do a whole range of other functions in addition to their work as members of the Assembly. I find it ironic that Mrs Dunne in her comments laments—

Mrs Dunne: Like doing things on time and on budget.

Mr Hanson interjecting—

MR ASSISTANT SPEAKER: Order, members!

Mr Hanson: The less time he spends interfering with his department the better.

MR ASSISTANT SPEAKER: Mr Hanson, that is the fourth time I have asked you.

MR CORBELL: that people in the community do not understand that the Assembly works outside this chamber, but then goes on to reinforce that perception by arguing that we must be seen to be working harder in the chamber.

It is time for the opposition to grow up. It is time for the opposition to acknowledge that the sitting calendar has been a constant for a long period of time now, that 14 weeks is pretty much the average for the Assembly—not just under this Labor administration, but under previous administrations—and that there is little to be gained, in terms of their own standing as members in this place, through advancing the argument that they work harder than anybody else.

At the end of the day, the argument is simply along the lines of "mine is bigger than yours". That is really the sort of base assertion that they are trying to make. We need to reflect on where the Liberal Party come from when it comes to this debate every year.

In response to Ms Bresnan's comments, let me say this: in relation to Wednesday nights, it is possible to set a particular time in the sitting calendar for private members' business on Wednesday nights and in relation to when the budget debates can be anticipated to be held in those periods later in a sitting year. All I would say to that, though, is that these things can be subject to change. What is more workable is an understanding amongst all parties about when the Assembly is going to rise on particular nights, for example. On Wednesday nights, we just need to get an understanding. We need to get an understanding about how long we wish to sit on a private members' business day. I note that it has varied from week to week, but the Assembly works best when there is an agreement across all three parties about how that work is going to be done, particularly around private members' business day and particularly around budget debates.

We know that in practice often that agreement is difficult to reach. I would simply make the observation that we can achieve the outcomes that Ms Bresnan is looking for in relation to Wednesday nights, private members' business and also the budget debates, but it does ultimately rely on agreement being reached between all three parties.

In relation to the period of time for which the Assembly adjourns over the lunch period, it is the case that the Labor Party indicated to the Greens and the Liberal Party that we would support a return to the period of two hours from 12.30 to 2.30, which had been the practice in this place ever since self-government, until the commencement of this Assembly. We did so on the basis that it would be a unanimous position. I expressed that quite clearly at the government business meeting last week and privately to some members—that we were not going to suggest that unless there was unanimous agreement. The reason for that was that otherwise it would simply be another opportunity for an opportunistic opposition to run this ridiculous argument about who wants to work harder and who does not.

It was only when I was advised by Mrs Dunne—again very late, in the last 24 hours or so—that the Liberal Party would not be supporting that proposal that I chose not to

pursue it. Quite frankly, it is not worth the petty, stupid debate that we would end up having in this place. That is the reason why that matter has not been pursued: there is one party in this place that is not prepared to engage in good faith on some of these basic matters on the organisation of the Assembly.

I commend the motion to members.

Question put:

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

MR ASSISTANT SPEAKER (Mr Hargreaves): Before we proceed to the vote, members, I will draw your attention to standing order 155, which says:

> A Member calling for a vote shall remain seated until after the Assembly is called and shall vote with those who, in the opinion of the Speaker, were in the minority when the voices were taken.

This is the first time, in my experience in this place, where it has happened, but Mr Hanson was one of those who called for the vote. Technically speaking, he should have remained in his seat. I ask the whips to take note of that and advise their members accordingly.

Mr Smyth: I called for the vote.

MR ASSISTANT SPEAKER: There was a series of people who called for it, Mr Smyth, actually. I can hear it.

The Assembly voted—

Ayes 3	Noes 8	
Mr Coe	Mr Barr	Ms Hunter
Mrs Dunne	Ms Bresnan	Ms Le Couteur
Mr Smyth	Mr Corbell	Mr Rattenbury
	Mr Hargreaves	Mr Stanhope

Question so resolved in the negative.

Amendments negatived.

Motion agreed to.

Sitting suspended from 12.39 to 2 pm.

Questions without notice

Treasury department—loan interest rate

MR SESELJA: My question is to the Treasurer. Will the Treasurer confirm that the Treasury department had, as at 30 June 2009, a loan liability of $7.8 million on which it was paying 12.57 per cent interest?

MS GALLAGHER: This is going to be a question time on the consolidated annual financial report for the territory, I presume. I have this report in front of me. I have four minutes to check it. In the interests of members' time, I will take that on notice. I am sure that is correct but I will take it on notice and I will probably come back, if I get the chance to find it in the consolidated report.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Treasurer, why has not this loan been refinanced to a lower interest rate?

MS GALLAGHER: I will take that question on notice. Knowing how Treasury always look for the most financially responsible way to pay off our debts, I know there will be a legitimate reason for that. I am happy to inform the Assembly what that is.

MR SPEAKER: Mr Smyth, a supplementary?

MR SMYTH: Treasurer, you might also take this on notice: how much money would the government save if it were to refinance this loan at the current market interest rate?

MS GALLAGHER: I do not have my calculator here in front of me to do that quick number, but I imagine there is a very good reason why we are paying interest. I have not confirmed that we are paying interest at that rate, but, if we are, I have no doubt that there is a reason why. I think probably the question, then, is hypothetical and not worth answering.

Gaming—sale of Labor clubs

MR SMYTH: My question is to the Minister for Gaming and Racing. Minister, the ACT gaming and racing commission is conducting an inquiry into the deal to sell the ACT Labor Club. In evidence given to the public accounts committee on 26 November this year, the commission said that there was one conflict of interest matter relating to a member of the commission. Minister, is this conflict of interest matter being dealt with satisfactorily as far as you are concerned?

MR BARR: I understand that this matter was raised and discussed at the annual report hearings and that the commissioner provided a quite adequate response to a line of questioning from Mr Smyth.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Thank you, Mr Speaker. Minister, are you aware of any other person or persons who may have a conflict of interest in relation to the inquiry being conducted by the commission?

MR BARR: No, I am not aware of any other conflicts of interest.

MR SPEAKER: Supplementary question, Mr Seselja?

MR SESELJA: What is the current status of the inquiry and when will the report of this inquiry be presented to the Assembly?

MR BARR: Again, this question was put directly to the commissioner at annual report hearings less than a week ago. I understood his response was that the inquiry was ongoing. He could not give a final date, but he said that it would be unlikely to be this year. As today is the final sitting day for the Assembly, it is unlikely that he will contact me between now and when the Assembly adjourns. So one would anticipate that it will be early in 2010.

Ethiopia-Australia adoption program

MS HUNTER: My question is to the Minister for Children and Young People. Minister, are you aware that the federal Attorney-General recently suspended the Ethiopia-Australia adoption program and that the program may be discontinued as early as January 2010? The program has been operating across Australia for 20 years and there are six families in the ACT who have applications to adopt in progress either in Australia or in Ethiopia. Minister, what representations have you made or are you making to the federal Attorney-General on behalf of those six families to seek resolution of this issue, and what feedback have you received from the Attorney-General?

MS BURCH: I thank the member for her question. Indeed, the Australian Attorney-General's Department, as the Australian central authority under the Hague convention, is responsible for ensuring that Australia meets its obligations under the convention and has responsibility for the management of the Australia-Ethiopia intercountry adoption program. The Attorney-General's Department is currently undertaking a review of that program.

During the morning prior to the public announcement of the program's suspension on 24 November, staff from the Adoption and Permanent Care Unit contacted by telephone each of the six families in the ACT who are approved to adopt children from Ethiopia. ACT staff have undertaken to provide any information about the progress of the review that is provided to them to those families. They have also offered to be available to any family wishing to discuss the impact of the program's suspension.

The ACT has received 15 adoption allocations from Ethiopia since 2003. The ACT can only have a maximum of three applicant files in at any one time, with an expected time wait of around three years. But given that the program is being suspended under review, that time line clearly will be impossible.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Minister, I wanted to pick up that I had asked what representations had you made to the federal Attorney-General. A very important part of the question is: what have you done as far as approaching the federal Attorney-General on this issue is concerned?

MS BURCH: My department and I are in contact with the Attorney-General's Department following the review and we have been in contact with the families. We will continue to be in contact with the families as that review progresses and we will continue to be in contact with the Attorney-General's Department while that process is under review.

MR SPEAKER: Ms Le Couteur?

MS LE COUTEUR: Certainly, a supplementary. Given the substantial amount of time that ACT families have spent on this program, what consideration has the government given to other options that might be available to prospective parents if the program does in fact close?

MS BURCH: Should the Ethiopian adoption program close then the department would work with the families to find solutions so that they can progress their keen interest in and commitment to adopting a child.

MR SPEAKER: A supplementary question, Ms Bresnan?

MS BRESNAN: Minister, did the ACT government make a written submission to the review being conducted by the federal Attorney-General's Department and, if not, why not?

MS BURCH: Well, as you know, the ACT did not make a submission. I understand that only one state government made a submission, and that was the Northern Territory. This has been confirmed by the Attorney-General's Department. We have been in contact with the department through teleconferences through November and December, and we will participate in that discussion in a further teleconference next week or the week after.

Hospitals—Calvary Public Hospital and Clare Holland House

MS PORTER: Through you, Mr Speaker, my question is to the Minister for Health. Minister, could you update the Assembly on the outcomes of the consultation process undertaken regarding the possible purchase of Calvary Public Hospital?

MS GALLAGHER: I thank Ms Porter for the question. On 1 October 2009, I announced the commencement of a formal six-week public consultation on the proposal to transfer ownership of Calvary Public Hospital and Clare Holland House. As part of the consultation, a website was established containing background information to the proposal and interested parties were invited to attend public forums and/or offer their views via a telephone number, an email and a physical mail address. A total of 163 responses were fielded by the consultation email and phone number and the consultation website received 1,706 hits from 25 September to 11 November.

Consultation forums were held for both staff and the public: on 16 October, at Calvary, a staff forum; on 16 October, a public forum at Calvary Public Hospital; on 16 October a public forum at the Canberra Hospital; on 21 October, at Clare Holland House, a staff forum; on 21 October, a public forum at the Boathouse with a palliative

care focus; on 4 November, the Canberra Hospital staff forum; on 12 November, the ACT Palliative Care Society. The consultation forums were advertised through public notices, the community noticeboard published in the *Canberra Times*, the ACT Health website, direct email to key stakeholders and the ACT government's community engagement website.

The consultation period closed on 12 November 2009. However, at the request of the Palliative Care Society a further forum was conducted on 8 December 2009. The government is now compiling and considering all this feedback received before taking a final decision to move forward.

The feedback received during the consultation was generally supportive of the proposal to transfer ownership of Calvary hospital. Improvements in the integration of services resulting in better health outcomes is the most commonly expressed reason underpinning support for the proposal. Both the Health Care Consumers Association and the ACT branch of the ANF support improved integration of health service in the ACT. Calvary staff were also generally receptive to the proposal at the staff forum on 15 October.

Most of the comments I have received in opposition to the Calvary Public Hospital component relate to the payment of $68 million to Little Company of Mary Health Care. Many have expressed that it does not seem logical for the ACT government to use public money to purchase assets that Little Company of Mary Health Care did not fund.

The government has released its legal advice in this regard that was prepared by the ACT Government Solicitor. The advice ultimately concludes that for the purpose of the territory and Calvary agreeing for Calvary to give up its existing rights to occupy and use the land, building and assets comprising the public hospital, it is irrelevant that the commonwealth and the territory effectively provided the assets at no cost to Calvary. There have also been a number of workforce matters raised at the consultation sessions, which I have actively addressed with my consultations with stakeholders, such as the staff at Clare Holland House and Calvary Public Hospital.

Almost all of the concerns raised in relation to the proposal, however, relate to the transfer of ownership of the land and buildings at Clare Holland House. The primary points of contention have been that people feel that Clare Holland House is being used as a bargaining chip, that the sale would limit the integration of palliative care into the broader health system, that there could be a reduction in governance over palliative care in the ACT, that there may be a reduction in the level of competition in the palliative care arena, that the hospice would be used for activities other than public palliative care or could be onsold by Little Company of Mary Health Care, and that Little Company of Mary Health Care would influence admission criteria to the hospice.

MR SPEAKER: Ms Porter, a supplementary question?

MS PORTER: Thank you, Mr Speaker. Minister, how are you working to address these concerns?

MS GALLAGHER: I thank Ms Porter for the supplementary. Some of it I have spoken about in this chamber previously, but can I assure the Assembly that Clare Holland House has not ever been used as a bargaining chip in the proposal. Following discussions with the Palliative Care Society, and as an outcome of feedback received through the consultation process, I did approach Little Company of Mary Health Care and asked them would they consider the proposal being separated. Little Company of Mary have indicated that they are not prepared to exit their role entirely in public healthcare in the ACT, that they wish to invest additional resources over and above the public contract into palliative care in the ACT and that this gives them security to do that. Overall, the government does think this is a good idea and it remains committed to the proposal.

It is also important to recognise that Little Company of Mary Health Care have been providing palliative care services in the ACT for many years and indeed have provided the service out at Clare Holland House since 2001. No-one is questioning the quality of care that Little Company of Mary have provided people at Clare Holland House so far. The proposal would see no change to these arrangements; that is, the delivery of palliative care service in the ACT. For families and patients using the service, there would be no noticeable change. The government would continue to fund the public palliative care service and Calvary would continue to operate the service.

The proposal will also not limit integration of palliative care into the broader health system; in fact, it offers opportunities to enhance integration of the service.

The Little Company of Mary have also indicated that they would not impose faith-based criteria on entrance to Clare Holland House; nor have they ever done that. There are standards for providing quality palliative care for all Australians that Little Company of Mary implement in their delivery of palliative care services right across the country.

The government is compiling all this feedback and we will be making an announcement shortly about the government's final position.

MR HANSON: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, why did you keep the proposal hidden from the electorate at the last election whilst at the same time telling the electorate "all of our plans are on the table"?

MS GALLAGHER: This must be about the 20th time Mr Hanson has asked me that question. He either thinks I am a liar or he did not listen to the answer that I gave. The discussions with Little Company of Mary Health Care commenced in July 2008. They were very preliminary discussions about whether Little Company of Mary would even consider—

Mr Hanson: Why did you say "all of our plans are on the table" then?

MR SPEAKER: Mr Hanson!

MS GALLAGHER: Mr Hanson, you have asked your question. Perhaps you could let me answer it.

Mr Seselja: You're struggling.

MS GALLAGHER: No, I am not struggling, Mr Seselja, as much as you blokes sitting over there like being the bullies that you are and that you have been—

Mr Stanhope: And the misogynists.

MS GALLAGHER: Actually, the misogynist bullies that you have been all year. You should continue that approach because people see how you behave. People in the community see how you behave in this place.

The government approached Little Company of Mary in or about July and asked them to consider whether they would be prepared to relinquish the public hospital. There is no secret about that. At that time, Little Company of Mary Health Care asked us to keep those discussions confidential whilst they worked through their own processes. There was a letter which I signed to Tom Brennan, the chair of Little Company of Mary, which sought to keep the discussions going through caretaker. That is what the letter did.

Mr Smyth: Before—let's do this before caretaker.

MS GALLAGHER: No. The heads of agreement—

Mr Smyth: Yes.

MS GALLAGHER: No, wrong, Mr Smyth, wrong. You have been wrong all year. *(Time expired.)*

MR SPEAKER: Supplementary, Mr Hanson?

MR HANSON: A supplementary, Mr Speaker. Minister, why did you conduct only six weeks of consultation when your own government guidelines suggest 12 weeks is appropriate?

MS GALLAGHER: The letter that Mr Smyth refers to was to seek a heads of agreement that would allow discussions to continue through caretaker because I did not want to see an eight-week period where ACT Health was not even allowed to discuss it or pursue this with Little Company of Mary.

Yes, there was a letter. The heads of agreement could not be reached in that time. So no heads of agreement was signed. The discussions had not reached a point where we were able to go to the community with a comprehensive policy around it. It was simply the case. Whether or not—

Mr Smyth: No, no, when you were exposed—

MS GALLAGHER: Look, I am not embarrassed by the proposal. I actually think it would have been a vote winner for us, Mr Smyth. To actually say that we are trying to rebuild the public health system is a vote winner. You are on the wrong side of this debate and you are all upset about it.

Members interjecting—

MR SPEAKER: Order! Quiet, please. Stop the clock. Members, we had an extremely unruly question time yesterday. I was a little lenient because I was a little under the weather from a head cold. I am not feeling quite so lenient today and I am warning you collectively now that if we do not have a better question time today I will be taking action to ensure that it happens. I call Ms Gallagher.

MS GALLAGHER: Thank you, Mr Speaker. In relation to the consultations on this proposal, consultations have gone much longer than the six-week formal consultation period. Indeed, they did not finish in my mind until Wednesday morning. I have been attending forums. I have been meeting with people. I have been doing my job and participating in the debate and the discussions for a lot longer than six weeks.

I notice that six weeks was about all it took for you guys to opt out of the debate. In fact, I think it was much earlier than six weeks. I think you opted out on day one.

Canberra stadium—green energy

MR HANSON: My question is to the Minister for the Environment, Climate Change and Water.

Ms Gallagher: Surprises will never cease.

MR HANSON: Am I a misogynist? What am I now?

MR SPEAKER: Mr Hanson, your question.

MR HANSON: Yes, Mr Stanhope?

MR SPEAKER: Is that your question, Mr Hanson?

MR HANSON: No, it is not, actually, Mr Speaker. Minister, I refer you to a press release by the Chief Minister from 14 December 2007, in which he announced the installation of green energy at Canberra stadium. In that release he stated:

> Canberra Stadium will go green from next year.

The Chief Minister went on to say:

> This installation, the first to be funded from the $1 million, will consist of three wind towers and about 200 photovoltaic panels. The final cost of the investment—

I cannot really do Mr Stanhope justice—

> is yet to be determined and more details will be made available early next year.

Of course, that was 2008. Minister, was this project delivered on time and on budget, or was it 12 months late?

MR CORBELL: The project was resized following detailed assessment of the capacity of Canberra stadium to accommodate both wind and solar. The original proposal involved the placement of solar panels on the roof of the stadium and also a number of wind turbines. Following detailed advice from the Australian Institute of Sport, it was determined it was not possible to install panels on the roof of the Canberra stadium, and, therefore, an alternative strategy was developed to install panels on a stand-alone structure at the southern end of the stadium. I am very pleased that that facility is now up and running. As I said to the Assembly yesterday, it has the capacity to provide enough power for approximately 16 night games at Canberra stadium.

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: Minister, is this yet another project you have failed to deliver on time and on budget?

MR CORBELL: No.

MR SPEAKER: Mrs Dunne, a supplementary?

MRS DUNNE: Thank you, Mr Speaker. Minister, what will happen with the other remaining 123 panels that were promised in the Chief Minister's press release? Will they be installed? Also, will there be wind towers installed on the site?

MR CORBELL: The installation at the Canberra Stadium is complete.

MR SPEAKER: Mr Hargreaves, a supplementary?

MR HARGREAVES: Does the minister acknowledge that climate change, in fact, is exacerbated by human activity and that we can do something about—

Mr Hanson: That is slightly out of order.

MR HARGREAVES: Hang on. How about you hear the rest of it?

Mr Hanson: No preamble.

MR SPEAKER: Order! Mr Hargreaves, just your question.

MR HARGREAVES: I did ask it. Do you want me to say it again?

MR SPEAKER: If you could.

MR HARGREAVES: Does the minister acknowledge that climate change is exacerbated by human activity, particularly here, where we can do something about it, in the ACT? What would he have in his mind that we could do, and does it differ from what he believes other people say?

MR SPEAKER: I am sorry, Mr Hargreaves, your question is out of order.

Mr Hargreaves: On a point of order, Mr Speaker: how so?

MR SPEAKER: The original line of questioning was quite specific. It was about renewable energies at Canberra Stadium. It is not a general question about climate change.

Environment—targets

MS LE COUTEUR: My question is to the Minister for Transport and concerns the priority the government gives to roads and cars compared to pedestrians and cyclists. Minister—

Mr Stanhope: Excuse me, could you start the question again. I am sorry.

MS LE COUTEUR: The question is to you as Minister for Transport and concerns the priority the government gives to roads and cars compared to pedestrians and cyclists. Minister, the government has a target to increase walking and cycling in Canberra to be 14 per cent of work journeys by 2026. Other Australian cities are setting much higher targets. For instance, Brisbane has a target of 23 per cent by 2016. Minister, why is your target for the ACT so unambitious?

MR STANHOPE: I thank Ms Le Couteur for the question. In relation to the sustainable transport plan which was issued by the government in 2004-05, we did set significant challenges in relation to modal change. I do not have the numbers in front of me, but in the context of the modal shift or change that the government was seeking to achieve through the sustainable transport plan, the area in which we have had the greatest success in not just meeting but, I believe, exceeding the initial target set through the sustainable transport plan was in relation to trips to work by people walking or cycling.

Ms Le Couteur, you make a very fair point in relation to the need to review and continue to update our sustainable transport targets. We are in fact doing that. But in the context of or in relation to the issue you raise most specifically, the issue in relation to pedestrians, walking or cycling, and the targets that we set—the area, from memory, in which we have had the greatest success under the sustainable transport plan as a result of very significant investment, most particularly in cyclepaths and pathways, and indeed as a consequence of some of the planning decisions that have seen increasing density, most particularly around our major Civic area and the town centres, is that there has been a very significant modal shift achieved.

It is an area that we are quite proud of, Ms Le Couteur. You chastise and suggest that the target perhaps was not challenging enough. It may be that you are right, because it

has been met. As a consequence of that, I have no doubt that, as we go through the current planning and the current assessment of our sustainable transport network and plans, one of the areas in which we will set ourselves a far more ambitious target, because we have been so successful with that initially set, is in relation to people choosing to walk or cycle to work.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Thank you, Mr Speaker. Given that renowned urban planner Jan Gehl last week labelled the 100-metre-wide major road being planned for Molonglo as unnecessary "unless you want to build the Champs Elysees", will you reconsider the size of the road?

MR STANHOPE: Thank you, Ms Le Couteur. This is a significant issue. It is an issue that is engaging the government in some consideration of the implications. To be fair, ACTPLA is still developing the initial concept—

Mr Barr: And a cycleway.

MR STANHOPE: Yes. It is still developing the concept plans for Molonglo. We are almost at the point now where we will be proceeding. Ms Le Couteur, it does need to be understood that the entire corridor incorporates planning for a roadway, a transit way and cycleway. It is a major road. John Gorton Drive will be the major connection between Weston Creek and Belconnen, incorporating the whole of Molonglo. I believe that the tenders for construction of the first stage of John Gorton Drive are currently under consideration. You do have a point, Ms Le Couteur, in relation to the staging of the construction of infrastructure within the corridor. The initial plan or contract goes to the construction of John Gorton Drive.

Ms Le Couteur, I think this is an issue that you have raised previously and I am happy to engage with you on it. But to put the issue in context, and having regard to the width of the corridor, you need to understand that it involves, I believe, four lanes of road, a transit way or a dedicated busway, a bicycle path and a footpath. In that context, we probably need to have a conversation about development along the corridor, which I think is the more pertinent issue for discussion. The issue around the sequencing of development within Wright and Coombs in the context of a desire— *(Time expired.)*

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Minister, why do you still give approximately 40 times more funding to road and infrastructure projects than cycling and walking projects when a quarter of ACT greenhouse gas emissions comes from transport?

MR STANHOPE: I think we would all wish that we had, in the context of the structure and the nature of our city, a sustainable network. I am sure we all wish that more Canberrans caught the bus. I am sure we wish that there was less reliance on the motor car in the ACT than there is. But, in the context of the structure of our city, the nature of the way it has been designed, the essential maintenance of the Y plan and, indeed, its expansion, and some of the other issues that we are all very fundamentally

aware of in relation to the challenges that Canberra's geography sets in relation to sustainable transport and public transport and the capacity to lay out an affordable and sustainable transport network that the people of Canberra will respond to, including issues around density and the extent to which the city has been built to date for the motor vehicle, these are significant issues for us to grapple with.

To think that we could just retrofit or turn around those parts of our history and devote significantly greater amounts of money to cycle ways and to pedestrians and ignore the needs for a road network that will not just provide the opportunity across the city for an equitable road network but a road network that essentially is at the heart of our economy is not possible. The implications for economic activity through roads that do not work well and cause delay are quite significant. The modelling around the cost to the economy and to the community as a result of roads that jam or clog is absolutely quite stunning when one looks at that.

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Thank you, Mr Speaker. Chief Minister, will you please tell the Assembly what the cost of installing a bike lane on Streeton Drive was, and the cost of removing it?

MR STANHOPE: I would be more than happy to take those questions on notice. I just have not got them quite in the brain today but I am more than happy to take them on notice, Mr Coe.

Canberra—cost of petrol

MR COE: My question is to the Chief Minister and relates to the cost of petrol in the ACT and comments by the Australian Competition and Consumer Commission. Chief Minister, does the government agree with comments by Petrol Commissioner Joe Dimasi in yesterday's *Canberra Times* where he suggested that Canberra motorists pay more for petrol than motorists in other cities due to a lack of economies of scale in the Canberra retail petrol market?

MR STANHOPE: I have to say, to do justice to Mr Coe's question, that I do not have any briefing advice or advice on differential costs in petrol as between Canberra and other places such as Sydney and regional areas. I must say that I would treat that particular statement with some scepticism.

There are at different times, in relation to different surveys of petrol prices around New South Wales and the ACT, instances where petrol is being sold more cheaply in smaller, more regional and distant cities such as Wagga and Dubbo than in—

Mr Coe: He is wrong then, is he?

MR STANHOPE: I say that I would treat it with some scepticism on the question of density and economies of scale. If that were the case, on what basis would the cost of petrol in Albury, Wagga or Dubbo ever be cheaper than it is in the ACT? As I say, I do not have detailed information—

Mr Coe: Because it is on the Hume Highway maybe?

MR STANHOPE: Dubbo is not on the Hume Highway, mate.

Mr Hanson: You were talking about Albury.

Mr Smyth: Which is on the Hume Highway.

MR STANHOPE: I talked about Albury and Dubbo, mate. Dubbo is not on the Hume Highway. You can be silly and pretend that things are what they are not or that you did not say what you did say, Mr Smyth, and you can keep doing it. I was making the point for Mr Coe that I treat with some scepticism a claim that explains the price of petrol in the ACT vis-a-vis other places on the basis of density or scale. I also said I do not have detailed information. I am more than happy to get it. I was simply seeking, as a result of my helpful disposition, to suggest that I was a little cynical about the explanation. But I will take the question on notice.

Visitor

MR SPEAKER: Members, before we proceed, I draw your attention to the presence in the gallery of a former minister and member of this place, Mr Michael Moore. On behalf of all members, I welcome you back to the Assembly, Mr Moore.

Questions without notice

Canberra—cost of petrol

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Thank you, Mr Speaker. Chief Minister, what was the ACT government's response to the ACCC's petrol inquiry, which reported in December 2007? Did it include changes to fuel standards, as recommended in the report?

MR STANHOPE: I cannot remember in any detail at all. I am happy to take the question on notice, Mr Speaker.

MR SPEAKER: A supplementary question, Mr Smyth?

MR SMYTH: Chief Minister, what action will the ACT government take to make sure that Canberrans do not pay more than is necessary for petrol as we enter the Christmas holiday period?

MR STANHOPE: The ACT government shares the concern most particularly expressed by the NRMA as recently as yesterday about the need for something to be done, and it is a difficult issue. It is an issue that has been raised, I think, every year that I have been in place—that is, what can we do? What can the ACT government do? What can a state or territory government do about the price of petrol and about the way in which it fluctuates, the way in which it seems to rise mysteriously on certain days of the week and the way in which it seems to rise mysteriously on days before long weekends or in holiday periods?

There obviously are issues, and I must say that I acknowledge the fantastic campaign and attention that the NRMA continues to bring to bear to this issue. I think it is interesting, that it is one of those interesting issues that the ACCC, despite banging away at it for years, has failed to achieve any real change or difference to it. It is, at its heart, an issue for the ACCC and the commonwealth. States and territories can do what they can.

As I indicated yesterday in relation to this issue, the ACT government has just, through the commissioning of John Martin, ex-commissioner of the ACCC, sought to define what a state or territory government can do with the levers available to it in relation to competition within the supermarket industry. I have to say, the Liberal Party's support of that particular process could be described as lukewarm at best. I welcome the interest from the Liberal Party in the ACT government's intervention into the service station market. So we have a very lukewarm response by the Liberal Party to this government's efforts in dealing with competition in the supermarket industry, but I am encouraged by their support and urging in relation to service stations and the role that the government might play in intervening in that market.

Education—Australian early development index

MR HARGREAVES: My question is to the Minister for Education and Training. The minister will be aware of the findings of the Australian early development index. Can the minister advise the Assembly on what these findings say about the school readiness of Canberra's children?

MR BARR: I thank Mr Hargreaves for the question. I can advise the Assembly that the Australian early development index is a national snapshot of young children's development in this country. It measures across five domains—five types of development. These are physical health and wellbeing; social competence; emotional maturity; language and cognitive skills; and communication and general knowledge.

Through agreement with the commonwealth government and all states and territories this year, the index was completed nation-wide for the first time. So between May and July, information was collected on more than a quarter of a million Australian children, an estimated 97.5 per cent of this country's five-year-old population.

This involved more than 15,000 teachers conducting a 30 minute interview with each child. The Rudd government provided $21.9 million towards the establishment of the index. It is worth noting that the index is not a measure of the progress of individual children and whilst the data is gathered by teachers in schools, the index maps developmental vulnerability based on where the child lives, not where they go to school.

The index is an effort by the commonwealth government, in partnership with the states and territories, to better understand how young Australians are tracking on their preparation for school. The index will be a valuable tool for all governments to identify areas needing further investment and further policy development.

The index shows that in the ACT, with 5.7 per cent of children considered to be developmentally vulnerable in the language and cognitive skills area, we are the best in the nation. This compares with an 8.9 per cent level of vulnerability nationally.

Probably most importantly, the index shows areas where the Canberra community and the government can seek to do more for kids. According to the index, the ACT has 9.4 per cent of five-year-old children considered to be developmentally vulnerable in the areas of physical health and wellbeing, and that is slightly above the national average of 9.3 per cent. So this tells us that Canberra's five-year-olds are not so well prepared for the primary school years in physical health and wellbeing.

Yet this contrasts with the general view, backed by other statistical information that the ACT is the most active and healthy community in Australia. As the only minister for education and minister for sport in Australia, I have sought to revitalise physical activity in ACT schools, as part of our new curriculum framework most particularly, but also through a direct participation program, the minister's physical activity challenge. I think it is a testament to the role that our quality PE programs play in helping us move from having five-year-olds with comparatively low readiness in physical health and wellbeing to being the most active and healthy community in Australia.

I would like to congratulate the federal government for this significant investment in the AEDI. It shows where our kids are school ready but it also shows where governments at the state, territory and federal levels need to do more working in partnership with parents. It will be a valuable tool for all governments to identify areas needing further investment and further policy work.

Certainly, on behalf of the territory government, we look forward to a detailed analysis of the results over coming months. As more data is made available in 2010 comparing that with our performance in primary schools, our PIPS data, it will provide a rich information source to guide future public policy development in the ACT. That will be a positive thing for young people.

MR SPEAKER: Mr Hargreaves, a supplementary?

MR HARGREAVES: Thank you very much, Mr Speaker. Minister, what policies is the government pursuing to ensure that all Canberra children are ready for school?

MR BARR: The government has made and will continue to make the necessary reforms to ensure that ACT kids are ready for school; that is despite the ongoing opposition and politicking from others in this place. These reforms have included the amalgamation of preschools into government primary schools—a successful policy, I might add, that those opposite still cannot bring themselves to admit is right for ACT kids. There is a mountain of research that tells us that investment in the early years of a child's education is the most important area to invest in. That is why this government has opened four new early childhood schools in the ACT, catering for kids from birth to eight years of age, and providing support services for families. These include access to health professionals, family support services, childcare and a diverse range of school programs. These new early childhood schools complement the

child and family centres, another Labor initiative, that have been helping ACT families for some years in Tuggeranong and Gungahlin, and soon in west Belconnen.

The early childhood schools are crucial because they reduce the number of transition points that a child faces in its early years of schooling. They take a community and family-based approach and provide a range of early intervention programs, including some targeted Koori preschool classes. I have to say that it is a pity that the Liberal Party showed that they do not support these schools and these new initiatives by voting against them in the budget.

In May we signed an agreement with the commonwealth for universal access to early childhood education. This is accompanied by $13 million of commonwealth funding and it is our aim to ensure universal access to early childhood education and that a move from 12 to 15 hours of free preschool education for all children in the year prior to formal schooling is in place in the ACT by the city's centenary in 2013.

MR SPEAKER: A supplementary question, Ms Hunter?

MS HUNTER: Yes, Mr Speaker. Minister, you have just mentioned the extended hours of preschool and you also mentioned it on ABC radio this morning. Is the level of funding that is being applied across the ACT government and Catholic providers the same level of funding that will be provided to community-based preschools?

MR BARR: The national partnership with the commonwealth involves a staged rollout of the increase in hours from 12 to 15, focusing initially on areas of highest vulnerability within our community. Hence we have targeted the initial rollout in the 15 hours commenced in the four early childhood schools in 2009. There is then a program to extend that across all government preschools through 2010, 2011 and 2012. We will of course, with the available funding, look to extend that to non-government schools and into the community-based sector.

I have indicated before, and I will stress again, that the primary focus of this national partnership is around ensuring that early and quick access to this initiative goes to those most vulnerable. We are undertaking that process and we have evaluated a four-year rollout across the ACT. It includes the capacity to roll it out to non-government settings, be they non-government schools in the Catholic or independent sector or community-based childcare provision. The initiative is for universal access, not universal provision. At no point has it been intended by the commonwealth or the ACT that every single provider of preschool education will receive access to this federal funding. It is around universal access so that students and parents have access to 15 hours of free preschool education. In the ACT context that is delivered most effectively through our world-class network of government preschools, supplemented by provision in the non-government sector.

MS PORTER: Supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Thank you. Can the minister advise the Assembly if the budget passed earlier this year contained measures to ensure that all Canberra children are ready for

school and what would be the impact on school readiness of Canberra children if this appropriation is not supported in the future?

MR BARR: The answer to the first part of the question is: yes, the budget did contain a number of measures aimed at supporting school readiness and early childhood education, the most obvious being salaries for our dedicated preschool teachers and our early childhood teachers. There were also salaries for speech therapists, maternity nurses, doctors and child protection workers—in fact, salaries for every single ACT government employee who helps to get Canberra kids ready to go to school.

Yet in this year's budget debate we saw the most tangible example of the Liberals' one and only doctrine: opposition for opposition's sake. They voted against the budget. They voted against support and salaries for the ongoing business of government. They voted against salaries for preschool teachers, against salaries for speech therapists, against salaries for maternity nurses and doctors. They voted against salaries for child protection workers. You have to ask whether voting against the salaries of such dedicated and important public servants is a bad decision. But to do it again would be catastrophic.

Let me assure all of those workers that ACT Labor will do what it can through the budget process, and one would hope with the support of the Greens, to ensure that they can continue to do their bit to help kids get ready for school. That is—

Opposition members interjecting—

MR BARR: That investment annually—

Opposition members interjecting—

MR BARR: The most important bill that this Assembly ever debates, the appropriation, is critical to ensure that this government and this community are able to do the best for young people in the territory. It is to the Liberals' shame that they continue this opposition for opposition's sake doctrine—

Canberra Hospital—disabled patients

MR DOSZPOT: My question is to the Minister for Disability, Housing and Community Services. Minister, yesterday, in response to a question relating to the length of time Karyn Costello has been waiting to transition from hospital to home, you said:

> … you could be patient and gracious and wait for that reply.

Minister, Karyn has been waiting for over 2½ years. Are you demanding that she be patient and gracious also?

MS BURCH: The department and I are working with Karyn Costello to ensure that she has accommodation that meets her needs, accommodation that she is comfortable with and accepting of. That is what we are doing.

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: Minister, that was the response from your predecessor over six months ago. When will Karyn be offered appropriate accommodation?

MS BURCH: It goes to, again, my reluctance to discuss individual clients, but, just to be clear, she has been offered and, to my understanding, accepted accommodation.

National Multicultural Festival

MS BRESNAN: My question is to the Minister for Multicultural Affairs and it concerns the Multicultural Festival. The previous Minister for Multicultural Affairs said that he wanted to see an independent community body take over the running and management of the Multicultural Festival. Minister, is this still the policy of the ACT government?

MS BURCH: I thank Ms Bresnan for the question. Yes, I was aware of that discussion taking place with the changeover of ministers and with the Multicultural Festival planning well and truly underway—and successfully underway. I can say that the program is shaping up to be fantastic and we are just about booked out for the stalls. That discussion will be revisited after the February Multicultural Festival when we will review the success of the festival. That will be part of that conversation.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Thank you, Mr Speaker. Minister, my question was: is this still the government's policy? Also can you please advise the Assembly what steps are being taken to hand over the running and management of the festival to an independent community body?

MS BURCH: I have no steps in front of me to hand it over. As I have just said, I am planning for the 2010 festival with the Office of Multicultural Affairs. When the festival is delivered, I will review the success of the festival and the functions and how we promote and organise the festivals hereon.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Minister, how will we see the community more involved in the running of the 2010 multicultural festival?

MS BURCH: There are two government structures: there is an oversight committee to ensure—because I am committed to delivering a festival on budget—the community is involved in the planning and programming, and they have been actively engaged in the planning and programming, and we are coming to the end of that programming.

Can I say that the response from the community has been, in short, overwhelming. There is a limited footprint for the 2010 festival, and we have only but a few stalls left. The diplomatic corps are involved. Indeed, they are continuing to talk with the office

around what other activities could be wrapped around the three days of the festival and, indeed, to continue the conversation over the longer time. The festival is a celebration of our multicultural community, but the conversation on multicultural matters does not just occur over the festival. So I am looking forward to working with the diplomatic corps and any one of our 200 multicultural groups within the ACT to extend that conversation over the full year.

MR SPEAKER: Mr Doszpot, a supplementary?

MR DOSZPOT: Minister, some time ago, in relation to the question that you have just tried to answer, you were asked a question about the indexation that you said was used to determine the new pricing on the stalls that would be used by the people within the Multicultural Festival. Can you please try to tell us again what you used to arrive at the new pricing, which is almost double the previous pricing?

MS BURCH: We have been through the participation policy before. Those community groups that are coming to undertake a commercial activity are, indeed, charged a small fee. For commercial providers who are undertaking a large commercial activity, the decision is for them. My understanding is that community groups are coming. They are enlisting; they are enrolling; they are seeking stalls. I do not see that we will have less community input this year than last year.

Mr Doszpot: Mr Speaker, the question was very specifically about the measure of indexation that was used in the pricing of the stalls. Would you ask the minister to come to the point of the question?

MR SPEAKER: Ms Burch, do you wish to resume?

MS BURCH: The person who asked the question also indicated that he had asked that previously and I had answered it.

Childcare—cost

MRS DUNNE: My question is to the minister for community services. Minister, yesterday, when asked about the Access Economics report and the impact the new childcare framework will have on the ACT, you referred to page 65 of the Access Economics report. Page 65 refers to the base case, that is if there is no COAG policy change. In other words, page 65 outlines what happens if there are no changes to the childcare framework. Minister, on which page of the report will I find information on the changes to the cost of childcare in the ACT as a result of the implementation of the new framework?

MS BURCH: I will find it and bring it back to you by close of business.

MR SPEAKER: A supplementary question, Mrs Dunne?

