Debates

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Thursday, 18 March 2010

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

Ministerial arrangements

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): As members would be aware, the legislation that is about to be called on would normally have been introduced by the Attorney-General. For the information of members, Mr Corbell regrets that he is unavailable to be in the Assembly at all today as a result of pressing personal issues.

During the course of today I will be performing the duties of the Attorney-General. I make this comment now in the context too of question time if members were proposing questions for the Attorney-General today. Through question time I will seek to be of whatever assistance I am able. Mr Corbell apologises for his non-attendance today.

Emergencies Amendment Bill 2010

Mr Stanhope, on behalf of **Mr Corbell**, 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) (10.01): I move:

> That this bill be agreed to in principle.

The Emergencies Amendment Bill 2010 provides for amendments to the Emergencies Act 2004 to give effect to the recommendations of the report of the ACT Emergency Management Governance Review.

The act was prepared in response to the report of the McLeod Inquiry into the Operational Response to the January 2003 Bushfires in the ACT. The act established the independent Emergency Services Authority, to replace the Emergency Services Bureau, and associated governance structures including the commissioner, chief officers, emergency management committee, and procedures for the declaration of a state of alert and state of emergency, and the appointment of a territory controller.

Over time there have been minor amendments to the act, and a review was undertaken in August 2006, but the overall governance structure under the act has remained the

same. During September-December 2008 significant issues pertinent to the ACT's governance arrangements for emergency management were identified during the refresh of the ACT emergency plan. This plan provides a basis for emergency management, including the coordination of emergency services agencies, other related ACT, state and commonwealth agencies, and the coordination of other entities.

The main issue identified was that the act is outdated. Consultation with key stakeholders across government revealed that emergency management governance arrangements in the ACT are subject to a number of inadequacies, inconsistencies and duplication of effort. Accordingly, the government requested a review of these governance arrangements, including the identification of relevant amendments to the act.

The review noted that the act has been in place for five years during which arrangements for emergency management, and for multijurisdictional cooperation and coordination, have evolved and developed. The review also noted there is ambiguity in the act surrounding the appointment, roles and functions of a territory controller, particularly given the requirement for a state of emergency to be declared in advance of such an appointment.

The review identified inconsistencies and overlaps between the role of the Emergency Management Committee and the revised committee structures supporting the Security and Emergency Management Committee of cabinet in leading the government's response to, and recovery from, an emergency. It was also considered inappropriate for those Emergency Management Committee members who are not ACT government officials to provide advice to the Security and Emergency Management Committee of cabinet or to a territory controller during an emergency.

The review concluded that current emergency management governance arrangements could be improved by clarifying roles, responsibilities and accountabilities; reducing duplication; establishing clear distinctions between supporting structures for planning, preparedness, response and recovery; and establishing a clear hierarchy of incidents and the related management structures. The government endorsed the review's recommendations and agreed that the act be amended to give effect to these recommendations, as appropriate.

The Emergencies Amendment Bill provides clarity to the current emergency management governance arrangements and to the roles and responsibilities of the relevant advisory bodies. The Emergency Management Committee will be abolished and its core functions transferred to the Security and Emergency Management Senior Officials Group.

The government has agreed that the Security and Emergency Management Senior Officials Group, with support from the Security and Emergency Management Planning Group, is to provide whole-of-government strategic policy advice to the Security and Emergency Management Committee of cabinet on protective security, counter-terrorism and emergency management. Both bodies comprise senior ACT government officials, with all relevant agency heads represented on the Security and Emergency Management Senior Officials Group.

The Security and Emergency Management Committee of cabinet, Security and Emergency Management Senior Officials Group and Security and Emergency Management Planning Group will continue to be advised and supported by the Security and Emergency Management Branch within the Department of Justice and Community Safety. The Security and Emergency Management Branch will maintain the whole-of-government incident notification framework for ministers and senior officials, and will transition to the territory crisis centre to support the Security and Emergency Management Committee of cabinet and Security and Emergency Management Senior Officials Group in the overall coordination of a major incident.

The territory controller will be replaced by an emergency controller with provisions for the appointment of that person in circumstances where it is not necessary to declare a state of emergency. Such appointments may arise in circumstances relating to a catastrophic fire danger rating; an animal health incident similar to the equine influenza outbreak; an emerging pandemic similar to the H1N1 outbreak; and where it is necessary to make provisions for recovery well in advance of the peak of an impending emergency.

The appointment framework for the emergency controller will also include a review of an appointment by the Chief Minister no later than 48 hours after the appointment is made, and the cessation of an appointment not later than seven days after an appointment is made or if a state of emergency is declared. The Chief Minister will retain the capacity to direct the emergency controller not to have a particular function or functions, or to have another stated function.

Increasingly, the approach to emergency management is one which deals with all kinds of emergencies using a common set of management arrangements. This all-hazards approach is formally included in the objects of the act and will apply to the prevention, preparedness, response and recovery—PPRR—framework for all emergencies in the ACT.

All ACT government departments and agencies have been fully consulted on the provisions contained in this bill and have agreed that clarity, consistency and intuitive simplicity in the structures providing advice and support to cabinet are central to the success of the government's response to an emergency.

The bill I am introducing today is an important step in ensuring a more effective and efficient emergency management framework for the ACT. It allows for the government to remain in overall control of the response to, and recovery from, a major emergency through the appointment of an emergency controller to direct the operations of such an emergency; and through the provision of strategic leadership to a whole-of-government response by cabinet, supported by advice from ACT senior officials.

Mr Speaker, I commend this bill to the Assembly.

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

Health, Community and Social Services—Standing Committee
Report 3

MR DOSZPOT (Brindabella) (10.09): I present the following report:

> Health, Community and Social Services—Standing Committee—Report 3—*Report on Annual and Financial Reports 2008-2009*, dated 10 March 2010, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

I present today report 3 from the Standing Committee on Health, Community and Social Services. The annual and financial reports for 2008-2009 referred to the committee on 13 October were ACT Health and the Department of Disability, Housing and Community Services. The committee held two committee hearings, both in December last year, and we heard from the Minister for Health and the Minister for Disability, Housing and Community Services.

An observation that I think we made in last year's commensurate period as well was that the committee does appreciate the vast numbers of programs that agencies are required to report on each year. But during the hearings the committee found once again that more detailed information for some of the programs would have been valuable, and we make that comment once again.

The committee makes eight recommendations. Recommendation 1: the committee recommends that future Department of Disability, Housing and Community Services annual reports include additional information about respite care services, with particular attention to ACT government centre-based respite services and the type and amount of flexible respite that is provided.

Recommendation 2: the committee recommends that data collected under the disability services national minimum dataset relating to unmet need be included in future DHCS annual reports.

Recommendation 3: the committee recommends that DHCS promotes the benefits of using the registration of interest form to families with children with a disability and to proactively seek registrations of interest from all high school children with a disability to assist the department in the planning and provision of post-school and accommodation support options to meet the future needs of these students.

Recommendation 4: the committee recommends that future DHCS annual reports include more information about the grant program under which funding is provided in the summary of grants section of the report.

Recommendation 5: the committee recommends that DHCS review the need for specific funding for the elder abuse program at the end of the 2009-10 financial year

based on the level of service demand experienced by ACT disability, aged and carer advocacy service.

Recommendation 6: the committee recommends that Housing ACT provide more information in future annual reports about the success or otherwise of evictions and conditional orders and more information about the strategies used to assist tenants who are experiencing problems.

Recommendation 7: the committee recommends that ACT Health enhance the RADAR program for the elderly to reduce the number of presentations to the emergency departments and to ease the stress on elderly patients by avoiding an unnecessary emergency department presentation.

And recommendation 8: the committee recommends that ACT Health, in the external scrutiny section of its annual report, provide more accurate reporting on relevant inquiries by Legislative Assembly committees concerning the operation of the agency and information on the implementation of Assembly committee recommendations that have been accepted by the government of the day.

On behalf of the committee I would like to thank ministers, departmental officials and agency representatives for their time and cooperation during the annual report hearings. I would like also to thank the members of the committee, Ms Bresnan and Ms Porter, for the professional manner that was adopted during the hearings and for the sharing of views in the final deliberations and the recommendations.

In particular, I would like to pass on my personal thanks, as well as the thanks of all the members of the committee, to the committee secretary, Ms Grace Concannon, for her advice, support and contribution to the report.

Question resolved in the affirmative.

Executive business—precedence

Ordered that executive business be called on.

Health Legislation Amendment Bill 2009 (No 2)

Debate resumed from 10 December 2009, on motion by **Ms Gallagher**:

> That this bill be agreed to in principle.

MR HANSON (Molonglo) (10.15): The opposition will be supporting this legislation today and is, indeed, pleased to do so. The legislation updates the Health Records (Privacy and Access) Act 1997 in the wake of various general practice clinic closures and amalgamations and provides for improved consumer protections and access to health records. I note that this bill is being brought forward as a result of recommendations made by the GP task force, the task force which was, I note, only instigated after much pressure from the opposition and from the community.