MRS DUNNE: Yes, Mr Speaker. Minister, what legislative changes will be required in the ACT to implement the new framework and will you commit to tabling a regulatory impact statement when you table any legislation?

Mr Stanhope: Did you ever get that job as a bouncer, Mrs Dunne?

Mr Hanson: On a point of order: that's a misogynistic comment, Mr Speaker. I ask that Mr Stanhope withdraw it.

MR SPEAKER: Order! Ms Burch has the floor—

MS BURCH: If indeed there are changes required—

Members interjecting—

MS BURCH: With all the distraction I have forgotten the question. It was around legislation change.

Mrs Dunne: I would like to assist Ms Burch because I think it is an important question.

MR SPEAKER: Thank you. Stop the clock, Clerk. Mrs Dunne, ask the question again, please.

MRS DUNNE: Minister, what legislative changes will be required in the ACT to implement any new framework and will you commit to tabling a regulatory impact statement when you table any legislation?

MS BURCH: Should legislation be required, should we undertake an impact statement, yes, I will bring it back to the Assembly.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Minister, what consultation will the government undertake in any development of new legislation relating to the childcare industry, and will the minister provide a guarantee to the Assembly that this consultation will be consistent with the ACT government community engagement manual?

MS BURCH: Thank you for the question. Indeed, in the development of COAG, there has been extensive consultation—

Mr Barr: Including ones held in the ACT, but none of you bothered to go.

MS BURCH: No. Indeed, I understand that 1,700 people attended a public consultation session, 340 written submissions were made and 3,000 responses to online surveys were received. So consultation has occurred. As the new agenda comes in—this is around providing quality and safety in our workplaces for our children—we will continue to have a conversation with Canberra families.

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

Supplementary answer to question without notice
Treasury department—loan interest rate

MS GALLAGHER: I have just got a matter arising from question time. I have just verified the loan of $7.761 million at an interest rate of 12.57 per cent as of 30 June. It is also reflected on page 117 of budget paper 3 for the 2009-10 budget. I am not quite sure what your point is on this one, Mr Seselja, but these are commonwealth attributed borrowings which have come to the ACT following the introduction of self-government in 1989. The loans were established to reflect the value of the underlying assets transferred to the territory, and the seven points—

Mr Smyth: Yes, but why are you paying so much interest for it?

MS GALLAGHER: Just a minute, Mr Smyth. The $7.761 million represents the remaining balance, as I am sure members would be aware. Why has this loan not been refinanced to current interest rates? The Treasury advice to me has been that it has been assessed as uneconomic to do so. In order to refinance the loan at current financing rates, the lender would be required to be compensated for the income forgone over the remaining term of the loan at the established loan interest rate. On page 117—and I am sure your advisers, Mr Seselja, would have seen this—it is a fixed interest rate with a maturity date of 2023. I note that no government since self-government has renegotiated this rate.

It is not considered that any saving is possible because the level of penalty payments required would be uneconomic. So that is the answer. It is almost as good as the question on notice I got from the Leader of the Opposition around how much money the commonwealth pays the ACT government in payroll tax.

Papers

Mr Stanhope presented the following paper:

> Strategic Budget Review—Department of Territory and Municipal Services—Implementation of recommendations—Progress report, dated December 2009.

Ngunnawal genealogy study
Paper and statement by minister

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

> Ngunnawal Genealogy Study—Consultation with the United Ngunnawal Elders Council and Indigenous Elected Body—Report back to the Assembly.

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

Leave granted.

MR STANHOPE: Earlier this year in its response to the report of the Select Committee on Estimates on the inquiry into the Appropriation Bill 2009-2010, the government agreed to consult further with the United Ngunnawal Elders Council and the Indigenous Elected Body in relation to plans to fund a Ngunnawal genealogy study and report back by December this week. I would like to take this opportunity to do that. I promised during estimates to report back to the Assembly by this week, and I table a report on the position of the government, shared for the information of members.

Paper

Mr Corbell presented the following paper:

> ACT Criminal Justice Statistical Profile for the September 2009 quarter.

Strategic plan for positive ageing
Paper 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): For the information of members, I present the following paper:

> ACT Strategic Plan for Positive Ageing 2010-2014—Towards an Age-Friendly City.

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

Leave granted.

MS BURCH: Today it is my pleasure to present the ACT strategic plan for positive ageing 2010-14. In the Canberra plan, towards our second century, the ACT government committed to developing a comprehensive strategy for our older citizens to support healthy and meaningful ageing, to decrease social isolation and to help people adapt to retirement. While the ACT has a relatively young population, it is experiencing one of the fastest demographic shifts. It is projected that the territory's population of people aged over 60 will increase from 15.8 per cent of the total population in 2010 to 19.6 per cent in 2020 and to 22 per cent by 2030.

To meet the opportunities and challenges that that presents, an ACT strategic plan for positive ageing was developed this year by the ACT Office for Ageing within the Department of Disability, Housing and Community Services. It did so in partnership with the Ministerial Advisory Council on Ageing—I would just like to acknowledge Alan Hodges here and others—and was being informed through consultation with many individuals, community groups and government agencies. While the ACT government has identified many ways in which it can promote positive ageing, the community as a whole also must recognise its role and responsibilities.

Positive ageing focuses on maximising the quality of life in our older years. We know this can be achieved by establishing and maintaining social relationships to reduce social isolation and by maintaining a healthy lifestyle and remaining active members of the community. Lifelong planning for our older years is also a key element of positive ageing, where one aspires to enter retirement or semi-retirement in good shape, physically, socially and financially.

The ACT strategic plan for positive ageing is organised under seven priorities that were identified in our consultations and reflects, also, the critical features of the World Health Organisation's age-friendly cities guide. The first of these priorities is information and communication. The theme of accessible information was pre-eminent throughout our consultations. The strategy clearly lays out the actions to be taken to enable older Canberrans to more easily access information about healthy living, retirement planning, support services and products, entitlements, community groups and clubs. The community have made it clear that this information needs to be available in a range of formats and media.

At the same time, the strategy recognises the importance of providing learning opportunities for seniors wishing to increase their skills in the use of modern communication technology, such as the internet. We have undertaken to work with the commonwealth government, community organisations and business groups to better coordinate and promote information that is relevant to and useful for older people and their families. Next year the Office for Ageing will be developing a comprehensive online ACT seniors information portal.

The second priority is health and wellbeing. This reflects the aim to assist people maintain their health and wellbeing across their lifespan and to allow seniors to age positively and to actively participate in the community. In addition to investing in general and aged-care specific health services, this government also appreciates the importance of programs that motivate people to participate in community activities. The question, or dilemma, of getting motivated was a recurring theme throughout our discussions with older Canberrans. The wellbeing of seniors is greatly improved by the reduction of social isolation. The government will continue to address this issue by using, for example, the seniors grants program to develop activities that encourage greater social participation.

The plan's third priority is respect, valuing and safety. This reflects our determination to assist seniors to feel respected and valued and to provide an environment in which they feel safe and secure. Actions in the plan include the promotion of positive images and intergenerational activities. In this way, both young and old are given the opportunity to respect each other through greater understanding and appreciation of each other's experiences and perspectives. It is an important ambition that older people be considered as elders rather than elderly. Current initiatives which aim to increasing personal and property safety include ACT Policing safety for seniors program and the home safety program. In addition, the government is preparing to legislate for a better system of police background checking for those who work with vulnerable older people.

I come to the fourth priority which is housing and accommodation. This, of course, concerns access to appropriate and affordable housing. The ACT government has long recognised the need to foster innovative accommodation choices for older Canberrans. This is reflected in our endeavours to ensure land release, planning requirements, concession programs and public and community housing options support the needs of this group.

The August 2009 report on phase 2 of the ACT affordable housing action plan included many recommendations that address the housing needs of older people, for example, the need to work with industry to develop universally designed guidelines for the territory. The current commonwealth government's nation building and jobs plan is also providing a welcome injection of funds for additional appropriate public and community housing for seniors, with many specifically designed for older peoples' properties under construction.

The fifth priority concerns support services. It is essential that seniors are able to access appropriate and accessible support services that can assist them to maintain active and relatively independent lives. There are many support services for older people provided by ACT community and government agencies. The government is currently exploring the concept of a virtual village, a membership service cooperative model, a model that allows people to remain in their own homes through the provision of a variety of services, such as home maintenance, gardening and shopping. The government also recognises the value of cultural and competent aged care services and will continue to promote appropriate staff training for service providers.

Transport and mobility is the plan's sixth priority. The objective is to enable seniors to move around the community through personal, community and public transport and through neighbourhood walkways. In 2008, to complement public transport, the Chief Minister launched six regional bus services which provide a flexible door-to-door service. The plan identifies the need to evaluate the operation of these services in order to maximise their response to community need. Other actions already planned include the gradual replacement of the ACTION fleet with wheelchair accessible buses and the exploration of new options for securing mobility aids in buses and taxis.

The seventh and final priority concerns work and retirement. It is essential that people are assisted to plan for their retirement and, once retired, continue to actively participate in our community through paid and unpaid work and through educational and recreational activities. Through its mature age employment strategy, the government plans to explore ways to support older people in the ACT public service, for example, through flexible working hours. The government will also work with non-government employers to encourage their support for older employees to remain in the workforce to gradually transition to retirement and to use the mentoring potential of older people and older employees. The government will be working to encourage more pre-retirement courses to help people successfully make this transition.

The plan also identifies the importance of training and learning opportunities as well as recreational community activities which will help to encourage the continued participation of seniors in the workforce and community life. The government

recognises the important role that clubs play in the lives of many older Canberrans, and in 2010 we will be building a dedicated premises for a seniors club in Tuggeranong.

Importantly, the plan outlines the key areas where actions will be focussed either through continued, improved or new programs and services or the community action of individuals and businesses. The implementation plan's first reporting period is June 2011, and, with the assistance of the ministerial advisory council on ageing, progress will be measured through the examination of the WHO checklist and the central features of age-friendly cities. A first step in this process will be a benchmark survey in 2010.

This is the first ACT strategic plan for positive ageing. It is a significant step towards making Canberra an age-friendly city to which others look to as a model. I acknowledge also your contribution, Mr Assistant Speaker, to the portfolio of ageing. I, as the new minister, proudly present the strategic plan to the Assembly and encourage members and the community generally to consider its content and to let it serve as in inspiration to ask what we can do to make this city more age friendly. I commend the plan.

Multicultural strategy 2010-13
Paper and statement by minister

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

ACT Multicultural Strategy 2010-2013.

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

Leave granted.

MS BURCH: It gives me great pleasure today to table the *ACT multicultural strategy 2010-2013*. The strategy is focused on delivering positive outcomes across the ACT community not only for members of the multicultural community but for the whole community, for we are all enriched when our community celebrates its diversity. The vision of this government, as expressed and celebrated in the strategy, is for the Australian Capital Territory to be recognised as a leader in multicultural affairs and human rights.

I am confident that a great deal will be achieved through an implementation of this strategy. Over the next four years we can anticipate Canberra building on its demonstrated strengths as a dynamic place where all people have equal opportunity to reach their potential, make a contribution and share the benefits of Canberra's multicultural way of life.

The ACT is a human rights jurisdiction and I am proud to be a minister in the government which enacted Australia's first bill of rights. What does it mean to live in a human rights jurisdiction? It means that our rights are protected by law. And how

does this relate to multiculturalism? In the ACT an individual's right to full and active participation, access and equity and community connectedness are the building blocks of multiculturalism. So the law protects the rights of individuals and as a government we must build on those rights because a community is much more than a group of isolated individuals. A famous poet once said, "No man is an island." This government has a sense of community where the whole is greater than the sum of its parts.

The multicultural strategy takes advantage of our current standing as a harmonious society and includes the crucial underpinnings of our protective laws, supportive policy settings and inclusive and collaborative approach. With this strategy we will improve the social, economic and community lives of all Canberrans.

The ACT multicultural strategy 2010-13 clearly outlines measurable actions and key performance indicators which will support a whole of government framework for the delivery of programs; increased participation for all Canberrans with multicultural backgrounds in social, economic and community life; opportunities to celebrate and showcase multiculturalism and the various traditions and cultures that constitute the ACT community; improved access and equity in the provision of services for individuals from multicultural backgrounds who choose to live in the ACT; and greater leadership within government, community and business sectors to advance multiculturalism in the ACT through engaging with, participating in and promoting the diversity of our community.

The strategy has six focus areas developed and decided upon in conjunction with the community and these six focus areas are languages; children and young people; older people and aged care; women; refugees, asylum seekers and humanitarian entrants; and intercultural harmony and religious acceptance.

There has been an extensive consultation process that has led to the development and tabling of this key policy document, championed by none other than you, Mr Assistant Speaker Hargreaves, and I thank you for your significant contribution and support towards our multicultural community. Indeed, preparations for the ACT multicultural strategy 2010-13 commenced in August 2008 with the ACT government hosting a multicultural summit. This summit provided the opportunity for hundreds of members of the multicultural community, as well as representatives from community organisations, to come together to share ideas on the way forward for multicultural affairs in the ACT.

In 2008 and again in 2009 we conducted two formal community consultative processes on draft versions of the strategy and the strategy was revitalised as a result. Not only have we listened to the community; we have acted on suggestions put forward. A key example is improved accountability on the government's approach to multicultural affairs. You will note that an annual report will be published against key performance indicators specified in the strategy for the multicultural community to see progress towards the strategy. This is an important accountability measure for government and one we welcome. We will also report in our agency annual reports on the implementation of programs which are targeted towards and are of great benefit to the multicultural community.

Finally, I would also like to thank the contributions from the broad community sector, our multicultural sector, and the efforts of my departmental officials. I am proud to be a minister who will oversee the implementation of the ACT multicultural strategy 2010-2013 and I look forward to the changes and improvements it will help us to make in the lives of the multicultural community. I commend the strategy to the Assembly.

Health and safety in the workplace
Discussion of matter of public importance

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

> Health and safety in the workplace.

Mrs Dunne: I raise a point of order, Mr Assistant Speaker. On Tuesday, Mr Speaker ruled out of order two lots of MPIs because they anticipated debate in accordance with standing order 130, I think. On the program today is a bill relating to workers compensation which covers pretty much the same area as is covered by this MPI. In fact, in her introductory speech to that bill the minister on a number of occasions talks about people suffering injuries arising in the course of their employment; creating an environment that would facilitate injured workers returning to safe work; fair treatment for injured workers and so on. This is all about treatment for injured workers and health and safety in the workplace. I would seek your ruling on whether or not this is in order.

MR ASSISTANT SPEAKER: Thanks very much, Mrs Dunne. I would just remind members to examine the notice paper before actually submitting MPIs. It is a good piece of advice I received earlier on: to check the wording with the Clerk. But my ruling in this particular regard is that the bill before the Assembly on the notice paper is quite specific and that this matter of public importance title that Ms Bresnan has put forward is quite broad and it would be not appropriate to rule it out of order.

MS BRESNAN (Brindabella) (3.18): Thank you, Mr Assistant Speaker. Occupational health and safety is an issue that goes to the heart of the relationship between a worker and their employer. It is the moral and spiritual foundation of the union movement and a flashpoint of conflict in the arena of industrial relations. It is at the core of the implicit right of every person in the workplace, be they worker, employer, contractor or visitor, to be safe.

I should note that this matter comes before the Assembly just after the 25th anniversary of the world's worst industrial disaster at the Union Carbide plant in Bhopal, India. On 2 December 1984, a gas leak from the chemical plant created a cloud of toxic gases that spread amongst the population of the town. Eight thousand

people died that night. Twelve thousand more died due to the long-term effects of the chemicals released into the air. Half a million were also injured.

The initial response from Union Carbide when the people of Bhopal, many of them current and former employees of the company, fled to hospitals was that the chemical compounds which were burning their eyes and causing thousands to die from the blood and fluid in their lungs were trade secrets. No information was initially given on how to treat injuries, leaving doctors unable to do anything to stop the deaths; they could only ease the pain. When Union Carbide eventually paid compensation to the victims still alive, the average payout was approximately $600—$600 intended to last for the rest of the victim's life.

We should reflect here in this place that we are fortunate enough to have been born in a country that has taken health and safety in work environments seriously, where companies are compelled to pay compensation to victims of industrial accidents. The regulations we have on occupational health and safety are the work of the many and the few, the workers, companies and legislators. The safety of people at work has moved from a paradigm of the worker as a disposable, replaceable asset to a more enlightened view of safety as the first priority. But more needs to be done.

Health and safety here in the ACT is necessarily a complex interaction of regulations, standards, inspections, enforcement and prosecutions. It has a role for employer groups, legal counsel, unions and individual responsibility.

Let me briefly outline what the ACT Greens believe. We believe that employers, employees and their representatives should work together to ensure that health and safety is the first priority in every workplace. We believe that joint responsibility and good faith collaboration between employees and employers produce the best outcome in a workplace. We believe that occupational health and safety goes beyond physical dangers and harms. Psychological and mental wellbeing are intimately tied to the work environment, and depression and mental illness can cause death and lasting injury as much as can falls from height and asbestos inhalation.

Whilst supporting positive consensus between employers, employees and unions, we believe that responsible governments cannot simply rely on self-regulation to protect the lives of ACT citizens at work. The government, through WorkCover, must take an active role. No amount of accusations, prosecutions, fines or civil suits will bring back loved ones lost at work. It is never enough for a government to cry foul after the fact. Whilst we cannot prevent every tragedy and injury that occurs in the workplace, for any government to let thorough inspections and audits fall by the wayside represents a gross abdication of responsibility.

The Greens want to see positive action on health and safety. We want workplaces where an employee is free from retribution for raising health and safety concerns with their employer. We want broad consensus and acceptance that bullying, harassment, long working hours and undue stress are risks to a worker's wellbeing that well-designed and well-managed jobs can avoid. We want simple, clear and stringent laws enforced by an effective, well-resourced and active WorkCover. We want these laws to be driven by the highest standards of safety for the people of Canberra, not by whatever is convenient for federal harmonisation. We want clearly outlined health and

safety responsibilities and for those who fail to uphold these responsibilities to be held directly to account, be it the employer, employee, WorkCover or the minister responsible.

The ACT needs a watchdog that checks dangerous workplaces more than once every five years, as has happened with the adult industry. We need a government that investigates and enforces standards in government work sites rather than sitting and hoping that contractors will adhere to standards, as has happened at government waste management facilities. The best OHS policies are meaningless without the government performing its role as independent investigator. Without a credible threat of auditing, the small number of companies who put their workers at risk may go undiscovered.

I mentioned earlier in this speech the role that employees and their union representatives play in making sure people are safe at work. I have mentioned previously when speaking in this place the Australian Building and Construction Commission, also known as the ABCC, and the discrimination it has continued against workers in the building and construction industry.

Violence of any sort used as an industrial weapon by either employers or unions should rightly be condemned and prosecuted. Yet those who would abuse their powers, be they employers or unions, are often minorities in the industry. Outside the extremely small minorities that seek to abuse their role as an organiser, shop steward or delegate, unions, particularly construction unions, seek to keep their members alive at work. For those that forget or wish to ignore the fact, people all across the country die in construction and related industries on an all too frequent basis. Yet we see the discriminatory practices of the ABCC continue to remain a part of the federal Labor platform within the Fair Work Act.

Many hardworking, committed individuals can be dragged through a process that denies them basic standards of jurisprudence, attacks their integrity and denies them dignity within our judicial system. And this can be done simply on the basis that they wish to refuse work they deem to be dangerous.

I am sure members of ACT Labor as individuals, and most of their membership, wish to see discrimination abandoned within the industrial relations system, yet the federal Labor Party choose to take the course of least resistance. We are concerned that on this point such decisions are made without reference to the Labor Party membership or the general will of the electorate. The manner in which the federal leadership of the Labor Party overrides the will of the membership and the general electorate represents a move away from the principles and the grassroots of the party.

Without wanting to spend too much time on it, I do feel compelled to discuss the reintroduction of individual contracts as a policy of the federal Labor Party and the effects that the application of such a policy would have upon the ability of workers to protect their right to a safe workplace in conjunction with unions.

I note that this week's federal Leader of the Opposition—and I have to say "this week's", as we know the status of the frontbench is fairly fluid these days—has claimed again, and I paraphrase, that individual contracts allow employees and bosses

to sit down and discuss a mutually beneficial contract. The federal Liberal opposition fail to understand that the experience of Work Choices does not mean that an employee and employer sit down and negotiate in a fair give and take. Rather, it means that some employers can use individual contracts as an ultimatum to remove conditions, pay and fair access to employee representatives.

What does this mean for OH&S here in Canberra? Well, under the scenario if this policy is reintroduced, it hampers the ability of unions to investigate alleged breaches of health and safety on site. Whilst, as I have mentioned, there are substantial problems with the fair work legislation, it has reintroduced rights of unions to conduct proper investigations of breaches. Removing unions again could well lead to some irresponsible employees concealing health and safety breaches.

The Greens believe that progressive unions can indeed sit down with responsible employers and reach mutually beneficial outcomes in a respectful manner. We believe health and safety is best delivered by cooperation of workers and employers, together with proactive and regular auditing by government. We believe that government should not use discriminatory laws that affect the law-abiding majority to pursue the minority that abuse their power.

I will also just briefly refer to recent cases of asbestos exposure in the ACT and reinforce the need for an asbestos register here in the ACT, which the government have indicated they will establish and I would hope that this proceeds. I also recognise the review which is happening of WorkCover and hope that this also looks into issues of capacity, particularly the capacity to deal with a serious incident such as asbestos exposure, and we will be keen to see the results of the review when that does happen and also how the terms of reference will be applied.

The issue of occupational health and safety is one of paramount importance for all working Canberrans. The act of work is the driver of the economy and the act that most people will spend the majority of their lives performing. It is therefore of paramount importance that work occurs in a safe environment. The ACT Greens believe a balance can and should be struck between workers and their employers, and we look forward to making occupational health and safety continuously better into the future.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (3.29): I thank Ms Bresnan for raising today's matter of public importance. The issue of health and safety in the workforce is one of significant importance to this government and one that will continue to be at the forefront of our action and attention. I think when you look back over the last eight years or so, you will see that there have been a number of pieces of legislative reform not only in this area of occupational health and safety and reform—and it is continuing; we have got a bill coming on just after this debate and one that passed in October—but also in areas such as industrial manslaughter where legislation was introduced by this government a number of years ago.

There can be nothing more important than ensuring that workers are provided with a working environment that is safe and healthy, that protects workers from illness and injury and that provides for each person's physical and psychological needs. As I have

said in this place a number of times, everyone who goes to work in the morning has a right to return in the same condition to their family in the evening or, if they are shift workers, at the end of their shift. And our legislative framework should support that for individual workers.

The ACT has fared very well with its record on occupational health and safety. The incidence of serious claims dropped 22 per cent between the years 2003-04 and 2006-07. However, we are committed to ensuring that workers in the ACT continue to be protected by robust OH&S laws.

As Ms Bresnan said, safety in the workplace is a joint effort. It requires all people to be aware of their responsibilities. It requires employers, workers and employee organisations to work cooperatively to ensure a safe workplace. It requires that safety measures are continually reviewed to ensure that work safety standards take account of changes in technology and work practices.

On 1 October this year, a new Work Safety Act and Work Safety Regulation came into force. These laws provide the ACT with the most modern set of work safety laws that reflect the realities of working and doing business in the territory. This Work Safety Act introduced the best practice regulation and ensured that all territory workers, regardless of their working arrangement, are protected by law.

The Work Safety Act also provided the framework for continuous improvement. It provided a framework for the government to address emerging risks to the health and safety of workers, such as occupational violence, bullying, stress and fatigue. In introducing the Work Safety Act, the government has struck a delicate balance: on the one hand, doing everything possible to secure the health, safety and wellbeing of workers and, on the other hand, giving business owners the tools to protect their workers without unduly impacting on the operation of their business.

In developing the Work Safety Act, the government undertook extensive public consultation and of course was guided by detailed advice from the Work Safety Council. An exposure draft of the legislation was released for six weeks of community consultation in 2008, and an exposure draft of the associated regulation was released for public consultation earlier this year.

As members would also be aware, the Work Safety Council is a tripartite body comprised of industry, worker and community representatives that has been established to advise the government on health and safety issues. I understand that would have been the Occupational Health and Safety Council, renamed. The council made a wide range of recommendations relating to the OH&S Act, including that it should be repealed and new legislation developed. I would like to take this opportunity to thank council members, past and present, for their work on the development of this act.

As members would also be aware, there is a national harmonisation process going on through the work that COAG has commissioned. The harmonisation of occupational health and safety laws is part of the seamless national economy partnership. In fact, I am going to a meeting tomorrow in Melbourne of workplace relations ministers and this is the item that is on the agenda for discussion. The aim is to have model, uniform

laws which are harmonised right across Australia. The ACT has signed this intergovernmental agreement on achieving harmonised OH&S laws.

I think this is going to be a balancing act between the employee associations and the employers. I think the employers will welcome it because, in their view, it will reduce red tape and will standardise, particularly for those employers that are working across a number of jurisdictions, the process for them.

However, we are one of those jurisdictions that have very progressive occupational health and safety laws. Under the OH&S harmonisation there is a risk that our framework could be seen to be wound back, and that is going to be a challenge and a balancing act that I have to navigate over the next few months. But having said that, our legislation does sit us well in terms of the harmonisation and the introduction of a national regime in 2012. But I will continue to discuss our approach to this with affected stakeholders—employees, unions and employers—over the next few months.

In the public sector, as an employer we in the ACT government are expected to set high standards of work safety. The introduction of the Work Safety Act saw amendments to schedule 3 of the Public Sector Management Act. As a consequence, all employers, public and private, are required to comply with the one work safety law. The government is committed to ensuring that workers in the ACT continue to be protected by robust OH&S laws.

Our commitment to this is borne out in the development of the ACT public sector workplace health strategic plan 2008-12, which was launched in 2008. The overall goals in the five-year period are to establish and maintain a systematic continuous improvement approach to the management of workplace health and safety risks and to achieve a reduction in the workers compensation premium. The strategic plan focuses on activities in three key result areas: leadership, injury prevention and injury management.

Agencies are required to provide biannual reports to the OH&S Rehabilitation Advisory Committee, HR council, management council and cabinet on their progress against specific targets. The first whole-of-government progress report will be considered by government early in 2010.

Considerable work has been undertaken to determine the state of the workplace health and safety environment in each agency. From the results of these baseline gap analyses, agencies have developed specific local improvement strategies that will be implemented and reported over the next three years.

In addition, we have made funds available to re-invigorate the safety first program. Indeed, in the Assembly on Tuesday, I tabled the instrument for WorkCover. I think it provided $120,000 for a free, early intervention physiotherapy service for injured ACT government workers, certificate IV training and accreditation for 25 rehabilitation staff in ACT government agencies and a whole-of-government injury management database to more efficiently and effectively monitor return-to-work processes.

At this point, it is very pleasing, as Minister for Health, with my other portfolio responsibilities, to congratulate ACT Health on winning the 2009 award for best workplace health and safety management system in the public sector. I think ACT Health has been leading the way across the ACT government for a number of years now.

In many respects—and I will go to Ms Bresnan's point on WorkCover—having the most modern occupational health and safety laws is only measured by the effectiveness of the enforcement of those laws. And there has been some recent criticism of WorkCover in the Assembly, particularly in regard to their ability to respond to health and safety complaints. I have some data from WorkCover. WorkCover has undertaken more than 550 worksite visits, has issued more than 50 improvement notices and has issued 40 prohibition notices in the last three months. So I think WorkCover would believe that the criticism of their effectiveness and enforcement of those laws has been a little unfair.

A major focus for WorkCover has also involved a lot of attention on the asbestos issue, including the major investigation and monitoring of the Pickles incident, the illegal dumping of asbestos and the clean-up and, of course, the recent residential asbestos issues.

Recent comments have been made in the Assembly and in the media concerning the Mitchell Resource Centre and the Gungahlin Drive extension. WorkCover have taken action on both of these matters. WorkCover inspectors visited the Mitchell Resource Centre on a number of occasions and are working with Thiess and ACT NoWaste in relation to the handling of hazardous substances and general workplace safety issues. WorkCover has also conducted a review of the procedures in place at Mitchell for safe work systems. Inspectors have visited the GDE site twice, and ongoing monitoring continues. The key issues that were identified were in relation to plant and working in extreme temperatures, issues that have been addressed at other civil work sites in the last few months.

Notwithstanding all of that, members will be aware that the Attorney-General has commissioned a review of WorkCover which is presently underway. The terms of reference of this review have been tabled in the Assembly and members will be advised of the government's decision when it has had the opportunity to consider the recommendations of the review.

I would like to reconfirm the government's commitment to OH&S and thank Ms Bresnan for bringing this matter to the Assembly today. I look forward to the debate continuing for some time yet.

MRS DUNNE (Ginninderra) (3.39): As members have said, health and safety are matters of paramount importance to people in the ACT because, as Ms Bresnan has said, so many people spend so much of their time at work so that the status of their work environment, especially in relation to their safety, is extremely important. The importance of health and safety in the workplace cannot be understated.

A healthy and safe workforce is a productive workforce and that has spin-offs for our economy as well as spinoffs for the wellbeing of not just those people but their families and those associated with them. A safe workplace is productive and is a sensible investment for employers to ensure that they provide, as far as possible, the most up-to-date health and safety environment in which people can work for the good of their business.

It is not only important for the workplace but, as I said, it is important for the wider community. A healthy and safe workforce places less pressure on government services, including health care. The fewer industrial accidents we encounter, the less stress there is on families. Not only the victim of the industrial accident but those around them also have to recover from those.

As someone who has a long association with the building industry—my father worked for many years in the building industry; my son does at the moment—it is a matter of the utmost importance. I experienced, as a child—I went through the process as a child—my father having a number of falls on building sites and other accidents. And it is extraordinarily traumatic. As one gets a little older, it is a huge problem. My son is off work because he has got a broken leg. Until the time he broke his leg, he was working on industrial sites. His was not in an industrial accident. He has worked on large commercial sites around town.

The level of input that goes into occupational health and safety and safety around the sites is fairly praiseworthy, really. As a young apprentice, he came home on a number of occasions to tell me that he had been ticked off for not complying with safety things which seemed, on the surface, to be somewhat minor. But it shows how diligent people are on building sites, that they have, for the most part, learnt the message.

Some of that is because we have had some terrible accidents in the ACT. Some have unfortunately resulted in death. It does serve to bring home to us how potentially dangerous work sites, building sites, especially large building sites, are. And they are probably the area of greatest concern in the ACT because we do not have large-scale heavy industry where you would find a lot of accidents that you would find in other jurisdictions. We still have industries that do create crushing injuries and cutting injuries, which are of concern. We need to make sure that we work very hard to ensure that our workforce is as safe as possible.

It is especially important in small business because in the ACT most of our businesses are small business and that is why it is important that government support and easy access to information and reduced regulatory burden are the keys for small business.

In regard to the recent changes to occupational health and safety, I do not think that the ACT government really shone. There were changes that were foreshadowed for a very long time. We knew when the cut-off date was but the consultation was held quite late in the piece. I think that some of the changes to regulation in relation to occupational health and safety were not well known when they came into effect in October this year.

Regulations can often appear complex to small businesses who often are specialists in their trade or area of business expertise first and business managers second. And it is not through lack of goodwill that they might fall down. That is where I think that an appropriate gentle approach is necessary from WorkCover and other regulators.

Ms Bresnan touched on an important matter, which is the inconsistency that we have seen in the administration in WorkCover, especially the time between workplace inspections in the sex industry. She commented on this, and it has been a matter that both she and I have commented on on a number of occasions. It took more than five years between inspections.

I was pleased to note that inspections have recently taken place and I was pleased to note that on this occasion, when inspections took place, there was no warning to the brothels that were visited. As a result, we have seen a number of breaches recorded and, in fact, business will close for periods of time to require them to rectify the breaches. This shows that there are problems in that industry, and it is incumbent upon WorkCover to have a regular regime of visiting workplaces.

The sex industry is a difficult area for regulators. They probably find it an area that they are not comfortable in regulating, for a variety of reasons. But as I commented to someone recently, there has been a death in a brothel in the last 18 months or so in the ACT. If that had happened on any work site, there would have been, and rightly so, WorkCover people going to visit on a regular basis to ensure that whatever went wrong did not go wrong again.

But we had a death in a brothel. We had a death from a prohibited substance that should not have been on the site, of someone who should not have been working in a brothel. But there were no inspections. There were no follow-ups to see that those events did not occur again. I think that this is a particular failing on the part of the work safety authorities in the ACT.

I thank Ms Bresnan for this important matter that she has brought on. I think that it is something that we have to work collaboratively on to have gradual improvement. You can never say, "We have done that; it is all good," and fold your arms and feel satisfied. We have to be constantly vigilant to ensure that we do provide a safe and healthy workplace for our workers in the ACT.

MR ASSISTANT SPEAKER (Mr Hargreaves): The discussion is concluded.

Planning, Public Works and Territory and Municipal Services—Standing Committee
Report 4

MS PORTER (Ginninderra) (3.48): I present the following paper:

> Planning, Public Works and Territory and Municipal Services—Standing Committee—Report 4—*Inquiry into Live Community Events*—Interim report, dated 3 December 2009, including additional comments (*Ms Le Couteur*), together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

Mr Assistant Speaker, as you would anticipate, this interim report primarily focuses on the issues identified in the inquiry's terms of reference. The committee's recommendations focus on recognising the rights of existing entertainment and live music venues by including order of occupancy considerations in the Liquor Act 1975 and ensuring that people moving into residential areas where live events are provided are made aware of those considerations.

The committee also recommends that the concept of reverse sensitivity should be included as an overarching objective in the relevant territory plan development and precinct codes, recognising that existing activities set the ambient environment for a region and the new development should bear the cost of attenuating ambient environmental nuisance, such as noise, within their development.

The committee's interim report emphasises the need for more flexibility in the noise standards to enable small and medium venues to run live events, including consideration of higher noise standards on Friday and Saturday nights in Canberra city and town centres.

The committee's report recommends that the availability of community venues for live performances also be considered by the ACT government's interdepartmental committee on barriers to the production of live music. It also considers the need for existing community venues, such as community halls, to have improved sound attenuation so that they can be more readily used as live event venues. The committee also recommends that private businesses and commercial developments be encouraged to provide bill posting facilities.

As previously noted by the deputy chair this morning, the committee is aware that the cultural ministers council working group on contemporary music development is currently developing a best practice guide for the development of a legislative and regulatory environment supporting live music and entertainment. As the deputy chair reported, the guide was not available at the time of finalising this interim report. Therefore, the committee awaits the guide in order to consider it before assessing the most appropriate combination of regulatory mechanisms to support live events in the ACT and before comparing and analysing the approaches of other states and territories.

In addition, the committee acknowledges that there are also a number of other regulatory approaches to supporting live entertainment that warrant consideration, such as transport; access; public liability; security; amenity, or public interest considerations, when granting liquor licences; noise limits and noise zones and entertainment precincts. I would like to thank my fellow committee members, Ms Caroline Le Couteur and Mr Alistair Coe, and also my committee secretary for her work on this report.

Question resolved in the affirmative.

Order of business

Ordered that order of the day No 1, executive business, relating to the Crimes (Bill Posting) Amendment Bill 2008, be postponed until the next day of sitting.

Workers Compensation Amendment Bill 2009

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

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (3.52): The Canberra Liberals will be supporting this bill. In addition, we will be proposing some relatively minor amendments. I further note that the Greens will be proposing some amendments which we will not be supporting. The essence of the Workers Compensation Amendment Bill is to do three things: to reduce red tape and administration costs and streamline business requirements; implement the national framework for approval of workplace rehabilitation providers by the national heads of workers compensation authorities; and strengthen the existing compliance framework by introducing a range of new offences for sustained non-compliance. Importantly, the scale of those penalties will be commensurate with the employer's operational size.

In reducing red tape, the bill does three things: it requires that personal injury plans which are prepared by insurers must be agreed between employers and employees; it provides that an insurer is only required to appoint a rehabilitation provider as part of the personal injury plan if an injured worker has been unable to return to work on the pre-injury hours and workload after four weeks—I note that the option exists for an earlier appointment if the insurer so chooses—and it removes the requirement for employers to submit a statutory declaration or an auditor's certificate in relation to a wages declaration. The employer will only need to provide a statement of relevant information.

In implementing the national framework, the bill enshrines a much welcomed system of mutual recognition in relation to approved rehabilitation service providers. In strengthening the compliance provisions, the bill introduces a number of measures. There will be civil penalties for non and underinsured employees called a recovery amount, which is double the avoided premium. The agency's chief executive can apply this penalty retrospectively for up to five years. It also allows the chief executive some flexibility as to the actual amount, depending on a range of specified circumstances.

There will be a hierarchy of strict liability offences culminating in possible criminal prosecution and/or a cease business provision until the employer complies. There are provisions creating personal liability for executive officers for the debt of corporations associated with penalties for non or underinsurance, and there will a prohibition on injured directors of uninsured entities from claiming compensation from the default insurance fund. There are penalties for the provision of false or misleading information relating to wages statements.

The bill also broadens the definition of "worker" to ensure that sole trader occupations—contractors operating with an ABN who supply labour only or substantially labour only services—are caught in the definition. The provisions relating to the definition of "worker", the wage statements and the rehabilitation arrangements commence on 1 July 2010 and everything else commences on the day after notification.

I note from the minister's presentation speech that the amendments will save the business sector $4 million in costs and will cut red tape. This is a good outcome for business as any reduction in government red tape is an enhancement to business operation. Certainly, there will be a range of direct cost savings to businesses. These relate to the abolition of the need for audited wages statements, as well as the new rules relating to the engagement of rehabilitation service providers. Any saving in cost due to government regulation is an added bonus for business. So, on behalf of Canberra's business community, I commend the government on its initiatives.

Some might consider the penalty provisions in the bill to be steep or even somewhat draconian. Nonetheless, they are designed, as most penalties are, to deter non-compliance. The benefit that has been introduced in this bill is that the penalties, apart from the default notice penalty, being the recovery amount, are structured such that they are commensurate with the size of the business. This too is a good outcome for business, notwithstanding the ideal that they should not have to be levied in the first place, but also understanding that not all businesses comply with the law in this area. That said, workers compensation is an important and compulsory cost of doing business. Non-compliance adds costs unnecessarily to the businesses who do comply. A higher level of compliance will lower costs for insurers, which in turn translates to lower workers compensation premiums.

In considering this bill, I invited comments from a range of employer representatives and other stakeholders. All the responses I received were supportive. However, the Law Society, whilst also supportive, did note that ordinary householders—that is, non-business employers—who engaged the services of contractors, for example cleaners, gardeners and even babysitters, may now be subjected to workers compensation liability and penalties. This is because an exemption that currently exists was not preserved in this bill. I will be proposing amendments to preserve this exemption and will address this issue in more detail in the detail stage of the debate. However, I flag now that further down the track I would like to begin a conversation about the role of non-business employers, particularly householders, and their exposure to workers compensation.

It is a complex issue. There are many cases where, for example, a householder might engage a full-time cleaner—I only wish I could—or a nanny, in which case there may be a clear need for the householder to carry workers compensation insurance. But what about the mum and dad who get the 15-year-old from next door to babysit the kids while they go to the movies, or the householder who gets a contract cleaner in for a couple of hours every week? Should they carry workers compensation insurance? Or does their public liability insurance cover them for any injury that might occur while these people are on their property? What about the 15-year-old girl next door that takes the kids to the local park for a couple of hours to get them out of the

parents' hair while they do whatever it is that they do when children are out of the house? Should they carry workers compensation to cover that?

These are issues that require further consideration, but for now my amendment simply seeks to restore the currently existing provisions. Further, the scrutiny of bills committee commented on two paragraphs: 149(4)(viii) and 162A(3)(viii). These paragraphs give the chief executive the power to have regard to any other factor the chief executive considers relevant while deciding to reduce a recovery amount. Again, I will be proposing amendments in relation to this issue, which I will address more fully in the detail stage.

Another positive element to this bill is that its provisions are similar to those in other jurisdictions, including New South Wales. As we approach national uniformity in workers compensation laws, business and industry, we can expect better efficiencies and lower insurance premium costs. With mutual recognition of rehabilitation service providers, business and industry can not only expect better efficiencies and lower costs, they can also expect more consistent service delivery across the various jurisdictions.

With businesses and industry commonly operating across jurisdictions, these kinds of measures, with their associated efficiencies and lower cost, can only be positive for business. This is good legislation that we are considering today. I am told there is more to come, and I look forward to it. The Canberra Liberals are pleased to support this bill.

MS BRESNAN (Brindabella) (4.00): The Greens will be supporting the bill today; however, I will highlight the amendments we will be offering, which we believe will improve the compliance regime for compulsory workers compensation insurance.

Irrespective of the strength of occupational health and safety policies, protective equipment and practices, it is an unfortunate reality that people are occasionally seriously injured at work. Even the safest of employers is likely to have a situation where one of their employees is injured at work. Every practical step must be taken to minimise injuries in the workplace; however, in recognition of the fact that injuries are on some level inevitable, companies are required to have workers compensation insurance at all times. The purpose of this insurance is twofold: to ensure timely payment of workers compensation to employees and to ensure that unforeseen accidents do not bankrupt employers. It is a commonsense measure to make this insurance compulsory for the benefit of the injured worker, the other workers, the business owners and other stakeholders.

Recognising, then, that workers compensation insurance is a necessary cost for business, it makes sense to minimise the cost and complication of requiring workers compensation. We believe that the measures in the bill to reduce red tape and compliance costs enable responsible businesses to reduce costs whilst continuing to provide services. In particular, the removal of the requirement for all businesses to provide certificates for registered auditors and instead provide statutory declarations removes a significant barrier to cost-effective, timely compliance.

We must note, however, that we hope that the removal of this formal requirement is accompanied by increased active compliance checks by the government to ensure that the few irresponsible employers do not use the opportunity to shirk their responsibilities. That, however, is a discussion for the WorkCover review; I will not spend time on it here.

The portion of this bill that considers the implementation of a national framework is a commonsense measure. The relationship between Canberra and the other states, particularly New South Wales, means that consistency in standards and requirements, as well as mutual recognition of providers, is a necessary requirement for workers coming across our border. Moreover, it facilitates choice for employees and employers in selecting rehabilitation providers during this difficult period.

This brings us to the compliance section of the bill. Let me be clear from the outset: the Greens support strong compliance regimes and the measures put in place, both criminal and civil, to ensure that it is never cheaper for an employer to avoid their responsibilities. That is a worthy goal. However, we feel that two measures should be taken to improve compliance; they are contained in the amendments I will be circulating later.

The bill as it currently stands lists a range of criteria by which the chief executive can reduce the recovery amount. The first two amendments remove mention of "previous compliance" as a criterion for reducing the recovery amount that can be demanded of a non-compliant company. Whilst we understand that there are areas within law that consider prior good behaviour to be a consideration for mitigating penalties, we do not believe it is appropriate to apply that principle in this case.

The ACT Greens believe that providing workers compensation insurance is a basic and important requirement for business. Failure at a moment in time to provide the basic protections for workers in a company is not mitigated by the fact that a company has not failed before. To draw a comparison, smoking at a petrol station is not any less irresponsible and dangerous simply because you have not done it before.

We believe that this element of our amendments will send a stronger message that workers compensation insurance is a non-negotiable requirement for doing business responsibly. Furthermore, given the elements of this bill, previously mentioned, that make it simpler and cheaper to comply, failure to do so is that much more inexcusable. The Labor Party and also the Liberal Party have indicated that they will oppose this portion of our amendments. We do challenge them to stand and explain why they are unwilling to penalise equally all those who abdicate from a basic duty of care to their workers.

The second element of the amendments we seek to have passed relates to seeking recovery amounts from culpable executive officers in addition to seeking them from the entities they represent.

We have three concerns with the proposal as it currently stands within the bill. Firstly, we believe that culpable executive directors are insulated from the repercussions of the decisions they make. Civil and criminal penalties solely aimed at companies do

not expose the decision makers to effective penalties beyond perhaps smaller bonuses or an awkward conversation with shareholders.

Before the Labor and Liberal parties jump up and accuse us of not understanding why people form companies, let me say that we recognise the principle by which people choose to insulate themselves from liability in a company. However, we believe that providing minimum standards of insurance coverage for employees, as mentioned above, should be a basic minimum standard for anyone conducting business. Inability of a culpable executive to do so indicates a fundamental failure to the company, its workers and society at large.

In recognition that this is a special case, we believe that the chief executive responsible for pursuing recovery amounts should, at their discretion, be able to target a company director that has been deliberately or grossly negligent for part of the recovery amount. In a similar vein, we believe that solely targeting the company creates the perverse outcome where, in the effort to penalise irresponsible businesses for not looking after their employees, the government would create an incentive to reduce costs by firing employees. We question whether the workers, shareholders and other stakeholders should be the only ones to bear the burden of the repercussions of the inability of executives to fulfil basic duties.

Finally, allowing the chief executive to, at their discretion, seek recovery costs from culpable executives where appropriate will improve the rate of recovery for the default insurance fund. I would bring the Assembly's attention to the uninsured employer fund section of the default insurance fund report within the Chief Minister's Department annual report, which highlights that, despite expenditure of $3.5 million in claims and administrative costs, the fund has recovered only $0.2 million from uninsured employers.

I would like to believe that all parties here wish to see employers fully discharge their responsibilities to provide workers compensation insurance for their employees. This bill permits employers to do so in a simple and low-cost fashion. If this bill makes it easier to fulfil responsibilities, failure to do so becomes that much more problematic.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (4.08), in reply: I thank members for their contributions to the debate this afternoon. The Workers Compensation Amendment Bill 2009 is intended to improve the performance of the ACT private sector workers compensation scheme. The scheme is the second largest privately underwritten scheme in the country. As outlined to this Assembly previously, against a number of important criteria, the scheme itself is not performing well—and, indeed, is one of the most expensive schemes in the country.

An efficient and effective workers compensation scheme achieves a reasonable balance between the interests of employers and workers while, at the same time, providing effective rehabilitation and early return to work; providing fair compensation for work-related injuries; reducing the overall social and economic cost to the community of work-related injuries; and ensuring that employer costs are contained within reasonable limits.

The Workers Compensation Act was significantly amended in 2002 to create a workers compensation scheme based upon the principles of early rehabilitation and return to safe and durable work for injured workers. The 2002 reforms reshaped workers compensation in the ACT into a beneficiary scheme that protects the rights and interests of workers. Those amendments brought greater fairness to the determination of the weekly compensation paid to injured workers; clarity around who is a worker; provisions for diseases of gradual onset; and incentives for employers to report injuries early.

This bill introduces amendments that build upon the earlier and successful 2002 reform and, when combined with further planned improvements, will deliver an affordable scheme for employers, improved outcomes for workers, improved performance of the scheme providers and an effective governance and management regime for the scheme.

The improvements outlined in this bill are intended to be the first step to achieving the objectives of the 2007 government-initiated independent review of the scheme. In particular, the bill will amend the Workers Compensation Act to reduce red tape for ACT employers, it will improve the compliance framework and it will implement a new national framework for the approval of workplace rehabilitation providers.

The bill gives effect to the government's intention to reduce administrative barriers to workers compensation compliance and improve the affordability of behaviour that upholds the purpose, intent and operation of the workers compensation scheme.

This bill eliminates the requirement for employers to provide both a statutory declaration and a certificate from a recognised auditor when providing wage-related information to insurers. Instead, employers will be liable if the information they supply to insurers is false or misleading.

It is estimated that these changes will save ACT employers over $4 million annually.

The bill further reduces administration costs by refocusing rehabilitation services to ensure a more targeted and effective use of resources. Insurers will no longer be required to involve the services of a rehabilitation provider in the development of an injured worker's personal injury plan. Rather, the bill refocuses the use of the rehabilitation providers to ensure a timely and appropriate use of their workplace rehabilitation skills and experience.

In the event that an injured worker's return to work is not progressing as expected, insurers will appoint a rehabilitation provider to assist the worker; the extent of the provider's involvement in the claim will depend on the individual facts of each case. These provisions will not preclude an insurer from appointing a rehabilitation provider earlier in the life of the claim if the worker has moved beyond the acute injury phase and has capacity for rehabilitation and return to work.

The amendment ensures that the assistance of a third party is available if a claim is not progressing as expected. It injects a degree of transparency around the provision of rehabilitation services to injured workers and will complement the innovation and skilled case management that insurers already offer injured workers.

Secondly, the bill enshrines a new national framework for the approval of workplace rehabilitation providers. The framework has been developed by the national heads of workers compensation authorities and, at its core, establishes a system of mutual recognition for rehabilitation providers. Where a provider is approved in one workers compensation jurisdiction, all other workers compensation authorities will recognise that provider's status. That is great news for the 80 per cent of ACT rehabilitation providers who work in multiple workers compensation jurisdictions.

The framework takes into consideration the variety of businesses operating as rehabilitation providers and provides an approval regime that applies regardless of an entity's size. The framework develops an agreed and transparent national model of workplace rehabilitation, including uniform service definitions and expectations of providers that are designed to deliver high-quality workplace rehabilitation services to workers, employers and insurers. Most significantly, it provides a robust national approval system across the workers compensation authorities and reduces administrative costs and complexity for providers, employers and insurers who operate across multiple jurisdictions.

Finally, the bill amends the compliance framework underpinning the Workers Compensation Act to ensure that it operates in a robust and discerning manner to improve the effectiveness and efficiency of the ACT scheme. The current compliance framework is not providing the regulator with sufficient statutory support to stop the recalcitrant behaviour of those employers who consistently ignore their responsibilities to protect their workers. The bill responds to this issue and provides for a hierarchy of penalties that culminate in possible criminal prosecution and/or a cease business provision that would operate until such time as the non-compliant employer holds a workers compensation policy.

The bill also confers a power on the chief executive to impose a civil penalty on an employer who either does not have a workers compensation insurance policy or has under-declared the wages for the purposes of the workers compensation premium calculation. The maximum value of that penalty is equal to double the avoided premium, the premium that would have been payable had the employer obtained a policy or properly declared its wages. The bill provides absolute certainty regarding the maximum penalty that an employer will face in the event it fails to obtain a compulsory insurance policy or, in obtaining that policy, incorrectly declares the wages paid to workers.

The bill also confers powers on the chief executive to reduce the penalty. The bill sets clear boundaries on the exercise of that discretion by introducing an express list of criteria that the chief executive can consider in determining whether to impose a reduced penalty. From this list, employers can clearly identify the nature and type of the information that they can rely upon in seeking to have the chief executive exercise this discretion and impose a lesser penalty.

The amending bill also includes a catch-all provision that allows the chief executive to consider any other relevant matters in determining whether a reduced penalty ought apply. Let me reiterate: the chief executive may only apply the discretion to reduce, not increase, the penalty. This catch-all consideration recognises the fact that it is

incumbent on the chief executive to have regard to all evidence and information that is relevant to the exercise of this discretion. It ensures that the government is not forced to make a decision in error of the law by reason of being unable to consider new information or evidence that amounts to a relevant consideration because it is not reflected in the express list of criteria set.

This avoided premium penalty is consistent with those operating in other jurisdictions, such as New South Wales and Victoria, and will have the effect of scaling the penalty to be commensurate with the size of the employer. This disproves the perception that non-compliance is a cheaper alternative to the cost of complying with the workers compensation laws. The protection of workers in the workplace is not optional.

The bill also introduces personal liability for executive officers where there is a debt associated with the new civil penalties for non-insurance or under-insurance. Consistent with most other workers compensation jurisdictions, the bill also prohibits injured working directors of uninsured entities from claiming compensation from the default insurance fund. The person responsible for avoiding their responsibilities should not be eligible to compensation from the default insurance fund.

Every claim made against the fund by a working director of an uninsured entity represents an increased cost to those compliant employers and undermines the compliance objectives inherent in the Workers Compensation Act. Critically, these amendments also close the loop on employers who fail to discharge their statutory obligations.

There are an increasing number of individual labourers and tradespeople who operate as contractors with an Australian business number, an ABN. The sole trader with an ABN has become a vehicle for contractors further up the contracting chain to avoid paying workers compensation insurance, portable long service leave and payroll tax. The prevalence of this contracting structure severely penalises those employers who employ their workers on an appropriate basis and comply with their legal responsibilities. The commercial advantage these contracting arrangements brings is so significant that the viability of businesses doing the right thing is under threat.

This bill clarifies the broad definition of worker, thereby limiting the opportunity for premium avoiding and sham contracting. If an individual on a worksite, in a cafe, at a retail shop or in a commercial cleaning company supplies labour only, then without a doubt they are a worker, regardless of whether they have an ABN. These workers must be protected by their employers.

The new provisions will not capture those legitimate contractors who are paid to achieve an outcome; supply the necessary plant, equipment or tools of trade; and are or would be liable for the cost of rectifying any defective work.

The new provisions work together to assist employers and workers alike to understand who is considered a worker. In practice, whether an individual is a worker under the act will depend on the specific facts of the matter and the application of the broad definition as well as the more detailed provisions already contained in the Workers Compensation Act.

In conclusion, this bill will save ACT employers approximately $4 million in reduced red tape and administration costs; it will implement the new national framework for the approval of workplace rehabilitation providers; it will strengthen the compliance framework; and it will signal that sham contracting is an unacceptable business practice in the territory.

In closing, I would like to thank the Office of Industrial Relations staff for the development of this bill, their oversight of the work and briefing members of the Assembly extensively on this bill—and also to thank members of the Assembly for participating in those briefings and allowing this bill to pass today.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 10, by leave, taken together and agreed to.

Clause 11.

MRS DUNNE (Ginninderra) (4.19): I move amendment No 1 circulated in my name *[see schedule 1 at page 5769]*.

This amendment is to section 147A and adds a new section 147A(6A) and restores the current exemption for non-business employers. Its effect will be to continue the existing requirements on non-business employers to maintain approved workers compensation insurance on pain of a strict liability penalty of 50 units. This is reflected in subsection (2). Employers will not liable for penalties relating to the three levels of default notice that are outlined in subsections (3), (4) and (5). Default notices can still be issued but the penalties do not apply.

As I said in the in-principle debate, the question of workers compensation for non-business employers is a complex one which I would like the Assembly—perhaps through a committee inquiry or at least through discussions with officials, as we further develop this legislation—to consider at a future time. My amendment simply restores the current exemption for this group of employers and I commend it to the Assembly.

MS BRESNAN (Brindabella) (4.21): The Greens will not be supporting this amendment from the Liberals today. To be clear, from the outset we agree with the underlying purpose of the amendment—that is, to protect ordinary householders from the harsher criminal penalties if they fail to provide workers compensation insurance for nannies, babysitters, gardeners and other such employees. However, we believe there does need to be further investigation on the extent of non-business employers to ensure that householders are the only groups exempted from these penalties.

Furthermore, there is uncertainty in the bill as to the types of insurance that constitute workers compensation insurance. In the case of householders, without this

information, it is not possible to determine the level of compliance that currently exists in the community or the impact it would have. The answer to these uncertainties would inform us as to what the most appropriate protections for householders are in the context of workers compensation legislation.

I would again note that this issue does require a more thorough period to investigate the impact of this bill on householders. While we are not supporting this amendment today, we would be pleased to work with the Liberals into the future on developing appropriate amendments to the bill.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (4.22): The government will support the opposition's amendment. The current enacted legislation provides for householders to be penalised 50 penalty points for non-insurance and excludes householders from criminal penalties.

The proposed provisions, as tabled by the government in the last Assembly sitting, restructure the penalty hierarchy. For failure to comply with the orders for non-insurance, default notices will culminate in prosecution and/or cease business orders. A genuine non-business employer would be expected to comply with the initial default notice and establish a policy, thereby avoiding criminal prosecution. The opposition amendment expressly reflects this expectation.

Amendment agreed to.

Clause 11, as amended, agreed to.

Clause 12.

MS BRESNAN (Brindabella) (4.23): I move amendment No 1 circulated in my name *[see schedule 2 at page 5769]*.

The ACT Greens are pleased to propose the amendments circulated in my name. We believe that they strengthen compliance and provide greater incentives to ensure that employers fulfil their basic responsibilities in providing workers compensation insurance for all staff.

In regard to amendment No 1, which also stands for my amendment No 2, we believe that the status of workers compensation insurance in any given company is a simple binary. Either a company is fulfilling its responsibilities in providing adequate levels of coverage or it is not. This amendment removes explicit mention of prior compliance as a criterion by which the chief executive can reduce recovery amounts.

The ACT Greens feel that prior compliance does not affect the magnitude of the problem of not supplying adequate insurance to cover their workers. We believe a business should not be able to make a case for reduction in recovery amounts based upon previous behaviour, and this undermines the very purpose of the bill in ensuring that recovery amounts are always substantially more than the premiums avoided.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (4.25): The government will not be supporting this amendment. From the list of factors set out in section 149(4), employers can clearly identify the nature and type of information that they can rely upon when seeking to have the chief executive exercise discretion to impose a lesser penalty. The inclusion of the employer's compliance history with this list allows the regulator to have regard to the employer's previous commitment to compliance and to the intent of the workers compensation legislation. This also balances the financial considerations which comprise the first three factors relevant to the exercise of the chief executive's consideration.

For example, an employer with 15 years of strong compliance performance who makes a poor decision to delay insurance renewal due to cash flow should be considered differently to an employer who has a pattern of non-insurance or underinsurance. As drafted, section 149 allows this flexibility and allows these considerations to be taken into account. The removal of this factor will jeopardise the integrity and balance of the chief executive's consideration, and employers with a history of non-compliance may actually benefit from the exercise of the chief executive's discretion to impose a reduced penalty simply on financial grounds.

MRS DUNNE (Ginninderra) (4.26): The Liberal opposition will not be supporting this amendment either. In considering the Greens' amendments, I took briefings from both the Greens and the government. I thank them for their cooperation. I also want to take this opportunity to thank officials for the time that they have taken over this.

Amendment No 1 of the Greens removes the ability of the chief executive to consider an employer's history of compliance when deciding to determine a lower recovery amount penalty for failure to maintain compulsory insurance. The record of compliance is frequently used in a range of circumstances. Which employer, for example, has not looked at past performance of their employee when establishing whether they should receive a promotion or a pay rise? Which court does not look at the past record of an offender before deciding on a penalty? It is perfectly reasonable and normal for past performance to be considered and it is perfectly reasonable for a chief executive to look at past compliance in deciding whether the recovery amount should be reduced. I concur with the comments made by the minister, and the Canberra Liberals will not be supporting this amendment.

Amendment negatived.

MRS DUNNE (Ginninderra) (4.28): I move amendment No 2 circulated in my name *[see schedule 1 at page 5769]*.

The scrutiny of bills committee, in reviewing the bill, commented that paragraph 149(4)(b)(viii) is a catch-all phrase that may engage the Human Rights Act 2004 in terms of what the committee described as "insufficiently defined administrative powers". The committee recommended that consideration be given to rephrasing or deleting the paragraph. I note the minister has responded to the committee's recommendations.

In this matter, there is a positive and a negative to consider. The positive is that the section only gives the chief executive the authority to reduce the recoverable amount, not increase it. The negative is that a catch-all power may not prevent corruption, for example, by allowing personal relationships to influence decision making.

I considered an amendment to omit this paragraph. However, on reflection and after further discussion, I now propose an amendment that deletes the current words and substitutes "any other relative factors" in their place. In doing so, I am aware that common law principles underpin the operation of this kind of provision. Those principles would prevent the chief executive taking into account irrelevant factors. Nevertheless, my amendment removes the apparent arbitrary discretion of the chief executive and makes it a more objective consideration. I commend the amendment to the Assembly.

MS BRESNAN (Brindabella) (4.29): As Mrs Dunne noted, this amendment has come out of the scrutiny of bills committee. The amendment seeks to remove ambiguities in the criteria by which the chief executive may apply lower recovery amounts. This helps combat any conflict of interest or perceived conflict of interest in the chief executive's decision to lower recovery amounts. It is consistent with the recommendations, as I have noted, in the scrutiny report. The Greens will be supporting this amendment.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (4.30): This is what the public never gets to see, the kind of love-in that is happening at the moment. It is feeling a lot warmer and fuzzier than it was a few hours ago, I can tell you that. It is sure to disintegrate but, at the moment, it is nice and there should be more of it.

The government will support the opposition's amendment. The inclusion of the catch-all provision provides employers with an assurance that the exercise of the chief executive's discretion will not occur in ignorance of relevant information because it is not of a kind specified in the list of factors set out in section 149(4). The chief executive has obligations to exercise this administrative power in accordance with the law and for a proper purpose, and the government is very happy to support the amendment.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clauses 13 to 27, by leave, taken together and agreed to.

Clause 28.

MS BRESNAN (Brindabella) (4.31): I move amendment No 2 circulated in my name *[see schedule 2 at page 5769]*.

As I noted in regard to my amendment 1, this amendment removes the mention of prior compliance as a criterion by which recovery amounts can be reduced and, as I noted earlier, we believe this strengthens the bill and would improve compliance.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (4.32): The love-in is over. The government will not be supporting this amendment, in the nicest possible way, Ms Bresnan, for the reasons outlined in regard to Ms Bresnan's first amendment.

MRS DUNNE (Ginninderra) (4.32): It was nice while it lasted, but there is a selective love-in here because I am agreeing with the government. This amendment, like No 1, removes the ability of the chief executive to consider an employer's history of compliance when deciding to determine a lower recovery amount penalty for avoiding the payment of a premium, usually due to the lodgement of a false wages return. I simply reiterate the comments made in relation to Ms Bresnan's amendment No 1. The same scenario applies and the Liberals will not be supporting the amendment.

Amendment negatived.

MRS DUNNE (Ginninderra) (4.33): I move amendment No 3 circulated in my name *[see schedule 1 at page 5769]*.

This amendment is exactly the same as my amendment No 2 and serves exactly the same purpose. My amendment No 3 comes out of the scrutiny of bills committee report. I would like to particularly thank parliamentary counsel for the advice that they gave on this particular matter.

MS BRESNAN (Brindabella) (4.34): As with Mrs Dunne's previous amendment, we will also be supporting this. As has been noted, it comes out of the scrutiny of bills report and does improve the compliance.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (4.34): Just briefly, the government will support this amendment, for the same reasons that we outlined for Mrs Dunne's previous amendment.

Amendment agreed to.

Clause 28, as amended, agreed to.

Remainder of bill, by leave, taken as a whole.

MS BRESNAN (Brindabella) (4.35), by leave: I move amendments Nos 3 to 7 circulated in my name together *[see schedule 2 at page 5770]*.

These amendments permit the chief executive responsible for seeking recovery amounts in the event of avoided premiums or payments to the default insurance fund to seek all or part of the recovery amount from the culpable executives regardless of the status of the business. Under the bill as it currently stands, the chief executive can only seek amounts from a culpable executive in the event that the company is unable to pay or has been wound up.

The amendment that the ACT Greens are offering to this element of the bill permits the chief executive, at their discretion, to seek recovery amounts from culpable executives regardless of the status of the company. In short, if a company director is deemed to be largely responsible for the failure of a company to provide workers compensation insurance, recovery amounts can be sought directly from the director. We believe that this is a special circumstance in which a director should not be immune to direct civil liability.

Failure to provide basic insurance cover incurs civil penalties to the company under the Workers Compensation Act. This, when solely directed at the company, perversely harms the interests of workers and shareholders. We believe that this element of our amendments firmly entrenches providing insurance as a basic responsibility of a company director and is one to which they will be held directly accountable.

Furthermore, this measure will hopefully improve the disappointingly low rate of recovery by the default insurance fund of claims made against it due to illegally uninsured employees. This direct accountability provides a stronger incentive than the one provided in the unamended bill to ensure that no company director will ever think it is a good idea to not properly insure Canberra workers. I would emphasise that the amendments we offer do not have any impact on responsible employers; rather, they ensure that the few irresponsible employers and the directors behind the decisions are held to account for their failures to protect employees.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (4.37): I will speak to each of the amendments. We will not be supporting any of the amendments. In relation to the first amendment, No 3, where a claim is lodged against a now uninsured employer two discrete liabilities arise: the penalty associated with not having a compulsory insurance policy and that for the injured workers compensation costs.

The provisions I tabled in the Assembly in the November 2009 sitting proposed to establish a civil liability for culpable executive officers for the first of these liabilities, that is, for a debt that arises out of a failure to maintain the insurance policy or for avoiding paying the correct premium. It is intended that a culpable director would only face liability for a debt arising from failure to comply with these statutory obligations where the employing corporation was unable to pay or was being wound up.

The injured worker's compensation costs are the second of the discreet liabilities. As drafted, the Workers Compensation Act confers powers on the default insurance fund to recover this liability through imposing a penalty on the non-compliant employer. That penalty is limited to three times the compensation to which the injured worker is entitled. The punitive measure of three times the compensation amount is reserved for the recalcitrant employers who demonstrate no regard for their injured workers, in contempt of their responsibilities under the ACT workers compensation scheme.

Every workplace incident is one incident too many. Collectively, employers across the ACT should be working hard to stop workplace incidents. By preserving the

distinction, the default insurance fund is able to work cooperatively with employers who have neglected to obtain a compulsory insurance policy but accept responsibility for payment of medical costs, weekly compensation and rehabilitation to the injured worker. This flexibility ensures the timely payment of compensation to injured workers.

Where the employer is unable to meet the cost of the claim immediately, the default insurer establishes a payment plan for the employer to ensure their worker is not disadvantaged and to ensure every measure is taken to assist employers to take responsibility for their actions. The broadening of the civil liability proposal to apply to the default insurance fund would undermine the ability of the fund to conduct its business in a flexible and functional way in keeping with the spirit of the legislation and in order to protect the interests of injured workers.

In relation to the fourth amendment, the intent of this provision as drafted is to establish a personal officer liability in the event that the corporation is unable to pay the debt or is in the process of being wound up. This intent reflects the status of an incorporated entity as a natural person for liability purposes. There are limits on how far the corporate veil can and should be pierced. The amendment strikes at the core of the protections offered by corporations law. The liability should only attach to an officer in the event that liability has been established against the corporation and as a matter of fact the corporation has been unable to discharge the penalties arising from its non-compliant conduct.

The amendment proposed by the Greens risks serious manipulation of corporate structures with a view to avoiding the penalties altogether and clearly such an outcome could undermine the compliance objectives inherent in the Workers Compensation Act.

In relation to one of the final amendments, No 5, the effect of the proposed amendment is to confer discretion on the chief executive without expressing any clear or certain boundaries on the exercise of that discretion if indeed a culpable officer would have no mechanism for understanding or assessing the basis for the chief executive's decision to recover the amount or part thereof. To ascertain this understanding, the culpable officer would be forced to commence legal proceedings to understand their right of appeal. Again I refer to scrutiny report No 16 issued on Monday, 7 December.

In regard to amendment 6, this proposal fundamentally misunderstands the nature of the penalty as a debt that arises as a result of non-compliant conduct by the corporation. It is not appropriate to remove the corporation's responsibility to meet that debt which is a consequence of their actions by simultaneously pursuing a culpable officer and reducing the ultimate penalty. A culpable executive officer should only be pursued for satisfaction of the debt where the corporation has demonstrated inability to pay and this accords with the fact that it is the corporation's conduct that has given rise to the offence. I might leave it there.

MRS DUNNE (Ginninderra) (4.42): These amendments significantly extend the reach of the bill and the penalties that relate to the civil liability of executive officers of corporations. They expose executive officers to considerably more than what are

already quite significant penalties. For example, the Greens' amendment No 3 potentially exposes executive officers to a penalty of up to five times the premium that otherwise would be payable.

The Canberra Liberals consider that the provisions, as drafted in the bill, satisfactorily cover what is required to ensure an executive officer of a corporation can be held to account. One element, for example, is that the director of a corporation that does not have an approved workers compensation insurance policy, who is also injured in the course of their employment with the corporation, cannot claim compensation from the default insurance fund. So that director, as well as being unable to make a claim, may very well be exposed to the civil penalties that apply in the bill to executive officers. The Canberra Liberals will not be supporting this suite of amendments.

Amendments negatived.

Remainder of bill, as a whole, agreed to.

Bill, as amended, agreed to.

Standing and temporary orders—suspension

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

> That so much of the standing and temporary orders be suspended as would prevent the Civil Partnerships Amendment Bill 2009 (No 2) being called on and debated forthwith.

MRS DUNNE (Ginninderra) (4.44): The Canberra Liberals will not be supporting the suspension of standing orders. I understand why the minister wants to debate this today; it has been said that there is some urgency about this because there is some possibility that the commonwealth might act. It is not my view that the commonwealth will act, because the government has flagged its intentions to amend this legislation and there is a bill on the table, so I think it would be unwise of the commonwealth to act in this regard. It is not normal practice to introduce and debate a bill; it is contrary to the standing orders, and I do not think that the minister has mounted a strong enough case to suspend standing orders.

Question resolved in the affirmative, with the concurrence of an absolute majority.

Civil Partnerships Amendment Bill 2009 (No 2)

Debate resumed from 8 December 2009, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (4.46): The Canberra Liberals will not be supporting this bill, which seeks to amend the Civil Partnerships Act to comply with the commonwealth's requirements.

These amendments do little else than add a couple of simple administrative processes to the current arrangements. I agree with the reported statements of Mr Rattenbury that they are simply hair splitting. There is in no way a change to the central theme of the legislation, which is for the creation of civil partnership ceremonies which in their construction challenge the definition of marriage under the commonwealth Marriage Act.

Civil partnership declaration ceremonies will still look, feel and sound like a marriage and therefore they probably are a marriage. In this regard, the commonwealth has done a complete backflip. After all the crowing and all the grandstanding and after all the threats, the commonwealth seems to have folded.

Recently, I wrote to the federal Attorney-General to ask what amendments the commonwealth wanted to the ACT act. His response dated 4 December, which I received earlier this week, referring to the amendments proposed by Mr Corbell, can be summarised as follows: these amendments will bring the ACT scheme into line with the nationally consistent framework for relationship recognition.

This is a feeble attempt to justify a complete cop-out on the part of the commonwealth and their longstanding policy. They have set a precedent that will be to their embarrassment in the future. The ACT's current laws, and even the laws that will be in place should this bill pass, are the only laws of this type that exist in Australia. The Tasmanian laws do not go as far as this legislation will go if it is passed through the Assembly today.

The position of the Canberra Liberals has not changed on this issue. The declaration ceremony, regardless of the administration requirements that sit underneath that ceremony, still look, feel and sound like a marriage. It still, in our view, challenges the definition of marriage under the Marriage Act and we will not be prepared to support it.

MR RATTENBURY (Molonglo) (4.48): "Welcome to the reality of self-government." These are the words that were said to one of my staff this week in regard to this bill, and that is why we are here today—because the ACT parliament, a young but, might I suggest, proudly developing institution, does not ultimately have the capacity to make its own laws, comfortable in the knowledge that those laws will stand.

As we debate here today, we know that in general our federal colleagues up on the hill are rarely interested in what laws we make here. We are a small jurisdiction and one would assume that, as long as we keep the books ticking over, and that the road between the airport and the big hill runs smoothly, no-one up there would really pay that much attention to us.

But this one issue, an issue of human rights, decency and equality, appears to be the one issue that the commonwealth takes a most keen interest in; this one issue of affording same-sex and transgender couples in the ACT the right to celebrate their civil partnerships through a legally binding ceremony.

I stand here today representing a party that is deeply reluctant to support this bill here in the chamber but a party that recognises that ultimately we have been elected to this place to represent the rights of Canberrans and that in doing so we must support this bill. We must support this bill because we cannot risk that an ALP federal government, the Rudd government, will intervene and overturn our current laws that give civil ceremonies to same-sex couples in the ACT.

Those laws, enacted on 11 November 2009, have already been utilised by a number of ACT couples to create their civil partnerships through a legally binding ceremony in front of their families and friends. I would like to acknowledge here that it is not the only option for same-sex couples, nor is it necessarily a superior or better option. Couples creating formal partnerships have done this through the registry process, have added their own ceremonies or have, like many heterosexual couples, chosen de facto relationships or to not formalise their relationships at all.

But what this speaks to is choice. Heterosexual couples have a range of choices available to them in regard to their relationships. Up until now, same-sex couples have not had those same choices. The ACT Greens bill that was passed a few weeks ago added the choice for same-sex couples to create their relationships with a legally binding ceremony. I do not seek to validate those relationships created through this process any more than those that are not, but it is clear that this is a choice that same-sex couples deserve and have a right to, and to some of whom it is important.

The past few weeks have reinforced the value and meaning that a ceremony can bring to the creation of a relationship for some couples. Of course, we must again acknowledge that same-sex couples still do not have a choice of getting married under the federal Marriage Act and that, until that changes, we will not be able to stop this campaign for equality and respect and campaign against discrimination.

I had the very great honour on 25 November of this year of attending the civil partnership ceremony of Chris Rumble and Warren McGaw at Old Parliament House. It was clearly an honour to witness the very personal commitment between two people who so very clearly love each other very much, and it was an honour to witness the very first civil partnership in Australia that was created through a legally binding ceremony. Chris and Warren, I know, were very proud to be part of that first as well. I think that many people who witnessed that ceremony were feeling proud that this was happening in the ACT, a jurisdiction known for its strong advocacy on this issue.

It also became very clear to me in witnessing this ceremony that it would be a very mean government that moved to remove this right from same-sex couples in the ACT. This act of relationship creation through ceremony is very important to couples. This is one of the issues that we have had to give great consideration to over the last couple of weeks as we contemplated these changes put forward by the government that we are debating today.

So to Mr Rudd's federal Labor government: how have they behaved? I believe they have behaved poorly. I believe that they have not shown respect to the people of the ACT and I believe they have abused their power in this process of negotiation of law making in the ACT. Why do I make such a strong statement? Firstly, the federal

government, through the Attorney-General, gave a shoddy and dishonest reason for proposing these amendments to the ACT legislature. I can today only speak to reasons outlined in a letter to me from the Attorney-General that I received two days ago. That letter speaks to the commonwealth's desire for a nationally consistent framework on the regulation of civil partnerships through registration.

The intent here is to bring the ACT more into line with Tasmania and Victoria. But this is utter rubbish. The federal government do not have a nationally consistent framework on civil partnerships and they certainly do not have the support of state and territory governments to develop one as yet. What the federal ALP has is a national platform, but that is party policy—party policy of the Labor Party—not a COAG agreement between the state and territory governments. COAG is a negotiation between governments, not between branches of the Labor Party. So that, I am afraid, is a fraudulent reason from Mr McClelland, and I suspect he knows it.

The federal government raised no concerns about our legislation in regard to its legal standing or its potentially infringing on the federal Marriage Act. I suspect that is because they know they have not got a leg to stand on, and legal advice from one of their own solicitors indicates as such. The commonwealth quite explicitly gave up the field on legislating for same-sex relationships when it amended the Marriage Act in 2004.

So it does rather leave one scratching one's head searching for a reason, a policy reason or a legal reason—unless, of course, it is because of a moral reason; unless, of course, it is because the Prime Minister has decided that it is worth trying to change our laws to pacify conservatively held views in other parts of the Australian community; views that are intolerant of diversity, intolerant of human rights; views held by people who appear to be believe that the relationships of same-sex couples are second rate and not worthy of ceremonial creation or celebration. But those are not the views of the Greens nor, in my view, of decent-minded Australians.

Unfortunately, in their actions the commonwealth are not only engaging in a less than frank manner with the ACT Legislative Assembly; they are also sanctioning an overriding of the values of democracy. Let us face it: we are not here today because of any push from the ACT community; we are here debating this bill today purely because Kevin Rudd has decided that he does not like our laws. Once again, he has confirmed his position of discrimination against same-sex couples and their relationships and he has confirmed his disrespect for the ACT parliament.

The second reason I believe the federal government have behaved poorly is with their refusal to play their hand in this debate. The bill on the table today is effectively one that had come about as a result of a deal done behind closed doors between the federal Labor government and our own ACT Labor government. This is a deal where basically the federal ALP said to their colleagues in the ACT: "Guys, go back and fix this, or else. Do this for us, and we will leave you alone." It was not a deal that had any openness or any honesty attached to it. It is a deal that, frankly, lets the federal ALP government off the hook as they have not had to play their hand on this issue. They have not declared either their reasons for these amendments or whether or not they would have actually vetoed the laws.

In doing so, I believe that the federal government have abused their power in this debate. We all know that they have the power. We all understand the function of a veto. But wielding that power dishonestly, silently, without being clear about under what terms and conditions they would use it, has been a despicable abuse of power by Mr Rudd and his Attorney General, Robert McClelland.

Yesterday, I received a two-line email from the attorney informing me that the commonwealth would not declare its position in regard to a veto until after the outcome of today's Assembly debate. Why on earth not? Why not be clear about the terms and conditions under which that veto would be applied? At least then we could have a clear understanding of the differences between us and how important those differences were to the commonwealth. But the truth is that the federal ALP government did not want to have to articulate either its reasons, because they were shoddy, or its intent. The latter, I would suspect, was purely in order to protect its political relationship with its ACT colleagues because, while we all know there are disagreements between the ACT and the commonwealth on this issue, it pays the federal ALP to keep it off the front pages of the national newspapers.

Still, here we are. Self-government: this is the realilty. At the end of the day, the Greens have decided we cannot play politics with the lives of same-sex couples in the ACT. Their rights must come first. At the end of the day we have managed to shift the ground considerably in terms of how same-sex couples are able to create their relationships. We are proud that two key aspects of our legislation have been allowed to stand: the role of a registered civil notary in the ceremonies and the role for ceremonies to be part of what creates the relationship. These are real and tangible outcomes that will actually make a difference to same-sex couples in the ACT.

Of course, the Greens will continue to work in all parliaments to eliminate ongoing discrimination against same-sex and transgender couples, not just in the field of relationship creation but across the board of gender issues that affect a range of people in a range of different ways.

Turning briefly to the practical effect of the government's amendments, this bill amends the existing provisions of the Civil Partnerships Act 2008 that relate to relationships entered into under section 6A(b) of the act. Section 6A(b) provides for couples to enter into a civil partnership by making a declaration before a notary at a ceremony.

The current process to enter a civil partnership through a ceremony is a three-step process. Firstly, a couple must give a notice of intent to their civil partnership notary. Secondly, the couple hold a ceremony where they enter a civil partnership by making a declaration before the civil partnership notary and witnesses. Thirdly, the notary returns to the office of the Registrar-General with the witness statements from the ceremony and has the relationship registered. The changes being discussed will mean a three-step process is retained, but there are some subtle but important differences.

The new process will commence by a couple giving a notice of intent to the notary and the Registrar-General. Secondly, the couple will hold a ceremony where they make a declaration of civil partnership before a notary and witnesses. Thirdly, the

notary returns to the office of the Registrar-General with the witness statement and declaration of civil partnership, where the Registrar-General endorses the declaration and registers the partnership.

Anyone who was to read those two processes for the first time might well ask what the difference was. They would appear to be exactly the same process involving, firstly, a notice of intent, then declaration at a ceremony and then registration by the Registrar-General. As I said before, the differences are subtle but important. Under the existing process, the civil partnership comes into legal effect at the ceremony. Under the amended process, the civil partnership does not come into legal effect until the Registrar-General endorses the declaration at a point in time after the ceremony.