This legislation flies in the face of the previous ACT Labor position, which was that there was nothing that it could do to improve GP services in this town. Indeed, this forms one of about 30 recommendations in that task force report, and I do look forward to other elements of that task force report being brought forward by the minister in a timely fashion to this Assembly either for debate or for action.

The minister outlined the objectives of the bill in her presentation speech, and the opposition support these and other measures that would strengthen consumer access to health records. We have sought and received feedback from various groups, most notably the ACT Division of General Practice and the Health Care Consumers Association, both of whom strongly support this legislation. But, as I understand it, that is conditional on the government fulfilling various undertakings during the implementation phase. We will, of course, be monitoring the government to ensure that they do follow through on their commitments.

From my discussions with stakeholders, I understand that the government has committed to a comprehensive communication campaign to ensure that consumers are aware of their rights and that health record keepers are aware of their obligations under the proposed changes. I also understand the government will be providing a plain English information pack outlining those changes.

Such activity should actually be part and parcel of any significant change in legislation, so I am disappointed that these had to be promised as a result of significant lobbying by relevant stakeholders in order to gain their support, but I cannot say that I am overly surprised. I hope that, in conducting its awareness campaign, the minister ensures that health practitioners that manage health records outside of general practice—such as specialist medicine, dentistry, allied health and so on—are all included so that they also are cognisant of how these changes affect them.

The opposition has also received feedback from individual doctors who are not supportive of this legislation and who have raised concerns about what they consider to be unwarranted government interference in the area of health records, increased red tape and increased administrative costs. Of course, we value our GPs highly and we do not take lightly decisions that may have negative impacts on them. We are very aware of the burden of red tape and bureaucracy that is imposed on our GPs in this jurisdiction and, indeed, in other jurisdictions. I am confident, though, that the measures contained in the bill do strike a balance between the needs and expectations of consumers and the responsibilities of record keepers.

One issue that has been raised which will certainly need to be raised in the not-too-distant future is the issue of electronic health records and the challenges that they pose in terms of safe and secure management and appropriate dissemination. Complexities also arise when dealing with the possibilities of various-point-in-time versions of an e-health record. This is, perhaps, an area of policy that may be best determined at the national level, and we await further action from the government on this issue.

I would finally like to add that consultation on this bill with stakeholders could have been done better by the government. Despite the minister's strong remarks to the

contrary in her presentation speech, the feedback that I have received is that there were concerns with the way that the consultation was conducted. Having said that, again, we do support this legislation both in substance and in intent and we will be supporting the bill today. I congratulate and commend those members of ACT Health who have worked tirelessly on this and other elements of legislation lately. They have certainly been busy. I also commend Ms Gallagher, the minister; I congratulate her on bringing this forward, and I look forward to other initiatives that are contained in the task force report that can improve our access to GPs here in the ACT.

MS BRESNAN (Brindabella) (10.19): The ACT Greens will be supporting the Health Legislation Amendment Bill 2009 (No 2). We, too, are concerned about the manner in which GP practices have been able to close without giving fair warning to their clients and without making their health records available to them. There have been a number of closures in recent years. For those members of our community that require frequent access to their GP, to find out their GP practice is closing or merging with another one can be quite distressing. The consumer needs to establish quickly where they will be able to go in the future and whether they can make all their health records available to their next GP.

My office has consulted with key health organisations, and they support the moves which are being proposed through this bill. There were some issues raised, one being the fees a consumer would have to pay to access their health records in the lead-up to the GP practice closing. In the past, I believe, this was the only circumstance in which fees could not be imposed, and this is changing under the new legislation. But at least the legislation will now acknowledge that people should not have access to their health records denied if they cannot afford to pay a fee and that the appropriate action is debt recovery rather than effectively withholding medical treatment.

I expect there to be some debate later this year when the determination of fees for access to health records is updated. Already the fees seem quite expensive, especially for those people who are on low incomes. They range from about $35 to $70, so there may be an argument from GP practices in the future that those fees should go up to reflect the increased number of people accessing records. The other side to this is that GP practices should build the cost of this service into their business costs and general fees and that the government should provide concessions to people who are on low incomes. I will be interested in this discussion when it happens later this year.

The ACT Division of General Practice has also highlighted that there are some deficiencies in the legislation, given the increased use of electronic health records and that these can be duplicated with several versions developing over time. Hopefully, national e-health developments in coming years will mitigate this problem.

The Health Care Consumers Association and the Division of General Practice have also commented that it is important that ACT Health make consumers and GPs well aware of their rights and responsibilities. Fact sheets need to be made available and be well advertised so that people know about the new rules. Overall, this bill is a good one and is well supported in the community. The Greens are pleased to see these changes being made.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (10.22): Thank you very much to Mr Hanson and Ms Bresnan for their contributions to this debate. The Health Legislation Amendment Bill 2009 (No 2), as others have said, adopts the majority of legislative amendments recommended by the ACT GP task force in its final report.

Some of the areas identified by the GP task force needing particular attention included establishing appropriate requirements for practice closures and relocations, including strengthening notification requirements and clarifying time frames. So the bill we are debating today amends the Health Records (Privacy and Access) Act to do the following things: it requires 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; and it clarifies the time frames around when a requested copy of a record must be provided by a record keeper. It also introduces a requirement that practices notify ACT Health of practice closures, mergers or relocation, and it requires that, when ACT Health is notified of a closure, merger or relocation, the ACT Health Services Commissioner be promptly informed of the notification.

It was indicated by the Health Services Commissioner and the GP task force that confusion generally exists in the community regarding the law on whether or not a consumer can request an original of a health record. This issue is complicated by an incorrect public perception that health records do or should belong to the consumer to whom the health record relates. It has been settled law since 1996 following the High Court decision Breen v Williams that medical records, with the exception of X-rays, blood pathology reports and other similar reports, are the property of the health professional who created that record. The High Court in Breen also decided that consumers have no right of access to private medical records which contain medical information about them.

Back in 1997 the Carnell government engaged in extensive public consultation on this issue and enacted the Health Records (Privacy and Access) Act 1997 to recognise the consumer's right of access to their health record, notwithstanding the High Court's decision on the ownership of that record. The ACT's Health Records (Privacy and Access) Act was the first of its kind in Australia and remains only one of three jurisdictions in this country to have legislation that formally recognises a right of access to those records.

Although there are various interests to consider in our debate on the issue today, the health interests of a consumer should remain the paramount consideration. This view is consistent with why health records are created in the first place. While issues of privacy and self-determination of a consumer are important, if there is reason to believe that a consumer's health interests may be compromised by observing an unqualified right of access, careful consideration should be given to whether the rights should be left unqualified. For example, when access may be detrimental to the physical or psychological health of a person, the Health Records (Privacy and Access) Act allows a health professional to refuse access.

In our debate, there has not been compelling reason presented to me that would justify leaving a right of access unqualified to the extent that a consumer can request possession of an original of their health record. On the contrary, I have been presented with strong arguments that enabling consumers a right to request originals of health records runs a public health risk that could compromise the provision of health care. There is too much risk associated with records going missing once they leave the possession of health record keepers, such as health professionals. With the joint requirement that health service practices and record keepers notify their movements to ACT Health and ACT Health then being required to pass that on to the notification of 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.

Consequently, this bill seeks to clarify that consumers cannot request that an original be provided to them. While the bill does not enable a consumer to request possession of an original of their health record, they are still able to view their original health record and request a copy or a summary of the health record. I believe the approach adopted in this bill strikes a good balance between meeting the interests of the health record keeper, consumers and an overarching public interest.

The GP task force 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 assist in the maintenance of an up-to-date directory of general practices that could potentially save lives in the case of disasters or emergencies.

The GP task force and the Health Services Commissioner made it quite clear that there was a need to ensure appropriate prioritisation of urgent requests for health records, and this specifically was an issue that came up in particular with one closure last year. It is not just good policy but common sense that, when a person who is threatened with a disability, severe pain, suffering or even death if medical care is not provided urgently seeks a copy of their health record, a request made under such circumstances be treated as a priority. Although this presently occurs in practice, we have taken the extra step of ensuring that this position is reflected in our legislation.

This bill will ensure that when 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. 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 the bill, which reflect many of the health records recommendations made by the GP task force, 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 the primary healthcare industry. I have also given commitments to communicate broadly with health professionals regarding the changes no later than one month following the passage of this bill. There is more work to be done, but I

thank members for their contributions to the debate and for their support for this important legislation this morning.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Workers Compensation (Default Insurance Fund) Amendment Bill 2010

Debate resumed from 25 February 2010, on motion by **Ms Gallagher**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (10.30): This bill, which the opposition will support, is another in a series of bills to streamline the workers compensation system in the ACT, including the default insurance fund. The Assembly passed another bill to refine the default insurance fund in October last year.