The amendments do contain provisions that require the Registrar-General to register the partnership as being effective from the date of the ceremony. However, the technical difference does remain that under the proposed new process the relationship does not become legally created until the act of endorsement by the Registrar-General occurs.

The amendments do preserve in law the declaration made at the ceremony and the role of the notary. These two elements are retained and have legal weight. The Registrar-General cannot endorse the declaration unless satisfied that it occurred in the correct format and that it occurred before a notary, and these are important components.

Importantly, the amendments put forward by the government today insert transitional provisions into the act to protect those couples who have already entered into civil partnerships under the existing ceremony laws. The transitional provisions remove any doubt and confirm that civil partnerships created over the past few weeks are fully legally valid and will remain entered on the register of births, deaths and marriages. I know that those couples who have held ceremonies in the last month will be grateful for this clarity.

In concluding, I would simply like to observe that this has been, for me and for my colleagues in the Greens, a very difficult situation. We have found ourselves in one of those unenviable dilemmas that perhaps occur more often particularly when one is in the balance of power. We have thought about this long and hard. We have engaged with members of the community. We have received representations from many members of the gay and lesbian community across Canberra and it would be fair to say that the views amongst that community are not unanimous.

There are those who are disappointed by this decision we have taken today. I acknowledge that disappointment. I seek their understanding in that disappointment, because this is not the place we wanted to be in, but I also acknowledge those members of the community who have come forward and said, "We are not happy but we urge you to take the step that is open to us now." And that is the path we have ultimately gone down, because social change rarely comes by revolution. More often it comes by evolution. I think that is the reality of social change and it is clear that, even if this legislation is not the full step we wanted to take, it is a step forward. It does deliver us progression in delivering equality, decency and respect and acknowledgement of the fact that, in my view and the view of my colleagues in the

Greens, a relationship between a gay, a lesbian or a transgender couple is as valid in our eyes as any other relationship in this town and should be seen so both morally and in the eyes of the law.

I thank the Attorney-General, Simon Corbell, for his discussions around this legislation, for taking us through the details, for explaining his perspective on it. It was not always an easy relationship and I have made my share of comments in venting my frustration on this. Nonetheless, I believe that we have come to a place that delivers us the best we can for the time being. The Greens will continue to push this agenda. My colleagues on the hill, in the federal parliament, have introduced legislation to bring equality into the federal Marriage Act. I think that is where the debate rests at this time, as the ability of the ACT to move forward remains constrained while we have the current Prime Minister. That does not mean that we will not keep working, but it is with some regret that I say that this is as far as we can get at this time.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (5.05): I guess it is with somewhat of a heavy heart and reluctantly that I stand to speak in support of this amendment. Like Mr Rattenbury and my colleague Mr Corbell, this clearly is not the place that we would like to be. I suppose there is a sense of deja vu that here we are again in 2009 being forced to compromise on this issue. I suppose it illustrates for me that these sorts of social gains are hard fought and that the desire to make a difference in your society and to achieve some sort of progressive law reform is a difficult and complex process. As Mr Rattenbury said, it is often one that comes in small steps, rather than giant leaps and revolutions.

However, I think it is worth at this point, on the final sitting day of 2009, reflecting on a decade of law reform in this territory and, indeed, at the federal level. It is probably worth taking a deep breath and observing that across the ACT and the federal legal sphere, we have seen combined nearly 140 to 150 laws that did discriminate against gay and lesbian Canberrans and Australians altered to ensure equality and that that has been a long and difficult process. A lot of progressive legislators have had to overcome some pretty irrational and conservative opposition through this decade to get to this point.

Today is not the outcome that many of us who have a view of a more progressive and tolerant Australia would be proud of. Nonetheless, as I think I have said before, what this Assembly passed last month represented an advance of four or five steps and the commonwealth are asking us to take one step back. But we are locking in what I believe is a significant reform. We will be leading the nation in relation to recognising loving and caring relationships. That is, at the end of the day, something to celebrate. I think it does place an onus now on other Australian states and territories to legislate to at least meet this point in the ACT. It certainly remains my hope that perhaps a jurisdiction like Tasmania might be able to go that one step further and provide the ACT with the constitutional protection that clearly we will need to see through what is ACT Labor Party policy and what is clearly the policy of the ACT Greens.

I, like I imagine many members in the Assembly, have had a variety of views presented to me as this debate has ebbed and flowed over the last month or so in

relation to how we should respond to the commonwealth's position. I would just like to share a couple of those views with the Assembly. Some were directed to me personally but I think they are equally shared amongst all progressive legislators in this place. I will not mention the names of the individuals but I received a number of emails that broadly went to the point of thanking me and, I suppose, all progressive members in this place for showing leadership on the legal recognition of same-sex relationships.

One email I received goes as follows:

> As someone who has been in a same-sex partnership for thirteen years, it is so heartening to see you in the media talking about the importance of recognising that there is a diversity of relationships in contemporary society and that they deserve appropriate recognition.
>
> Each time you speak out on this matter you say to gay and lesbian people, particularly young people, that their preferences are valued, that their relationships are/will be valued, and that there are valid pathways to pursue.
>
> Of course, one day I'd like to see in the ACT—if not in all of Australia—civil unions for gay and lesbian people, but until then I believe what the ACT Government has done recently (along with the ACT Greens) is as good as it can be expected within the current federal political context. I don't believe pushing the Rudd Government any further will produce a better result at this point in time.
>
> Thank you again—it's so wonderful to see the ACT being a part of the solution on this matter.

Others have observed that it is better to accept the compromise rather than lose the ceremonies altogether. They have encouraged us to preserve what is in this amendment bill. They have said:

> Everything isn't going to become right and equal in the world overnight as much as we would like it to. Small steps are important steps. And I would rather have than keep ACT civil partnership legislation than have it completely overturned …

This interesting message states:

> Don't fight your local ACT government, they are on your side.

I agree and endorse that point. The message continues:

> Think about who isn't and lobby/petition them instead.

Another email to me says:

> While I would strongly desire the removal of all legislative discrimination, I do think its best that we get incremental change, rather than throw out the existing legislation altogether and yet again, not be allowed to have our relationships formally recognised in law.

I would also like to read into *Hansard* what I believe are some very sensible comments from Rodney Croome, a well-known Tasmanian activist, and then talk a little about how these comments need to be reflected in this debate. Rodney wrote that what is often overlooked in this debate are the feelings of those people who are already in civil partnerships. He asks:

> Are the legal relationships of those couples who had partnership ceremonies under the ACT's previous administrative arrangements less binding, less dignified, less equal or less important than those who have had ceremonies under the recently-enacted statutory provisions?
>
> If these statutory provisions are to be amended to provide for legally-recognised rather than legally-binding ceremonies, will the relationships be of less value?

The answer to that is clearly no. His advice to decision makers in the ACT was to:

> … look at the issue they face through the prism of the couples it will affect … it does mean they should be aware of the impact of constantly changing the legal landscape. It doesn't mean they should not advocate for change. But it does mean that we should do so in a way which is respectful of ceremonies that have gone before and those that may yet come to pass.
>
> The issue is ultimately about respecting and affirming loving couples and the choices they make. When advocates for ceremonies forsake that high ground they lose everything.

I think those comments and those emails effectively sum up the challenges and dilemmas that we in the Labor Party locally face when we are confronted with this difficult choice.

I would have to say, just as a personal reflection, that the process that was in place in the ACT prior to these pieces of legislation has had its somewhat amusing elements. For example, I had the experience of going out to the office of births, deaths, marriages and civil partnerships, pressing the button in the waiting room and getting ticket 136, with Anthony by my side, in the lunch break before question time on a sitting day because we had forgotten to take into account that it would take 24 hours in which to produce the certificate for our civil partnership. There are some elements of the registration process that perhaps are a little bit clunky. I certainly will be talking with my colleague the Attorney-General on how we might be able to improve that in the future.

I returned the next day and got ticket B132 to pick up the certificate and I was very pleased that we were able to have that in time for an important celebration for Anthony and me on the Saturday. Whilst we were not able to benefit from a formal ceremonial element to our commitment, it did not detract from what was a really special day for us. I suppose for many of our guests the thing that they did comment on on the day was that that element was missing. They did not get to see that formal commitment between the two of us by way of an official ceremony. That clearly would have just topped off what was almost as perfect a day as we could have hoped for.

Having said that, I turn to the future. I think we can be very proud of this Assembly. I would like to take this opportunity to thank Mr Rattenbury and each and every member of the parliamentary Greens party for their support for this legislative reform through this process and also over the last six or seven years. The Greens have voted with the Labor Party on these matters consistently, and I would like to acknowledge that, irrespective of whether we have been in a majority government situation or in a minority and have needed their support. I also acknowledge the support of the Australian Democrats when they were represented in this chamber through Ros Dundas.

As we look forward, I still think there is a possibility for further reform in this area and I do look to Tasmania. Who knows? After their election next year there may be a similar governing arrangement to that here in the ACT. I am sure my Tasmanian colleagues perhaps are not looking forward to that. Given the history in that jurisdiction, it has perhaps been a little more confrontational than we have seen here in the ACT. Nonetheless, it does present an opportunity for progressive parties in Tasmanian politics to look at the issue in the context of their jurisdiction.

There is no doubt that having an original state legislate something in advance of what we have in the ACT would provide that constitutional protection for the territory to be able to move forward again in this area. As Mr Rattenbury said, there may be the possibility in the ACT to revisit this matter at some point in the future. But for now, I think we should celebrate what has been achieved. I certainly wish all couples who will take advantage of this important, progressive piece of legislation all the very best for their commitment ceremonies.

It is a really wonderful thing. Just in the context of the experience for Anthony and me, what did make it that little bit sweeter was the struggle that was involved in getting there in the first place. But even being able to have a civil partnership, whether it was by way of registry or by way of a formal celebration with a celebrant, was a significant achievement that only three places in this country enable or allow to occur.

As I say, I think we ought to take a deep breath and be very proud about what has been achieved in the ACT and let us look forward to this jurisdiction continuing to be a leader in progressive law reform and to show the rest of the nation that the world does not end. Heterosexual marriage continues. Extending that right to same-sex couples in loving, committed relationships in fact enhances relationships in our society. It does not detract from them. I think in the end that demonstrated experience in the ACT will be there for the rest of Australia to see.

What I would call for today is for Labor governments elsewhere in this country to at least move to the position that the ACT has adopted, if not further. Thank you, Madam Deputy Speaker.

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) (5.18): I want to speak only briefly or shortly on this particular bill, this issue, today—as much as anything to

acknowledge the significant advances that have been achieved in the ACT in relation to the removal of discrimination against gay and lesbian people within Canberra and essentially to congratulate those people within the government and within the ACT public service that have worked so diligently, over eight years now, on a major reform program that at one level, or to some extent perhaps, is represented today in what may be, at least for some time, the final tranche of reform in the ACT in relation to a program that was commenced eight years ago at a time when ACT legislation at a whole range of levels contained provisions that on their face and in their effect discriminated against people within the ACT on the basis of their sexuality and the nature of their relationships.

It has been an eight-year reform program which has been driven by this government, initially commenced by me as attorney, with work that has been carried on diligently by Simon Corbell as Attorney-General, with significant support by all members of the successive Labor governments since 2001—and in recent years a program of reform that has been driven by Simon Corbell and Andrew Barr.

It is a matter of enormous pride for the Labor Party and for this government, for the parliamentary Labor Party and for the broader Labor Party membership, that we as a government and as a branch of the Labor Party in Australia have led the nation in our determination to ensure that all Canberrans are treated without discrimination and that all relationships, whether they be relationships of homosexual couples or heterosexual couples, are accorded the same respect and the same recognition.

While today there is a perhaps a tinge of regret that we are supporting an amendment that takes one step back, we should not detract from the fact that the achievement of this Assembly, and the achievement in recent times achieved by the leadership and support shown by the ACT Greens, does represent an enormous step forward in the recognition of gay and lesbian relationships in Canberra, and indeed in Australia. I do support and endorse it.

We should look at the positives in relation to what has been achieved rather than reflecting on some of the negatives, and this particular negative around a step back that each of us within the Labor Party and the Greens would have preferred not to have been a part of or not required to be associated with. Rather than dwell or focus on that, as Andrew Barr has just said in his concluding remarks, we should recognise that a new benchmark has been established here in the ACT. It is a benchmark that has been endorsed or supported by the national government of Australia. It is now, I believe, with the legitimacy, if I could call it that, afforded to the legislative framework that has been developed here in the ACT, a legislative framework of recognition of gay and lesbian relationships that is endorsed by the national government of Australia.

That is a most significant step forward and advance in Australia on this issue. It is something that we can all be proud of here in the ACT Legislative Assembly. We have, through our determination, led to a position where our national government, the government of Australia, has now endorsed a level and a degree of a legislative framework that is—certainly in terms of where we have come in the last few years—very progressive. It should be supported and applauded and is now certainly a standard or a level of respect that is accorded in this jurisdiction, supported by our

national government, for gay and lesbians that should be replicated throughout the whole of Australia. I think that we will now see that progressively occur—or at least I hope it does, and I hope it is not too wild an ambition.

With our national government now supporting this level of recognition—a significant level of recognition—of a legislative framework for the recognition of gay and lesbian relationships, we have created a new, significant level of understanding and a degree of recognition through that recognition and respect that I hope the rest of the nation will follow.

I congratulate most particularly my colleagues Simon Corbell and Andrew Barr, and, indeed, Shane Rattenbury and the Greens, for their leadership and support on this issue.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (5.25): Just following on from my colleague's speech, let me say that this has been a tough decision for us as far as having to take a small step back is concerned. But the argument has been put up by a number of speakers this afternoon that this is also a significant step forward.

When the Greens brought this bill back in several weeks ago, there were many who said that it would not be successful, that it was a waste of time; it had been knocked back many times before. We feel that it is important to keep going with issues that are about justice, about fairness, about decency. Therefore, we felt that the timing was right to bring it back into the Assembly. I pick up on the points that Shane raised about social change usually coming about not by revolution but by evolution. That certainly is the case here. We have taken some of those steps forward.

Over the last few weeks, I have been approached by many people in the gay and lesbian community, many of them my friends. There are different views, but the overwhelming view put to me concerned the importance of recognising and respecting same-sex relationships—that they are as valid, as loving, as nurturing and as caring as heterosexual relationships. This is something that the Greens have held dear and know is the case. They have pushed on it for many years. It has been part of a platform that we believe is the right way to go.

I would like to acknowledge the leadership that has been shown by the government, but also to acknowledge the leadership that has been shown by the Greens here in the ACT and federally. It is going to be interesting to see how the amendments to the Marriage Act go at the federal level. I think we have some idea of what might happen there, but again it is not about saying, "It is going to fail, so we are not going to try." Social change is about being tenacious; it is about persistence. It is about keeping going even when you know that there are many obstacles in front of you.

I am pleased that there will be many couples who will be able to take advantage of the ceremonies that will now be available here in the ACT. I wish them well.

I certainly do not see this as the final chapter in this particular legislative story. We will continue. I do encourage Tasmania to take this step. I certainly am very confident that after the election early next year, Greens will hold the balance of power in the

Tasmanian parliament. And that may well be all that it takes in order for Tasmania to stand up for the rights of same-sex couples and to move this issue forward down in Tasmania.

Although it has been tough, I do acknowledge that there are many people in the gay and lesbian community who have been very disappointed by this outcome. But on the whole, I think that we do need to acknowledge that it is a step forward. And we are not going to stop here. We will continue, and we ask other states and territories to also move forward on this issue. It is 2009. It is time that, in the 21st century, we acknowledge and respect diverse families and couples of all sorts and types. It is time to move forward. Therefore, I welcome the progress that the ACT Assembly has made here today.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.30), in reply: I would like to thank those members who have expressed their support for this bill.

There are a few observations that I would like to make in the context of this debate. Regrettably, the first has to be the absence of any socially progressive perspective from the major opposition party in this place: the complete failure of a Liberal Party—a Liberal Party—to recognise diversity and provide for equality before the law of what are a significant number of Canberra citizens. Where is the liberal approach in the complete failure of the ACT Liberals, the Canberra Liberals, to recognise and accept diversity in our city?

Gay and lesbian people in Canberra do not just vote Labor or green; they vote Liberal too. Where is the recognition of that diversity from the Liberal Party? Where is the recognition of that diversity and the need for it to be accorded respect and equality before the law in this place? There has been a complete failure on the part of a major representative party in this place to have regard to that. As a party, they should reflect on their failure to properly reflect their constituency—not just the minority views of the conservative, religious right.

The bill before us today is very much, as Mr Rattenbury said, a consequence of the constitutional environment in which we operate. We do not have the same sovereignty that a state parliament has. We are constrained by the constitutional arrangements of the federation, and we must operate within that reality.

That does not mean that we should not seek to argue that as an Assembly we should have the responsibility to determine our own views on matters that affect our own citizens. In this territory, there is a long and proud history of advancing the cause of self-determination. Indeed, we buried one long-time respected and leading advocate of self-determination for this territory, Jim Pead, only in the last few weeks. The fight that he took up to provide for proper self-determination for this city and for this territory is a fight that continues today. Many great advances have been made, but there are more to be achieved.

The fact that we have to present this bill today highlights that there is much more to be achieved. In particular, there is the reform of our constitution, the self-government

act, and in particular the invidious and undemocratic executive veto that sits within that act. It is because of that undemocratic colonial mechanism that sits within our self-government act that we are here today with this bill before us.

We must, collectively as an Assembly, if we believe in the principles of self-determination and democratic self-government, say to our colleagues in the commonwealth parliament that that invidious, undemocratic mechanism must go. It must go. Let us use this debate to refuel that argument and agitate that argument against those who seek to overturn the fundamental issues of self-determination that we should all hold dear in this place.

I urge the Liberal Party to follow the lead of their federal senator in this territory, who argues strongly that we should be allowed to agitate for these matters and determine these matters for ourselves without the veto. He is to be commended for his principled stand on these matters. I urge his colleagues here in this place to follow that lead. Regrettably, to date we have seen none of it from them.

Let me turn to the issue of the bill itself. The support of members today locks in two very important reforms that we have never been able to achieve before. The first is the provision for a legal ceremony. The second is a provision for a legally authorised official to witness those ceremonies and conduct them. That has been a major call from the gay and lesbian community in Canberra to be addressed. By passing these amendments today, we guarantee that provision. We guarantee the provision of those ceremonies with the celebrant who conducts those ceremonies.

It is interesting that those who most vehemently oppose these laws, such as the Australian Christian Lobby, are deeply unhappy that those ceremonies and those officials remain in our legislation. But those of us who are progressive on these matters, and who regret and lament the fact that we are not yet able to pursue these matters to the extent we wish, should reflect on the fact that those who oppose us in this debate are angry that they have lost. They have lost on the issue of ceremonies and on the issue of celebrants. We should take great solace in that. We have achieved a reform, and we should build on that reform into the future.

The provisions of the bill have been described in some detail. I will not go into those again except to say that I note that there have been some comments from the scrutiny of bills committee. In particular, the committee asked whether the amendments to paragraph 6A(b) of the act unduly trespass on personal rights and liberties. This relates to the provision that excludes heterosexual couples from the provisions of the act.

I make the following observations. In 2004, it was the commonwealth government that distinguished between heterosexual and homosexual couples when it amended the Marriage Act 1961 to define marriage as a union between a man and a woman. Same-sex couples were therefore expressly excluded from marrying under that act. Our Civil Partnerships Act 2008 made no distinction between couples on the basis of gender, although it was not possible for any couple to undergo a ceremony as part of the official formality of their union. Provisions in the Civil Partnerships Bill 2006 for ceremonies of that type were removed, as we know, at the insistence of the commonwealth.

When the first Civil Partnerships Amendment Bill was introduced in 2009 by the Greens, the government moved amendments to ensure that the Civil Partnerships Act would not be inconsistent with the Marriage Act. Acting on legal advice, the government amended paragraph 6A(b) so that it applies only to couples who may not marry—that is, it applies only to couples who are in a same-sex relationship. That was necessary because to confer on marriageable couples the right to the civil partnership ceremony would have created an inconsistency between our act and the commonwealth Marriage Act.

Therefore, whilst I note the committee's somewhat technical observation, it cannot be said to have given a right to only some of the people that the territory could give it to, as to confer such a right on people who may marry is, of course, beyond the power of the Assembly. If there is any trespassing on people's rights and liberties, it is the fundamentally discriminatory nature of the Marriage Act that does that. I just draw that matter to the attention of members.

Fundamentally, and in conclusion, there is more work to be done. Labor in the territory will maintain its commitment to reform in this area. It is a commitment that is grounded in our respect for fundamental and inviolable human rights. That is what drives the reform. If we are serious about the Human Rights Act—if we are serious about those rights—this is the logical extension when it comes to the issue of recognising the rights of gay and lesbian people in our community.

I accept and I acknowledge that not everybody agrees that these changes should occur. But I also believe very strongly that we do not walk away from the opportunity to advance the cause of equality for same-sex couples in our city and that we do not walk away from the opportunity for ceremonies or legal recognition of them or for legally sanctioned officials to conduct those ceremonies. That is the advance that we lock in today with these amendments. We do so, as the Chief Minister has observed, with the imprimatur of the commonwealth. And, as Mr Barr has observed, there is now the opportunity for other jurisdictions to do so. Indeed, there is little excuse for other jurisdictions not to proceed in a similar fashion. I thank members for their support of the bill and I commend it to the Assembly.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 10		Noes 5
Mr Barr	Mr Hargreaves	Mr Coe
Ms Bresnan	Ms Hunter	Mr Doszpot
Ms Burch	Ms Le Couteur	Mrs Dunne
Mr Corbell	Mr Rattenbury	Mr Hanson
Ms Gallagher	Mr Stanhope	Mr Smyth

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Paper

Ms Le Couteur, by leave, tabled the following paper:

> Planning and Development (Notifications and Review) Amendment Bill 2009—Explanatory statement.

Leave of absence

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

> That leave of absence from 11 December 2009 to 8 February 2010 inclusive be given to all Members.

Standing and temporary orders—suspension

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

> That so much of the standing and temporary orders be suspended as would prevent the adjournment debate for this sitting continuing past 30 minutes

Valedictory

MR SPEAKER: Before you move to adjourn the house, Mr Corbell, I believe it is the practice that the Speaker has the floor before you do. That being so, I would like to take the opportunity to thank the staff of the Legislative Assembly Secretariat for their continued high level of service to the running of our parliament through the course of the last 12 months.

I think it has been a highly successful year for the Assembly on many fronts: from behind the scenes, the innovations, including our new daily on demand internet service and our environmental performance innovations here in the building, our highly successful 20th anniversary events, and the heavy workload that we members inflict on the Secretariat through the committee process, the Chamber Support Office and many other functions that we call on them to perform on a daily basis. I thank them for their commitment to that outstanding service.

Members, you will have a chance to thank them personally tomorrow at the Speaker's end of year function, and I do trust that many of you will be able to join me on that occasion, but I would like to take this opportunity to convey my personal thanks as Speaker here on the record in the chamber to the members of the Secretariat staff.

I also wish to thank my own personal staff, who have put in an outstanding year of effort. In holding both the Speaker's role and some portfolio roles, I do push them rather hard. But I would like to thank Helen Oakey, Richard Griggs, Anna Landon, Andrew Collins, Tom Warne-Smith and Tom Burmester, and Anne Marks, who volunteers in my office from time to time.

Because 2009 is the 20th anniversary of self-government, it is an opportunity to reflect on the start of self-government in 1989. As I pondered that year, it gave me cause to wonder what members of this place were up to in 1989. A little bit of research has revealed a few interesting insights.

Mr Coe, I believe, was organising a petition at his kindergarten to have a large portrait of the Queen installed in his school hall, while simultaneously organising a recorder group to play *God Save the Queen* at the school fete.

Ms Burch was sitting at her desk in her job at that time looking at a large pile of reports she had not quite got around to reading, and contemplating whether she should take a speed reading course.

Mr Barr was the school captain at Lyneham—and that is a statement of fact. He was eagerly awaiting going to university so that he could join Young Labor and get involved in student politics. And, of course, it was a highlight for Mr Barr because that was the year that the film *Heathers* was released.

For our Deputy Clerk, Max Kiermaier, it was another tough year in which St Kilda failed to win a premiership.

Mr Stanhope in 1989 could still run. He had not picked up his Achilles injury and he was very fit at the time. People wondered whether he would ever stop running, much as they do today.

Mr Doszpot could still play soccer in those days, his beloved sport. And, on a somewhat serious note, I imagine it was the year in which Mr Doszpot was truly celebrating the fall of the Berlin Wall.

Mr Hanson, of course, was a young military man learning the fine art of head kicking and accumulating drinking stories to entertain his colleagues in later years.

Mrs Dunne: What goes on in the party room stays in the party room.

MR SPEAKER: That is all I have to say on that matter.

In 1989 both Mr Hargreaves and Mrs Dunne were in the public service, and I can only imagine what that interdepartmental committee was like with those two on it.

Mr Seselja was at high school and I have an image of him awkwardly attending blue light discos and being excited by the release of the Nintendo, which was first commissioned in 1989.

For Ms Bresnan, her beloved Broncos had of course joined the rugby league competition by that time and made their first final series, but I would like to remind her that it was the year the Raiders won the premiership, not the Broncos. I also am led to believe that Ms Bresnan was taking crowd-surfing lessons for her subsequent trips to the Big Day Out.

For Ms Hunter, she was working for the Havelock Housing Association, and of course 20 years later the Greens still hold our monthly party meetings at Havelock House, providing a considerable time warp for Ms Hunter.

Mr Smyth? Well, it is reported to me from a colleague who once stood with him at a polling booth that he seems to know most of the people in Brindabella. Therefore, I can only assume he had already started work on this in 1989, seeking to get to know every single member of the electorate.

Ms Gallagher, of course, was at ANU in 1989, according to my research. But that research has been able to scotch the rumours that she sought to run with the Party! Party! Party! party at the 1989 election.

Members, in the spirit of time now, I am going to stop with that small snapshot of where you all were. I am inclined to touch on a few members' history but my research has not quite allowed me to finish my list.

Mr Smyth: Where were you, Mr Speaker?

MR SPEAKER: I cannot possibly comment. I will leave it for others to make those observations, Mr Smyth.

But on that note I would like to thank members for their support through the course of the year in my role as Speaker. I know you do not all always agree with me but I trust you all accept that I do it as even-handedly as I see it from this chair. It would be great to have instant replays at times, just to reflect on things and perhaps make a better decision. But I wish you all a very merry Christmas.

Adjournment

Valedictory

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.53): I move:

> That the Assembly do now adjourn.

Mr Speaker, I am told I must speak at this point in the debate, so I will do so now, albeit briefly. Firstly, can I express to you best wishes for the festive season and thank you for your work as Speaker in this place. I am sure that it has been a steep learning curve. You have drawn my ire on occasion but you have always sought to conduct yourself in an appropriate manner as Speaker of this Assembly and I would like to thank you for your work during the year.

I wish also to express my thanks to the Clerk and Deputy Clerk and the Secretariat for their important work in supporting me as manager of government business. In particular, I would like to thank Janice for her work—always unflappable and precise with the detail of procedures. So thank you.

I also extend my thanks to all of my personal staff for what has been a busy year. They often reflect on the fact that I do not mention them at the end of the year. I have told them that this is not an academy awards ceremony and that this is not what it is about, but I feel that it would be particularly remiss of me if I did not do so this year. So I would like to thank my personal staff, past and present, for their support throughout the year.

To my Labor colleagues, this government continues as a strong and united team. We should be proud of our achievements this year and I look forward to working with you all over the next three.

I extend my best wishes for Christmas to all members in this place. It is an opportunity for us to take a break, to recharge our batteries and to reflect on what we want to try and achieve over the coming year. I hope that you all enjoy the period approaching with your families and loved ones.

Finally, Mr Speaker, I would simply acknowledge that there will be many people in the ACT government service who will be continuing to provide very important services to our community over the Christmas period, most notably, from my perspective as Minister for Police and Emergency Services, our police and emergency service personnel: our police, our Fire Brigade officers, Rural Fire Service officers, SES officers and ambulance officers. They continue to make themselves available throughout the Christmas period without fail, and it will often be a very busy period for them. So I would like to express to the police and to our emergency service personnel my gratitude for their ongoing dedication to their task and note that they will be certainly in my thoughts over the Christmas period. Thank you.

MR SMYTH (Brindabella) (5.56): I would like to start by saying on behalf of the Leader of the Opposition, Zed Seselja, that unfortunately he cannot be here this afternoon—he has other commitments—and he would like me to send his regards to all here that have been of assistance to him throughout the year. He wishes you and all your families very well for the year.

Mr Speaker, on behalf of the Liberal Party I would like to thank all of your staff, and I will start with the Committee Office. The committees do a tremendous amount of work and the reports that they put out are valuable documents. They have a very tight budget and tight resources and with those constraints they do a very good job, so to Sandra and all her staff: thank you for the assistance that you give us.

I have always loved the library, and to the library staff, particularly now that it is our library—and we should be very proud of that achievement—I look forward over the coming years to seeing the library become what it truly could be. So to all the library staff: thank you for your assistance.

To the Hansard and Communications staff, we would like to say thank you. We know that we mumble sometimes and we ruffle our papers—and apparently I have a bad habit of tapping my pencil on my fingers, which turns up as a drum beat in the Hansard booth, I am told. So to Ray and guys, apologies, but these are things that keep it interesting for you, I am sure. To all the staff in Hansard and Communications: thanks for what you do.

To Corporate Services: the Assembly does not function unless the bills are paid, so to those that take care of us and take care of the Assembly at large, thank you very much.

I give thanks to an area that I think we forget about often, Strategy and Parliamentary Education. It is very important that people know what we do here, and I reflect, Mr Speaker, on your speech and note that you do not fess up to where you were in 1989. But I do remember it as a year of great irony: while the people of eastern Europe were bringing down the Iron Curtain, the people of Canberra were resisting the notion of self-determination. I found it quite intriguing, I have to say, that these momentous events were going on in the world—and people here were not interested or were not as interested in having a say in their own future.

It is incredibly important that people understand that we are a parliament in our own right and the work that we do. Indeed, Mr Coe, Ms Le Couteur and I again fronted a group of young students yesterday. The interest was great, the questions were good and you could just see the enthusiasm in them for their home city, and that is a good thing. So to those in Strategy and Parliamentary Education: well done.

To the chamber support staff: I was just joking outside a minute ago about Rafferty's rules. Apparently, Rafferty's rules are alive and well in the Assembly, so to Janice and to all the staff that you work with: thanks for what you do. As Simon said, you are completely unflappable. The blues turn up with the attached notes and the highlighted bits for us, the things we have to do, and we are very grateful, because when you are debating live it just rolls on. Without those aids, who knows where we would end up.

Max, next year is 2010. It is not that far away—it is only 44 years—but it will be worth the wait.

Mr Barr interjecting—

MR SMYTH: I dream and I live the dream every day, Mr Barr. To Tom and all your staff: thanks very much for what you do, for the advice you give. We might not always like it or agree with it, but I think we respect the spirit that it is given in.

To our colleagues, to both the Greens and the Labor Party, to all the members and their staff: we do not always agree; we never will. Life would be somewhat boring and there would be no need for parliaments if we did. But mainly in this place the way that we debate each other is done with a deal of respect. There is a bit of banter occasionally, but at the end of the day many of us have come from places where there was not the level of equality that we have in this—and it is something worth protecting.

To those of you who stand up for what you believe in: well done and thank you for being here. To your families who help you do it and allow you to do it and put up with you: give them our regards as well, because I think we probably spend more time with each other some days than we do with our families.

To my colleagues, I would have to say: fantastic year, guys. The unity, the strength, the determination, the agenda—it is all there. Under Zed's leadership we have a clear agenda that we are seeking to achieve. We are not getting all our bills through, but we are getting some of them through, and you are a great group to work with.

To our staff: it is hard being in opposition, it is unfortunate to be in opposition, but I appreciate the spirit amongst the staff. Congratulations to you all. You do exceedingly well and we could not do it without you.

To my office, particularly Tim and Haidee: thanks for what you do for me. I do not feel that I ever come down here underprepared or underdone and I never go to a hearing without enough questions to get us through to the finals. So to Tim and Haidee: for all your assistance, thank you.

To my family, I would like to say to Robyn, David, Amy and Lorena: thanks for letting me do what I love doing. I hope that you continue to support me in what you do; I know that you will.

To finish, in support of what Mr Corbell said: think of the emergency services workers. They are there. It is not going to be a good season. Spare a thought for them. There is an expression we have now: "don't be a tosser". Do not throw your cigarette butts out of car windows. Do whatever you can as leaders of this community to make sure people understand about the fire danger.

MR HANSON (Molonglo) (6.02): Firstly, I would like to thank my constituents, the electorate of Molonglo, for allowing me the privilege of serving them this year. I have met many of them. They really are wonderful people here in Canberra, in all three electorates, but I would especially like to thank the people of Molonglo and wish them all the best for the coming break.

To those who work within the portfolio areas that I have of health, police, corrective services, Indigenous affairs and veterans affairs: I again echo the comments that have been made by Mr Smyth and Mr Corbell. I am sure others will make them as well. They all work hard throughout the year to serve their community and we pay homage to them. Many of them will be on the front line over Christmas and we spare them a thought. I also spare a thought for many of my former comrades who will be serving in very hostile places. I note that another soldier was wounded yesterday. Many of my friends are currently serving in Afghanistan and will be there over Christmas, so we should spare a thought for them.

To those who sit on the crossbench and in the government: thank you for a most engaging year. At times it has been pretty brutal, but at times it has been enjoyable. This has been a very lively and productive Assembly throughout the year. I hope you all have a good break with your families. I am sure you will enjoy a good break from

me—I am reasonably confident; I see a very big smile on some faces around the Assembly. It is good to see people smiling at me for once.

Members interjecting—

MR HANSON: It is my best speech of the year, isn't it? To the Assembly staff, to your staff, Tom Duncan, I simply echo the comments by Mr Smyth, Mr Corbell and the Speaker. You guys do a wonderful job. I have seen it in full for the first year and I thank you for the tremendous work that you do.

I would like to mention the Liberal Party staff and the people behind the scenes because they are the people who do a lot of the hard work. In the leader's office: Steve Doyle, Ian Hagan, Adam Duke, Tio Faulkner, Nick Chapman, Keith Old and Maria. They do an awful lot of work in support of my office. In my own office, Christian Dunk has moved on. Amanda Murray will be moving north to Queensland. Rohan Dayal has recently started working.

Brett Chant has had, in my view, a very good year. I know that he was the cause of some consternation earlier in the year and he somewhat deservedly received some criticism, but I think that he has bounced back. The way he has behaved this year—the work he has done for me—has been absolutely admirable. I would ask you, as we move forward, to bear in mind what a fine young man he is. Those of you in the Assembly who have had a chance to work with him would know what a decent fellow he is, what a hard worker he is, what a good bloke he is. I pay special mention to him. He has really done himself proud throughout this year.

And finally to my family, to Fleur, Robbie and Will: we owe a lot to our families. I owe a lot to mine and I thank them.

MR HARGREAVES (Brindabella) (6.06): This year has been a tumultuous one for me, one of fluctuating fortunes. It is customary at this time of year that we understand that we are not capable of discharging our duties without the support of many people. I have been a member of this place for nearly 12 years and need to acknowledge that I have been supported by a vast number of professionals. I have been dependent upon the executive and cabinet support, the Clerk, Chamber Support, the Committee Office, the Library, Hansard, Corporate Services support and technical support, including Rick, Mr Fix-it, the amazing Ray Blundell and, of course, everyone's favourite people, the attendants.

I have often said of the vast army under Generalissimo Duncan that they are here when we get here and they are here when we go home. I know the pressures we put on Janice Rafferty, Anne Shannon, Celeste Italiano, Peter Bayne and Stephen Argument. I acknowledge the services of the Deputy Clerk, the No 1 ticket holder of the AFL 2009 grand final losers. I remember 1966 and I will never forget it. If I have forgotten anybody, please forgive me.

Whilst a member of the executive, I received solid support from the offices of DHCS, IR and Corrections and I thank them all. To my staff: I apologise for tipping their world upside down last October and I thank them all—Mark Kulasingham, Jim Mallett, Kim Fischer, Jennie Mardel, Stacey Pegg, Jenny Whichelo,

Lee-Anne Wahren and Tony Hunt. I need to acknowledge the unpaid services of Stephen Bounds, whose quiet professionalism has been brilliant.

We members are just leaders of teams and are nothing without our staff. To my friends in the Labor caucus and their staff I say thanks and have a well-earned rest. To those opposite and on the crossbench: thanks for the entertainment and the comedic material you gave me this year, particularly Mr Hanson. He is brilliant; I love him. I am going to do you next year too, mate. Long may you live to serve my needs! To the media—

Mr Coe: Whatever does it for you, John; whatever does it for you.

MR HARGREAVES: This guy is a professional pole dancer and he has got the hide to say that to me. I am devastated.

To my friends in the media: thanks to those with integrity; and to those without, maybe you should make a new year's resolution to put yourselves in our shoes once in a while. Just once in a while would do me.

Lastly, I thank my family and particularly my wife, Jenny, without whom I would not have survived 2009. I intend to enjoy the rest of this term and continue to represent Brindabella. I have enjoyed the confidence of the electors from my electorate for over a decade and I will work to earn it for the rest of my time here.

Mr Speaker, now is the time for rest, refreshment and reflection. Did we treat others in 2009 the way we wish to be treated? Let us all have a safe and happy festive season and come back better people.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (6.09): I would just like to say a few words. I thank the Assembly staff, the attendants who provide such an excellent service and always with a smile, and the committee secretariat who work tirelessly and with great expertise to support members in their committee work. I thank Corporate Services, the education office and the Clerk's office staff, who endure our constant questions and last-minute, sometimes panicked changes. I also want to wish Max good luck. He will be top dog next year and we look forward to that. To Tom: best of luck for your year off and the new addition to your family.

I would also like to thank all those in Hansard for listening earnestly to what can sometimes be quite tedious deliberations, and also those in IT and audiovisual support who make it possible for us to communicate with constituents.

I make special mention of Rick Hart this year for keeping the four walls standing and for installing and keeping the new chiller going, which has made a difference for many of us.

I would also like to acknowledge the work of other members of the Assembly and thank them very much for their contributions. Sometimes it can get a bit tough in here, but I think that, at the end of the day, we all get on with the work and are here with the best of goodwill and intentions.

I wish to very much say thanks to my fellow Green MLAs. I could not work with a better group of people, and I thank them for that. We have worked with both parties, as I said. I think that what has been passed this year and what has been debated has shown that three parties can coexist in a parliament and get on with the business of governing.

I also want to mention, obviously, my staff. Thank you very much to Louise O'Donnell, Brian Quade, Tom Burmester, Fiona Walls and Melanie Greenhalgh for their outstanding effort. We all know how hard our staff work. I would not be able to do the work I do without their support. Of course, the same goes for my family. I thank my three sons, my husband and my parents very much for their ongoing support. My eldest jumped in a raft this morning to raft down the Franklin River for the next 13 days or so. Obviously I will be thinking of him and hoping that he gets home for Christmas.

Mr Coe interjecting—

MS HUNTER: He does have a paddle. I also acknowledge Roland Manderson, who obviously had been in the Assembly for so many years. As many of you know, Roland left some months ago to take up a position with Anglicare Australia. We have missed his whistling. I have noticed that Tom Duncan has taken up that position within the Assembly and can regularly be heard walking the hallways whistling. Thank you, Tom, for filling in for Roland in that respect.

Mr Speaker, we did not hear what you were doing in 1989. I am assuming that you were at university studying hard—I am sure, Mr Speaker—and going to a few demos, starting to get a bit of that activism going.

Mr Barr interjecting—

MS HUNTER: Obviously you were crossing paths with Mr Barr in 1989, obviously not attending the same party meetings but maybe going to the same parties. Who knows?

I just wanted to revisit the comment about Mrs Dunne and Mr Hargreaves and that back in the public service they may well have sat on the same interdepartmental committee. That may have been the case. Here in 2009 I am sitting on a committee with Mrs Dunne and Mr Hargreaves and I have to say that, to date, it has been a pleasant experience. It was a little scary when they had an interchange recently. They really were like an old married couple. I thought, "Does that make me the child here? This is getting a little scary." I look forward to continuing on that committee in 2010 and wish everybody a merry and safe Christmas.

MRS DUNNE (Ginninderra) (6.15): Christmas has come around again and it is time to distribute small tokens to members that reflect something of their achievements or otherwise this year. This year we have had the GFC so they will not be lavish. I thought that what I could do for members was download, legally, perhaps from iTunes, appropriate music that they may enjoy over the Christmas period and help them reflect on this place as we go our separate ways over Christmas.

Giving respect where it is due, I will go first to the Leader of the Opposition. The Chief Minister in the twilight of his leadership likes to mouth comforting phrases rather than face up to the reality of the resurgent and activist Canberra Liberals. As a reminder of that resurgence for Mr Seselja, the tune is *The Boys Are Back in Town*. Just back from la bella Italia, Mr Smyth is pining for pizzas and gelato, so for him the great cannon of cheesy faux Italian songs, of which *Arrivederci Roma* and *Three Coins in the Fountain* would be most appropriate.

The Police always give me inspiration and I was thinking of Mr Hanson, especially in light of the outburst by a columnist this week—perhaps *Oh My God*. Mr Doszpot is a great supporter of soccer—sorry, football—and there are many great anthems. But the standout one of course is *You'll Never Walk Alone*. Mr Coe has been called conservative but he is no Luddite. He is down with technology and therefore his iPod is pretty well organised. None of the music is very modern, though. I understand he has a great penchant for Simon and Garfunkel. His collection is incomplete so I will add *You Can Call Me Al*.

For Mr Speaker, as a veteran environmentalist, the whole Midnight Oil songbook comes to mind—perhaps *Beds are Burning*, *Maralinga* and *Antarctica*. Ms Hunter, the Greens spokesman on Treasury matters, has a really big iPod, which I understand supports the uploading of album covers as well. For her *The Who By Numbers*. While she listens she can join the dots on the front and have the four characters emerge completely.

When I was listening to Ms Bresnan this morning during Assembly business I was immediately reminded of the Adam and the Ants song *Goody Two Shoes*. Ms Le Couteur is a great advocate for animal welfare and has done a lot for chickens this year. Rumour has it that she is moving on to something larger. So for Ms Le Couteur *Cows With Guns*. For Ms Porter it was a lay-down misere, so a belting version of *It Should Have Been Me*.

Mr Hargreaves will have plenty of time for his favourite pastime. When I was thinking about that I was reminded of a great fisherman actor, Spencer Tracy, he of *The Old Man and the Sea* fame. But I thought of a much earlier movie, *Captains Courageous*, where Tracy sings the song that my father used to sing when we went fishing, which goes—and I will not sing it—"Yo ho, little fishy, don't cry, don't cry".

I thought of Andrew Barr and there was so much you could say. There was "Bar Bar Bar Barbara Ann", but that is a bit cliched. Then I got thinking about Mr Barr's jump to the right, but I could not give him the *Time Warp*. I thought about Angus from AC/DC. I thought anything from AC/DC would do because Mr Barr secretly covets that blazer. Angus makes him a great role model and, after some thought, the choice was obvious—*Dirty Deeds Done Dirt Cheap*.

I was tempted for Ms Gallagher to go for the old musical song "K-K-K-Katy, beautiful Katy, you're the only g-g-g-girl that I adore", but that is just naff. And then there was *I Wish I Could Shimmy Like My Sister Kate*, but that is just silly. Ms Gallagher reminds us all the time that she has an enormous brain so the choice was pretty obvious. It is *Brainy* by The National.

Mr Corbell has an unenviable record of delivering projects on time and on budget, so I was thinking of the audio version of *Capital Works for Dummies*. But Mr Corbell is also inclined to go home at work so I thought the repertoire of Men at Work would be more appropriate and something like *It's a Mistake*.

The Chief Minister is often lost for words, so I thought of something instrumental for him. I thought eventually of the theme to *Jaws*. It is menacing, there is a sense of foreboding and suspense—will I get eaten and do I have time to scream for help? But for Ms Burch there is no music and not even an audio book. Ms Burch's iPod will be loaded with all her question time briefs so she can play it over and over again. So in the new year she will be well briefed and she may be able to answer the odd question without notice.

Mr Speaker, turning to my staff: Clinton does not get any music, but he may get a new baton. I particularly thank Amanda Murray, who has worked for both me and Mr Hanson. She is off to Brisbane with her family. To the whole of the opposition staff: Steve, Ian, Tio, Adam, Nick, Keith and Maria, Sandy, Kate and Haylee, Brett and Rohan, Haidee and Tim: my heartfelt thanks for being professional, awesome staff and for making the Canberra Liberals office a great place to work.

To the Clerk, Tom, and all your staff, the Library and the committee staff, the education office, Corporate services, Rick, and especially all the attendants: my special thanks and best wishes for Christmas. And a special testament to Lyle and all my kids for their continued support. Merry Christmas one and all.

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) (6.21): I am pleased to have the opportunity to join in the expression of seasons greetings. I quite genuinely and sincerely express those greetings to everybody in this place—members of the Liberal Party, members of the Greens and my Labor Party colleagues.

I acknowledge the enormous work which my ministerial colleagues have done over this year. It has been a high-energy year of enormous effort and exceptional activity. I thank my ministerial colleagues for their leadership, their enthusiasm and the work that they have done in governing the Australian Capital Territory this year. I thank my caucus colleagues for their continuing support. Thank you, Mr Speaker, and I congratulate you on your first year and the leadership which you show in this place, and I thank all of your staff within the Assembly.

I similarly thank all ACT public servants and acknowledge the enormous work they do, their dedication, their professionalism and the energy which they bring to their work. I thank all those heads of departments and all the senior executives for the leadership they show and, most particularly, every single member across the spectrum of the ACT public service that provides the services at every level that this community relies and depends upon. I thank my personal staff and all staff within the Labor caucus for their continued support of me and the government. Most particularly today, I repeat those good wishes of the season.

I do look forward to a small break myself, and I certainly urge it on every single member of this place. We do an important job; it is a hard and at times extremely stressful job. We are, I believe, hard on ourselves in terms of the burden and the stress that we suffer in the jobs that we pursue in this place. That goes for each and every one of us. It is a hard and demanding job for each of us individually. It is tough on our families, and I think it is enormously important that each of us takes the opportunity for a break and that we do take the opportunity to spend this time with our families to recharge our own batteries and to protect and nurture our families and ourselves. In that context, I wish each and every one of you, my fellow MLAs, all the best for Christmas and the holiday season.

MS LE COUTEUR (Molonglo) (6.24): I would like to join all the previous speakers in their kind words about and their thanks to the Secretariat. Without the Secretariat and all the staff, we simply would not exist. We could not do anything, and any success is due to them in a very large part.

I would also like to thank my fellow MLAs for their contributions from all three sides of this chamber. It is a challenging work environment to be in. I have never been in a place where we had three teams before, but we do sometimes manage to work as one and pass some good legislation for the people of Canberra.

I would like to thank my staff, in particular, Indra, Matt and Narelle. I would like to thank particularly my fellow Greens' staff and obviously my fellow Green MLAs. I would like to thank my constituents, and I have been lucky enough to have emails and phone calls from many of them, and the various industry groups and community groups that I have had contact with over the year. They have always had very useful and informative comments to make.

A lot of this year has been fascinating, and some of it has been less than fascinating. One of the things I find sitting in the chair as Assistant Speaker is that I notice that just occasionally—I would say very occasionally—people are not paying full attention to the member speaking. So I have thought what we could do about this. The suggestion is Legislative Assembly bingo. Now, I am indebted to Mr Coe for this original idea in his speech on Redex, where Mr Coe asked, "How many minutes difference are there between bus times and bus timetables?" Then he proceeded to call out about 50 different numbers, just like a bingo caller, so I thought—

Mr Coe: You should have shouted out!

MS LE COUTEUR: I should have, and I missed it, so I am making up for it now, Alastair. I have also been inspired by the attendants, because they have told me that they also, in fact, play bingo. In the morning they play bingo on which of is going to be first in the chamber. So I am suggesting that maybe we could go for a new standing order for Legislative Assembly bingo, and I have thought of some of the rules, but probably will not have time to go through it all in the time remaining to me. I think, though, it would be a fairly easy game. We will have points for various levels of difficulty, and some of the easy ones might be for the first time you hear "opposition for opposition's sake" or "you're just not interested in it".

Mr Coe: "You've got to take the planning out of politics" as well.

MS LE COUTEUR: That was my next one, Mr Coe. The list continues: "keeping the government accountable"; an adjournment speech that sounds like the member is simply just reading out the Yellow Pages; "my enormous brain"; "the argy-bargy of politics"; "I will have to take that on notice"; the *City* News being quoted as an authoritative source; and "a drive to cut red tape" or "microeconomic reform".

Then I thought there were a few that are slightly harder, and maybe you get two points for these ones: Mr Stanhope not actually noticing the Speaker telling him his time has expired; Madam Assistant Speaker telling an MLA to "shut up"; Mr Hargreaves suggesting another member of the Assembly might be a rodent or another burrowing creature; someone in the Assembly wearing a more colourful outfit than Mrs Dunne; or Mr Stanhope telling the Assembly how much he loves trees and chickens.

Then, for a special bonus section, we could have 100 points if we had, say: Mr Hargreaves and Mr Coe slapping a high five; the Liberal Party congratulating the government on their prudent financial management; or, in the spirit of equality, the government congratulating the opposition on their prudent financial management.

Now, I also thought of an instant win in this game—I am really looking forward to this one: a member presenting their question without notice in the form of either a riddle or a cryptic crossword, or a haiku maybe even better, to fit in with time requirements.

This, of course, is not the complete list of point-scoring opportunities for the game, and I look forward to the admin and procedure committee filling in the small gaps in this. It might be tabled in the form of a notifiable or a disallowable instrument. I would suggest that the standing order would say that once you reach 1,000 points—which would have to be verified by the chief attendant; no cheating allowed in this—you cry "bingo!", there would be balloons from the ceiling, a large chocolate cake would appear in the middle and we would all get the chance to stop and enjoy ourselves, which is what I hope we do for the time until we sit again in February.

MR COE (Ginninderra) (6.29): It is a pleasure to be here at the end of the first full year for this Assembly. Being a member is definitely unlike any other job. In some ways, I think everyone in the community is prepared for it; in other ways, absolutely nobody is prepared for it. In some ways, I think living in a community and having views and having a passion and being able to listen to others is simply enough, but in other ways, there is not much that can prepare you for representing tens of thousands of people in this place. It is a unique privilege and one that I am very much enjoying.

I will say on a broader matter of philosophy that I do think it is important that we do not overreach into the lives of our constituents by over legislating. We are here to represent, not control, the lives of our constituents, and, to that end, I support returning more money to citizens through tax cuts and limiting the role of government. That is something I will certainly be working towards next year and in future years.

It is interesting that we talk about 1989; this year certainly is a better year than 1989, because in 1989 Geelong lost the grand final, 144 to 138, to the Hawthorn Football Club. This year, just as in 2007, it was a much better result. Also in 1989 the Canberra Cannons won their premiership, which is worth remembering.

I would like to acknowledge a number of staff that have been absolutely fantastic over the last year in my office: Haylee Snowdon, and Maria Violi have helped out. I also had some researchers: Lauren Callahan, Ella Bauman and Sam Jackson-Hope. In the leader's office there has been Steve Doyle, Ian Hagan, Tio Faulkner, Adam Duke, Keith Old and Nick Chapman. In my own office I have got Duncan McDonald, Candice Burch and also Sandy Tanner. I would like to really commend Sandy's professionalism, his loyalty, his dedication, his commitment and his conviction, both to my office and also to Liberalism more broadly.

I would like to thank my colleagues, Steve and Brendan from Brindabella, Jeremy and Zed from Molonglo and Vicki in Ginninderra. Vicki, in particular, has been a pleasure to work with for the north-west of our city, and I look forward to the next three years or so. I would also like to recognise the management committee of the Canberra Liberals, in particular the president, Winnifred Rosser OAM; vice president, Tio Faulkner; the finance director, Robert Gunning; the treasurer, Henry Pike; the policy convenor, John Cziesla; the Young Liberals president, Sandy Tanner; and the northern branch chair, Brian Medway. There are a few other positions there, but they are not quite as relevant as those ones.

Yes, I have very much enjoyed this year. I do not think there is much to compare this chamber to outside of politics. It really is a very special place, one where I do enjoy engaging in the banter, especially with a member for Brindabella, Mr Hargreaves. It has been a year that I think could have been very tricky and could have been one full of a lot more obstacles had it not been for the support of Zed and the broader team. I think it really is a great team; it is a wonderful opposition to work within. I think in times gone by we have not always had this sort of team, so it really is a great thing for the party that we do have this unity and we do have this momentum going forward. For that reason, I am very much looking forward to next year, and I wish all here the best of health over the Christmas season.

I encourage people to perhaps contribute to a charity working in and around Canberra, perhaps the Salvation Army, St Vincent de Paul, UnitingCare, the Baptist mission or Anglicare. There are, of course, many others, but those ones in particular do a great job in our community. Merry Christmas.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (6.33): It seems the end of year is the time to acknowledge and thank a number of people for their efforts over the previous year. I would also like to express members' appreciation for your role, Mr Speaker. I think you have taken to the role of Speaker very quickly. I know it is a difficult job to do, particularly at certain times of the day with the amount of emotion that sometimes exists in this chamber.

Also, the staff at the Assembly do a fantastic job—all of them. I think it probably is a pretty crazy place to work if you are a non-political person watching the goings-on in this place, but the staff here are highly trained professionals and execute their duties admirably and have done for the period of time that I have been at this Assembly, so, my thanks very much to them.

To members in this place, this is a fantastic and privileged position that we hold, but it is also a very difficult job as well. It is a very public job, so much more than many others in our community. It is, at times, personally a very difficult job, but I think, at the end of the day, we are all here to represent our community from different viewpoints, and, for most of the time, we are able to respect those different viewpoints even if we do not agree with them. To members, I hope you do have the opportunity to have a break and recharge, because we will all be back playing the same games in 2010, no doubt, and achieving a number of things as well.

To Meredith, in that formal Greens liaison role that we share, I acknowledge and thank you for assisting in making that job as smooth as it can be. Again, we do not always agree, but I think the channels of communication are always open and we are largely able to work through our problems. I look forward to continuing that.

To my ALP colleagues as well, it is great to be part of such a strong team—the Chief Minister, my ministerial colleagues and also John and Mary who hold the team together. For a small government—and we do travel around the country and see what is happening a bit—we do achieve a lot. The demands on us are tough, but it is a very privileged job, and I think we all take it very seriously.

To the staff in the public service, again, I never cease to be impressed as I go around performing my duties and coming into contact with public servants. I meet them every day in different roles. I am always impressed by the work that they do for our community. Again, many of those people could go and get easier and higher paying jobs, I am sure, particularly in the commonwealth area, but many of them do their jobs because they love them and because they make a difference for people in the ACT. To all of the staff right across all of my portfolio areas, including the Department of Disability, Housing and Community Services, with which I had an eight-year relationship in one form or another and which has ended this year with Joy Burch taking over that department entirely, I commend the work that you do.

I am living testament to the saying that it takes a village to raise a family. Thankfully, I have a very good village, particularly my partner, Dave; my sister, Clare; and Dave's parents, Tim and Trish. They help enormously with the three children and allow me to do the job I do with only that little tiny bit of mother guilt that I come to work with every day. So, to my family, thank you for not complaining about the 6 o'clock in the morning phone calls and also the 9 o'clock phone calls at night. This public life is an intrusion into the lives of our family and friends, but mine support me very well, and I look forward to spending some time with them over the Christmas break.

MS PORTER (Ginninderra) (6.38): I would like to take this opportunity to briefly thank a few people who have helped us all make this a rewarding year. Being strongly committed to the service of the people of the ACT, I think all members of this place

would agree that the work we do is demanding, seemingly endless and certainly complex. Without the support of people around us and the professionalism of those that work in this place, it would not be possible for us to meet these challenges.

I would like to thank the Clerk, who will be sorely missed in this place next year. I would also like to thank Max Kiermaier and Janice Rafferty for their work which has, yet again, been exceptional and who will step up in their roles in the Clerk's absence. Thanks to all the Chamber Support staff; to all of those that work in Corporate Services under Ian Duckworth; to Val Barrett and the staff at Hansard, as well as the fabulous Library staff.

Members in this place are constantly on their way somewhere, returning or running between offices and requiring the assistance of the attendants on a multitude of occasions. It is always good to be greeted with a smile by the attendants. It is a fleeting respite from our hectic schedules. Of course I must thank Dr Sandra Lilburn and all the committee secretariat staff, particularly my standing committee secretary, Nicola Derigo.

As we have already heard, people would like special thanks paid to Rick Hart. We all realise that Rick does a very important job, even though he is someone who is very quiet in the way he goes about his work. We would really miss him if he was not here. He often reminds me, because of the way he dresses, of the man from Snowy River.

I want to thank all the advisers of the three parties and wish them all a merry Christmas. While I am not familiar with the inner workings of all the other offices, I know that, if they work as hard as the advisers in our offices, then they work jolly hard. Particularly I would like to thank all the advisers on our Labor team. Certainly I would not be able to do my work if there was not help from so many advisers, so many staff from the Labor team.

Last but not least, in thanking members of this place, I would like to thank my fellow members, the colleagues that we work with on a daily basis. Despite the adversarial context of how we work, which has been referred to a number of times, you all have my respect and my thanks for the way that we are able to conduct ourselves in this place most of the time.

There are comical elements to what happens here occasionally and mirth that allow one to envisage our fellow members as various caricatures. We have been talking about that. In the spirit of Christmas, I did try to find some. I began with the government frontbench and, in wishing a merry Christmas to the government frontbench, I saw the Chief Minister as Santa Claus, and the deputy as Mrs Claus. I hope you realise that she was appropriately dressed in red today. They are the deliverers of gifts to the people of the ACT.

Where would Santa be without his little helpers? I refer to the rest of us, all of us little helpers. I would like to thank all Santa's little helpers, my esteemed colleagues in the government, with whom I spend a considerable amount of time beavering away in the service of the people of Canberra.

On the crossbench we find the green Christmas elves, diminutive figures, who, in fiction at least, live with Santa Claus, making toys in the workshop to be distributed to the people. Whilst I will not judge the validity of this metaphor when applied in reality, I would like to wish my colleagues on the crossbench a very merry Christmas and say that I appreciate their passion and their conviction and look forward to their input to the continual process that we all work for, which is aimed at improving the lives of the people of Canberra in 2010 and beyond.

I was running out of mythical connections with Christmas; so for the opposition members, I settled on a variation of the elves theme and considered the Liberal members as Snow White's dwarfs. I am aware there are seven dwarfs but there are only six of you—thank goodness, otherwise we may not be here. Anyway, I would like to convey my best wishes for this festive season to the six dwarfs in the opposition.

Working across the frontbench, there is Sleepy Seselja. That is the most aptly labelled dwarf, because we know from here that he spends so much time having a zzz that one can only presume that that title is right. Sneezy Smyth, when he is under pressure and his eyes close for longer than it takes to blink, I am always under the impression he is about to sneeze. Then there is Doc Hanson, not just because he is the shadow minister for health but also because the colonel would feel uncomfortable without a title or rank of some description.

Mrs Dunne, I am sorry but Grumpy came to mind, consistently warning Snow White of the threat caused by, well, pretty much anything and always grumpy with Santa and Mrs Claus and us little helpers, particularly helper AG. Working from the left at the back is Happy Coe. His enduring smile would be quite pleasant if we did not have to listen to him reel off lists of things so often. As far as the leadership of the dwarfs is concerned, young Alistair, may it be a happy Coe lucky 2010 for you.

Finally we have Bashful Doszpot, on the surface at least. Bashful Doszpot seems too shy to shoot for the top spot. Or is he? Best wishes for Christmas and the new year when maybe, just maybe, Bashful Doszpot will be anything but bashful.

Before I close, I would like to thank my staff. It is their first year, this year. I thank Andrew Hunter, my chief of staff, and my other two staff, Charles Njora and Frank Gaffa. Last but not least, I thank my husband, who is my constant support and my strongest political critic. Happy Christmas to everyone.

MR DOSZPOT (Brindabella) (6.44): I am almost speechless after that speech of Ms Porter's.

Mr Coe: You are too bashful.

MR DOSZPOT: Yes, I am too bashful to try to comment on it. I think you are very brave to take on the opportunities that were presented to you but not brave enough to, I think, go the full hog. I will not try to emulate you this year. Next year I might.

I would like to take this opportunity to reflect on a very interesting and personally rewarding year. I particularly enjoyed getting to know the issues affecting my portfolio areas and the people of Brindabella. I think it is appropriate to reflect on the privilege we enjoy in being able to represent our Canberra community in this place and the responsibilities that come with that representation. We have all come into this place to make a difference and after the first year of learning my new trade, politics, I look forward to next year as we all continue our political journey.

I have particularly enjoyed meeting the many dedicated people who are involved in my portfolio areas, the many areas of disability, education, sport and multicultural affairs. I have met with a vast cross-section of people from all of these areas and I am continually amazed by the commitment and dedication I have seen demonstrated within our ACT community across all of these portfolio areas.

But I would like to make a special mention of the incredible courage of the many individuals who are trying to cope with various forms of disability, and the courage, love, dedication and sheer hard work of their families and carers, work that never ends. While we all prepare to take our holidays and enjoy this coming Christmas period, let us spare a thought for the many thousands in our community who have no such luxury to look forward to. The number of children and adults with special needs in our community has been an incredible eye-opener for me, and I look forward to next year to try to do justice to some of the many requests that have come my way this year.

This year would not have been possible without the support of a number of individuals. My thanks, of course, must go first and foremost to my family: my wife, Maureen, and children, Adam and Amy, and their families, for their support and understanding. Also I thank my staff, Kate Davis and Haylee Snowdon, for their assistance and hard work.

I say a special thanks to my Liberal Party colleagues: to Zed Seselja, for his leadership; to our team, Brendan, Vicki, Alistair and Jeremy, who have all worked hard and showed the unity required to present our credentials to our community; and to all my colleagues' staff who have also provided support to all of us throughout the year.

My thanks also, Mr Speaker, to you for your contributions and for eventually recognising me yesterday after I jumped up four times in a very competitive adjournment debate. I must say it is a little hard to comprehend how polite we all are to each other tonight, waiting for each other to stand and finish. But thank you for your contribution to the Assembly. It is much appreciated by all of us.

My thanks go to Tom and Max for their advice, which has been sought several times by a lot of us newcomers; to the many wonderful staff of the Assembly; Dr Sandra Lilburn and my committee secretary, Grace; indeed, my colleagues on the health committee; the attendants; Janice and the Chamber Support staff; Corporate Services; Hansard; the Library; and InTACT for the work they have all done this year to make our jobs that little bit easier.

I must also pay tribute to our colleagues in the government and the Greens. While it may get very adversarial within these walls, I agree with what Ms Bressnan said yesterday: it does seem very hard to separate the spin from the facts. And without pointing the finger at anyone, I think there is one individual who has made spin an absolute art form that the rest of us can only emulate.

Mr Barr: It's only good if you do not know it.

Mr DOSZPOT: Andrew, that is exactly the point I was coming to. The only problem with the constant spin is that you have got to sometimes separate the spin from the facts. Even though you are so good at the spin, it is getting a little hard to separate the spin from the facts. I am sure that we are all here for the right reasons and that we all strive to do the best for the ACT. Despite our ideological and political differences, I look forward to working together on this.

I look forward to continuing my journey with all of you in this place after a short Christmas break. I wish everyone here and your loved ones a very happy, peaceful and safe Christmas and a prosperous new year. Happy Christmas.

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) (6.49): I would like to say a few words of thanks to the many people inside and outside this building that have given me support and friendship over the last year. Firstly, I would like to thank my staff, Nicole, Mark, Joel, Tracey, Chris and Heather, and Victoria Stewart who was with me until about two months ago.

I would also like to thank the departmental officials, including, to name just a few, Martin Hehir, Brett Phillips, Maureen Sheehan, Megan Mitchell, Frank Duggan, Bronwyn Overton-Clarke, Meredith Whitten and the many other dedicated officials from Department of Disability Housing and Community Services. They are a dedicated, hardworking team and I am proud to be their minister and certainly grateful for all the assistance, the wads of advice, which I read quickly of course, that they have given me over the last two months.

I would like to also say thank you and acknowledge the departmental liaision officers, the DLOs, Jenny Whichelo, Sarah Cowdery, Damien Howe. It can be only be described as an interesting position for a DLO, to be 100 per cent independent of the department on one side, surrounded by advisers and ministers. I congratulate them on the great job they do. I also take the opportunity to thank you, Mr Speaker, for the 12 months; and Max, Tom, Janice and indeed all staff within the Assembly.

To my government colleagues, thank you very much for your friendship and advice. I hope that continues into 2010. It really is an honour to be a part of this strong, forward-thinking Labor team and indeed to be a member of the Labor Party. I would also like to thank Sandra Lilburn, who has been mentioned by a number of people today. I have just spent 12 months on committee work. It was a most interesting and intriguing 12 months. Thank you to the various committee members that I shared many an interesting conversation with.

I would also like to thank the people of Brindabella who voted me into this building, and I thank them for their support and their kind words over the most recent weeks. I am committed to keeping in touch with them through my mobile community office and my community radio program.

Can I say that there are many in this room that have made this last 12 months and, indeed, the last 40-plus days an interesting time. I am, can I say, looking forward to question time in 2010. I have an offer of a Mars bar to the member of the opposition who can crack the century and give me the 100th question early in the new year.

Mr Hanson: It will not take long.

MS BURCH: No, it will not. At the rate you are going, I reckon by the end of February we will be there. Thank you very much. Let me finish by wishing everyone here and your families a great Christmas. I hope that you and your families have a happy, safe and relaxing new year. I look forward to meeting you all again in the new year.

MS BRESNAN (Brindabella) (6.52): First off, I want to thank my fellow Greens MLAs. I think we made it through the year with no actual bruises. But we have got through the year. It has been great having you all here, going through that together. Obviously, thanks to all of the staff of all our offices, but particularly my staff: the wonderful Kate Taylor, who has stepped into the role of senior adviser with absolute aplomb, and Patrick Moody, for being thrown into the deep end. I think the first day he started we put some workplace health and safety legislation on his desk and said, "There you go. Have fun with that." Obviously with all the harmonisation stuff coming through, he will be very busy next year. Thank you to Bianca "Bam Bam" Elmir, just for being herself and for the security that she offers us at the door, with her boxing credentials; to Roland Manderson for the months that he was with my office and not just with my office but across our offices. His knowledge was invaluable, and I thank him for that.

I would like to thank also the Greens party, in particular, Graeme Jensen and Ebony Bennett, who both served in the role of convener this year. Ebony has gone on to be the national campaign manager. Graeme stepped into the role this year. I thank the volunteers for their support throughout the campaign. Volunteers for all parties in this place are invaluable but particularly so for the Greens. We do not have a huge budget when it comes to our campaigns; so we do very much rely on our volunteers and they performed outstandingly through the election.

Thank you to all the staff in the Assembly, in particular the attendants and the committee secretariat staff. I will again mention Sandra Lilburn, our secretary of the education committee. Her support has been really invaluable this year in my role as chair of the committee, and I thank her very much. Thank you to all the other members and their staff.

As others have said, things can be pretty adversarial, but we are all here to serve the same purpose and perform the same role. Despite all that goes on, at the end of the day we do end up speaking to each other, which is good, and working with each other where we can.

I would also like to thank all the community organisations that we work with. We very much do rely on them to let us know what is going on in the community and what are some of the key issues. I thank them a lot. I also thank my previous employer, the Mental Health Council of Australia. They were very understanding during the election campaign, when I would disappear on occasions and then, when I did not come back in October when they were expecting me to come back and I did not. So I thank them for their understanding and their support.

I would also be remiss if I did not mention the State of Origin this year. Mr Barr and Mr Smyth put forward a challenge that I would wear a New South Wales jersey if Queensland lost the series, and I readily accepted that challenge. Of course they did not lose the series—that really was not in question. But I also put the challenge out that, yes, I would wear the New South Wales jersey if Mr Barr and Mr Smyth wore the Queensland jersey. Of course that did not happen. Mr Smyth actually said to me, "If you buy one, I will wear it." But I would have thought any self-respecting New South Wales supporter would have a jersey that they could wear in this place, which does not seem to be the case. So I put the same challenge out for next year. I have got the Queensland jersey. I had it there, ready to go. I had my scarf, which I wore into the chamber.

Mr Barr: I will wear my New South Wales tie every day in the chamber.

MS BRESNAN: You are wearing a Maroons tie tonight. That is quite good. The challenge is on for next year for the State of Origin. I am happy to wear the New South Wales jersey. If Queensland do win, I will expect the jerseys to be worn in this place. So the challenge is on. Thank you all for this year and best wishes to everybody and their families.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (6.56): In thinking about my speech tonight I thought, "What would be the greatest Christmas gift I could bestow upon you all?" That would be a very brief speech. So I will stick to that. I will just make a couple of observations.

This has been a fascinating year in local politics. I think a lot has been achieved. There were a number of personal highlights, one of which, in spite of a slight backward step, was what we achieved today in locking in some very significant reforms for same-sex couples.

As to perhaps the things we can learn from this year, aside from debates of epic proportions, there are two things that I would observe from 2009. The first is that if you are going to get emotional in the chamber and you look like you are in a lot of pain, and it is on a television camera, it is best to tell your mother before she sees it on television. The second is to provide some advice to all of you. I think most of you are married. For those who are not or who might want to try a civil partnership, my advice is do not do it in the middle of a sitting fortnight. That is something quite above and beyond.

I would like to thank everyone for their contribution to this place this year. It is a pleasure to work with you all. I certainly enjoy it, some days more than others, as I think we all do.

Can I thank my staff. They make my office one of the most enjoyable workplaces that I have ever been involved in. Their healthy level of disrespect for their minister is very pleasing to see.

In closing, I certainly will be taking the advice of many speakers to take some time off and enjoy a break. He is going to hate me for saying this, but there is a certain ruggedly handsome young man to whom I owe a honeymoon, and we certainly will be enjoying that experience over January.

To everyone, I hope you have a safe and happy festive season and we look forward to seeing you all back in this place in 2010, passionate about what you believe in. Safe and happy Christmas everyone.

Question resolved in the affirmative.

The Assembly adjourned at 7 pm until Tuesday, 9 February 2010, at 10 am.

Schedules of amendments

Schedule 1

Workers Compensation Amendment Bill 2009

Amendments moved by Mrs Dunne

1
Clause 11
Proposed new section 147A (6A)
Page 8, line 10—

insert

(6A) Subsections (3), (4) and (5) do not apply to a non-business employer.

2
Clause 12
Proposed new section 149 (4) (b) (viii)
Page 10, line 25—

omit proposed new section 149 (4) (b) (viii), substitute

(viii) any other relevant factor.

3
Clause 28
Proposed new section 162A (3) (b) (viii)
Page 17, line 23—

omit proposed new section 162A (3) (b) (viii), substitute

(viii) any other relevant factor.

Schedule 2

Workers Compensation Amendment Bill 2009

Amendments moved by Ms Bresnan

1
Clause 12
Proposed new section 149 (4) (b) (iv)
Page 10, line 18—

omit

2
Clause 28
Proposed new section 162A (3) (b) (iv)
Page 17, line 16—

omit

3
Clause 42
Proposed new section 201A (1)
Page 27, line 10—

omit proposed new section 201A (1), substitute

(1) This section applies if—

(a) the chief executive is entitled to recover an amount from a corporation under—

(i) section 149 (Failure to maintain compulsory insurance policy—chief executive entitled to recovery amount); or

(ii) section 162A (Avoiding payment of premium—chief executive entitled to recovery amount); or

(b) a corporation fails to maintain a compulsory insurance policy with an approved insurer and an amount is owed by the corporation to the DI fund under section 171I (1) (c) (Effect of payment of claims).

4
Clause 42
Proposed new section 201A (2)
Page 27, line 15—

omit

5
Clause 42
Proposed new section 201A (3)
Page 27, line 19—

after

the amount

insert

(or part of it)

6
Clause 42
Proposed new section 201A (3A)
Page 27, line 21—

insert

(3A) If the chief executive recovers an amount (the ***recovered amount***) from a culpable executive officer of a corporation under subsection (3), any amount owed by the corporation as a debt to the DI fund for a matter to which the recovered amount relates is reduced by the recovered amount.

7
Clause 42
Proposed new section 201A (4)
Page 27, line 22—

omit proposed new section 201A (4), substitute

(4) An executive officer is culpable at the relevant time if he or she was an executive officer of the corporation at any time during which the corporation committed—

(a) if an entitlement to recover arises under section 149 (Failure to maintain compulsory insurance policy—chief executive entitled to recovery amount)—the offence, under section 147A (Compulsory insurance—offences), to which the entitlement to recover relates; or

(b) if an entitlement to recover arises under section 162A (Avoiding payment of premium—chief executive entitled to recovery amount)—the offence, under section 162 (False information causing lower premium), to which the entitlement to recover relates; or

(c) if the corporation is liable for an amount owing as a debt to the DI fund under section 171I (1) (c) (Effect of payment of claims)—the act or omission that led to the liability.

Answers to questions

Legal advice—homeless people (Question No 349)

Mr Seselja asked the Attorney-General, upon notice, on 14 October 2009:

(1) What progress has been made in establishing a free legal service for homeless people.

(2) When will such a service be established.

(3) What is the total cost of this policy initiative.

(4) Is this a firm commitment or an aspirational one.

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

(1) & (2) The Homeless Persons Legal Service is a joint project of Legal Aid ACT, community legal centres in the ACT, and the Canberra office of the Aboriginal Legal Service (ALS).

The staff of the Homeless Persons Legal Service will be employed by Welfare Rights & Legal Centre (WRLC) and operate from WRLC's premises at Havelock House. A Principal Solicitor/Project Manager has been appointed and commenced in the position on 16 November 2009.

A Project Reference Group comprising representatives of Legal Aid ACT, WRLC and the ALS has been established to provide policy oversight and direction. ACT Government's funding for the project is being channelled through Legal Aid ACT which has entered into a MOU with WRLC covering matters such as funding and accountability arrangements.

The Homeless Persons Legal Service will operate on an outreach model providing legal advice and other legal assistance to homeless people at shelters, emergency food outlets and other welfare agencies assisting homeless people. Legal services will be provided by staff of the Homeless Persons Legal Service, staff of the partner legal aid agencies, and by volunteers.

(3) The ACT Government is providing funding of $291,000 over two financial years to fund the project and the Commonwealth Government has allocated $50,000 for the project in 2009/10 through the Commonwealth Community Legal Services Program (CCLSP).

(4) The project implements a firm commitment by the Government to deliver the provision of legal services to homeless people.

Planning—initiatives (Question No 359)

Mr Seselja asked the Minister for Planning, upon notice, on 14 October 2009:

(1) When will the neighbourhood planning process be reinstated.

(2) In which suburbs will neighbourhood planning be reinstated.

(3) How will Master Plans be integrated into the Territory Plan.

(4) What is the total cost of this policy initiative.

(5) Is this a firm commitment or an aspirational one.

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

(1) In accordance with the Agreement, the Government has commenced a program for neighbourhood planning, with urban planning frameworks being prepared for both Kingston and Dickson Group Centres. This will be followed by Tuggeranong Town Centre and a planning study for Pialligo was recently announced, and will be the subject of budget deliberations. The program will review other locations according to priority, into the future.

(2) See (1).

(3) The outcome of such planning exercises is to produce precinct codes for the Territory Plan

(4) The planning studies are the subject of budget decisions.

(5) The Government is committed to undertaking its planning studies based on priority needs, as determined through the budget process.

Chief Minister's Department—advertising (Question No 364)

Mr Seselja asked the Chief Minister, upon notice, on 15 October 2009:

(1) How much does the Chief Minister's Department spend on a weekly basis to place the Community Notice in *The Canberra Times*.

(2) Has the department signed a contract with *The Canberra Times* for the provision of this service.

(3) Is this amount included in the department's advertising budget.

(4) What measures are in place to ensure that the department receives a competitive rate for these advertisements.

(5) What other options were considered to publish the Community Notice.

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

(1) Costs associated with the placement of notices in the Noticeboard are apportioned across contributing Agencies. The cost to the Chief Minister's Department varies

according to the number of advertisements placed by the Department. Since the introduction of the Noticeboard, the Department has spent on average approximately $420 per week to place notices.

(2) No. The Noticeboard is placed with the Canberra Times by Adcorp Australia Limited (Adcorp) as the media agency.

(3) No.

(4) The Community Noticeboard is placed by Adcorp, who receive the best possible government advertising rates as part of its Government advertising contract.

(5) Other publications were considered and quotes received. The Canberra Times was chosen for its high public profile.

Fire—regulations and emergency plans (Question No 381)

Ms Le Couteur asked the Minister for Police and Emergency Services, upon notice, on 15 October 2009:

(1) Can the Minister provide advice on what information is given to landlords and businesses in the ACT relating to fire regulation requirements.

(2) What are the requirements for landlords and businesses in terms of preparing emergency fire plans.

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

(1) The ACT Fire Brigade (ACTFB) website (www.firebrigade.act.gov.au) contains information for all ACT residents on a number of preparedness and prevention topics which include facts on fire escape plans and household smoke alarms. The website also contains information on the ACT Fire Safety Section, which is a Regulatory Authority prescribed in the ACT Building Regulations 1998 (As Amended), specifically acting in the field of commercial building developments and alterations.

The ACT Fire Safety Section has become increasingly involved in consultancy roles for the fire protection industry and has released several policy statements covering aspects of fire safety, in particular fire safety related to commercial buildings, policies on Fire Brigade vehicular access to buildings, portable fire extinguishers and alarm installation connections to the ACTFB automatic fire alarm system. These policy statements are available on the ACTFB website.

(2) The requirements for emergency procedures for persons conducting a business or undertaking are legislated in Division 7.13 of the *Work Safety Regulation 2009*.

Government—ministerial briefings (Question Nos 388-400)

Mr Seselja asked the Chief Minister, Minister for Planning, Minister for Indigenous Affairs, Treasurer, Minister for Health, Minister for Community Services, Attorney-

General, Minister for the Environment, Climate Change and Water, Minister for Disability and Housing, Minister for Education and Training, Minister for Children and Young People, Minister for Territory and Municipal Services and Minister for Tourism, Sport and Recreation, upon notice, on 10 November 2009 (*redirected to the Chief Minister*):

(1) How many briefings did the Minister, or the department or agencies in the Minister's portfolio, prepare for ACT Ministers prior to each Council of Australian Governments (COAG) meeting in 2008-09.

(2) What were the subjects of each brief referred to in part (1).

(3) Which Ministers received the briefs referred to in part (1).

(4) How many staff were involved in the preparation of each brief referred to in part (1).

(5) What was the total cost in 2008-09, for each department and agency in the Minister's portfolio, of preparing COAG briefings.

(6) How many submissions did the Minister, or the departments or agencies in the Minister's portfolio, make to the Federal Government in 2008-2009.

(7) How many staff were involved in the preparation of each submission referred to in part (6).