In essence, this bill seeks to do two things. Firstly, it will reduce the size of the Default Insurance Fund Advisory Committee from six to three external members appointed by the minister, while retaining the fund manager and the Chief Executive of the Chief Minister's Department on the advisory committee. Currently, the six ministerial appointees are spread equally to draw on their experience and expertise as employers, employees and insurers. The amendment will reduce these six appointees to three, with each appointee having experience as an employer, an employee and an insurer, respectively.

I understand that the terms of the current ministerial appointees will expire on 30 June 2010. I further understand that the recruitment process for the three new ministerial appointees will commence as soon as this bill passes, with a view to having the new committee in place by 1 July 2010. I commend the government for its intention of having the new provisions in place on time and I will be watching to ensure that that happens.

Given that the work of the committee is not particularly onerous or complex, reducing the size of the committee would seem sensible. In addition, the committee's principal role is not one of governance but of giving advice when requested, which, on past record, is relatively infrequently.

Notwithstanding the reduction in the size of the committee, it will have little impact on budgetary considerations, since ministerial appointees to the committee do not receive any remuneration.

The bill also serves to clarify the committee's role. Currently, the act requires the committee to "monitor" the operations of the default insurance fund and provide

advice to the minister or the fund manager if asked. This bill will require the committee to "keep informed of the operations of the DI fund" for the express purposes of providing advice to the minister or the fund manager, if requested.

The act requires the committee to exercise a number of other functions, and this amendment does not remove those obligations. This change to the committee's role seems somewhat cosmetic, although it does seem to focus the committee's attention more towards providing advice to the minister or fund manager, and this is not a bad thing.

The bill also carries a number of other minor and consequential amendments. The DI fund actuary is removed from the committee because that position no longer exists. The chief executive will take that position on the committee and will be the chair. The fund manager will no longer be able to ask the chair to call a meeting of the committee. That prerogative will remain with the chair or be at the request of the minister or at least two committee members. Another amendment will reset the quorum to be the chief executive or fund manager, plus two ministerial appointees.

Mr Speaker, these amendments seem sound and we are happy to support them.

MS BRESNAN (Brindabella) (10.33): The Greens will be supporting this bill today. The default insurance fund plays an important role as a safety net for Canberran workers, to ensure that they are never left out of pocket by circumstances outside their control. Workers deserve protection and compensation for any injury that occurs at work. If an insurance company collapses, a business winds up before an injury becomes apparent or an employer is irresponsible and does not provide insurance, the government can and should step in. It is a great reflection of Australian society that we recognise this duty. All too many countries and companies around the world continue to fail to adequately protect or compensate their employees, and we should be proud of the responsibility we as a nation have taken for our workforce.

It is also commendable that the default insurance fund and its predecessors are required so infrequently. Whilst high-profile cases like the collapse of HIH garner a lot of media attention, it should be noted that most employers and insurers have largely done a good job in compensating employees injured on the job.

Whilst prevention measures through occupational health and safety can and should be constantly improved, businesses and government, through compulsory insurance and the default insurance fund, continue to play a vital role in those regrettable cases where someone is injured at work.

The Greens have supported the changes to the administration of the fund, and we recognise the benefits that this bill brings to the default insurance fund. This bill streamlines the advisory committee, whilst retaining the roles and input from all relevant stakeholders, and clarifies the role of the actuary. These steps contribute to having an effective and streamlined process for advising the administrator of the fund. We look forward to continuing the process of improving this small but critical fund and the role it plays.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (10.35), in reply: I thank members for their contributions today. Last year I addressed the Assembly on the need for improvements to the efficiency and effectiveness of the ACT's workers compensation scheme. The object of workers compensation is to make available a fair and just system that provides care and support for injured workers and an efficient, cost-effective and equitable system for employers. This amendment bill provides further administrative improvement to the functioning of the ACT scheme.

When the Default Insurance Fund Advisory Committee was established in 2005, it was the government's intention that it provide the Minister for Industrial Relations and the fund manager with a mechanism by which to draw on the contribution of experience, knowledge and expertise of stakeholders. Six years on it has become clear that refinement to the functioning and membership structure of the advisory committee is required. This bill proposes minor amendments to the function of the advisory committee which clarify the scope of its role in the overall private sector workers compensation scheme. Put simply, the amendments make it clear that the primary function of the advisory committee is to keep abreast of the operations and conduct of the fund in order to provide, as requested, advice on the same to the Minister for Industrial Relations or the fund manager.

The bill also proposes amendments to ensure balanced stakeholder interests and to preserve equality in the representation of the experience, knowledge and expertise by streamlining the membership of the advisory committee. A more efficient and effective structure will be consistent with the role and functions of the advisory committee under the act.

I thank members for their support. This is a piece of continuing work and there will be further legislative reform in this area of workers compensation as we continue to refine and make sure that we have a very efficient and effective ACT workers compensation scheme here in the ACT.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Justice and Community Safety Legislation Amendment Bill 2010

Debate resumed from 11 February 2010, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (10.38): The Canberra Liberals will be supporting this bill, with one amendment, which I will address later. This is one of many omnibus

bills that have gone before that amend laws administered by the Department of Justice and Community Safety. In this case 10 acts are to be amended. I would comment that a number of the amendments in this bill are substantive in nature. These I will highlight later in my remarks. The others are relatively minor and non-contentious.

On the subject of the substantive amendments, I draw to the attention of the Assembly that once again the Attorney-General has bundled substantive changes into omnibus legislation. Omnibus legislation is meant for amendments of a minor, technical or non-contentious nature. That is the generally accepted practice. They are not meant to be for substantive amendments, and that is not the generally accepted practice. It is about time that the Attorney-General honoured the generally accepted practice.

While the Liberals support all the elements of the bill on this occasion, I still object to the approach that the attorney now consistently adopts. I will say again that substantive changes should be presented in stand-alone bills and not lumped into omnibus legislation. Mr Corbell seems to be a slow learner of the first order.

The first amendment this bill introduces is to the ACT Civil and Administrative Tribunal Act 2008. This is one of the substantive changes. It disapplies provisions relating to correction requests and appeals within the ACAT for decisions under land, planning and environment laws. They will now be appealable to the Supreme Court, but only on questions of law. This restores the provisions that were in place in the days of the Administrative Appeals Tribunal, which the ACAT replaced. It fills an unintended hole.

I will highlight just two other amendments to the ACAT Act, which again refer to matters brought under the land, planning and environment laws. They clarify, firstly, who can be added as a party, such that only a person who could have been a party under an authorising law can be joined to an action, and, secondly, that the ACAT may order costs for frivolous or vexatious claims.

On this last point, I must confess to feelings of both delight and astonishment, equally mixed. For some years now I have been advocating that proponents of claims that are of a frivolous or vexatious nature should be made to pay in the AAT and in the ACAT. Such claims do little other than delay the inevitable. They waste the time of the court and the defending counsel and add to the costs of planning and development proposals in the private sector, generally driving up costs.

Madam Assistant Speaker, you can understand my delight when I saw this amendment come through. My astonishment arises because the Attorney-General, Mr Corbell, until now has been the biggest opponent of this change. Twice before in this place I have proposed the very approach that is now being taken by the Attorney-General, and twice before he has opposed those approaches. I am delighted that the scales have fallen from Mr Corbell's eyes. I am delighted that he now sees with some clarity the error of his ways and the wisdom of the path now created after all those years.

In relation to the question of the excluding of holding costs from the costs that the ACAT can consider in handing down a cost order, I took advice from one of the

stakeholders who provided feedback to me on this aspect of the bill. The ACT Property Council puts it very succinctly, and I can do no better than quote its comments. It says that the council's view is that the effect of this carve-out of holding costs may mean that the respondent that is faced with a vexatious or frivolous claim ultimately ends up being substantially out of pocket, in addition to being faced with the delays.

This says it all, because it raises the obvious question: why should a respondent in a vexatious or frivolous claim that serves only to waste everyone's time and money be expected to carry the costs of employing idle staff, hiring equipment and paying interest on loans while such a matter is dealt with? There is no reason at all. To acknowledge that, I will be introducing an amendment to the bill which will enable the ACAT to consider reasonable holding costs, including reasonable legal costs, when giving cost orders for vexatious or frivolous claims.

The next act dealt with in this bill is an amendment to the Emergencies Act 2004. The amendment extends the ability of the commissioner to appoint a volunteer to a service. It will enable, and provide the necessary protection for, a volunteer to assist in other functions, such as interactive mapping in emergency management. I did have a concern that this might be contrary to the principle that volunteers should not displace paid employees. However, I am assured that volunteers typically undertake a range of activities within the Emergency Services Agency. I might add that it is interesting that, only today, on behalf of the Attorney-General, the Chief Minister has introduced the Emergencies Amendment Bill. I do wonder why this amendment has been placed in an omnibus bill, when surely the minister must have known a month ago, when this bill was introduced, that there was another bill in the offing. It goes to my point that it is not reasonable for substantive amendments to be put in bills like this.