(8) What were the topics of each submission referred to in part (6).

(9) What was the total cost in 2008-09 of providing submissions to the Federal Government for each department and agency in the Minister's portfolio.

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

1) The Chief Minister's Department prepared briefing for each of the five COAG meetings in 2008-09.

2) The briefings covered all matters on the COAG agenda which can be found at http://www.coag.gov.au/coag_meeting_outcomes/archive.cfm

3) Chief Minister and Treasurer.

4) The Cabinet and Intergovernmental Relations Branch in the Chief Minister's Department, Policy Division coordinates the briefing in consultation with relevant agencies.

5) The cost is not separately identifiable.

6) Seven written submissions.

7) No data is collected.

8) National Security, Australian Future Tax System Review, National Aviation Policy Greenpaper, A National Framework for Protecting Australia's Children, Business (Long Stay) Subclass 457 and related temporary visa reforms, Commonwealth

Parliamentary Inquiry into Better Support for Carers, and the role of the National Capital Authority.

9) This data is not separately identifiable.

Finance—departmental assets and liabilities (Question No 401)

Mr Seselja asked the Chief Minister, upon notice, on 12 November 2009:

(1) What are the top ten assets, other than cash, for the Minister's department ranked by value as at 30 June 2009 and what is the value of each asset.

(2) What are the top ten liabilities, other than employee benefits, for the department ranked by value as at 30 June 2009 and what is the value of each liability.

(3) If the liabilities referred to in part (2) are loans, (a) who is the loan with, (b) who facilitated the borrowing and (c) what is the interest rate for the loan.

(4) What are the top ten contingent liabilities in the Minister's portfolio ranked by value.

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

(1) The top ten assets for the Chief Minister's Department are:

	$'000
Building & Fit-out - Canberra Glassworks (Arts Facility)	7,199
Canberra International Arboretum & Gardens	6,357
Building & Fit-out - Belconnen Arts Centre	6,214
Building & Fit-out - Gorman House	3,892
Building & Fit-out - The Street Theatre	3,827
Building & Fit-out - Tuggeranong Arts Centre	3,659
Building & Fit-out - Ainslie Arts Centre	3,045
Land - The Street Theatre	2,000
Land - Gorman House	2,000
Land - The Canberra Glassworks	2,000

(2) The only liabilities for the Chief Minister's Department apart from employee benefits are:

	$'000
Accounts Payable	2,877
Revenue received in advance	455
Motor vehicle finance leases	190

(3) The Chief Minister's Department has motor vehicle finance leases with SG Fleet Australia Pty Limited at the current interest rate of 6.90%. This is part of whole-of-government vehicle leasing arrangements.

(4) The contingent liabilities for the Chief Minister's Department are:

	$'000
Non ACT Business Incentive Fund	3,200
ACTBIF waivers	3,186
Damages claim	43
Bushfire Loan Subsidy	6

Note:

i. ACTBIF and Non-ACTBIF: The Department provides cash grants, payroll tax waivers, stamp duty waivers, rent waivers, and land discounts to various organisations. This financial assistance is contingent on organisations meeting milestones as detailed in individual contracts.

ii. Damages Claim: This is a potential damages claim as a result of theft of third party assets at an event.

iii. Bushfire Loan Subsidy: The ACT Government assembled a disaster relief package to assist all business sectors, including home-based, tourism and agri-businesses (including rural leaseholders) whose business assets were significantly damaged during the bushfires or resulting metropolitan fires that occurred in the ACT on or about 18 January 2003.

The Business Assistance Package included a subsidy for interest charged on private sector loans taken out by businesses and rural leaseholders to repair damage and to cover capital or intellectual property loss resulting from the fires. Seven affected businesses were assisted through the loan subsidy scheme over a five year period.

The contingent liability is estimated on the outstanding amounts that may be called on the subsidy. The final Loan Subsidy agreement is due for completion in 2010.

Finance—departmental assets and liabilities (Question No 402)

Mr Seselja asked the Minister for Planning, upon notice, on 12 November 2009:

(1) What are the top ten assets, other than cash, for the Minister's department ranked by value as at 30 June 2009 and what is the value of each asset.

(2) What are the top ten liabilities, other than employee benefits, for the department ranked by value as at 30 June 2009 and what is the value of each liability.

(3) If the liabilities referred to in part (2) are loans, (a) who is the loan with, (b) who facilitated the borrowing and (c) what is the interest rate for the loan.

(4) What are the top ten contingent liabilities in the Minister's portfolio ranked by value.

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

(1)	Land held on behalf of the Territory (valued using the discounted cash flow of lease payments in perpetuity using the 10-year Commonwealth bond rate)	$38,060,207
	Loans Receivable	$ 4,111,155
	(30-year loans to rural leaseholders converting their rural lease to a 99-year lease)	
	Belconnen Town Centre Infrastructure	$ 2,999,539
	Business Systems Integration Project	$ 1,947,732
	Receivables	$ 1,499,000
	(includes GST of $930,000)	
	City Section 6 Paving	$ 1,185,017
	Prepayments	$ 693,592
	Motor Vehicles under Finance Lease	$ 671,787
	Molonglo Infrastructure Forward Design	$ 595,000
	North Weston Pond Forward Design	$ 585,000
(2)	Payables	$ 5,347,339
	(payable to the Territory Bank Account)	
	Accrued Expenses (Departmental)	$ 1,590,718
	Other Payables (Departmental)	$ 806,674
	(includes GST of $463,450)	
	Finance Leases on Motor Vehicles	$ 683,895
	Land Rents Received in Advance	$ 524,814
	Trade Payables	$ 104,669
	Other Payables (Territorial)	$ 102,716
	Revenue in Advance	$ 70,000
	Accrued Expenses (Territorial)	$ 11,718

(3) Not Applicable – no loans.

(4) ACTPLA's contingent liabilities of $1,630,000 include estimates of compensation for leaseholders, and a personal injury and a privacy claim. It is possible that, if liability exists, then the costs arising could be met from ACTPLA's insurance cover.

Finance—departmental assets and liabilities (Question No 403)

Mr Seselja asked the Treasurer, upon notice, on 12 November 2009:

(1) What are the top ten assets, other than cash, for the Minister's department ranked by value as at 30 June 2009 and what is the value of each asset.

(2) What are the top ten liabilities, other than employee benefits, for the department ranked by value as at 30 June 2009 and what is the value of each liability.

(3) If the liabilities referred to in part (2) are loans, (a) who is the loan with, (b) who facilitated the borrowing and (c) what is the interest rate for the loan.

(4) What are the top ten contingent liabilities in the Minister's portfolio ranked by value.

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

(1) Please refer Attachment A for the top ten assets, other than cash, for the Department ranked by value as at 30 June 2009.

(2) Please refer Attachment B for the top ten liabilities, other than employee benefits, for the Department ranked by value as at 30 June 2009.

(3) Please refer Attachment C for the liabilities referred to in part (2) that are loans, (a) who is the loan with, (b) who facilitated the borrowing and (c) what is the interest rate for the loan.

(4) Please refer Attachment D for the top ten contingent liabilities in the Department ranked by value.

(Copies of attachments are available at the Chamber Support Office).

Finance—departmental assets and liabilities (Question No 406)

Mr Seselja asked the Minister for Environment, Climate Change and Water, upon notice, on 12 November 2009:

(1) What are the top ten assets, other than cash, for the Minister's department ranked by value as at 30 June 2009 and what is the value of each asset.

(2) What are the top ten liabilities, other than employee benefits, for the department ranked by value as at 30 June 2009 and what is the value of each liability.

(3) If the liabilities referred to in part (2) are loans, (a) who is the loan with, (b) who facilitated the borrowing and (c) what is the interest rate for the loan.

(4) What are the top ten contingent liabilities in the Minister's portfolio ranked by value.

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

(1) Excluding cash and cash equivalents, the Department of the Environment, Climate Change, Energy and Water's (DECCEW's) assets at 30 June 2009 are ranked as follows:

Asset	Value $'000
Capital Works in Progress - Infrastructure	5,047
Receivables	390
Leased Motor Vehicles – Nine (9)	194
Capital Works in Progress – Accommodation Fit-out	150
Capital Works in Progress – Plant and Equipment	42
Plant and Equipment	10
Total	**5,833**

(2) Excluding employee benefits, DECCEW's liabilities at 30 June 2009 are ranked as follows:

Liabilities	Value $'000
Revenue Received in Advance	4,451
Payables	1,116
Finance Leases	196
Total	**5,763**

(3) Not applicable.

(4) Not applicable

Finance—departmental assets and liabilities (Question No 407)

Mr Seselja asked the Minister for Education and Training, upon notice, on 12 November 2009:

(1) What are the top ten assets, other than cash, for the Minister's department ranked by value as at 30 June 2009 and what is the value of each asset.

(2) What are the top ten liabilities, other than employee benefits, for the department ranked by value as at 30 June 2009 and what is the value of each liability.

(3) If the liabilities referred to in part (2) are loans, (a) who is the loan with, (b) who facilitated the borrowing and (c) what is the interest rate for the loan.

(4) What are the top ten contingent liabilities in the Minister's portfolio ranked by value.

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

(1) The Department's top ten assets are all buildings. Details are provided below.

Rank	Asset	Net Book Value $000
1	Kingsford Smith School	43 771
2	Amaroo School	32 779
3	Melrose High School	27 193
4	Gold Creek School	24 428

Rank	Asset	Net Book Value $000
5	Erindale College	23 528
6	Harrison Primary School	23 407
7	Lake Tuggeranong College	22 938
8	Centre for Teaching and Learning	20 101
9	Lake Ginninderra College	20 007
10	Canberra College	20 000

(2) The Department's top 10 liabilities as at 30 June 2009 relate to creditors and accrued expenses, revenue received in advance and finance leases. Details are provided in the table below.

Rank	Supplier	Amount $000	Description
1	Various	3030	International student fees received in advance
2	Capital Ezy/SG Fleet	2012	Finance leases for computers and motor vehicles
3	InTACT	1113	Accrued expenses related to the Fibre Optic Cabling Project
4	Procurement Solutions	730	Accrued expenses related to Gungahlin College
5	Territory and Municipal Services	612	Accrued expenses related to schools repairs and maintenance
6	French Embassy	567	Payments for French teachers at Telopea park school received in advance
7	Canberra Institute of Technology	350	Accrued expenses related to payments to Canberra Institute of Technology for trainees and apprentices
8	Territory and Municipal Services	300	Accrued expenses related to capital works projects
9	Registered Training Organisations	283	Accrued expenses related to payments to registered training organisations
10	Procurement Solutions	240	Accrued expenses related to Kingsford Smith School

(3) The finance leases held by the Department are considered loans. The loans are facilitated by Capital Ezy through Westpac Bank. The weighted average interest rate for these loans, can be found in the Department of Education and Training's 2008-2009 Annual Report

(4) The Department's top 10 contingent liabilities relate to pending personal injury claims. The contingent liabilities are therefore legal professional privilege and details cannot be provided.

Finance—departmental assets and liabilities (Question No 408)

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 12 November 2009:

(1) What are the top ten assets, other than cash, for the Minister's department ranked by value as at 30 June 2009 and what is the value of each asset.

(2) What are the top ten liabilities, other than employee benefits, for the department ranked by value as at 30 June 2009 and what is the value of each liability.

(3) If the liabilities referred to in part (2) are loans, (a) who is the loan with, (b) who facilitated the borrowing and (c) what is the interest rate for the loan.

(4) What are the top ten contingent liabilities in the Minister's portfolio ranked by value.

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

1. The top ten[1] assets are:

1	National Convention Centre	$65,640,000
2	Pine plantation	$28,952,000
	Shared Services Property Plant and Equipment (Grouping)	$27,648,000
3	Magistrates Court	$23,000,000
4	Moore Street Building	$19,500,000
5	Dame Pattie Menzies Building	$17,400,000
6	Macarthur House	$12,700,000
7	Callam Offices	$12,000,000
8	Lakeside Leisure Centre - Tuggeranong	$11,900,000
9	Former Bus Depot Capital Self Storage	$11,150,000
10	Hotel Kurrajong	$10,400,000

[1] The Departments assets are identified in consolidated form in the 2008-09 Annual Report at pages 71 through 80 for TAMS; pages 185 through 190 for ACTION; and pages 268 through 275 for Shared Services. In response to this question assets with significant individual value have been identified. Grouped assets have been excluded. Territorial assets administered by the Department have been excluded from this response.

2. The top seven liabilities by value for the Department are:

	Category of Liability	**Description**	**Total**
1	Revenue Received in Advance	Includes Building rent raised in advance, Rental Bond Deposits, Commonwealth Grants funding, ACTION advance ticket sales, Shared Services user charges, Capital Works funding received in advance, information technology network storage and salary packaging revenue received in advance.	$32,320,000
2	Accrued Expenses	Various operational expenses accrued but not invoiced	$31,239,352

	Category of Liability	**Description**	**Total**
3	Creditors	Various operational expenses invoiced pending payment	$31,022,087
4	Non Current Other Provisions	Provision for the future restoration of Waste Landfill Sites at Mugga Lane and West Belconnen	$30,289,132
5	Interest Bearing Liabilities	Debt including the Magistrates Building; Dame Pattie Menzies Building; Brindabella Business Park; ACTION Gas Facility Loan; and ACTION Land and Buildings Loan.	$25,009,431
6	Finance Leases	Finance Lease Liability for Motor Vehicles, and Plant and Equipment.	$6,545,955
7	Other Current Liabilities	Cash Collected on behalf of other entities, Capital funding Received in Advance, and misc liabilities	$5,990,000

The following details relate to Interest Bearing Liabilities and Finance Leases

Purpose of Loan	**Loan Provider**	**Facilitated by**	**Interest Rate**
Magistrates Building	TAMS pay ACT Treasury who pay Bankers Trust Financing	ACT Treasury	7.76%
Dame Pattie Menzies Building	TAMS pay ACT Treasury who pay Bankers Trust Financing	ACT Treasury	7.76%
Brindabella Business Park	Canberra Airport Pty Ltd	Australian Capital Events and Tourism and ACT Treasury	8.33%
ACTION Gas Loan Facility	ACT Treasury	ACT Treasury	5.50%
ACTION Land and Buildings Loan	TAMS pay ACT Treasury who pay BT Financing	ACT Treasury	12.57%
Waste Facility – Materials Recovery Facility	Suncorp Metway	Thiess, ACT Government and Suncorp Metway	7.82%
Waste Facilities – Mitchell and Mugga Lane Transfer Stations and Infrastructure Improvements	BNP Parabis	Thiess, ACT Government and BNP Parabis	8.16%
Motor Vehicle Finance Lease	Rhodium and SG Fleet	Rhodium and SG Fleet	6.3% to 8.0%
Industrial Iron	National Australia Bank	Capital Linen and ACT Treasury	8.69%
Canberra Stadium Television Screen	Capital Finance	Territory Venue and Events	8.10%
Canberra Stadium Fitout			8.30%

3. Contingent Liabilities for the Department relate to:

Misc Legal Claims – TAMS	$6.044m
Misc Legal Claims – ACTION	$7.358m

Finance—departmental assets and liabilities (Question No 409)

Mr Seselja asked the Minister for Disability and Housing, upon notice, on 12 November 2009:

(1) What are the top ten assets, other than cash, for the Minister's department ranked by value as at 30 June 2009 and what is the value of each asset.

(2) What are the top ten liabilities, other than employee benefits, for the department ranked by value as at 30 June 2009 and what is the value of each liability.

(3) If the liabilities referred to in part (2) are loans, (a) who is the loan with, (b) who facilitated the borrowing and (c) what is the interest rate for the loan.

(4) What are the top ten contingent liabilities in the Minister's portfolio ranked by value.

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

(1) The top ten assets (other than cash), ranked by value as at 30 June 2009 are as follows:

		Value @ 30 June 09 $'000
1	Bimberi Youth Justice Centre	42,115
2	Northbourne Flats (Forbes Street)	29,750
3	Bega Court	26,070
4	Kanangra Court	24,480
5	Currong Apartments	24,399
6	Northbourne Flats (Henty Street)	23,280
7	Stuart Flats	23,090
8	Condamine Court	21,120
9	Jerilderie Court	18,160
10	Owen Flats	18,020

(2) The top ten liabilities (other than employee benefits), ranked by value as at 30 June 2009 are as follows:

		Value @ 30 June 09 $'000
1	Interest bearing Liabilities (Commonwealth loans)	$101,091
2	Finance Leases - Motor Vehicles	$2,775
3	Spotless – Accrual for R & M	1,285
4	Client Aids/Contingencies	926
5	Grants/Sponsorships	716
6	ACTEWAGL – Accrual for Water and Sewerage Rates etc	631
7	Agency Staff	531
8	Building Operating Costs/Maintenance	442
9	InTACT – SLA costs	417
10	IT and Communication	357

(3) The Interest Bearing Liabilities are loans with the Commonwealth Government provided under earlier Commonwealth State Housing Agreements. The interest payable on the loans is 4.5% (refer to the 2008–09 Annual Report, Volume 2 page 201).

(4) The largest contingent liability relates to the make good on the office accommodation at Nature Conservation House ($576,000). The remainder of the Department's contingent liabilities relate to public liability claims that are being assessed and claims from individuals (refer to the 2008–09 Annual Report, Volume 2 pages 88 and 209). The public liability and individual claims are not listed separately to protect the identity of the claimants.

Finance—departmental energy and communication costs (Question No 410)

Mr Seselja asked the Chief Minister, upon notice, on 12 November 2009:

(1) How much did the Minister's department spend on electricity consumption in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(2) What are the greenhouse gas emissions from electricity consumption for the Minister's department.

(3) What are the estimated costs of electricity for the Minister's department in (a) 2009-10, (b) 2010-11, (c) 2011-12 and (d) 2012-13.

(4) Does the expenditure referred to in part (3) include any contingencies for additional taxes or costs that the ACT Government will pay if the Federal Government implements an emissions trading scheme; if so, what are these contingencies.

(5) How much did the Minister's department spend on communication services in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(6) How much was spent on (a) fixed line phones, (b) mobile phones and (c) internet services.

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

(1) Expenditure on electricity for the Chief Minister's Department was (a) 2005-06 – $48k, (b) 2006-07 - $46k, (c) 2007-08 - $36k and (d) 2008-09 - $38k.

(2) The greenhouse gas emissions from electricity consumption for the Chief Minister's Department was: (a) 2005-06 – 513.4 Tonnes, (b) 2006-07 – 472.7 Tonnes, (c) 2007-08 – 327.4 Tonnes and (d) 2008-09 – 322.7 Tonnes.

(3) It is expected that expenditure on electricity for the Chief Minister's Department for 2009-10 and the outyears will be similar to 2008-09 adjusted for indexation.

(4) No – the estimates only allow for indexation.

(5) The expenditure on communication services for the Chief Minister's Department was: (a) 2005-06 - $456k, (b) 2006-07 - $93k, (c) 2007-08 - $152k and (d) 2008-09 - $124k.

(6)

	2005-06 $'000	2006-07 $'000	2007-08 $'000	2008-09 $'000
Fixed phone lines	460	144	109	129
Mobile phones	104	36	31	45
Internet Services	51	17	16	18

Finance—departmental energy and communication costs (Question No 412)

Mr Seselja asked the Treasurer, upon notice, on 12 November 2009:

(1) How much did the Minister's department spend on electricity consumption in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(2) What are the greenhouse gas emissions from electricity consumption for the Minister's department.

(3) What are the estimated costs of electricity for the Minister's department in (a) 2009-10, (b) 2010-11, (c) 2011-12 and (d) 2012-13.

(4) Does the expenditure referred to in part (3) include any contingencies for additional taxes or costs that the ACT Government will pay if the Federal Government implements an emissions trading scheme; if so, what are these contingencies.

(5) How much did the Minister's department spend on communication services in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(6) How much was spent on (a) fixed line phones, (b) mobile phones and (c) internet services.

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

(1) The Department of Treasury has spent the following amounts on electricity consumption:

	$'000
2005-06	40
2006-07	43
2007-08	42
2008-09	42

(2) The greenhouse emissions from the Department of Treasury from electricity consumption are:

	Tonnes
2005-06	433
2006-07	445
2007-08	374
2008-09	362

(3) The cost of electricity consumption in the future is not expected to vary significantly from current costs. Any increase in the price of electricity is expected to be offset by efficiencies in usage and infrastructure improvements to the Nara Centre.

(4) No.

(5) The Department of Treasury spent the following amounts on communication services:

	$'000
2005-06	141
2006-07	119
2007-08	139
2008-09	141

(6) The Department of Treasury spent the following amounts during 2008-09:

	$'000
Fixed Line Phones	113
Mobile Phones	9
Internet Services	19

Finance—departmental energy and communication costs (Question No 413)

Mr Seselja asked the Minister for Health, upon notice, on 12 November 2009:

(1) How much did the Minister's department spend on electricity consumption in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(2) What are the greenhouse gas emissions from electricity consumption for the Minister's department.

(3) What are the estimated costs of electricity for the Minister's department in (a) 2009-10, (b) 2010-11, (c) 2011-12 and (d) 2012-13.

(4) Does the expenditure referred to in part (3) include any contingencies for additional taxes or costs that the ACT Government will pay if the Federal Government implements an emissions trading scheme; if so, what are these contingencies.

(5) How much did the Minister's department spend on communication services in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(6) How much was spent on (a) fixed line phones, (b) mobile phones and (c) internet services.

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

(1)

(a)	2005-06	$2,170,000
(b)	2006-07	$2,498,000
(c)	2007-08	$2,617,000
(d)	2008-09	$2,737,000

(2)

(a)	2005-06	25,108.35 tonnes
(b)	2006-07	23,790.80 tonnes
(c)	2007-08	19,992.83 tonnes
(d)	2008-09	20,051.23 tonnes

(3) The out years estimated projected costs for electricity are unknown as costs for carbon trading and electricity tariffs are subject to a number of external influences outside the control of ACT Government or unknown at this stage.

(4) No.

(5)

(a)	$ 2,061,221
(b)	$ 2,845,631
(c)	$ 2,800,501
(d)	$ 2,774,136

(6)

(a) fixed line phones

- 2005-06 $ 1,717,434
- 2006-07 $ 2,489,202
- 2007-08 $ 2,420,053
- 2008-09 $ 2,375,108

(b) mobile phones

- $ 126,970
- $ 200,634
- $ 244,660
- $ 223,715

(c) internet services

- $ 214,960
- $ 237,185
- $ 239,960
- $ 259,681

Finance—departmental energy and communication costs (Question No 415)

Mr Seselja asked the Minister for Environment, Climate Change and Water, upon notice, on 12 November 2009:

(1) How much did the Minister's department spend on electricity consumption in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(2) What are the greenhouse gas emissions from electricity consumption for the Minister's department.

(3) What are the estimated costs of electricity for the Minister's department in (a) 2009-10, (b) 2010-11, (c) 2011-12 and (d) 2012-13.

(4) Does the expenditure referred to in part (3) include any contingencies for additional taxes or costs that the ACT Government will pay if the Federal Government implements an emissions trading scheme; if so, what are these contingencies.

(5) How much did the Minister's department spend on communication services in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(6) How much was spent on (a) fixed line phones, (b) mobile phones and (c) internet services.

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

(1) The Department of the Environment, Climate Change, Energy and Water (DECCEW) was created on 11 November 2008. Given this, responses are not available for questions (a) to (c). As for (d), the estimated cost of electricity consumption for the period 11 November 2008 to 30 June 2009 was $12,110.

(2) As specified, DECCEW was created on 11 November 2008. For the second half of 2008, DECCEW was situated on the fourth floor of Macarthur House and operated as part of the Department of Territory and Municipal Services (TAMS). DECCEW operated independently from TAMS in the same location for the first half of 2009.

The reported office greenhouse gas emissions for DECCEW in 2008-09 was 288 tonnes CO2-e. Emissions were calculated using data provided by TAMS and applied on the percentage of floor area occupied by DECCEW in Macarthur House for half a year, as such, it may not accurately reflect the true electricity consumption of the Department.

A smart meter trial will commence shortly in Macarthur House. This will enable a much clearer picture of energy use in the building. DECCEW will be separately metered under this arrangement. In addition, the Department is developing a Resource Management Plan to assist it in reducing energy and water consumption.

(3) The estimate of electricity costs for DECCEW are:

(a) $19,376;
(b) $19,860;
(c) $20,357; and
(d) $20,865.

(4) The above figure does not allow for any contingencies as we are unable to make a reliable estimate of these costs.

(5) As DECCEW was created on 11 November 2008, responses are not available for questions (a) to (c). As for (d), the cost of communication services for the period 11 November 2008 to 30 June 2009 was $39,596.

(6) (a) $23,504 was spent on fixed line phones.
(a) $10,394 was spent on mobile phones.
(b) $5,698 was spent on internet services.

Finance—departmental energy and communication costs (Question No 416)

Mr Seselja asked the Minister for Education and Training, upon notice, on 12 November 2009:

(1) How much did the Minister's department spend on electricity consumption in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(2) What are the greenhouse gas emissions from electricity consumption for the Minister's department.

(3) What are the estimated costs of electricity for the Minister's department in (a) 2009-10, (b) 2010-11, (c) 2011-12 and (d) 2012-13.

(4) Does the expenditure referred to in part (3) include any contingencies for additional taxes or costs that the ACT Government will pay if the Federal Government implements an emissions trading scheme; if so, what are these contingencies.

(5) How much did the Minister's department spend on communication services in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(6) How much was spent on (a) fixed line phones, (b) mobile phones and (c) internet services.

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

(1) Departmental expenditure on electricity from 2005-06 to 2008-09 is detailed in the table below. The expenditure in the table below excludes school expenditure. Schools receive an allocation for utilities (including electricity) under school based management arrangements. Schools maintain their own data and details of expenditure are consolidated in the Department's accounts at a total administrative cost level, not by individual account type (such as electricity).

Year	Expenditure $'000
2005-06	595
2006-07	590
2007-08	636
2008-09	533

(2) Greenhouse gas emissions in 2008-09 from the Department's central office were 984 tonnes. Greenhouse gas emissions in 2008-09 from schools were 36 127 tonnes as reported in the Annual Report 2008-09.

(3) Estimated costs of electricity for 2009-10 to 2012-13 are held at the current level of $0.5 million excluding schools.

(4) No.

(5) Departmental expenditure on communication (postage, delivery charges, telephones) from 2005-06 to 2008-09 is detailed in the table below.

Year	Expenditure $'000
2005-06	1 039
2006-07	1 357
2007-08	1 426
2008-09	1 082

(6) Fees for communications services are included within the total Service Level Agreement (SLA) between the Department and InTACT, which includes communications, computing equipment and IT support services.

Finance—departmental energy and communication costs (Question No 417)

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 12 November 2009:

(1) How much did the Minister's department spend on electricity consumption in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(2) What are the greenhouse gas emissions from electricity consumption for the Minister's department.

(3) What are the estimated costs of electricity for the Minister's department in (a) 2009-10, (b) 2010-11, (c) 2011-12 and (d) 2012-13.

(4) Does the expenditure referred to in part (3) include any contingencies for additional taxes or costs that the ACT Government will pay if the Federal Government implements an emissions trading scheme; if so, what are these contingencies.

(5) How much did the Minister's department spend on communication services in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(6) How much was spent on (a) fixed line phones, (b) mobile phones and (c) internet services.

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

1. The Department of Territory & Municipal Services (TAMS) electricity consumption expense* for the period 2005-2006 through 2008-2009 was as follows:

   2005-2006: $0.423 million

   2006-2007: $0.907 million
   2005/06 to 2006/07 included an additional 13 sites where data was available due to centralised billing arrangements. This resulted in a doubling of the reported electricity consumption between the years.

   2007-2008: $0.932 million; and
   2007/08 to 2008/09 included additional sites occupied by Shared Services that were transferred to the Department. This resulted in an 11% additional consumption from the previous year.

   2008-2009: $1.289 million.
   Cost of GreenPower energy increased in 2008/09.

   *It should be noted that for the purposes of answering this question the Department has assumed that the question relates to the consumption of electricity in buildings occupied by TAMS staff. As such, expenditure related to streetlights and other non-building related consumption has been excluded.

   In addition, it should also be noted that the data provided relates to consumption expenses for properties serviced under the ACT Government's whole of Government Electricity contract. A number of smaller sites are billed separately to the whole of government contract and as such their specific electricity consumption expenses has been excluded.

2. 9,669 tonnes.

   CO^2 emissions have been determined by multiplying the electricity consumption of the buildings by the CO^2 emissions rate per Kilowatt Hour of electricity consumption which is 0.893 tonnes $Kw.Hr^{-1}$. The carbon calculations do not include an offset for GreenPower Supply in 2008/09 due to the following factors:

   - 100% GreenPower accredited renewable energy was not supplied to the ACT Government until January 2009, and this only accounts for around 7% of a 23% renewable energy supply in 2008/09.

   - Prior to 1 January the ACT Government was purchasing what was termed 80/20 green energy which was a blend of old and new renewable energy sources.

3. It is estimated that TAMS' electricity expenses for the period 2009-2010 through 2012-2013 will be as follows:

   2009-2010: $1.321 million

   2010-2011: $1.354 million

   2011-2012: $1.388 million; and

   2012-2013: $1.422 million.

   It should be noted that these prices are indicative only and are based on the best quantifiable data available indexed annually by CPI.

It should also be noted that the whole of government electricity supply contract is due to expire in September 2010 and as such the price of electricity beyond September 2009 will be subject to review. As such no guarantee can be given that the expense estimates above will be accurate under the new whole of government electricity supply contract.

4. No.

5. Please refer to Attachment A.

6. Please refer to Attachment A.

Attachment A

Shared Services Summary (QON response) amounts are exc GST

WhoG represents communication costs incurred by InTACT to deliver services to agencies
Own Costs represents Shared Services (InTACT for 05-06) own communication costs.

FY 05-06	**WhoG**	**Own Costs**	**Total**
Fixed Line Phones (incl VOIP)	7,241,786.72	291,234.80	7,533,021.52
Mobiles	1,152,698.06	42,308.92	1,195,006.98
Internet	407,885.61	39,567.88	447,453.49
Data Lines	96,094.67	-	96,094.67
Data Communication Services	1,699,113.33	33,915.25	1,733,028.58
	10,597,578.39	**407,026.85**	**11,004,605.24**

FY 06-07	**WhoG**	**Own Costs**	**Total**
Fixed Line Phones (incl VOIP)	6,442,966.80	359,334.97	6,802,301.77
Mobiles	938,041.33	42,480.97	980,522.30
Internet	562,438.91	59,619.45	622,058.36
Data Lines	75,427.07	-	75,427.07
Data Communication Services	1,247,453.67	119,788.80	1,367,242.47
	9,266,327.78	**581,224.19**	**9,847,551.97**

FY 07-08	**WhoG**	**Own Costs**	**Total**
Fixed Line Phones (incl VOIP)	5,876,866.32	431,754.95	6,308,621.27
Mobiles	1,001,339.92	56,578.87	1,057,918.79
Internet	560,454.85	76,038.00	636,492.85
Data Lines	43,771.88	-	43,771.88
Data Communication Services	1,304,271.79	117,083.29	1,421,355.08
	8,786,704.76	**681,455.11**	**9,468,159.87**

FY 08-09 (1 Jul 08 - 31 Oct 08)	**WhoG**	**Own Costs**	**Total**
Fixed Line Phones (incl VOIP)	2,950,285.93	128,745.71	3,079,031.64
Mobiles	515,990.81	13,878.05	529,868.86
Internet	162,096.01	29,272.57	191,368.58
Data Lines	21,681.46	-	21,681.46
Data Communication Services	347,094.65	59,343.47	406,438.12
	3,997,148.86	**231,239.80**	**4,228,388.66**

FY 08-09 (1 Nov 08 - 30 Jun 09)	WhoG	Own Costs	Total
Fixed Line Phones (incl VOIP)	3,517,734.12	345,759.73	3,863,493.85
Mobiles	696,735.55	43,909.75	740,645.30
Internet	136,055.35	58,545.14	194,600.49
Data Lines	41,715.90	-	41,715.90
Data Communication Services	71,636.00	118,686.94	695,519.59
	4,463,876.92	**566,901.56**	**5,535,975.13**

Finance—departmental energy and communication costs (Question No 418)

Mr Seselja asked the Minister for Disability and Housing, upon notice, on 12 November 2009:

(1) How much did the Minister's department spend on electricity consumption in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(2) What are the greenhouse gas emissions from electricity consumption for the Minister's department.

(3) What are the estimated costs of electricity for the Minister's department in (a) 2009-10, (b) 2010-11, (c) 2011-12 and (d) 2012-13.

(4) Does the expenditure referred to in part (3) include any contingencies for additional taxes or costs that the ACT Government will pay if the Federal Government implements an emissions trading scheme; if so, what are these contingencies.

(5) How much did the Minister's department spend on communication services in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(6) How much was spent on (a) fixed line phones, (b) mobile phones and (c) internet services.

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

The answers provided include the Community Services element of my Department even though the Member's question referred only to the Disability and Housing elements of my portfolio.

1. Electricity Consumption Costs

	2005–06 $'000	2006–07 $'000	2007–08 $'000	2008–09 $'000
DHCS	264	338	302	433
Housing ACT*	288	329	397	391

* Note: This expenditure relates to the cost of electricity consumption at Housing's multi-unit complexes. Electricity costs for the office accommodation are included in the operating costs from ACT Property Group/the landlord and are not separately disclosed.

2. Greenhouse Gas Emissions from electricity consumption

	2008–09
DHCS & Housing ACT	1,776t

3. Estimated Cost of Electricity

	2009–10 $'000	**2010–11 $'000**	**2011–12 $'000**	**2012–13 $'000**
DHCS	444	455	466	478
Housing ACT	434	447	461	475

4. The estimated expenditure in (3) above does not include any contingencies for additional taxes or costs that the ACT Government will pay if the Federal Government implements an emissions trading scheme.

5. Communications Services Costs

	2005–06 $'000	**2006–07 $'000**	**2007–08 $'000**	**2008–09 $'000**
DHCS	817	692	864	787
Housing ACT	376	237	376	299

Communication services costs include postage, mobile phones, voice mail, telephones, faxes and line usage.

6. Cost of Fixed Line Phones, Mobile Phones and Internet Services

DHCS	**2005–06 $'000**	**2006–07 $'000**	**2007–08 $'000**	**2008–09 $'000**
Fixed line phones	675	545	733	667
Mobile phones	63	83	105	76
Internet services	83	72	71	55

Housing ACT	**2005–06 $'000**	**2006–07 $'000**	**2007–08 $'000**	**2008–09 $'000**
Telephone Costs **	354	215	353	275
Internet services	22	22	23	24

** Note: The phone bills for Housing ACT show total telephone costs, inclusive of mobile charges.

Health—mental (Question No 419)

Mr Seselja asked the Minister for Health, upon notice, on 12 November 2009:

(1) How is the Government progressing in reaching a target allocation of 30% of mental health funding going to the community sector.

(2) What policy initiatives will be implemented to achieve this target.

(3) What will be the total cost of these initiatives.

(4) Is this a firm target or an aspirational one.

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

(1) In 2008-2009, the Government provided 72% of the entire ACT Health mental health budget to spending on mental health in the community. This includes government and community sector provided services.

The ACT is the leading jurisdiction with the highest percentage of funding to the community mental health sector at 7.3% above the national average. Since 2001 the community mental health sector has seen substantial increases in funding in every budget. This additional spending equates to a cumulative increase of 241% from 2001/02 – 2009/10 in non government organisations since this Government came in to office. This high level of financial commitment has given the ACT a robust base from which to continue to expand and broaden mental health services.

The total funding for mental health non-governmental organisations has increased from 10.7% to 12.9% of total ACT Health mental health funding since 2001-02.

The Government committed $14.5 million to growth in mental health services in the 2009-10 budget, to be delivered over 4 years. Of this, $7.2m is to be allocated to the community sector with $1.0m allocated in 2009-10.

(2) The ACT Mental Health Services Plan, released this year, outlines policy initiatives to be implemented. This includes: plans for new inpatient facilities; a mental health assessment unit; a range of rehabilitation and recovery services to be provided within the community; enhanced supported accommodation and; increasing community knowledge of mental illness. Detailed plans will be developed in consultation with the community sector via the Strategic Oversight Group overseeing the implementation of the ACT Mental Health Services Plan. The ACT leads the way nationally on consumer consultation and representation. As an example of this the Strategic Oversight Group is Co-Chaired by a representative from the ACT Mental Health Consumer Network.

As well as providing direct funding to the community mental health sector through ACT Health, this government provides funding for a range of other mental health services in the community through various government departments. This includes funding to organisations such as Menslink through DHCS and to DET to deliver the national mental health school initiatives, Kidsmatter and Mindmatters.

Mental health and wellbeing are factors for consideration across all departments, including housing, education, community services and justice. Because the social determinants of health and mental health lie outside of the health sector, ACT Health is working with other ACT Government Departments to promote mental health and wellbeing and reduce the risk of suicide. ACT Health is leading the way nationally having developed the first whole of government mental health promotion, prevention and early intervention Framework in the country, the recently released: *Building A Strong Foundation: A Framework for Promoting Mental Health and Wellbeing in the ACT 2009–2014. Combined with Managing the Risk of Suicide: A Suicide Prevention Strategy for the ACT 2009–2014*, these Frameworks reflect further examples of mental health policy initiated by this government and the important work that other government agencies and sectors of the community are undertaking in this area.

The ACT Government and community agencies involved in the development of these Frameworks share accountability for mental health at a population level. This has the effect of expanding the mental health sector all the time as other agencies take on the role of looking after people's mental health and wellbeing. A report summarising the outcome of programs and activities undertaken by organisations and other government departments will be tabled in the legislative assembly annually.

(3) The 2009-2010 ACT Health Budget for mental health is $77.8 million and this includes growth funding of $2.0 million across all services and $0.3m for mental health training. Community mental health services funding will continue to grow across the budget years.

(4) The target for funding, as outlined in the ACT Mental Health Services Plan 2009-14, has both firm and aspirational components. The target will vary according to ACT budget conditions and the evidence base for successful mental health interventions. The Government is committed to growing the mental health budget over time to further develop the range of services needed to meet the mental health needs of the people of the ACT, and recognises the value of investing in the community sector as a key to service delivery. It has always been stated that this target is, like a vision statement, an aspirational goal that the Government can focus on to help it remain clear about what it is seeking to achieve.

Business—outdoor cafe licences (Question No 420)

Mr Seselja asked the Attorney-General, upon notice, on 12 November 2009:

(1) How many cafes in the ACT have a licence to trade in an outdoor area.

(2) Are the guidelines for outdoor cafes available publicly; if so, where are they available.

(3) When was the most recent version of the guidelines implemented.

(4) Under which Act are the guidelines enforced.

(5) Which department has responsibility for enforcing the guidelines.

(6) How many applications for an outdoor café licence are currently waiting for approval.

(7) What is the average wait time for submitting an application to use an outdoor area to the time of approval.

(8) What is the average seating capacity of each outdoor area used by cafes in the ACT.

(9) What is the average size in square metres of each outdoor area used by cafes in the ACT.

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

(1) There are currently 216 permits for outdoor cafe areas on unleased Territory land.

(2) The policy document is not currently available publicly. The document was first issued by the Department of Urban Services in 2002, and was adopted by the Office of Regulatory Services in late 2006. The document requires amendment to include references to the Office of Regulatory Services and is currently being reviewed. Although, the policy is not currently available publicly, the Office talks applicants through the various requirements according to the location of a proposed area and based on their knowledge of the various locations.

(3) See answer to question (2).

(4) The policy is made under the *Roads and Public Places Act 1937*.