The next amendment is to the Fair Trading (Consumer Affairs) Act 1973, which is amended to include the Eggs (Labelling and Sale) Act 2001 in the definition of "fair trading legislation". This will give the Commissioner for Fair Trading prosecutorial and inspectorial powers, including delegating inspectorial powers to ORS inspectors. Thus, for example, inspectors could enter and inspect retail premises to check signage compliance. This amendment fills a gap left by the ACT Greens when they amended the law for the retail display of eggs last year. Typically, the ideology was bereft of practicality, but this has now been fixed by the watchful eye of the staff of the Department of Justice and Community Safety.

The changes to the Magistrates Court Act 1930 and the Supreme Court Act 1933 again go to substantive policy amendments. They allow the exchange of judicial officers between state and territory courts. It should be noted that this already occurs for ACT Court of Appeal judicial officers, so these amendments are simply an extension of that arrangement. The Supreme Court Act 1933 is amended to remove any doubt as to its jurisdiction following a recent case in which the matter of jurisdiction was argued.

Amendments to the Prohibited Weapons Act 1996 extend the exemptions that apply for foreign police who undertake AFP-led training in the ACT. Now, as well as being able to use prohibited weapons, they will be able to use "prohibited articles" such as clothing modification to conceal weapons.

The administration and enforcement of ACT trade measurement are to be transferred to the commonwealth from 1 July 2010. So the Road Transport (Mass, Dimensions and Loading) Act 2009 and the Trade Measurement Act 1991 are amended to effect the necessary repeal, amendment and transition provisions. I note that at least the Road Transport (Mass, Dimensions and Loading) Act was recently before us, and it seems to me surprising that these transitional matters were not dealt with then.

Similarly, the responsibility for the regulation of trustee companies is being transferred to the commonwealth. So the amendments to the Trustee Companies Act 1947 will enable ASIC to make a compulsory determination in relation to the transfer of estate assets from a trustee company whose licence has been cancelled.

Finally, another substantive policy change is introduced in the amendments to the Wills Act 1968. In line with national provisions agreed at SCAG, the Supreme Court will be able to order a will to be made, altered or revoked for persons who do not have testamentary capacity.

Subject to my continuing frustration over the Attorney-General's inability to understand the generally accepted purpose of omnibus legislation, and noting my intention in relation to the amendment to the bill dealing with the substantive amendments to the ACAT Act, the amendments carried in this bill are sensible and will be supported.

MR RATTENBURY (Molonglo) (10.47): This is a bill that amends nine pieces of legislation and as a result covers a wide variety of topics relevant to the Department of Justice and Community Safety. As with previous JACS bills, the amendments are stated by the government to be minor and technical.

As Mrs Dunne has already touched on, as was also the case with a number of previous JACS bills, some of the amendments are neither minor nor technical. In this JACS bill it is the amendments made to the ACAT Act that are of concern to the Greens. The amendments make changes based on significant policy reasoning that the Greens believe has not had sufficient explanation by the government or had sufficient scrutiny. As such, the ACAT amendments warrant a separate bill in their own right.

Because part 1.1 of the bill makes changes to the ACAT Act that raise important policy questions, the Greens will move an amendment, which I will move later, to omit that part. The amendments proposed by the government are far more appropriately raised through a bill in their own right.

These questions of policy were highlighted in the scrutiny of bills report which outlined significant issues against almost all of the 14 ACAT amendment clauses contained in the bill. The government response to those issues does not adequately address all issues raised and in part raises more questions than it answers.

My office took the additional step of seeking a written briefing from the government on some of the questions we had. I thank the government for preparing those responses. However, what those answers bring out clearly are two things. Firstly,

there is significant policy reasoning behind these amendments. At the heart of the amendments the government is making a policy differentiation between planning decisions and all other reviewable decisions heard by ACAT.

Currently, all matters get two review hearings at ACAT. The amendments will reduce planning decisions to one review. All other remaining decisions will get their two review opportunities. After planning matters have had their one review, the appeal will lie to the Supreme Court and then on a matter of law.

The policy question left unanswered by the government is why their stated need for greater certainty should not be applied to other reviewable decisions. There is clearly some policy rationale or assumption in the government's thinking. It is not absolutely clear, however, what that rationale is. Had the amendments been brought forward on their own, the government would have been required to disclose their detailed policy thinking. From that point proper consultation could have been achieved.

One argument used by the government has been that the amendments will return the review process to the status quo prior to February 2009 when ACAT commenced. The unanswered question is why all the other reviewable decisions do not deserve to be returned to the status quo as well.

A second and closely related concern for the Greens is that, because these ACAT amendments have not been fully explained or justified, they are in part underdeveloped. In attempting to give greater certainty to builders and developers, the Greens are concerned that the government has proposed untested provisions. In some of the instances, these untested provisions actually have the potential to increase uncertainty and time delays for all involved in ACAT, including developers.

For the record, I will give just one specific example of where the Greens have concerns. The example is the amendment to remove the ability to ask for clarification of an ACAT order. Currently, a party to a review can ask for ACAT to amend an order to clarify it. Such amendments do not alter the effect of the order; rather, they fix minor errors or inconsistencies that exist in it. The stated reason for the removal of that right for planning matters is to enable ACAT to meet its 120-day turnaround time frame and to add certainty for all involved.

However, the Greens have followed through on the detail and are unsure of how an order will be clarified in the future if that is legitimately necessary. The question is this: will the party requiring the clarification be required to apply to the Supreme Court? If this were the case, this would run completely against the stated objective of reducing costs and time. My office asked for the advice of the government and put the following question in writing:

> If an order would need correction, how would this be achieved after the amendment? And would that new process add extra time to the matter?

The government advice, given in writing, and I quote it in full, was:

> The Government is concerned about the possible misuse of these provisions in planning matters to add cost and delay to the completion of ACAT proceedings.

I draw from that answer that there is no set position or knowledge within the government of how clarification orders will be achieved in the future after this amendment goes through. This is concerning, given that the overarching objective in these changes is to increase certainty for builders and developers when, in fact, it seems that the perhaps unintended consequence might be somewhat different.

With regard to the amendment that Mrs Dunne has flagged, the Greens will not be supporting Mrs Dunne's amendment because it represents, I believe, a shift in policy which is inappropriate to be achieved through a JACS bill. The proposed amendment, therefore, adds weight to the Greens' view that these amendments are inappropriate. I acknowledge, of course, that once the process is started I guess it is open to the Liberal Party to engage in that same process. But it simply highlights the concerns that I have and why I will be moving the amendment that I will.

The government proposes to enable ACAT to award costs against frivolous and vexatious matters. Costs are defined by the government to include reasonable legal costs but explicitly exclude what are called "holding costs". Holding costs are the costs a developer pays while waiting for a planning review to be finalised. An example is the cost of workers sitting on a site because they are prevented from working until ACAT hands down the review. As Mrs Dunne has flagged, these costs could potentially run to the millions of dollars.

The Liberals' amendment would reverse this and expressly hand ACAT the power to award costs that include holding costs. So we are left with a situation where, with the stroke of a pen and a quick amendment made with 24 hours notice, the bill would potentially go from allowing ACAT to award legal costs in the thousands of dollars to awarding costs in the millions of dollars. The Greens firmly believe that this is anything but a minor and technical amendment. That is a policy that the Liberals may want to pursue. If they do want to pursue it, we are sure it warrants a bill in its own right and significant consultation. On that basis the Greens will not be supporting the amendments.

With regard to the remaining amendments, the remaining changes to the other eight acts are indeed fully justifiable as minor and technical but nevertheless worthy and necessary changes to the law. Two specific examples of these worthy amendments are those made to the Magistrates Court Act and the Supreme Court Act. These are good amendments and deserve brief mention here in the Assembly.

The amendments put in place a system of two-way judicial exchange between the ACT and other states and territories. Judicial exchange is an important issue for the ACT. Court delays are an ongoing problem for our courts and judicial exchange allows for interstate magistrates and judges to temporarily come to the ACT to hear and decide cases. This is one strategy open to the government to help the courts reduce case backlogs.

The Attorney-General has put in place an ongoing working group to look at how the courts can work more efficiently without appointing new full-time judicial officers. The use of judicial exchange should rank highly in those discussions and the Greens welcome the changes today to help facilitate that.

However, it is important to note that today's amendments will facilitate judicial exchange but they will not guarantee it. The legislation makes clear that the responsibility for putting in place a judicial exchange arrangement rests with the Attorney-General and his interstate counterparts. The likelihood of judicial exchange occurring will be put at risk if the two jurisdictions cannot agree. Because of this, the Greens encourage the Attorney-General to not delay, to immediately start the necessary negotiations with his counterparts, if he has not done so already.

As I have flagged, the Greens will be supporting the bulk of the bill in principle, but I will be moving my amendment later in the debate.

MR HARGREAVES (Brindabella) (10.56): This bill contains a number of provisions amending the jurisdiction of the ACT Civil and Administrative Tribunal, ACAT, with respect to planning reviews. The proposed amendments remove internal appeals from an initial decision of the ACAT in relation to administrative reviews under the Planning and Development Act 2007, the Heritage Act 2004 and the Tree Protection Act 2005. Appeals to the Supreme Court will be confined to questions of law. This restores the process that formerly applied to decisions under these acts when reviewed by the Administrative Appeals Tribunal, the AAT.

It was not the government's intention that the change from AAT to ACAT should have affected the previously clearly defined arrangements for the timely handling of appropriate review rights on planning matters. The provisions removing internal appeals, correction requests and internal rulings on questions of law are accompanied by provisions to clarify the requirements for standing to join applications, and introducing powers for the ACAT to award costs against vexatious litigants. The effect of these changes is to ensure certainty in relation to the process of planning appeals, consistent with section 22P of the ACAT Act, which provides that the ACAT must decide applications under these acts within 120 days after the day the application is made.

Standing to join an application for review and the number of reviews available can be a matter for statute and need not only be regulated by the common law. It is open to government to restrain these rights according to the subject matter and the outcomes sought. In relation to planning appeals, it is the government's policy that, after a merits review in the ACAT, further appeal rights should be restricted to questions of law, to be decided by the Supreme Court. The new regime for planning appeals follows that standard. The proposed system strikes an appropriate balance between appeal rights and certainty for developers.

The reforms to the planning appeals process are supplemented by the introduction of a provision to allow the ACAT to award reasonable costs in the event that an application or applicant is deemed to be frivolous or vexatious under section 32 of the act. Reasonable costs are defined to exclude holding costs such as interest and lender-imposed charges associated with a loan and costs of engaging workers and subcontractors and hiring equipment for a development.

The bill contains a provision to remove any doubt as to the scope of the tribunal to make rules with respect to time frames set under authorising legislation. The provision

confirms that a tribunal rule cannot prescribe a time for doing a thing that is longer than the time prescribed by an authorising law, if the authorising law provides that the thing cannot be done in the longer time. Any procedure under an authorising law for dealing with an application prevails over the procedures set out in the rules for dealing with the application. Members' attention is drawn to section 27. For example, the Planning and Development Act 2007, section 409(3) provides that the period for making an application for review of a decision under that act cannot be extended. That provision prevails over any rule to extend the time for making an application under that act.

The bill also contains provisions clarifying that the ACAT is not required to produce a statement of reasons with respect to interim orders, including orders of a procedural nature. On introduction of the ACAT Act, it was not the government's intention to require tribunal members to produce written statements of reason in relation to interim orders or other orders of an ancillary nature.

Requiring statements of reasons for every interim decision would place an undue burden on the operation of the ACAT and lead to unnecessary delays. Such delays potentially conflict with one of the key objects of the ACAT Act under section 6(c), being to ensure that applications to the tribunal are resolved as quickly as is consistent with achieving justice. There is also potential for litigants to take advantage of any perceived uncertainty in this regard and seek written decisions for all manner of orders to delay a final decision.

The proposed amendment seeks to clarify government policy in this regard, balancing the right of a party to seek reasons to a substantive decision without unduly burdening or delaying the tribunal in carrying out its duties. It remains possible, of course, for the tribunal to produce written reasons for interim and interlocutory decisions if it considers it appropriate to do so.

One of the things that we need to be particularly cautious about in terms of our treatment of appellants, particularly in relation to costs, is that we allow the procedure and the processes to be able to distinguish between a vexatious litigant and somebody who is seeking to have justice before the law who may not have the means to actually pay for an unsuccessful challenge. It is not in the interests of justice to put all appellants in the same position with respect to appellant costs and we should be very careful about doing that in the context of legislation. I do not think anybody would have any difficulty in saying to people that if they are going to be a vexatious litigant—and, heavens, we have had a few of those, I recall; in fact, the Save the Ridge group, in my view, were vexatious litigants—

Mr Rattenbury: Yes, trying to protect our nature parks is vexatious to you, John.

MR HARGREAVES: I hear Mr Rattenbury interjecting, Madam Deputy Speaker. I might remind the honourable Speaker—and I use both of those words in the interim—that in fact they did strive to protect a disused rubbish tip. It is no surprise to me at all that the Greens party would seek to protect a rubbish tip. But there is some sort of conflict here actually when you consider that they do not want us to put anything into the Mugga Lane tip, to preserve it for archaeological purposes. But they were quite happy to protect the same process on O'Connor Ridge.

I think there is a slight contradiction in terms here, but I respect the honourable member's right to litigate a case which has absolutely no substance at all, because we still respect that right.

To return to the bill and to return to the amendments proposed around the costs of appellants, we have got to be careful that a person who is living in a particular part of the town and who believes that a development will reduce their amenity should have the right to appeal to a just court or judiciary body to have that decision reviewed. If that appeal is in fact an honest appeal—if it is not about holding things up, if it is not about trying to thwart an aim; if it is about the expression of honest distress—we have got to be careful that we do not bankrupt people in the process. We have got to be careful that we do not put people through pecuniary hardship in the process, whilst making sure, though, that vexatious litigants are dealt with by the imposition of the financial penalties.

I believe that the current situation allows that. We have got to be particularly careful not to change this legislation any differently from what applied before. If we wish to encourage people to participate in our planning process and not to consider themselves constant victims of it, we have got to make sure that they have full and free access to the law, allowing, however, that some people never get over it; some people in the town will continue to put in appeal after appeal after appeal for issues which are not in their immediate area. They just do it because they can. And we should be able to allow the system to deal with those people.

The government cannot support an amendment which seeks to lump both of these two groups together, which is what we believe these amendments being presented to the Assembly this morning do. We would ask members to consider themselves in the position of an honest appellant, a person who is in distress, a person who has never come up against the system before in their life and probably never, ever will again. All they want to do is to have a decision reviewed and to put their case according to the criteria at law.

Those people deserve our support. They do not deserve to be penalised because they lose. We do not have a population of planning lawyers. We have a population of ordinary people living their lives, and they should have the right in a situation like the ACAT to present a case as best they can. And if that case is not presented because it is not full of tricky legalistic words, if it is not successful, they should not be penalised for that. If, on the other hand, a person is a repeated attendee, they should be; they should be taught a lesson about being a vexatious litigant. So I commend this legislation to the Assembly.

This piece of enabling legislation really is not, in my view, controversial, but we can make it controversial if those amendments go forth and we find that ordinary people are being victimised by a system that they have no way of countering. I have to tell you, Madam Deputy Speaker, that, were I to appear before an ACAT, I would have no idea what I would be doing, and nobody in my street would know what they were doing. Are we saying that they therefore need to go and engage a lawyer, with the additional costs for that? And are we then saying that if they lose they are going to

cop the equivalent of a court cost and legal costs and everything else on top of that? What that will do is stop honest people challenging a decision that they should be allowed to challenge.

That is not to suggest necessarily that it is in the act that nobody gets these costs. It should not be an automatic cost attributed to the appellant. There should be another decision-making body. And, when we consider making an appeal against the planning decision, we need to work out what the consequences of that are. So what we have got to weigh up is whether we have got the money to actually go to the ACAT and put a case versus having the amenity of our particular area destroyed forever and that is the end of it.

We need not penalise these people, and I do not want the community out there to think that this Assembly is going to be passing laws which, in a sense, disenfranchise the honest person in the interests of whacking a walnut with a massive great hammer. It does not work for me; I am sorry. I commend the legislation to the Assembly.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (11.11): I will just close the in-principle stage, and I thank members very much for their contributions to the debate. I acknowledge that both Mrs Dunne and Mr Rattenbury have foreshadowed amendments, and I will be quite pleased to go to those in the detail stage.

But just to summarise this bill, it is the 24th bill in a series of legislation that concerns the justice and community safety portfolio. The bill contains amendments to clarify and simplify the operation of legislation and improve existing law to provide more robust protections for the people of the ACT. Other amendments in the bill respond to initiatives of both the Council of Australian Governments and the Standing Committee of Attorneys-General.

Notably, this bill produces a series of amendments to the ACT Civil and Administrative Tribunal Act to restore the appeal processes that existed in the former Administrative Appeals Tribunal in relation to planning appeals. I will go to this in some further detail in relation to the detail stage and Mr Rattenbury's amendment. But at its heart, it needs to be understood that the series of amendments to the ACAT essentially simply establish a status quo that it was believed would be transferred to the ACAT and is not a new policy position or a new policy setting. It really is an attempt to restore an appeal process or arrangement that applied under the Administrative Appeals Tribunal and which inadvertently was not carried across to the ACAT.

The amendments do, however, respond to industry concern that the introduction of the ACAT changed the process—and they certainly did—in a way that was not intended. The government simply wishes to restore the former appeals process for planning applications to ensure certainty in relation to the planning process while protecting the public's right to object to inappropriate development.

The bill also amends the ACAT Act so that there is only one merits review in relation to planning appeals and removes the additional internal review process within the ACAT in respect of decisions under the Heritage Act, the Planning and Development Act and the Tree Protection Act. Appeals to the Supreme Court will be confined to questions of law, rather than law and fact, from the original decision of the ACAT. This restricts the number of occasions on which a party may canvass the merits of a decision rather than the legal basis on which the decision was made.