(5) The Department of Territory and Municipal Services has responsibility for the *Roads and Public Places Act 1937*. In regard to outdoor cafes, the responsibility was delegated to the Department of Justice and Community Safety and is administered by the Office of Regulatory Services since late September 2006.

(6) One.

(7) There are no relevant database records that contain the information which could provide an average figure. Manually searching for this information would divert significant resources.

The wait time, will depend on a number of factors including whether the proposed area is accessible for inspection and assessment.

(8) There are no database records that contain the information which could provide an average figure. Manually searching for this information would divert significant resources.

(9) There are no relevant database records that contain the information which could provide an average figure. Manually searching for this information would divert significant resources.

Business—outdoor cafe licences (Question No 421)

Mr Seselja asked the Attorney-General, upon notice, on 12 November 2009:

(1) How many cafes in (a) the Gungahlin Town Centre, (b) Civic, (c) the Belconnen Town Centre, (d) the Woden Town Centre, (e) the Tuggeranong Town Centre and (f) group centres have a licence to trade in an outdoor area.

(2) What is the average size of each outdoor area used by cafes in (a) the Gungahlin Town Centre, (b) Civic and (c) the Belconnen Town Centre, (d) the Woden Town Centre, (e) the Tuggeranong Town Centre and (f) group centres.

(3) How many cafes have trees in their outdoor area in (a) the Gungahlin Town Centre, (b) Civic and (c) Belconnen Town Centre, (d) the Woden Town Centre, (e) the Tuggeranong Town Centre and (f) group centres.

(4) How long did it take, on average, for each café owner in (a) the Gungahlin Town Centre, (b) Civic and (c) the Belconnen Town Centre, (d) the Woden Town Centre, (e) the Tuggeranong Town Centre and (f) group centres to receive approval to trade in their outdoor area after submitting their application.

(5) What is the average seating capacity of each outdoor area used by businesses in (a) the Gungahlin Town Centre, (b) Civic, (c) the Belconnen Town Centre, (d) the Woden Town Centre, (e) the Tuggeranong Town Centre and (f) group centres.

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

(1) There are no relevant database records that contain the information which could readily provide these figures. Manually searching for this information would divert significant resources.

(2) There are no relevant database records that contain the information which could readily provide these figures. Manually searching for this information would divert significant resources.

The size of areas may vary from three or four square metres up to several hundred square metres, depending on the scope of the business and the area potentially available to them under a permit.

(3) There are no relevant database records that contain the information which could provide these figures. Manually searching for this information would divert significant resources.

Generally trees are excluded from permit areas. However some areas have been granted permits over the years where the area included a number of trees. The policy document requires that a minimum radius distance of 1.2 metres be kept from tree trunks in or near the outdoor cafe area.

(4) There are no relevant database records that contain the information which could readily provide these figures. Manually searching for this information would divert significant resources.

(5) There are no relevant database records that contain the information which could readily provide these figures. Manually searching for this information would divert significant resources.

Business—outdoor cafe licences (Question No 422)

Mr Seselja asked the Attorney-General, upon notice, on 12 November 2009:

(1) How many applications were received by the Government for outdoor café licences in October 2009.

(2) How many of the applications have been approved as of 10 November 2009.

(3) What was the average wait time for each application approved.

(4) What is the average seating capacity for applications received in October 2009.

(5) In which suburbs did businesses apply for an outdoor café licence in October 2009.

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

(1) One, lodged on 15 October 2009.

(2) This one application was approved on 18 November 2009 as the proprietor was not ready to trade before this time.

(3) This application took 24 working days to issue, the delay due to the applicant not being ready to trade or to pay for the issue of the permit.

(4) The one application was for 49 square metres, allowing 49 chairs, therefore a capacity of 49 persons.

(5) The *Division* of City.

Business—outdoor cafe licences (Question No 423)

Mr Seselja asked the Attorney-General, upon notice, on 12 November 2009:

(1) How many applications were received by the Government for outdoor café licences in (a) July, (b) August and (c) September 2009.

(2) How many of the applications have been approved to date.

(3) What was the average wait time for each application approved.

(4) What is the average seating capacity for applications received in (a) July, (b) August and (c) September 2009.

(5) In which suburbs did businesses apply for an outdoor café licence in (a) July, (b) August and (c) September 2009.

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

(1) The number of applications lodged for outdoor cafe permits for the months of July, August and September 2009 were:

- July = 6
- August = 2
- September = 4

(2) All but one of these applications has been approved and issued.

One, lodged on 7 September 2009, is still unresolved due to issues with the location of lease boundaries and complications with the location of fixed street landscaping and furniture. The Office of Regulatory Services is working with the applicant on resolving this application.

(3) The periods for the eleven approved permits ranged from 8 days to 78 days, with an average of 38 days.

The application taking 78 days was complex as the area was large and contained a number of trees and a number of fixed tables that do not conform to the policy. The area also had the potential to limit access to other businesses and pedestrians. The area had also been the subject of a prior AAT decision which required consideration.

(4) The areas allocated for the 11 approved permits ranged in size from 12.7 square metres to 176.3 square metres, with an average of 45.7 square metres.

(5) Outdoor cafe permits were applied for in the following Divisions:

- City = 6
- Gungahlin = 2
- Manuka = 2 (One not resolved)
- Kingston = 1
- Fyshwick = 1

Education—schools—Urambi primary (Question No 424)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 17 November 2009:

What (a) ACT and (b) Federal Government funding for specific grants, and for what specific purpose, has been received by Urambi Primary School during the (i) 2006, (ii) 2007, (iii) 2008, (iv) 2009 to date school years.

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

Urambi Primary School did not receive funding for specific grants from the ACT or Federal Governments during 2006 or 2007. In 2008, the school received an Australian Government grant of $40 909 from the Department of the Environment, Water, Heritage and the Arts for the installation of water tanks.

In 2009, Urambi Primary School was granted $2 million under the Building the Education Revolution (BER) as part of the Primary Schools for the 21st Century (P21) Program. The funding has been transferred to the new Tuggeranong P-10 School. It will be used for a model environmental centre at the new school.

World Teacher's Day 2009 (Question No 425)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 17 November 2009:

What was the total cost by publication, of the print advertising campaign that accompanied World Teacher's Day 2009.

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

The cost of World Teachers' Day advertising was $1749.63 inclusive of GST.

Education—student behaviour (Question No 426)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 17 November 2009:

In relation to student behaviour management, how many student (a) transfers and (b) exclusions have been recorded by ACT schools, by school, for (i) February to December 2006, (ii) February to December 2007, (iii) February to December 2008 and (iv) February 2009 to date.

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

(1) (a) The transfer of a student is discussed with parents and negotiated at a school level. This is done to meet the needs of the student, their education and with the support of their family. Some transfers are also facilitated through the Department of Education and Training's central office

Fifty seven students have transferred from high schools to Connect10 programs to date during 2009:

Lake Ginninderra College - 20
Dickson College - 16
Lake Tuggeranong College - 21

(1) (b) (i) (ii) (iii) (iv) Generally, ACT public schools do not exclude students. Occasionally exclusion will occur following a student finding employment or from a specific school following a court order.

In early 2008, one student was excluded due to an employment opportunity and in 2009 one student was excluded from a particular school, following a court order and was re-engaged in an alternate school.

With the new learn/earn legislation students will no longer be excluded due to employment opportunities; they will seek an exemption from the chief executive.

Children and Young People Equipment Loan Service (Question No 427)

Mr Doszpot asked the Minister for Disability, Housing and Community Services, upon notice, on 17 November 2009:

(1) How many clients are (a) currently accessing and (b) on the waiting list for equipment on loan from the Children and Young People Equipment Loan Service (CAYPELS).

(2) How many wheelchairs are currently owned by CAYPELS and available for hire.

(3) How many (a) kaye, (b) gator, (c) pacer gait trainer and (d) arrow walkers are owned by CAYPELS and available for hire.

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

(1) (a) 157.
(b) 0.

(2) CAYPELS has a total of 28 wheelchairs, 16 wheelchairs available for loan and 12 which are Assessment items.

(3) CAYPELS owns the following walkers which are available for hire:
(a) 19 Kaye Walkers;
(b) 5 Gator Walkers;
(c) 1 Pacer Gait Trainer; and
(d) 1 Arrow Walker.

Parkwood farm—cage doors (Question No 429)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 18 November 2009:

(1) Does Parkwood Farm comply with the code of practice for poultry welfare in relation to its adequacy of cage doors; if not, has the Government ensured that Parkwood complies with all other aspects of the code.

(2) By what method has the Government undertaken compliance checks.

(3) How regular are compliance checks and when have they been undertaken in the last year.

(4) Can the Minister confirm that Parkwood complies with all aspects of the code; if not, what aspects does it not comply with.

(5) What action could the Government take under the Animal Welfare Act against Parkwood Farm because of its cage doors, which can cause harm to chickens when they are taken in and out of cages.

(6) Will the Government take any action under the Animal Welfare Act on this matter.

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

(1) Parkwood Farm was sold in 2002 and is now operating under the name of Pace Farm. Pace Farm partially complies with the *Code of Practice for the Welfare of Animals: Domestic Poultry 4th Edition*. A maintenance/upgrade timetable has been agreed, allowing for the upgrade of cage doors as sheds are emptied of poultry at the end of their production cycle. Phase one, the upgrade of two sheds, has been completed but

the final check inspection requested some further modifications, which have been agreed. Phase two will commence in the near future and progressively address this issue.

(2) The Government has conducted pertinent inspections through the Chief Veterinary Officer (CVO) and maintains regular communication with management. RSPCA inspectors have also conducted investigations during this time period.

(3) Inspections and monitoring of upgrades occurred in accordance with the agreed program. An inspection was conducted in September 2009 with a follow up completion inspection for Phase 1 being conducted in late October 2009. However, a further inspection is now required due to a request for modification. Inspections for phase 2 will be scheduled after destocking and repairs are completed.

(4) Pace Farm far exceeds aspects of the code of practice particularly in the floor area afforded each bird; being an average of 750cm^2 rather than the 550cm^2 as required under the code. A rolling upgrades program has been implemented to make the necessary cage door modifications needed for code compliance.

(5) Action under the *Animal Welfare Act 1992* section 8 (1) could be commenced if a bird was unnecessarily injured during removal from the cage system and a substantive complaint was received by the Department or the RSPCA Inspectorate. It is improbable that a door injury would occur as Pace Farms have reduced the number of birds from four down to two birds in each cage.

(6) Not at this time. Pace have agreed to modify the current cage system to meet the codes requirements and upgrade work is being monitored by the Chief Veterinary Officer. RSPCA inspectors have been invited to be on site to monitor the next destocking of birds and will report any breaches of the *Animal Welfare Act 1992*.

Horse paddocks—management (Question No 430)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 18 November 2009:

(1) Does the Government have a plan of management for horse paddocks in the ACT.

(2) How much Government horse paddock space is currently available in the ACT.

(3) By how much has the available Government horse paddock space (a) increased or (b) decreased in the last five years.

(4) What is the future plan for Government horse paddock space and will it be reduced further.

(5) Does the Government have a policy to maintain a certain amount of public horse paddock space, for example, when space is closed in one part of Canberra is equivalent space opened up somewhere else.

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

(1) No. The ACT Government horse holding paddocks are managed under contract through a tender process. The contractor responsible for the management of the ACT Government Horse Holding Paddocks (HHP) is required to manage the complexes in accordance with an agreed business plan.

(2) The ACT currently has approximately 1038 hectares of land across 16 holdings allocated to HHP.

(3) Over the past five years the HHP has experienced a reduction in the size of over 44.5 hectares.

(4) The use of vacant land as horse holding paddocks is considered by the ACT Government as a viable and worthwhile community use of these areas, prior to their withdrawal for development purposes. If a horse holding paddock is not required for development, then that area is likely to remain as a horse holding paddock.

(5) No. The horse holding paddocks were initially made available in 1960 to encourage Canberra residents to remove horses from their back yards. In later years, grazing by horses was seen as a legitimate temporary use of the land until it was required for a more beneficial use. As paddocks are withdrawn for development, the affected agistees generally turn to private enterprise operators, many of which can provide horse agistment opportunities on rural leased land close to the urban edge.

ACTION bus service—patronage (Question No 432)

Mr Coe asked the Minister for Transport, upon notice, on 19 November 2009:

(1) Can the Minister provide an overall breakdown of patronage and farebox revenue for ACTION services for June 2009.

(2) Can the Minister provide a breakdown of patronage and revenue by route and by number for ACTION services for June 2009.

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

(1) The breakdown of patronage and farebox revenue on ACTION regular route services for June 2009 is

	Revenue	**Patronage**
Adult	$ 926, 444	521, 961
Concession	$ 350, 932	419, 298
School	$ 210, 995	290, 830
Free	$ -	42, 777
Total	$ 1, 488, 371	1, 274, 866

(2) The breakdown of patronage and farebox revenue on ACTION regular route services by route for June 2009 is

Route	Revenue	Patronage
000	$18,701	13,105
002	$71,185	63,325
003	$43,532	37,223
004	$15,233	12,675
005	$68,066	59,278
006	$40,555	33,868
007	$16,756	15,852
008	$12,430	10,584
009	$7,087	6,097
010	$42,201	35,729
011	$19,322	19,376
012	$963	820
013	$786	683
014	$1,450	1,381
015	$1,376	1,319
016	$12,456	11,630
017	$17,432	18,451
018	$807	742
019	$2,070	1,940
021	$4,129	3,942
022	$4,132	4,097
023	$6,348	6,253
024	$6,405	6,437
025	$7,892	7,723
026	$7,431	7,212
027	$10,869	10,737
028	$8,507	7,170
030	$32,915	27,469
031	$17,250	14,772
039	$39,225	31,679
043	$12,550	11,761
044	$8,967	7,842
045	$8,574	8,447
051	$26,292	21,449
052	$23,894	20,826
056	$35,044	29,350
058	$30,561	26,063
059	$23,215	19,772
060	$11,235	10,766
061	$9,833	9,169
062	$10,894	10,368
063	$13,506	12,403
064	$9,506	8,843
065	$14,014	14,093
066	$12,596	11,722
067	$12,369	11,818
071	$1,091	1,264
073	$426	507
074	$177	237
075	$208	257
076	$205	252
077	$49	62
080	$21,410	15,843
082	$170	152
088	$60	49
111	$10,856	7,757
160	$6,320	4,343
161	$2,574	1,700
162	$5,692	3,861
170	$3,624	2,296
225	$4,518	3,195
226	$4,144	2,964
227	$3,925	2,683
265	$3,503	2,368
267	$3,613	2,581
300	$37,729	30,259

Route	Revenue	Patronage
312	$64,605	55,239
313	$62,816	53,873
314	$56,722	49,408
315	$57,890	51,021
318	$58,463	51,014
319	$53,477	47,729
701	$6,680	4,397
702	$5,555	3,473
703	$11,848	7,492
704	$3,113	2,109
705	$6,450	3,957
710	$6,404	4,078
720	$6,271	3,964
729	$3,688	2,235
732	$4,737	2,950
737	$3,280	2,002
749	$4,655	2,801
757	$1,255	770
768	$4,334	2,664
769	$5,013	3,096
780	$1,472	1,028
785	$4,083	2,467
786	$1,114	651
787	$3,498	2,057
788	$3,510	2,162
900	$44,559	40,395
902	$1,338	1,205
903	$2,111	1,959
904	$2,000	1,728
905	$3,115	2,867
906	$1,386	1,355
907	$1,776	1,607
912	$777	735
913	$1,357	1,243
914	$1,095	985
915	$857	808
921	$342	330
922	$382	367
923	$504	478
924	$490	479
925	$1,958	1,805
927	$2,277	2,088
930	$585	491
931	$617	506
932	$8,119	7,421
934	$6,221	5,448
935	$3,330	2,865
936	$3,088	2,930
937	$2,787	2,654
938	$7,707	6,607
939	$4,192	3,679
942	$3,340	2,938
951	$1,976	1,856
952	$1,299	1,265
956	$6,446	5,770
958	$6,514	5,830
960	$1,871	1,736
961	$830	784
962	$1,689	1,605
964	$831	752
966	$913	920
967	$667	611
968	$447	424
980	$6,235	5,342
981	$472	395
982	$70	62
988	$9	13
Total	**$1,488,371**	**1,274,866**

ACTION bus service—park 'n' ride facilities (Question No 433)

Mr Coe asked the Minister for Transport, upon notice, on 19 November 2009:

What are the Government's plans in relation to a park 'n' ride and cycle 'n' ride facility at the Gungahlin Town Centre.

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

Park and ride facilities are best located along public transport corridors where bus services are frequent rather than within town centres. Recently, TAMS undertook a survey that included a question to identify people's preference in locating park and ride facilities. The survey response received from about 500 people indicated more than 80% support for locating the facilities along transport corridors rather than at the town centres.

Accordingly, TAMS has been undertaking a feasibility study of establishing park and ride and bike and ride facilities along the Flemington road corridor where high frequency bus services are currently available. Details of this study are yet to be finalised.

ACTION bus service—Redex (Question No 435)

Mr Coe asked the Minister for Transport, upon notice, on 19 November 2009:

(1) What is the cost of promotional activities for the Redex bus service broken down by category.

(2) What is the operating cost of the Redex bus service per day broken down by (a) labour, (b) fuel and (c) other cost categories.

(3) What is the number of buses allocated to the Redex bus service and what is the depot where they are located.

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

(1) Cost of promotion of Redex Bus Service

Summary of Promotional Costs

Radio Advertising	$4,125.00
Print Advertising	$3,414.75
On Bus advertising	$12,049.00
Signage at Interchanges	$1,820.00
Bollard and Bus Stop Advertising	$7,006.54
Displays at Shopping Centres	$1,400.00
Free Tickets	$500.00
Other Costs	$120.00
	$30,435.29

(2) The operating cost of the Redex bus service per day is

Operating Cost of the Redex Bus Service

(a) Labour	$4,232.75
(b) Fuel	$1,179.59
(c) Other Direct Costs	$1,843.17
	$7,255.51

(3) No of Buses Used on Redex Service

Belconnen Depot	7
Tuggeranong Depot	7
	14

Planning—shopping centres (Question No 439)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 19 November 2009:

(1) What is the range of criteria for selecting shopping centres for upgrade under the Precinct Refurbishment Program.

(2) Which shopping centres have had a Final Design and Construction under the program referred to in part (1).

(3) Which shopping centres have had a Forward Design Study Completed.

(4) What is the current priority list of shopping centre upgrades and when do they expect to be completed.

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

(1) Shopping Centres are selected for upgrade under the Precinct Refurbishment Program according to the following criteria:

- age of shopping centre and the condition of existing infrastructure and landscaping;
- occupational health and safety issues and claims;
- role and importance of the shopping centre;
- whether a master plan study or neighbourhood plan is complete/near completion or not planned and the existing public places will not be subject to change in the foreseeable future;
- whether performance of the shopping centre is likely to be significantly impacted as a result of new development approvals in nearby centres and the upgrade of public places can assist that centre in decreasing such impact;
- a reasonable level of trader and lessee support;
- support for public works from community groups (received through consultations, representations or media); and
- crime related statistics indicating a need for public place improvements for community safety.

(2) The following shopping precincts have received final design and construction under the Precinct Refurbishment Program:

Manuka
Weston (Cooleman Court)
Watson
Yarralumla
Curtin
Rivett
Lyneham
O'Connor
Narrabundah
Charnwood
Hall
Civic Square
Kingston
Hughes
City Walk
Kippax
Dickson
Hawker
Griffith
Hobart Place
Mawson
Kambah Village
Jamison Centre
Belconnen Lakeshore – Promenade and Plaza
Higgins
City Walk West – Stage 1 (Alinga St)
Holder
Holt
Melba
Garran

(3) Forward Design Studies were completed for the precincts/centres listed in the answer to Question 2 prior to implementation of Final Design and Construction stages. Forward Design Studies have also been completed for the Ainslie, Deakin, Red Hill, Lyons, Farrer, Waramanga, and Scullin shopping centres.

(4) Precincts currently identified for upgrade within the four year funding program (2009/10 to 2012/13) include Deakin, Ainslie, Lyons, Red Hill, Scullin, Waramanga, Farrer, Banks, Lyneham, Charnwood (local), Theodore and Chapman. The Cook, Griffith and Torrens shopping centres are identified for Forward Design Studies in this period.

Housing ACT—solar hot water systems (Question No 441)

Ms Le Couteur asked the Minister for Disability, Housing and Community Services, upon notice, on 19 November 2009:

(1) What criteria are used to determine whether a solar hot water system is appropriate for installation in an ACT Housing house.

(2) Is a solar hot water system the first option considered.

(3) What criteria are used to determine whether a gas hot water system is appropriate for installation in an ACT Housing house.

(4) If a house is deemed inappropriate for a gas hot water system due to not having gas installed, is there consideration of having gas installed so that water and space heating can also be converted to gas, lowering energy costs for the resident.

(5) Can the Minister provide a table of (a) how many of each type of hot water system has been installed in the last few years, (b) what type of system they replaced and (c) the age of the system.

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

(1) Housing ACT installs solar hot water units when the property has a peaked roof with one side facing 45 degrees East or West of North and the maximum pipe run (flow and return) must be no more than 30 metres to allow the system to be efficient.

(2) No, if gas is connected to the property a five star gas hot water unit is installed as first preference. Solar hot water units are second preference with heat pump hot water systems the third preference.

(3) The property must be a class 1 dwelling with gas connected or the option of having gas connected.

(4) Yes. Although due to a $51.88 per quarter fixed supply charge ($207.52 per annum) clients may not necessarily save money when gas is connected to their property.

(5)
(a) 1 July 2007 – 31 October 2009:
292 Gas Hot Water Systems
90 Solar Hot Water Systems
856 Heat Pump Hot Water Systems
527 Electric Hot Water Systems

(b) The majority of systems replaced were electric resistive, however information concerning the replaced system is not recorded.

(c) The information is not recorded.

Housing ACT—energy efficiency ratings (Question No 442)

Ms Le Couteur asked the Minister for Disability, Housing and Community Services, upon notice, on 19 November 2009:

(1) When Housing ACT upgrades its houses to make them more efficient, do they aim for a star rating; if so, what is the rating.

(2) Does Housing ACT improve the energy efficiency when they do a major refurbishment.

(3) When does ACT Housing aim to improve the energy efficiency of ACT government houses overall.

(4) How many major refurbishments does Housing ACT do per annum.

(5) Does ACT Housing use a checklist approach, such as require specific roof or wall insulation; if so, what is on this checklist.

(6) Does the Minister know the energy efficiency number rating of existing ACT government housing residences.

(7) How many of each number rating exist.

(8) Has Housing ACT conducted any research as to the cost of improving energy efficiency in ACT government houses; if so, can the Minister provide a copy of the research.

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

(1) Housing ACT upgrades it houses to make them more efficient having regard to the energy efficient strategy for the ACT Public Housing. A copy is attached.

(2) Yes.

(3) Housing ACT is in the third year of a ten year energy efficiency program. It is expected that the majority of homes will be more energy efficient by the completion of this program in 2016-17.

(4) In 2008-09 Housing ACT upgraded 261 properties. In 2009-10 Housing ACT expects to upgrade 246 properties.

(5) Housing ACT compiles a check list which guides the auditor to determine whether the property requires a new hot water system and if so which type. It also assists in determining whether an insulation upgrade or draught seal is required.

(6) Housing ACT does not have details on the energy rating of its properties which were purchased over 10 years ago. However, Housing ACT has an action plan to roll out its energy efficiency program which will see all properties more energy efficient by 2016-17.

(7) Please refer to the answer to question (6)

(8) Yes. A copy of the report - *Energy efficiency strategy for ACT Public Housing* prepared by Energy Strategies for the Department of Disability, Housing and Community Services is attached.

(A copy of the attachment is available at the Chamber Support Office).

Canberra Hospital—tuberculosis exposure (Question No 443)

Mr Hanson asked the Minister for Health, upon notice, on 19 November 2009:

(1) In relation to the exposure of a number of people to tuberculosis at The Canberra Hospital (TCH) in late August and early September 2009, can the Minister specify the dates between which the tuberculosis exposure occurred at TCH and in what units within TCH the exposure occurred.

(2) How many people have been tested, to date, for tuberculosis and is contact tracing still occurring.

(3) How many people are being treated for tuberculosis and what strain of tuberculosis has been identified.

(4) What ongoing support is ACT Health providing to people that have been tested or treated for tuberculosis and has ACT Health established a dedicated team to support and communicate with affected individuals and their families.

(5) Has the Minister, the Government or ACT Health formally apologised to all individuals affected; if so, what form did the apologies take and when were they given.

(6) What reviews is ACT Health conducting following the exposure of people to tuberculosis at TCH.

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

(1) Tuberculosis exposure occurred at TCH between 28 and 30 August 2009 and between 3 and 6 September 2009 in the Maternity Unit only.

(2) Contract tracing is voluntary and is still occurring. As at 2 December 2009, 107 contacts of case have been identified. At TCH 58 contacts have been identified of whom 42 contacts have been screened. Those that have not arrived for screening have been sent reminders.

(3) One person is being treated for tuberculosis and the strain is Mycobacterium tuberculosis.

(4) ACT Health TB services are based in the Department of Thoracic Medicine at the Canberra Hospital. TB Services are a core business function of the unit. Public Health response to TB notification is provided by the unit. All cases and contacts are provided ongoing education, support and counselling as part of the standard process of TB contact tracing.

(5) The ACT Chief Health Officer, Dr Charles Guest apologised publicly in the media on 11 September 2009.

(6) ACT Health has reviewed the circumstances related to the exposures including whether any hospital polices and procedures were breached.

Canberra Hospital—tuberculosis exposure (Question No 444)

Mr Hanson asked the Minister for Health, upon notice, on 19 November 2009:

(1) In relation to the exposure of a number of people to tuberculosis at The Canberra Hospital (TCH) in late August and early September 2009 and the visiting and room sharing policies, what is the policy in relation to sharing rooms and wards in the post-natal unit at TCH.

(2) Is this policy a public document; if so, where can members of the public access it; if the policy is not a public document and cannot be accessed by the public, why not.

(3) Was the visit and/or room sharing policy breached at any time throughout the duration of the exposure period.

(4) In relation to part (3), what investigations have occurred to determine whether there were any breaches of the visits and shared room policy and what action will be taken as a result of these investigations.

(5) Will ACT Health review the visits and shared room policy as a result of the confusion surrounding the policy; if not, why not.

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

(1) Canberra Hospital Maternity Practice Guidelines contain the Guideline "Overnight stay for a Support Person" that states *Women who request a support person to stay overnight to provide them with extra support or to help care for their baby, will be allocated a single room in the ward if available. Women who require support for other reasons such as still birth or neonatal death may have a support person present"*.

Flexibility is required based on circumstances. An individual assessment is made at the time as to whether a support person can stay overnight depending on the circumstances and the needs of the family and the policy is flexible to enable this.

(2) The Practice Guideline itself is available on request, but is not on the ACT Health website. The Canberra Hospital website provides information about the Postnatal Ward that states *Partners or a support person are encouraged to provide assistance and support. You may be able to stay overnight in consultation with your midwife*.

A copy of the Practice Guidelines was tabled on Wednesday 18 November 2009 following Question Time in the ACT Legislative Assembly.

(3) No.

(4) An investigation has been carried out which found that "Overnight Stay for a Support Person" Guideline was not breached. No further action will be taken.

(5) Based on a consideration of the circumstances of this case and the compliance with policy, there is no need to review the policy at this time.

Finance—capital grants (Question No 445)

Mr Smyth asked the Treasurer, upon notice, on 19 November 2009:

(1) How many capital grants over $100,000 has the ACT Government made in each of the last three financial years.

(2) What was the purpose of each capital grant referred to in part (1).

(3) How has each payment been recorded on the (a) ACT Government Balance Sheet and (b) cash flow statement.

(4) Under which program was each grant made.

(5) What were the key deliverables for each grant.

(6) What contractual arrangements did each grant recipient have with the ACT Government.

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

(1) The number of capital grants over $100,000 the ACT Government made from 2006-07 to 2008-09 is as follows:

Grant Program and Grant	2006-07	2007-08	2008-09
Transfer of Griffin Legacy Project to the National Capital Authority	0	1	0
Grant to ACT Netball for development of the Lyneham Precinct	0	1	0
Capital grants to develop health facilities at Calvary	3	2	4
Housing Assistance	2	0	0
Affordable Housing Action Plan	0	0	1
Racing Development Fund (RDF)	***3***	***1***	***1***
Canberra Racing Club	1	1	1
Canberra Harness Racing Club	1	0	0
Canberra Greyhound Racing Club	1	0	0
Sport and Recreation	***0***	***7***	***5***
Drought Assistance grants	0	7	0
Tuggeranong Hockey Field – synthetic grass	0	0	1
Reconstruction of Tennis Courts	0	0	1
Hawker Enclosed Oval Redevelopment	0	0	1
Hawker Enclosed Oval Redevelopment – final installation	0	0	1
TOTAL	**8**	**12**	**11**

Note: No Sport and Recreation grants capital grants over $100,000 were provided in 2006-07.

(2) The purpose of each capital grant is outlined below:

The Griffin Legacy Project was transferred to the National Capital Authority during 2007-08 for nil cash consideration, however, the transfer reduced the value of Property, Plant and Equipment recorded by the Territory.

A capital grant was provided to ACT Netball for the development of the Lyneham Precinct, in association with the Government.

Capital grants have been paid for the development of various health related facilities at Calvary Public Hospital, including the sterilising facility and sub non-acute inpatient service in 2006-07, plant and buildings upgrades in 2007-08 and buildings upgrades and the development of elective surgery infrastructure in 2008-09.

The Affordable Housing Action Plan grant relates to the cash component to cover three (3) dwellings transferred to Community Housing Canberra (CHC) under the Plan.

Two housing assistance grants were paid in 2006-07. The amounts paid represented the amounts outstanding to assist with the completion of a four aged persons units and a 10 bedroom house under the Abbeyfield model to house persons with disabilities.

Under an agreement approved in 2006, the Canberra Racing Club receives one capital grant from the ACT Government through the RDF each year from 2005-06 to 2013-14 to repay a loan to upgrade the Club's track.

The Canberra Harness Racing Club and Canberra Greyhound Racing Club each received a capital grant payment of over $100,000 in the 2006-07 financial year for the installation of fibre optic cable to allow each club to broadcast on Sky Channel.

Sport and Recreation grants have been provided largely to development or redevelopment of assets, and drought assistance for sporting organisations.

(3)(a) In all cases, except the transfer of the Griffin Legacy Project, the payment of capital grants results in a decrease in Cash and Deposits and or Investments, Loans and Placements recorded in the Balance Sheet, and there is no corresponding increase in Property, Plant and Equipment as the assets do not belong to the Territory.

Granting the Griffin Legacy Project reduced the value of Property, Plant and Equipment recorded by the Territory. There was no cash associated with this transfer.

In addition, the three Sport and Recreation grants provided in 2007-08 and three in 2008-09 also increased the value of Property, Plant and Equipment assets, as the Territory owns the assets concerned although they are sub leased to sports organisations.

(3)(b) Capital grants are recorded in Grants and Subsidies Paid in the Operating Payments section of the General Government Sector cashflow statement, with the exception of the Griffin Legacy Project grant, which was a non cash transfer.

(4) See Question 1.

(5) See Question 2.

(6) The former ACT roads and reserves related to the Griffin Legacy Project were transferred to the National Capital Authority under a Memorandum of Understanding between the Commonwealth and ACT Governments.

The Department of Territory and Municipal Services has a Service Level Agreement with ACT Netball, which outlines the payment arrangements subject to meeting agreed development milestones.

All of the health related capital grants noted above are provided to Calvary Public Hospital under a Performance Agreement with the key deliverables being the completion of projects on time and budget as per the respective proposals and the facilitation of the provision of quality and safe health services.

There is no contract involved with the RDF grants as they are covered by legislation, specifically the Betting *(ACTTAB Limited) Act 1964*. However, capital funding from the RDF requires approval by the relevant Minister.

For the Sport and Recreation grants, there are Deeds of Grant between the Department of Territory and Municipal Services and the funding recipient.

Roads—Gungahlin Drive extension (Question No 447)

Mr Seselja asked the Minister for Transport, upon notice, on 19 November 2009:

What is the estimated economic cost to the community of traffic delays associated with the duplication of the Gungahlin Drive Extension.

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

The economic cost to the community of traffic delays associated with the duplication of Gungahlin Drive Extension has never been estimated. The costs would of course be the same if the GDE was being duplicated by a Liberal Government.

Business—supermarket competition (Question No 448)

Mr Seselja asked the Treasurer, upon notice, on 19 November 2009:

(1) What involvement did officers from the Department of Treasury have in the development of the terms of reference for a consultant to be engaged to conduct the Review of ACT Supermarket Competition Policy.

(2) When did the Treasurer first become aware that the government intended to conduct the Review.

(3) When did the department first become aware of the Review.

(4) Did the Treasurer approve the terms of reference for the Review prior to John Martin being engaged by the Government.

(5) What contact did the department have with Federal Government departments or agencies in relation to the Review.

(6) What briefings, analysis or other documents did the department provide to Mr Martin to assist the Review.

(7) How many restrictive covenants for supermarkets are currently active in the ACT.

(8) What measures has the Government put in place to reduce or remove restrictive covenants.

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

(1) The review was initiated by the Minister for Business and Economic Development. The Department of Treasury was not involved in the development of the terms of reference as these were actioned by the relevant sections of the Chief Minister's Department.

(2) The Chief Minister and I discussed the review prior to the announcement on 16 June 2009.

(3) The Department became aware of the Review on or around 9 June 2009.

(4) No.

(5) The Department of Treasury did not have contact with Federal Government agencies in relation to the Review.

(6) The Department of Treasury provided the Chief Minister's Department with the Treasury Supermarket Survey brief on 20 July 2009. It is Treasury's understanding that officials from the Chief Minister's Department shared this brief with Mr Martin.

Additionally, John Martin and the Under Treasurer discussed the Review on 30 June 2009.

(7) I am advised by the ACT Planning and Land Authority that the ACT Government does not have information on how many leases currently contain restrictive covenants for supermarkets in the ACT. There is no statutory requirement to report on the nature of lease purpose clauses contained within crown leases and therefore this information is not captured by ACTPLA.

However, the ACT's planning and zoning framework does stipulate maximum gross floor area and gross leasable area for shop or retail commercial leases based on the zoning classification of the area.

(8) I am not aware of any measures put in place by the ACT Government to reduce or remove restrictive covenants.

Business—grocery prices (Question No 449)

Mr Seselja asked the Treasurer, upon notice, on 19 November 2009:

(1) How many surveys has the Department of Treasury conducted into grocery prices since 2001.

(2) What were the key findings of each of these surveys.

(3) What other pricing surveys (a) does the department undertake on a regular basis and (b) has the department undertaken on an ad hoc basis since 2001.

(4) What have been the key findings from these surveys.

(5) What consideration has the department given to the Federal Government's creeping acquisitions policy.

(6) Has the department provided the Treasurer with advice on how the Federal Government's creeping acquisition policy will interact with the ACT's Supermarket Review; if so, what was that advice.

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

(1) Department of Treasury has conducted two informal surveys on grocery prices since 2001. The first survey was conducted on 16 April 2008, and the second survey was conducted on 4 June 2009.

(2) In the context of their findings, it is important to recognise the limitations of these informal surveys.

The small number of stores and products surveyed limits the strength of conclusions that can be drawn. Consequently, commenting on overall competitiveness of the ACT market based on the survey is difficult.

The surveys were only based on price and do not take into account other factors on which retailers may compete such as location, opening hours, or service quality.

Further, the surveys were undertaken on one day, hence do not take into account changes to prices over time.

The surveys did not provide findings per se, given their limitations, however the following observations were noted in the survey of 16 April 2008:

- Overall it would appear that Coles and Woolworths have a nationwide, or at least an ACT region pricing policy. Aldi has an explicit nationwide policy while Supabarn also appears to have at least an ACT consistent regional pricing policy. IGA prices vary considerably between stores and are distinctly higher than the other major chains.

- The most expensive supermarkets were the IGAs, while the cost of the basket in the full-line supermarket chains (ie Coles, Woolworths, and Supabarn) was not appreciably different.

- The link between lower prices in lower socioeconomic areas was not supported by the data. Charnwood, Lanyon and Queanbeyan supermarkets, which are located in areas of relatively lower socioeconomic population, were all at the lower end of price for the basket of goods. While Chisholm supermarket which is also located in an area of relatively lower socioeconomic population was around the middle of the price spectrum.

- Manuka supermarket (which is located in the highest relative socioeconomic population surveyed) was the 7th most expensive, after the IGA stores and the two Gungahlin supermarkets.

- The data did not indicate that having a greater number of supermarkets (of any brand) in close proximity to each other lowered the price of those supermarkets relative to less closely located supermarkets.

The following observations were noted in the survey of 4 June 2009:

- Both Coles and Woolworths have similar prices across stores in the ACT region.

- The smaller, locally-based supermarkets (IGAs) were more expensive than their larger competitors (consistent with ACCC's findings).

- There was no compelling evidence that proximity to Aldi impacts on prices charged by supermarkets.

- There was no evidence to suggest prices vary in accordance with socioeconomic region.

(3) a) None

b) None

(4) This is not applicable given the Department has not undertaken any other price surveys on a regular nor an ad hoc basis since 2001.

(5) The Commonwealth has released two discussion papers regarding creeping acquisitions. The two discussion papers differ markedly in their approaches to addressing the issue. The Government understands the Commonwealth is currently developing its position on the issue and will make an announcement shortly. Once the Commonwealth publishes a clear direction, the Department of Treasury will brief me appropriately.

(6) Given the Commonwealth's Creeping Acquisition policy position has not been announced, the Department of Treasury has not provided me with advice on how the Federal Government's creeping acquisitions policy will interact with the ACT's Supermarket Review.

Business—regulations (Question No 450)

Mr Seselja asked the Attorney-General, upon notice, on 19 November 2009 *(redirected to the Treasurer)*:

(1) How many regulations has the Government (a) removed and (b) implemented since October 2008.

(2) What assessment has the Government made of the cost of regulations on (a) business and (b) the community more broadly.

(3) What opportunities has the Government identified to reduce this cost.

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

(1) Since October 2008:

(a) (Removed) 14 principal regulations have been repealed; and

(b) (Implemented) 18 principal regulations and 44 amending regulations have been made.

(2) The ACT Government understands the importance of reducing unnecessary regulatory burden on business and the community. In this regard the ACT supports the Productivity Commission's (PC's) annual assessments of the cost of regulation to business in the ACT and across Australia.

The ACT has worked, through the Council of Australian Governments (COAG), to adopt a common framework for benchmarking, measuring and reporting the regulatory burden on business to provide a better comparison across jurisdictions.

In addition to the PC's assessments, the ACT Government has in place a rigorous process to assess the regulatory impact to business and the general community, prior to the introducing any new policy initiatives. The PC's work informs the ACT government of any areas requiring special focus.

Currently, the *Legislation Act (2001)* requires a Regulatory Impact Statement (RIS) to be prepared and tabled for any proposed subordinate law or disallowable instrument that is likely to impose an appreciable cost on the community or part of the community. The RIS process is a tool which outlines the regulatory options available, and identifies which option has the least regulatory burden to the community.

(3) The ACT has been actively participating in national and inter-jurisdictional microeconomic reform through the COAG to reduce unnecessary regulatory burden on business and the community as a whole. An example of the ACT's current involvement is the *Seamless National Economy* Partnership Agreement, which aims to reduce red tape in 27 identified priority areas and 8 competition areas.

In addition to the reforms under COAG, the ACT Government is currently undertaking a review of the ACT Taxi Industry by assessing and removing any unnecessary regulatory burdens while also increasing the level of service to the community.