These amendments restore the position relating to appeals in relation to land, planning and environment matters that existed in the AAT before the commencement of the ACAT Act. These amendments are intended to ensure certainty in relation to reviews of this kind consistent with section 22P of the ACAT Act, which provides that the tribunal must decide applications under these acts within 120 days after the day the application is made.

Other amendments to the ACAT Act clarify who can be added as a party, the time for lodging applications for review and the tribunal's power to make a costs order. Amendments are introduced that clarify that the tribunal may only join a person who could have been a party to a proceeding under an authorising law. In addition, where the tribunal considers that an application under land, planning and environment legislation is frivolous and vexatious, the tribunal may make an order for reasonable costs other than holding costs. Again, these amendments are to ensure certainty in relation to these reviews.

The ACAT Act is also amended to clarify that the tribunal cannot prescribe a longer time to do a thing where a law giving jurisdiction to the tribunal provides that it may not extend the time for doing that thing. Finally, the ACAT Act is amended to exclude orders of a procedural nature, for example, a decision to adjourn, from the requirement to provide a written statement of reasons. The amendment does not exclude the giving of reasons for substantive matters, such as a refusal on an application to join an action, or prevent the tribunal from giving reasons where it considers it appropriate to do so.

In addition to the ACAT amendments, the bill amends a range of ACAT legislation in response to developments in the national forums of SCAG and COAG to achieve national consistency. Amendments to both the Magistrates Court Act and the Supreme Court Act implement a SCAG initiative to allow for the formal exchange of judicial officers between state and territory courts. The amendments are based on the SCAG model provisions and provide identical judicial exchange arrangements between the states and territories and the ACT magistrates and supreme courts.

Once passed, the bill will provide for arrangements in both courts whereby the Attorneys-General of participating states and territories may enter into arrangements for the temporary transfer of judicial officers between courts, ACT courts and corresponding courts. These arrangements may not exceed six months, and judicial officers participating in the exchange are taken to be officers of the receiving court for all purposes, with particular exceptions relating to remuneration, pensions, superannuation and suspension or removal from office. The judicial officer's home

jurisdiction legislation applies to these issues. The judicial exchange program is intended to foster a beneficial exchange of information, ideas and skills between jurisdictions.

The bill also effects a COAG decision to establish a national system of trade measurement. The National Measurement Act was passed by the commonwealth parliament in December 2008. The transfer to the commonwealth of full responsibility for administration and enforcement of ACT trade measurement will be effective from 1 July 2010. This bill effects that transition by providing for the repeal of the following legislation: the Trade Measurement Act, the Trade Measurement (Administration) Act, the Trade Measurement (Measuring Instruments) Regulation 1991, the Trade Measurement (Miscellaneous) Regulation 1991, the Trade Measurement (Prepacked Articles) Regulation 1991, the Trade Measurement (Weighbridges) Regulation 1991, and the Magistrates Court (Trade Measurement Infringement Notices) Regulation 2002.

This is in addition to the amendments to the Fair Trading (Consumer Affairs) Act which introduce transitional provisions for trade measurement in relation to disciplinary actions, reviews, seized property, unpaid fees, search warrants and disclosure of information to facilitate a smooth handover from the ACT to the commonwealth. Although this will reduce duplication and promote consistency across Australia, its impact is unlikely to be felt directly by the person on the street.

The Road Transport (Mass, Dimensions and Loading) Act is also amended to update references to the new national scheme of trade measurement administration. This bill introduces further amendments to the Trustee Companies Act 1947. These amendments follow the introduction of amendments in the Justice and Community Safety Legislation Amendment Bill 2009 (No 4).

The previous amendments allowed for the gradual repeal of the ACT Trustee Companies Act following the COAG decision to transfer responsibility for the regulation of trustee companies to the commonwealth. This decision was reflected in the introduction of the Corporations Legislation Amendment (Financial Services Modernisation) Bill 2009, which was passed in November 2009 and provided for staggered commencement to begin from 1 January 2010. As a result of that transfer to the commonwealth, the Australian Securities and Investments Commission was given particular powers under the commonwealth Corporations Act 2001.

This bill now amends the ACT Trustee Companies Act to enable ASIC to make a compulsory determination in relation to the transfer of estate assets from a trustee company whose licence has been cancelled under the commonwealth Corporations Act. To make that determination, ASIC must be satisfied that particular requirements contained in the Corporations Act have been enacted in the state or territory in which the companies are situated. This bill introduces amendments to meet these requirements.

The bill also amends the definition of "trustee company" to be consistent with the new commonwealth legislation. In addition, this bill contains a range of amendments to improve the operation of the existing law. I am pleased that this bill introduces

amendments to the Wills Act 1968 to provide statutory wills and provisions in the ACT consistent with succession laws in other Australian jurisdictions. The amendments allow applications to be made to the Supreme Court for an order authorising a will to be made, altered or revoked for a person without testamentary capacity. The Supreme Court is required to take a variety of matters into account when considering applications, including the appropriateness of making an order and the likelihood that the person for whom the will is being made would have made the proposed will if they had testamentary capacity. Provisions of this kind are designed to protect the interests of those who lack the capacity.

The bill contains a minor amendment to the Prohibited Weapons Act 1996. By way of background, last year the attorney introduced an amendment to the act in the Justice and Community Safety Legislation Amendment Bill (No 2). The purpose of that amendment was to allow foreign police officers to possess prohibited weapons for training purposes only. The amendment included in this bill extends that exemption for practical purposes to also include prohibited articles. Prohibited articles include items such as a modified article of clothing, accessory or adornment, a purpose of which is to disguise or conceal a weapon. It is necessary and convenient to extend the exemption to items of this kind to ensure the effective and efficient execution of training activities carried out by the Australian Federal Police.

The bill amends the Emergencies Act 2004 to give the Emergency Services Commissioner the power to appoint emergency services support volunteers. The amendments allow the commissioner to appoint these volunteers to assist the commissioner to perform his or her functions under the act or to assist an emergency service to perform its functions. The power to appoint a person as an emergency services support volunteer does not apply if it would be more appropriate for the chief officer of the service to appoint the person as a volunteer member of the service. Emergency services support volunteers will include those who provide interactive mapping services which assist in tracking disasters and which are invaluable to the ESA in carrying out its functions.

The bill also amends the Supreme Court Act 1993 to introduce a modern Lord Cairns Act provision following common law developments. The amendment clarifies and confirms the Supreme Court's ability to award equitable damages, removing any doubt as to its jurisdiction in this regard.

Finally, the bill amends the Fair Trading (Consumer Affairs) Act 1973 to provide the Commissioner for Fair Trading with inspectorate powers to prosecute or investigate offences under the Eggs (Labelling and Sales) Act 2001. The amendment will enable the commissioner to delegate inspectorate powers to investigators in the Office of Regulatory Services who will investigate possible breaches of the act.

I thank members that participated in the debate for their contributions. I acknowledge the points that have been made by both Mrs Dunne and Mr Rattenbury. I thank them for their support in principle of the legislation and look forward to concluding consideration of the bill during the detail stage.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR RATTENBURY (Molonglo) (11.22): I move amendment No 1 circulated in my name *[see schedule 1 at page 1162]*.

As I flagged in my comments earlier in the discussion, the Greens are moving this amendment because we believe that the proposed amendments to the operation of the tribunal, ACAT, are substantive changes to its operation and we believe that those changes should be brought forward as a substantive bill rather than some attempt to sneak them though as part of a JACS omnibus bill which, as we have discussed already, is, by design, for minor and technical amendments.

I think Mr Hargreaves's extensive speech justifying those amendments and the comments that he made around them highlight the policy substance contained in those changes. And while I am speaking of Mr Hargreaves, I would like to congratulate him on his proud legacy of a slab of bitumen where there used to be a woodland. I am sure his grandchildren will be proud of his efforts.

Mr Stanhope noted that these changes actually restore the status quo. I would beg the question, as I noted in my earlier comments: why is the status quo being restored only for planning decisions and not for other decisions? I think this again highlights that this is a policy change that should have had broader consideration.

We now have a situation where ACAT has been in operation for 12 months or a little over 12 months. Given some of the anecdotal concerns around ACAT, it would be fitting to have a one-year review perhaps of the operation of ACAT. And then if it turns out that changes need to be made, adjustments need to be made—and I think that would not be unreasonable for the operation of a new part of our legal system—then let us do that as a substantive set of changes.

Let us have an opportunity for community input and not just the input of the property development community, as seems to be the case with the amendment that is being put forward today. Let us actually go out there and say, "Okay, we need to sort out a few glitches with the operation of the tribunal." That is not an unreasonable thing to do.

So that is why I have put this amendment forward. There is a debate to be had about these amendments. That should be had on another day. I will comment not on the substance of those but simply on the principle that we should be doing this as a proper discussion about the operation of the tribunal.