The Government's active role to reduce regulatory burden is also shown in the Workers' Compensation Amendment Bill 2009 which was recently presented to the Legislative Assembly and is estimated to save ACT employers over $4 million annually.

Business—liquor licences (Question No 451)

Mr Seselja asked the Attorney-General, upon notice, on 19 November 2009:

(1) How many businesses in the ACT have a liquor license.

(2) What is the average capacity for each.

(3) How many businesses have liquor licenses in (a) Gungahlin Town Centre, (b) Belconnen Town Centre, (c) Civic, (d) Woden Town Centre, (e) Tuggeranong Town Centre and (f) group centres.

(4) What is the average wait for a business to receive a liquor license following its application.

(5) How many applications were received for liquor licences in (a) October, (b) September, (c) August and (d) July 2009 and how many have been approved to date.

(6) How many applications for liquor licenses were received in 2008-09 and how long, on average, did each applicant wait for their application to be approved.

(7) How many businesses have liquor licenses that apply to outdoor areas and what is the average capacity of each of these outdoor areas.

(8) What is the average cost of liquor licenses in the ACT.

(9) What is the average cost of liquor licences in (a) Gungahlin Town Centre, (b) Belconnen Town Centre, (c) Civic, (d) Woden Town Centre, (e) Tuggeranong Town Centre and (f) group centres.

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

(1) There are 5 liquor licence categories in the ACT. As at 19 November 2009, there were:

337 ON licences
12 General licences
65 Club licences
41 Special licences
192 OFF licences

(2) The records are specific to each licence and there is no database ability to provide a comprehensive list of all capacities, nor the average.

The capacity for each licence depends on the size of the premises and the size of the indoor and outdoor public areas determined by the Commissioner for Fair Trading in accordance with the *Liquor Act 1975*, and subsequently with any occupancy loadings determined by the Commissioner, for those areas.

(3) Liquor licences are recorded against geographical divisions. The following numbers of existing licences are specifically related to the Divisions of Gungahlin, Belconnen, City, Phillip and Greenway:

Division/Licence Type	**Club**	**Special**	**General**	**OFF**	**ON**
Gungahlin	**1**	**2**	**0**	**6**	**7**
Belconnen	**3**	**0**	**2**	**8**	**26**

Division/Licence Type	Club	Special	General	OFF	ON
City	**4**	**10**	**1**	**17**	**84**
Phillip	**3**	**0**	**0**	**9**	**16**
Greenway	**3**	**0**	**0**	**6**	**13**

(4) The Office of Regulatory Services endeavours to process applications for a liquor licence within six weeks, providing the application form is completed and provides all required information.

This period of time allows the office to:

- Process the application;
- Consider the application in accordance with the *Liquor Act 1975* and the Liquor Licensing Standards Manual;
- Arrange an interview with the Commissioner of Fair Trading or a Commissioner's Delegate to establish if the applicant is a fit and proper person;
- Conduct one or more inspections of the premises (often pre and post construction) to determine if the premises are suitable; and
- Issue final approval.

Where application documents are complete, the premises are ready for inspection and applicants are ready for an interview the processing period may be considerably less than the six weeks.

(5) There were no applications received in the above period for Club, Special or General liquor licences.

There were five applications received for OFF liquor licences (four in September and one in October). The longest period until licence was granted, for the September applications, was 18 days. One was three days, another one day only – both involved re-licensing premises that had previously been licensed. One application was withdrawn. The October application is still pending – as construction of the building is not yet complete:

There were five applications for ON liquor licences (two in July; one in August; one in September; and one in October). The two in July took 69 and 54 days respectively, due to both buildings being incomplete at time of lodging applications. The August application, lodged on 31 August, took 52 days to process up to grant stage as the application was incomplete and discussions with the applicant were needed to resolve this. The September and October applications took one day and 7 days respectively and involved re-licensing premises that had previously been licensed.

(6) Number of applications for new liquor licences received in the 2008-2009 year:

- General licences = nil
- Club licences = one only (33 days – includes assessment of Club's constitution and rules)
- Special liquor licences = two (one took 52 days following delays obtaining all relevant details from the applicant and devising a set of licence conditions; the other took only one day and involved re-licensing premises that had previously been licensed)

- OFF liquor licences = 12 (two of these were withdrawn; average time to grant eight of these applications was 32 days; the remaining two took 91 days and 155 days respectively, due to building works not being completed).
- ON liquor licences = 23 (one was refused; 16 of these averaged 22 days; four of these took 80 days, 211 days, 60 days and 99 days respectively, due to building works and or fit-out works not being completed; two further applications are not being progressed by the applicants).

(7) There are no readily accessible database figures to respond to this question. Manually searching for this information would divert significant resources.

However, outdoor areas vary in size (similar to capacities of premises) and may range from a small cafe with only one table and a capacity of four persons up to a capacity of a couple of hundred people.

(8) The cost of a liquor licence does not vary depending on the location. The fees for the issue of a licence for 2009/10 are:

- ON licences $1,763
- General licences $2,171
- Club licences $1,763
- Special licences $2,648
- OFF licences $1,763

The fees for the renewals of a licence are based on the dollar amount of liquor purchased by the licensee during the fiscal year preceding renewal. Currently, for purchases up to and including $100,000 the renewal fee is $1,100 and for purchases over $100,000 the renewal fee is $3,055. The same renewal fees apply to all five licence categories.

There is also a fee (and similar application process) for the transfer of a liquor licence. The transfer fee is $1,324 regardless of licence category.

(9) See response to (8) above

Children—childcare centres (Question No 452)

Mr Seselja asked the Minister for Disability, Housing and Community Services, upon notice, on 19 November 2009:

(1) How many childcare centres are there in the ACT.

(2) What is the average (a) size of each childcare centre in the ACT and (b) cost of childcare in the ACT for a full-time position.

(3) How many staff are employed in the childcare sector in the ACT.

(4) Which ACT Government regulations directly impact childcare operators.

(5) What assessment has the Department of Disability, Housing and Community Services made of the impact of the regulations referred to in part (4) on the cost of childcare services in the ACT.

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

(1) There are 243 licensed child care services in the ACT.

(2) (a) Services vary in capacity from 15 places to 350 places.

(2) (b) The average cost of childcare as reported in the *Report on Government Services 2009* is $300 for 50 hrs per week for long day care and $285 a week for family day care.

School age care programs charge between $10 and $15 for before school care and $20-$25 for after school care.

(3) It is estimated that approximately 2,200 staff are employed in the childcare sector in the ACT.

(4) Childcare services in the ACT must comply with the *Children and Young People Act 2008*, and the ACT *Childcare Services Standards 2009* which are in line with current national standards.

(5) The review of the *Children and Young People Act 2008* and the development of the *ACT Childcare Services Standards 2008* were to be cost neutral. No assessment of the cost was made.

Feedback from the consultation were supportive of these new standards.

Environment—noise pollution (Question No 455)

Mr Seselja asked the Minister for the Environment, Climate Change and Water, upon notice, on 9 December 2009:

(1) What provisions or regulations currently exist for Environment Protection Authority (EPA) officers to enter private residences to turn off faulty alarms or other sources of noise if the owner of the property is not present.

(2) What provisions or regulations currently exist for EPA officers to require security companies to turn off faulty house alarms.

(3) What reviews has the ACT Government conducted into these provisions or regulations since 2004.

(4) Is the Government planning to review these provisions or regulations.

(5) How many incidents regarding noise did the EPA attend in (a) 2006-07, (b) 2007-08 and (c) 2008-09.

(6) How many officers within the EPA are available to respond to noise complaints.

(7) What penalty provisions exist for home owners who fail to turn off faulty home alarms.

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

(1) Environment Protection Officers are authorised Officers under the *Environment Protection Act 1997*. Part 11 of the Act details the powers of an authorised officer, being section 96, Entry of premises. Under this section Officers may enter premises, other than residential premises, at any reasonable time for the purpose of ascertaining whether the Act is being complied with. Officers may only enter residential premises with the consent of the occupier or a person apparently in charge of the premises.

Section 97 of the Act grants an Officer powers to enter a premises under a search warrant, however an Officer may only do the following:

- inspect or examine;
- take measurements or conduct tests;
- take samples;
- take photos.

This provision would not permit Officers to interfere with a house alarm.

(2) There are no provisions or regulations that authorise Officers to require security companies to turn off faulty house alarms.

(3) Nil

(4) Yes, while there are no specific provisions or regulations to enable EPA Officers to direct security companies to disable faulty house alarms, this will be considered as part of the review of the Environment Protection Act which is due to commence in 2010.

(5) (a) 2006-07 - 1,057 noise complaints received of which 4 concerned house alarms.
(b) 2007-08 – 1,389 noise complaints received of which 3 concerned house alarms.
(c) 2008-09 – 1,896 noise complaints received of which 5 concerned house alarms.

(6) There are five Environment Protection Officers who respond to complaints during business hours. One Environment Protection Officer is on call after hours.

(7) For a first time complaint, an Environment Protection Officer will send out a letter advising the alleged noise producer of their responsibility under the *Environment Protection Act 1997* and invite them to discuss the matter. In most cases the matter is resolved at this stage. Following this, if another complaint is received, the EPA will take a noise measurement to validate the complaint and if the complaint is validated a warning letter is issued. If another complaint is received, the EPA will take a noise measurement to validate the complaint, if validated an on the spot fine may be issued. The fine is $200 for a person or $1,000 for a company. This is consistent with the Enforcement Policy in the Authority's, General Environment Protection Policy of August 2007. To date the EPA has not served a warning letter or infringement notice for a faulty house alarm.

Environment—building temperature settings (Question No 458)

Ms Le Couteur asked the Minister for Health, upon notice, on 10 December 2009:

(1) In relation to the main buildings of the Minister's department, what temperature does the department set for summer and winter.

(2) Has the department trialled changed temperatures; if so, what energy savings and staff reaction were there.

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

(1) The air conditioning set point is 20 degrees Celsius with a parameter between 18 to 22 degrees Celsius for all buildings. The set point remains the same during summer and winter.

(2) The department has undertaken trials within the above parameters for adminstrative buildings only. In certain clinical/surgical areas of ACT Health, staff have the ability to vary the temperature according to patient comfort and best practice, e.g. in theatres.

No energy savings have been achieved because of the nature of the services ACT Health provides across the portfolio.

There is a general awareness amongst staff of the need to achieve energy efficiency.

Environment—building temperature settings (Question No 461)

Ms Le Couteur asked the Minister for Education and Training, upon notice, on 10 December 2009:

(1) In relation to the main buildings of the Minister's department, what temperature does the department set for summer and winter.

(2) Has the department trialled changed temperatures; if so, what energy savings and staff reaction were there.

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

(1) At both 220 Northbourne Avenue, Braddon and the Centre for Teaching and Learning, the building manager and contracted company respectively, aim to hold the temperature in the 22^0C – 24^0C range for both summer and winter, subject to factors such as the external temperature and occupancy levels on the different floors.

(2) At 220 Northbourne Avenue, Braddon, controlled trials of temperature variations across the building have not been done as the building accommodates both public and private clients, although staff in certain areas do request some variations from time to time.

For the Centre for Teaching and Learning, the software controlling the system can be adjusted, and is adjusted as needed to meet occupancy usage in some parts of the building. As part of the ACT Government upgrade of heating and cooling the controlling software will also be upgraded. This upgrade will provide the Department and its contractors with significantly improved control over energy use at the Centre for Teaching and Learning. It is expected that the new boilers, chillers and software will be commissioned before the winter of 2010.

Environment—building temperature settings (Question No 463)

Ms Le Couteur asked the Minister for Disability, Housing and Community Services, upon notice, on 10 December 2009:

(1) In relation to the main buildings of the Minister's department, what temperature does the department set for summer and winter.

(2) Has the department trialled changed temperatures; if so, what energy savings and staff reaction were there.

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

(1) The majority of the Department of Disability, Housing and Community Services employees are located in two main government leased buildings, 11 Moore Street, Civic and Nature Conservation House, Belconnen. While temperature settings fluctuate slightly depending on the standard of the operating system and the outside temperature every effort is made to control the buildings between 20-22 degrees, summer and winter.

(2) Given the department's endeavours to maintain a consistent year round temperature variation that promotes an acceptable working environment for a range of office administration tasks, a change in temperature has not been trialled at this time.

Roads—motorcycle safety (Question No 464)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 10 December 2009:

(1) What road and engineering changes is the Minister making in the ACT to ensure that the potential for death or injury to motorcyclists is minimised.

(2) Is the ACT using the best/most successful roadside infrastructure, for example, signs, handrails and barriers etc, in terms of safety for motorcyclists.

(3) What is the Government's policy regarding roadside infrastructure that best meets the safety requirements for motorcyclists, such as frangible roadside furniture.

(4) Is the best/most successful infrastructure always installed as a matter of course when new or replacement infrastructure is installed and is there a policy to progressively replace roadside infrastructure with safer models.

(5) Does the placement of signs cater for the rider envelope when turning corners and provide space for run off should the need arise.

(6) What is the Government's policy regarding the use of wire rope barriers (Brifen or Ingal) on roadsides, which have been proven as hazardous to motorcyclists and have these been excluded as a type of barrier that can be installed in the ACT.

(7) Is there a timeline for replacing the existing wire rope barriers with safer barriers.

(8) Does the Government have a strategy in place when doing pavement repairs and replacement that caters for single track vehicles such as motorcycles and bicycles.

(9) Can the Minister provide data on the percentage of ACT motor vehicle registrations that are motorcycles/scooters.

(10) Can the Minister provide data on what percentage of ACT road crash deaths and serious injury cases are motorcyclists/scooters; if so, does this include both police and hospital data.

(11) How are motorcyclists recognised in ACT road safety, traffic management and transport planning policies and are they recognised as a separate class of road user for the purpose of these policies.

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

(1) The ACT follows current Australian practice in relation to road works and traffic engineering measures for all road users. Road design and construction are required to meet the ACT Design Standards for Urban Infrastructure and ACT Specification for Urban Infrastructure Works, which incorporate relevant Australian Standards, Austroads Guides, and where relevant practices in use in other jurisdictions. These standards and guidelines have been developed to reflect the needs of all road users, including motorcyclists, and are updated as necessary over time.

(2) Yes. Current ACT and national practice references the latest Australian Standards for roadside infrastructure. Australian Standard/New Zealand Standard 3845 *Road Safety Barrier Systems* is currently under review, and the Australian Motorcycle Council is part of this process. Roads ACT is committed to adopting this revised standard once it is finalised at a national level.

(3) See answers to previous questions. The ACT will consider the use of any new technology, for example improved frangible roadside furniture, if and when it meets relevant Australian Standards and Austroads Guides.

(4) See answers to previous questions. Roadside infrastructure is replaced in accordance with the Roads ACT Asset Management Plan and overall budget priorities.

(5) Yes. See answer to Question 1. The placement of signs and provision of run off space is covered by relevant Australian Standards and/or Austroads Guides.

(6) The ACT does not have a specific policy in relation to wire rope barriers. Wire rope barriers are an approved barrier under Australian Standard/New Zealand Standard 3845, have a number of proven road safety benefits over other barrier systems, and have not been excluded as a type of suitable barrier that can be installed in the ACT. See also answer to Question 2.

(7) No. See answer to Question 6.

(8) Yes. Contract specifications and temporary traffic management arrangements for pavement repairs and replacement take account of the needs of all road users, including motorcyclists and cyclists.

(9) There are 11,549 motorcycles/scooters currently registered in the ACT. This represents 4.08% of all currently registered vehicles. There are 282,944 registrations.

(10) In 2008, there were 14 road fatalities and 101 serious injuries in the ACT, based on on-road crashes which are required to be reported to police. Of these, 4 fatalities (28.6%) and 22 serious injuries (21.8%) were motorcyclists. The NRMA-ACT Road Safety Trust has recently released a report from a study matching ACT police and hospital data for the period 2001 to 2003. This report found that there were 595 hospital episodes relating to motorcycle injuries (serious and minor injuries) over this three-year period. It was difficult to match these injury records with police records because of under-reporting to police of single vehicle motorcycle crashes and the inclusion of off-road crashes in the hospital data.

(11) Motorcyclists are generally treated as motor vehicles in terms of ACT Road Transport Legislation and overall traffic management arrangements, with motorcycle specific provisions (eg use of bus lanes) incorporated as necessary. Motorcyclists are recognised as a key road safety issue in the ACT Road Safety Strategy and there is a separate section covering motorcyclists in the ACT Road Safety Action Plan. In transport planning policies, specifically the ACT Parking Strategy, motorcycles are recognised as a separate class and their needs have been incorporated. Also, some transport infrastructure (such as bus lanes and motorcycle parking areas) provides motorcyclists with priority over general traffic, recognising their potential contribution in lowering emissions.

Education—interstate students (Question No 467)

Ms Hunter asked the Minister for Education and Training, upon notice, on 10 December 2009:

(1) What is the total number of NSW resident students enrolled in ACT government (a) primary schools, (b) high schools and (c) colleges.

(2) How many NSW students enrolled in ACT primary schools live in each of the surrounding NSW local government areas.

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

(1) The Department is working with schools to improve data collected on New South Wales students enrolled in ACT public schools. Current data shows:

(a) 600
(b) 605
(c) 497.

(2) Current data shows Yass Valley 163, Tumut 0, Cooma-Monaro 4, Palerang 120 and Greater Queanbeyan 308, other NSW 5.

Education—school equity fund (Question No 468)

Ms Hunter asked the Minister for Education and Training, upon notice, on 10 December 2009:

(1) How much money is allocated annually to the school equity fund to provide assistance for families to pay for costs related to school excursions and activities for (a) 2007-08, (b) 2008-09 and (c) 2009-10.

(2) How is the money referred to in part (1) distributed amongst schools.

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

(1) The Schools Equity Fund has had an annual allocation of $0.3 million in 2007-08, 2008-09 and 2009-10.

(2) The Schools Equity Fund is distributed using a methodology which involves:

- assigning an index of relative socio-economic disadvantage to each student based on their residential address
- producing a school index of relative socio-economic disadvantage based on an average of the indexes assigned to individual students
- ranking the schools.

Public service—corporate credit cards (Question No 472)

Mr Seselja asked the Treasurer, on 10 December 2009:

(1) How many corporate credit cards are used by employees of each department or agency in the Minister's portfolio.

(2) For what purpose is each card issued.

(3) What is the average amount spent each month on each credit card.

(4) What was the total amount spent on each credit card in (a) 2006-07, (b) 2007-08 (c) 2008-09 and (d) 2009-10 to date.

(5) What is the limit on each credit card.

(6) How much has been spent on any form of catering, including official meals, at restaurants.

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

(1) Four

(2) The cards are issued for corporate purposes, including travel, training, accommodation and items for which no other payment option is available. It should be noted that credit card expenditure requires the same level of authorisation as any other payment made by the Department.

(3) The average amount per month on each card for 2009 is as follows:

Card 1.	$1,900.00
Card 2.	$ 700.00
Card 3.	$1,100.00
Card 4.	$ 100.00

(4) The total amount spent on each credit card in 2008-09 and 2009-10 to date is as follows:

2009-10 to Date:

Card 1.	$10,337.42
Card 2.	$ 5,912.60
Card 3.	$ 2,633.00
Card 4.	$ 367.50

2008-09:

Card 1.	$17,780.14
Card 2.	$17,998.20
Card 3.	$22,738.00
Card 4.	$ 2,311.52

I am advised that the Territory's financial system does not distinguish between credit card transactions and other payment transactions. Monthly credit card statements must be manually analysed in order to answer this question. Given this time consuming requirement, it is not considered a reasonable use of the agency's limited resources to answer this question for more than two financial years. As a result, total credit card expenditure for 2007-08 and 2006-07 is not provided.

(5) Each credit card has a limit of $5,000.

(6) The below catering/meals expenditure includes meals whilst travelling on official business.

2009-10 to Date	$ 594.50
2008-09	$3,665.03

Public service—corporate credit cards (Question No 475)

Mr Seselja asked the Minister for the Environment, Climate Change and Water, on 10 December 2009:

(1) How many corporate credit cards are used by employees of each department or agency in the Minister's portfolio.

(2) For what purpose is each card issued.

(3) What is the average amount spent each month on each credit card.

(4) What was the total amount spent on each credit card in (a) 2006-07, (b) 2007-08 (c) 2008-09 and (d) 2009-10 to date.

(5) What is the limit on each credit card.

(6) How much has been spent on any form of catering, including official meals, at restaurants.

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

(1) The Department has issued 7 credit cards to its employees.

(2) Credit cards are to be used where departmental officers are required to make purchases within their delegations urgently or where it is inefficient to purchase goods and services through normal channels. Credit cards were introduced in order to allow departmental officers to perform their duties more efficiently and effectively.

(3) The average amount spent on each credit card per month is as follows:

- Card 1 - $1,140
- Card 2 - $493
- Card 3 - $3,256
- Card 4 - $386
- Card 5 - $694
- Card 6 - $2,900
- Card 7 - $1,582

(4) (a) and (b) The Department was created on 11 November 2008 and as such no information is available for earlier years.

c) The total amount spent on each DECCEW credit card in 2008-09 was as follows:

- Card 1 - $4,744
- Card 2 - $1,900
- Card 3 - $9,413
- Card 4 - $1,945
- Card 5 - $4,492
- Card 6 - $1,380

d) The total amount spent on each DECCEW credit cards in 2009-10 to date is as follows:

- Card 1 - $4,380
- Card 2 - $2,046
- Card 3 - $16,633

- Card 4 - $1,146
- Card 5 - $1,063
- Card 6 - $16,021
- Card 7 - $7,909

(5) The DECCEW credit card limits are as follows:

- Card 1 - $5,000
- Card 2 - $2,000
- Card 3 - $7,000
- Card 4 - $10,000
- Card 5 - $5,000
- Card 6 - $10,000
- Card 7 - $10,000

(6) The Department did not spend any money on catering, including official meals at restaurants using credit cards in the financial year 2008-09. In the financial year 2009-10 to date, the Department has spent $3,865 using credit cards on catering and official meals at restaurants.

Public service—invoices (Question No 482)

Mr Seselja asked the Minister for Aboriginal and Torres Strait Islander Affairs, on 10 December 2009:

(1) How many small businesses provided goods or services to each department or agency in the Minister's portfolio in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(2) What was the total value of expenditure on goods or services provided to the Minister's department or agency by small businesses in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(3) What was the average length of time taken for the Minister's department or agency to pay invoices received from small businesses for goods or services.

(4) What percentage of invoices from small businesses for goods or services provided to the Minister's department or agency were paid within (a) 14, (b) 30 and (c) 45 days.

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

(1) I am advised that this information cannot be provided as the Department's financial system does not distinguish payments made to small businesses as opposed to any other creditors

(2) See response to Part 1.

(3) See response to Part 1.

(4) See response to Part 1.

Public service—invoices (Question No 483)

Mr Seselja asked the Treasurer, on 10 December 2009:

(1) How many small businesses provided goods or services to each department or agency in the Minister's portfolio in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(2) What was the total value of expenditure on goods or services provided to the Minister's department or agency by small businesses in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(3) What was the average length of time taken for the Minister's department or agency to pay invoices received from small businesses for goods or services.

(4) What percentage of invoices from small businesses for goods or services provided to the Minister's department or agency were paid within (a) 14, (b) 30 and (c) 45 days.

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

1. I am advised that this information cannot be provided as the Department's financial system does not distinguish payments made to small businesses as opposed to any other creditors.

2. See response to Part 1.

3. See response to Part 1.

4. See response to Part 1.

Public service—invoices (Question No 486)

Mr Seselja asked the Minister for the Environment, Climate Change and Water, on 10 December 2009:

(1) How many small businesses provided goods or services to each department or agency in the Minister's portfolio in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(2) What was the total value of expenditure on goods or services provided to the Minister's department or agency by small businesses in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(3) What was the average length of time taken for the Minister's department or agency to pay invoices received from small businesses for goods or services.

(4) What percentage of invoices from small businesses for goods or services provided to the Minister's department or agency were paid within (a) 14, (b) 30 and (c) 45 days.

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

(1) I am advised that this information cannot be provided as the Department's financial system does not distinguish payments made to small businesses as opposed to any other creditors.

(2) See response to Part 1.

(3) See response to Part 1.

(4) See response to Part 1.

Public service—invoices (Question No 487)

Mr Seselja asked the Minister for Education and Training, on 10 December 2009:

(1) How many small businesses provided goods or services to each department or agency in the Minister's portfolio in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(2) What was the total value of expenditure on goods or services provided to the Minister's department or agency by small businesses in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(3) What was the average length of time taken for the Minister's department or agency to pay invoices received from small businesses for goods or services.

(4) What percentage of invoices from small businesses for goods or services provided to the Minister's department or agency were paid within (a) 14, (b) 30 and (c) 45 days.

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

(1) I am advised that this information cannot be provided as the Department's financial system does not distinguish payments made to small businesses as opposed to any other creditors.

(2) See response to Part 1.

(3) See response to Part 1.

(4) See response to Part 1.

Public service—invoices (Question No 488)

Mr Seselja asked the Minister for Territory and Municipal Services, on 10 December 2009:

(1) How many small businesses provided goods or services to each department or agency in the Minister's portfolio in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(2) What was the total value of expenditure on goods or services provided to the Minister's department or agency by small businesses in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(3) What was the average length of time taken for the Minister's department or agency to pay invoices received from small businesses for goods or services.

(4) What percentage of invoices from small businesses for goods or services provided to the Minister's department or agency were paid within (a) 14, (b) 30 and (c) 45 days.

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

(1) This information cannot be provided as the Department's financial system does not distinguish payments made to small businesses as opposed to other creditors.

(2) See response to question 1.

(3) See response to question 1.

(4) See response to question 1.

Public service—invoices (Question No 489)

Mr Seselja asked the Minister for Tourism, Sport and Recreation, on 10 December 2009:

(1) How many small businesses provided goods or services to each department or agency in the Minister's portfolio in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(2) What was the total value of expenditure on goods or services provided to the Minister's department or agency by small businesses in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(3) What was the average length of time taken for the Minister's department or agency to pay invoices received from small businesses for goods or services.

(4) What percentage of invoices from small businesses for goods or services provided to the Minister's department or agency were paid within (a) 14, (b) 30 and (c) 45 days.

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

(1) This information cannot be provided as the Department's financial system does not distinguish payments made to small businesses as opposed to other creditors.

(2) See response to question 1.

(3) See response to question 1.

(4) See response to question 1.

Public service—invoices (Question No 490)

Mr Seselja asked the Minister for Disability, Housing and Community Services, on 10 December 2009:

(1) How many small businesses provided goods or services to each department or agency in the Minister's portfolio in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(2) What was the total value of expenditure on goods or services provided to the Minister's department or agency by small businesses in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(3) What was the average length of time taken for the Minister's department or agency to pay invoices received from small businesses for goods or services.

(4) What percentage of invoices from small businesses for goods or services provided to the Minister's department or agency were paid within (a) 14, (b) 30 and (c) 45 days.

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

(1) I am advised that this information cannot be provided as the Department's financial system does not distinguish payments made to small businesses as opposed to any other creditors

(2) See response to Part 1.

(3) See response to Part 1.

(4) See response to Part 1.

Public service—departmental reviews (Question No 494)

Mr Seselja asked the Treasurer, on 10 December 2009:

(1) What reviews are currently being undertaken by the Minister's department.

(2) When will each review report.

(3) What is the total cost of each review.

(4) How much is being spent on consultants from outside the public service for each review.

(5) How is the community being consulted for each review.

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

1. Codification of the Change of Use Charge.
2. February 2010.
3. $210,000 (GST exclusive).
4. $210,000 (GST exclusive).
5. A discussion paper was released via the community engagement website, inviting submissions from the public.

1. Independent biennial review of Community Housing Canberra (CHC).
2. April 2010.
3. $36,000 (GST exclusive).
4. $36,000 (GST exclusive).
5. The consultants will meet with relevant ACT agencies, CHC staff and Board members.

1. Review of ACT Treasury revenue forecasting models.
2. A draft report has been received and is currently being reviewed.
3. $36,300 (GST exclusive).
4. $36,300 (GST exclusive).
5. Not applicable.

(1) **A strategic review of the Territory Banking Account investment portfolio; and**
A review of the Territory Banking Account debt management policy and benchmarks.
(2) Outcomes will be reported in the 2010-11 Budget Papers.
(3) The reviews are mostly being undertaken in-house.
(4) External consultants cost to date: $8,316 (incl GST). Future costs estimated at around $5,000.
(5) Not applicable given the nature of the reviews.

(1) **Annual actuarial review of the defined benefit employer superannuation liabilities of the Territory.**
(2) Final report expected to be completed by end-March with the results incorporated into the 2010-11 Budget.
(3) Estimated to be in the order of $120,000.
(4) Estimated to be in the order of $120,000.
(5) Not applicable given the nature of the reviews.

(1) **A review of the funding plan in relation to the defined benefit employer superannuation liabilities of the Territory.**
(2) Final report expected to be completed by end-March with the results incorporated into the 2010-11 Budget.
(3) Estimated to be in the order of $60,000.
(4) Estimated to be in the order of $60,000.
(5) Not applicable given the nature of the reviews.

(1) **Independent review of the Government's current investment practices to determine how the UN Principles of Responsible Investment are being addressed.**
(2) Final report expected to be completed by end-February.
(3) Estimated to be no greater than $20,000.
(4) Estimated to be no greater than $20,000.
(5) Not applicable given the nature of the reviews.

(1) **A peer review of a Compulsory Third Party (CTP) Insurance premium rate filing submitted by Insurance Australia Limited for the underwriting period 1 March 2010 to 28 February 2011 is currently being undertaken by the ACT CTP Scheme Actuary.**
(2) It is expected that the ACT CTP Scheme Actuary will report in January 2010.
(3) Estimated to be in the order of $22,000.
(4) Estimated to be in the order of $22,000.
(5) The review is an actuarial peer review of the actuarial assumptions underlying Insurance Australia Limited's premium rate filing and does not involve community consultation.

Public service—consultants (Question No 504)

Mr Seselja asked the Minister for Aboriginal and Torres Strait Islander Affairs, on 10 December 2009:

(1) How many consultants were employed by the Minister's department in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(2) What was the total value of expenditure on these consultants.

(3) How many of these consultants were small businesses and what was the total value of expenditure on consultants from these small businesses.

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

1) The Department records and reports on information regarding the use of consultants, contractors and service providers in accordance with the requirements of the *Government Procurement Act 2001*, the *Government Procurement Regulation 2007* and the *Chief Minister's Annual Report Directions*.

2) Information of consultant and contractor expenditure is available in the Department's Annual Reports in the Supplies and Services Note that forms part of the Financial Report.

3) See response to part 1.

Public service—consultants (Question No 505)

Mr Seselja asked the Treasurer, on 10 December 2009:

(1) How many consultants were employed by the Minister's department in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(2) What was the total value of expenditure on these consultants.

(3) How many of these consultants were small businesses and what was the total value of expenditure on consultants from these small businesses.

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

1. The Department records and reports on information regarding the use of consultants, contractors and service providers in accordance with the requirements of the *Government Procurement Act 2001*, the *Government Procurement Regulation 2007* and the *Chief Minister's Annual Report Directions*.

2. Information of consultant and contractor expenditure is available in the Department's Annual Reports in the Supplies and Services Note that forms part of the Financial Report.

3. See response to part 1.

Public service—consultants (Question No 508)

Mr Seselja asked the Minister for the Environment, Climate Change and Water, on 10 December 2009:

(1) How many consultants were employed by the Minister's department in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(2) What was the total value of expenditure on these consultants.

(3) How many of these consultants were small businesses and what was the total value of expenditure on consultants from these small businesses.

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

(1) The Department records and reports on information regarding the use of consultants, contractors, and service providers in accordance with the requirements of the *Government Procurement ACT 2001*, the *Government Procurement Regulation 2007* and the *Chief Minister's Annual Report Directions*.

(2) Information of consultant and contractor expenditure is available in the Department's Annual Reports in the Supplies and Services Note that forms part of the Financial Report.

(3) See Response to part 1.

Public service—consultants (Question No 509)

Mr Seselja asked the Minister for Education and Training, on 10 December 2009:

(1) How many consultants were employed by the Minister's department in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(2) What was the total value of expenditure on these consultants.

(3) How many of these consultants were small businesses and what was the total value of expenditure on consultants from these small businesses.

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

1. The Department records and reports on information regarding the use of consultants, contractors and service providers in accordance with the requirements of the *Government Procurement Act 2001*, the *Government Procurement Regulation 2007* and the *Chief Minister's Annual Report Directions*.

2. Information of consultant and contractor expenditure is available in the Department's Annual Reports in the Supplies and Services Note that forms part of the financial report.

3. See response to part 1.

Public service—consultants (Question No 510)

Mr Seselja asked the Minister for Territory and Municipal Services, on 10 December 2009:

(1) How many consultants were employed by the Minister's department in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(2) What was the total value of expenditure on these consultants.

(3) How many of these consultants were small businesses and what was the total value of expenditure on consultants from these small businesses.

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

1. The Department records and reports on information regarding the use of consultants, contractors and service providers in accordance with the requirements of the *Government Procurement Act 2001*, the *Government Procurement Regulation 2007* and the *Chief Minister's Annual Report Directions*.

2. Information of consultant and contractor expenditure is available in the Department's Annual Report in Volume 1 under External Sources of Labour and Volume 2 in the Supplies and Services Note that forms part of the Financial Report.

3. See response to part 1.

Public service—consultants (Question No 511)

Mr Seselja asked the Minister for Tourism, Sport and Recreation, on 10 December 2009:

(1) How many consultants were employed by the Minister's department in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(2) What was the total value of expenditure on these consultants.

(3) How many of these consultants were small businesses and what was the total value of expenditure on consultants from these small businesses.

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

1) The Department records and reports on information regarding the use of consultants, contractors and service providers in accordance with the requirements of the *Government Procurement Act 2001*, the *Government Procurement Regulation 2007* and the *Chief Minister's Annual Report Directions*.

2) Information of consultant and contractor expenditure is available in the Department's Annual Reports in Volume 1 under External Sources of Labour and Volume 2 in the Supplies and Services Note that forms part of the Financial Report.

3) See response to part 1.

Public service—consultants (Question No 512)

Mr Seselja asked the Minister for Disability, Housing and Community Services, on 10 December 2009:

(1) How many consultants were employed by the Minister's department in (a) 2005-06, (b) 2006-07, (c) 2007-08 and (d) 2008-09.

(2) What was the total value of expenditure on these consultants.

(3) How many of these consultants were small businesses and what was the total value of expenditure on consultants from these small businesses.

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

(1) The Department records and reports on information regarding the use of consultants, contractors and service providers in accordance with the requirements of the *Government Procurement Act 2001*, the *Government Procurement Regulation 2007 and the Chief Minister's Annual Report Directions.*

(2) Information of consultant and contractor expenditure is available in the Department's Annual Reports in the Supplies and Services Note that forms part of the Financial Report.

(3) See response to part 1.

Economy—growth
(Question No 514)

Mr Seselja asked the Treasurer, upon notice, on 10 December 2009:

(1) Which sector of the ACT economy experienced the most growth in 2008-09.

(2) Which sector of the ACT economy does the Treasurer estimate will contribute most to growth in (a) 2009-10, (b) 2010-11, (c) 2011-12 and (d) 2012-13.

(3) Which sector of the ACT economy declined the most, or grew the least, in 2008-09.

(4) Does the Department of Treasury estimate that any sectors of the ACT economy will decline in (a) 2009-10, (b) 2010-11, (c) 2011-12 and (d) 2012-13.

(5) What support is the ACT Government providing to those sector referred to in part (4).

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

(1) The information is publicly available from the Australian Bureau of Statistics website.

(2) Gross State Product forecasts are done on an aggregate basis and not on a sectoral basis due to the unreliability of data at the disaggregated level. It is therefore not possible to identify which sectors of the ACT economy will contribute the most to growth over the period 2009-10 to 2012-13.

(3) As mentioned in response to (1), the information is publicly available from the Australian Bureau of Statistics website.

(4) As mentioned in response to (2), Treasury does not estimate Gross State Product by sector and it is therefore not possible to identify sectors of the ACT economy that are likely to decline over the period 2009-10 to 2012-13.

(5) As mentioned in response to (4), it is not possible to identify sectors of the ACT economy that are likely to decline over the period 2009-10 to 2012-13. The Government's general approach to business and industry development is to provide program support to early stage companies in areas such as small business advice, exporting, entrepreneurship, company acceleration and venture capital leverage.

Finance—government loans
(Question No 515)

Mr Seselja asked the Treasurer, upon notice, on 10 December 2009:

(1) How much money did the ACT Government borrow in (a) July, (b) August, (c) September, (d) October and (e) November 2009.

(2) For each amount referred to in part (1), (a) how many loans were taken out by the Government in each month, (b) what is the interest rate for each loan, (c) who is the loan with and (d) when is the maturity date for the loan.

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

Date	Amount (face value) $'000	Interest Rate	Counterparty	Maturity Date	Note
20 July 2009	25 000	3.06%	CBA	19 Oct 2009	1
20 July 2009	21 000	3.11%	NAB	19 Oct 2009	1
20 July 2009	25 000	3.09%	NAB	19 Oct 2009	1
10 Aug 2009	70 000	3.28%	Westpac	9 Nov 2009	2
10 Aug 2009	123 000	3.30%	Macquarie	9 Nov 2009	2
19 Oct 2009	71 000	3.82%	Macquarie	19 Jan 2010	1
9 Nov 2009	25 000	3.93%	CBA	8 Feb 2010	2
9 Nov 2009	168 000	3.94%	Macquarie	8 Feb 2010	2

Note 1:

• Represents borrowings raised by the Territory and on-lent to ACTEW. Total face value equals $71 million.

• These are not new borrowings but refinancing of existing borrowings which were initially raised between 1998 and 2007.

• Borrowings are financed by issuing commercial paper, a discount security.

• The borrowings are raised for three-month terms and refinanced every three months by new commercial paper issuance.

• The counterparty is a bank appointed to the Territory's Debt programme dealer panel who acts as the counterparty between the issuer (Territory) and the actual investor (lender).

Note 2:

• Represents borrowings raised by the Territory for general government purposes. Total face value equals $193 million.

• These are not new borrowings but refinancing of existing borrowings which were initially raised between 1990 and 1996.

• Borrowings are financed by issuing commercial paper, a discount security.

• The borrowings are raised for three-month terms and refinanced every three months by new commercial paper issuance.

• The counterparty is a bank appointed to the Territory's Debt programme dealer panel who acts as the counterparty between the issuer (Territory) and the actual investor (lender).

Taxation—payroll
(Question No 516)

Mr Seselja asked the Treasurer, upon notice, on 10 December 2009:

(1) How many businesses paid payroll tax in (a) 2005-06, (b) 2006-07 and (c) 2007-08.

(2) What was the average amount of payroll tax paid by each business in (a) 2005-06, (b) 2006-07 and (c) 2007-08.

(3) How many businesses does the Treasurer estimate will pay payroll tax in (a) 2009-10, (b) 2010-11, (c) 2011-12 and (d) 2012-13.

(4) What is the estimated average amount of payroll tax that each business will pay in (a) 2009-10, (b) 2010-11, (c) 2011-12 and (d) 2012-13.

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

(1)

Financial Year	**2005-06**	**2006-07**	**2007-08**
How many businesses paid payroll tax	1,957	2,056	2,206

(2)

Financial Year	**2005-06**	**2006-07**	**2007-08**
Average amount of payroll tax paid by each business	$104,836	$107,281	$110,587

(3) Treasury forecasts payroll tax at the aggregate revenue level, it does not use the number of businesses to determine revenue.

(4) No estimate of average amount is available as no estimate of the number of businesses is made.