MRS DUNNE (Ginninderra) (11.25): The Liberal opposition will not be supporting Mr Rattenbury's amendment. Although I am sympathetic to the notion and the issues that Mr Rattenbury raised in relation to the substantive nature of the amendments—

and it was something that flickered through my mind as to whether or not one should oppose these things, whether or not we should oppose the bill as a whole because of the substantive nature of some of the amendments—the amendments that are proposed in this case, while substantive, do re-establish the status quo.

Without checking the *Hansard*, I do not know whether at the time of the debate I mentioned in this place, but I certainly did discuss with people, the implications of the double-barrelled appeal process in relation to the planning laws and the impact that would have. And I did predict that it would have an undesirable effect. I do not know whether I did predict it in this place.

While I take on board Mr Rattenbury's views about this being a substantive piece of legislation and it should have been in a standalone piece of legislation—and we will get to that issue later in the day if I have leave to move my motion which is on the program for today—I think that the amendments that relate to planning laws are important, necessary and, in many ways, urgent.

At the moment the current structure of ACAT means that there are substantial delays, that ACAT is not capable of complying with the law in relation to solving planning matters within three months. There are substantial delays in ACAT on a number of matters which are costing builders and developers around this town substantial amounts of money, which means that ordinary Canberrans will face substantial increases in the cost of their dwellings as a result.

While I am sympathetic to Mr Rattenbury's proposal, I think that there is a certain level of urgency. It is a result of, I think, poor policy in relation to the development of ACAT. I do agree with Mr Rattenbury that we should question whether or not it is necessary to have the double-barrelled appeal process in relation to all of the other matters in ACAT. I think that that should be a matter of significant public discussion.

I also agree with Mr Rattenbury that after a year's operation of ACAT it may be time for a review, because, anecdotally—and the representations that I receive especially in relation to small claims matters—there have been considerable problems. Some of them have been addressed but there are still outstanding problems. I concur with Mr Rattenbury's sentiments in that regard.

However, because of what my colleagues and I perceive to be the urgency of dealing with these matters in relation to the appeal mechanisms in the planning process, to enable the planning laws to be complied with so that ACAT can deal with these matters in a three-month time frame, I think it is most important that we pass these amendments today.

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) (11.29): I have to say that I agree substantially with all that Mrs Dunne had to say.

Mrs Dunne: Again! Gee, scary!

MR STANHOPE: Substantially. I said, "substantially".

Mrs Dunne: Not wholeheartedly this time.

MR STANHOPE: Substantially. Mrs Dunne has summarised quite fully the ACT government's position and the ACT government's thinking in relation to this particular issue. We have a view about any unintended consequence, and Mrs Dunne rightly suggests that the unintended consequence should have been identified and should not have occurred.

But it is simply a fact that in the creation of the new review tribunal, ACAT, a transfer from the Administrative Appeals Tribunal to a new structure, a consequence occurred in relation to essentially a double-mirrored review process which was not possible in the Administrative Appeals Tribunal. As a result of the way in which the new administrative structure was developed, it created a circumstance in which there is essentially a double review or the potential for it. It has occurred and it was never intended that it should. It was not anticipated that it would. It does and it has. And it has created, I know in relation to one particular development particularly—and it may be that there are others—a very significant issue for that development.

A merits review process was concluded. The initial applicant was not satisfied with the review and sought an internal review. It seems to me it is an anachronism that a piece of legislation provides or imposes a time limit on a tribunal of 120 days—the 120 days was complied with—an internal review was sought and granted and there is no time limit on the internal review. That is a circumstantial situation where the government never intended or expected that the 120-day time limit on the initial review does not apply to the internal review.

That, potentially, doubly thwarts the government's understanding at the time of the legislation was introduced. The government, as Mrs Dunne has explained, is simply trying now to restore or create the situation that it always intended to apply in relation to these appeals.

As for the broader question that Mr Rattenbury raises about why this particular reform or amendment is being restricted to just planning appeals and not more broadly, I have to say that I do not have a depth of understanding around the operation of this. I am standing in today for the Attorney-General and I do not have the depth of understanding or knowledge that Mr Corbell would have brought to this debate today.

I am relying very much on a five-minute briefing received today in relation to this matter. I am not across the detail of it and I cannot answer that question, the question that Mr Rattenbury poses, but it seems to me a reasonable question to ask. All I can say is that I regret I cannot answer the question. I would have to take further advice on that. In any event, it will not be me, it will be Mr Corbell.

But certainly the government would have no objection—I would have certainly no hesitation in saying we have no objection—to more fully exploring that. But I regret that I cannot. I simply do not have an understanding today that can assist members in relation to that particular issue.

But this really is simply an attempt by the government to tidy up what I am advised was an unintended consequence of a change of jurisdiction. And it is a serious issue. It is a serious issue for developers and I accept that it is. I understand it is and, as I say, I received—and I must say it is anecdotal—advice about one development. And the advice that I have received in relation to that was that precisely what the government never intended has occurred in that case. A matter was heard, with a 120-day time limit; the tribunal responded appropriately; then the tribunal agreed to an internal review. The advice I received is that there is no time limit now on the internal review. It may be that the internal review will take a year. And that simply is not an acceptable outcome for that particular developer.

As I say, that was a case that was provided to me anecdotally and that is my understanding of the implications of this particular process. And I do not believe that that is an appropriate regime. It provides no certainty and it was never the government's intention that there be a double merits review process within the tribunal. If an unsuccessful or dissatisfied applicant remains dissatisfied after a merits review through ACAT, then the government's position is that the issue could be appealed on matters of law. We believe that to be the appropriate structure. So the government will not be supporting this particular amendment.

MR RATTENBURY (Molonglo) (11.35): You are looking a bit quizzical. I am entitled to speak twice in the detail stage of the bill. I do not intend to speak for long, I assure you, but I am entitled to do it.

I just wanted to comment on Mr Stanhope's contribution, which I listened to carefully, and I think he made the point exactly for why I am moving this amendment. He talked about the time limit and there being no time limit for internal review. I think that is an issue of merit and I think that is a debate that is there to be had. It opens up the question perhaps: why did the government not issue an amendment to put a time limit on the internal review process? There are a range of possible responses to that seemingly evident problem.

I think that underlines the point that we are making, which is that these are not minor or technical amendments. These are substantial policy amendments that warrant a debate, warrant a fuller consideration and warrant, perhaps, some more detailed policy analysis on the part of both the department and the stakeholders.

On that basis, I would implore the Liberal Party to stick to some sort of principle. Mrs Dunne just stood up and said that she considered, looking at this, opposing the whole bill in principle because of the insertion of these provisions. But she decided to let it go anyway. The Liberal Party spent the entire week in this chamber lecturing about accountability. They have hectored, they have lectured, they have ranted about accountability. Yet when a real and concrete opportunity arises to force the government to stick to convention, to stick to the rules of this place, the Libs have squibbed it.

It is fine to stand up here and put motions and fire political pot-shots at the government all day—and that is part of accountability—but this is a real opportunity

on a real piece of legislation, a real vote, to hold the government to account, and the Liberal Party have squibbed it. I think it shows some true colours in this chamber this week and highlights the shocking hypocrisy of those across the chamber.

Question put:

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

The Assembly voted—

Ayes 3	Noes 9	
Ms Bresnan	Ms Burch	Ms Porter
Ms Le Couteur	Mr Doszpot	Mr Seselja
Mr Rattenbury	Mrs Dunne	Mr Smyth
	Ms Gallagher	Mr Stanhope
	Mr Hargreaves	

Question so resolved in the negative.

Amendment negatived.

MRS DUNNE (Ginninderra) (11.41), by leave: I move amendment No 1 circulated in my name *[see schedule 2 at page 1162]*.

This is a simple amendment that enables the ACAT to include reasonable holding costs as well as reasonable legal costs in considering a cost order for frivolous or vexatious claims in planning matters. The JACS bill currently specifically excludes holding costs as allowable costs for the ACAT to consider.

Albeit not providing a definition for holding costs, nonetheless the JACS bill gives examples of the kinds of costs that could be regarded as holding costs. These include such things as interest and charges on loans, employee costs and equipment hire, and notes that the examples are not exhaustive. In the opinion of the Canberra Liberals and as outlined in my speech during the in-principle debate, it is unreasonable to expect the respondent in a frivolous or vexatious matter to be carrying holding costs while the matter is pursued through the ACAT.

The position that we have taken is supported by the comments of the Property Council which I quoted in my earlier speech. The Property Council said:

> The effect of this carve-out—

that is, the exclusion of holding costs from the menu of costs that the ACAT can consider—

> may mean that respondents faced with a vexatious/frivolous claim ultimately end up out of pocket (in addition to being faced with the resulting delay).

All of this adds to costs for building. It also should be noted that holding costs for the most part would be greater than the other sorts of costs that are allowable. Frivolous and

vexatious matters generally do nothing more than waste the time and the money of all parties in the matter, not to mention the time of the ACAT. They usually are brought on specifically to achieve that purpose.

So if this legislation can further discourage such claims by exposing applicants to the potential of considerable cost, this is the opportunity to do it and my amendment achieves that purpose. I commend the amendment to the Assembly. I congratulate the government on finally coming on board in the matter of vexatious and frivolous claims and the costs associated with this but I encourage them to come further and to make sure that when costs are being taken into consideration all costs are open for consideration.

This, of course, does not mean that all costs must be taken into consideration but the Canberra Liberals believe that it is reasonable that the possibility of those costs should be taken into account. Mr Stanhope reported anecdotally on a matter that has been held up in the ACAT for a considerable time. On some occasions, the costs associated with being held up in the ACAT are substantial.

I know of one case at the moment that is costing a developer something in the order of $4,000 a week in holding costs. If that was eventually considered to be a frivolous or vexatious claim, that $4,000 a week that it is costing him week after week after week could not be recouped. These claims have potential to drive people out of business, to send them into bankruptcy.

I can recall a number of occasions when building companies in this town have come close to being ruined by appeals in the AAT. If people legitimately want to take on appeals in the AAT, they must do so for legitimate reasons. If they are just doing it to be spoilers they need to know that they face substantial costs, because their frivolous claim that might cost them $200 to put in can put substantial companies out of business, ruin people for a very long time and put people out of work for a long time. Those things need to be weighed up but I think the community good is better served by the prospect of a large menu of costs rather than a small menu of costs.

MR RATTENBURY (Molonglo) (11.46): As I flagged in my earlier comments, the Greens will not be supporting this amendment. Again, as I think Mrs Dunne's speech has just highlighted, this is quite a substantial policy question. There is some irony in the fact that shortly after we discuss this matter, Mrs Dunne will move a motion arguing that these provisions should not have been in this bill.

The Liberal Party has passed up the opportunity to defer these provisions but then decided to get in and get dirty and do it anyway. The irony is certainly not lost on the Greens and probably not on a whole lot of other people. The other interesting part of this, and again this underlines it, is that holding costs is not a term used in any other jurisdiction in any kind of formal way.

It probably requires some sort of definition, which has not been done in this legislation. I gather it has had some consideration by the Federal Court with regard to tax matters; so it is a term that is around. But it is reminiscent of our discussion earlier this week in which we tried to pin some substantive meaning on the term "dodgy"

when clearly there is not a substantive or concrete definition of the term "dodgy". Yes, the Liberal Party are happy to sort of play with this in the context of a debate where it should not be happening. On that basis, I cannot support the Liberal Party's proposed amendment.

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) (11.48): The government will not support Mrs Dunne's amendment. I understand the motivation. I must say that when I saw it, there was just a part of me that certainly—

Mrs Dunne: Oh, come on, Jon. One of these days you are going to agree with one of my amendments.

Mr Rattenbury: Did you take a cold shower afterwards?

MR STANHOPE: Just a part of me immediately identified that circumstances would from time to time I believe potentially justify these sorts of costs. I think they do it. I think there are circumstances I am aware of, once again, anecdotally. Often it is in relation to developer-against-developer appeals.

It is the sort of appeal where one feels there is almost some justification for a more expansive range of potential costs to be awarded against an appellant who is perhaps declared vexatious or not declared vexatious pursuing an issue for essentially commercial reasons or purposes. Anybody who speaks with the development industry or developers separately is aware that some of the appeals that I think the industry would regard as most certainly vexatious are appeals that are pursued by their colleagues. It is at that level that one really does question whether or not the sort of amendment and the sort of costs awards that Mrs Dunne anticipates might be reasonable.

The government's concern with it, however, is the potential for that full range of costs, including holding costs, in addition to non-litigation costs, being imposed against an unsuccessful appellant. It might be seen, and could reasonably be seen, as of such a quantity or potential that it would essentially inhibit unreasonably anybody from ever appealing for fear of—

Mrs Dunne: The key word is "vexatious".

MR STANHOPE: The trouble with "Well, it will only apply to vexatious" is that there are elements of judgement. In all of these things there is an element of judgement.

Mr Seselja: Not many people get declared vexatious litigants.

MR STANHOPE: Yes, but you only get declared vexatious actually after the process has commenced. There are issues for judgement in relation to what a reasonable balance is.

At the end of the day, that is the position the government has taken. We look at what we believe is reasonable. We look at what we believe is balanced. We look at what we believe is equitable in relation to the potential for costs and costs awards. The government has come to a conclusion that it is reasonable to expand the range to include reasonable legal costs. We believe that it is going too far then to impose additionally the potential holding costs being applied. It is for that reason the government will not support the amendment.

In saying we will not support it, I understand fully the basis of the argument which Mrs Dunne makes on behalf of the opposition. It is just that on a question of balance we believe it goes too far. That does not mean I do not understand the legitimacy of the argument or the position that is being put, but the government will not support it.

Question put:

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

The Assembly voted—

Ayes 4	Noes 8	
Mr Doszpot	Ms Bresnan	Ms Le Couteur
Mrs Dunne	Ms Burch	Ms Porter
Mr Seselja	Ms Gallagher	Mr Rattenbury
Mr Smyth	Mr Hargreaves	Mr Stanhope

Question so resolved in the negative.

Amendment negatived.

Bill, as a whole, agreed to.

Bill agreed to.

Leave of absence

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

> That leave of absence be granted to Mr Corbell (Attorney-General) for this sitting on the grounds of family business.

Legislative Assembly—omnibus bills

MRS DUNNE (Ginninderra) (11.56), by leave: I move:

> That this Assembly:
>
> (1) notes:

(a) the past generally accepted practice of using "omnibus" bills to deal with amendments to legislation that are minor, technical and non-contentious in nature; and

(b) the increasing prevalence of the inclusion of substantive amendments to legislation in "omnibus" bills; and

(2) calls on the Government to:

(a) adhere to the generally accepted practice of using "omnibus" bills to deal only with amendments to legislation that are minor, technical and non-contentious in nature; and

(b) bring forward amendments of a more substantive nature in separate bills dealing specifically with those amendments.

Omnibus bills have been used in legislatures around the world for centuries. They are typically used to allow the legislature to pass a range of laws in one document. They should be used to deal with matters that are minor and technical in nature or that are non-contentious to our laws.

That said, it is to be acknowledged that omnibus legislation has been used in the past in quite major laws, the most outstanding of which was the compromise of 1850 in the US that was an intricate package of five bills defusing a four-year confrontation between the slave states of the south and the free states of the north that arose from the expectation of territorial expansion of the United States.

The irony of these five bills passing the US legislature is that they were initially combined into one, but they were so substantial and the general public was so uninformed about them that eventually the matters could not pass because the provisions could not be supported by the majority. Therefore, eventually the bills had to be split, whereby they were able to be passed.

In the ACT, we have seen the Attorney-General testing that risk. The latest example is the JACS Amendment Bill, which the Assembly has just voted into law. At the end of the day, we voted for the bill because we agreed with the various elements. But we did consider voting it down because of the predominance of substantive elements that should have been presented separately.

Let me again identify those major elements. They comprise amendments to the ACAT Act, the Emergencies Act, the Magistrates Court Act, the Supreme Court Act and the Wills Act. In other words, half of the 10 acts that were amended by the JACS bill carried substantive changes.

One question I ask myself is: how is the general public supposed to find out about or be aware of these substantive changes? For example, would a family, grappling with the testamentary problems of a member, who hears that the government intends to change the law to allow the Supreme Court to help, go to the JACS bill to find out how it would work? I very much doubt that it would. It would not go looking under

"J" in the legislation register for "wills". It would be looking under "W" for something that might be called the wills amendment bill.

Another example arises in the amendments to the ACAT Act, which have been extensively canvassed here today. These amendments, whilst in effect returning the law to its effect under the old AAT legislation, were nonetheless significant and created quite a lot of attention when we consulted with stakeholders. In the end, it was accepted in large part, but it should have come forward in a dedicated bill.

Another much starker example occurred last year when the government tried to hide amendments to the Security Industry Act in a JACS legislation amendment bill—an omnibus bill. Those amendments would require prospective employees to talk to unions about their employment rights and obligations. Worse, those amendments would have duplicated what is already required by commonwealth law.

By trying such a trick, the Labor government, supposedly the champion of the working class, actually tried to make it harder and potentially more expensive for people to find work. It tried to do it via the back door. It tried to bury it amongst a whole swag of other amendments that were, as fitting for omnibus legislation, minor and technical in nature. Worse still, the government told no-one about it. The only reason the security industry found out about it was that we, the Liberal opposition, told them.

Previously we have seen Minister Corbell try to cover up his bungled statutory appointments by slipping enabling provisions into a JACS bill. On that occasion the bungle was only found by the diligence of the secretary of the justice and community safety committee and the minister tried to cover his tracks through omnibus legislation.

The Attorney-General, in the opening paragraph of his presentation speech for the bill the Assembly passed today, said:

> The bill I am introducing today will improve the quality of the statute book and make minor and technical amendments to portfolio legislation.

I agree with the purpose of the statement as it might apply generically to omnibus legislation. It is exactly for this purpose that we have omnibus bills. In the case of the JACS bill passed today, however, that has simply not been the case. The government, especially under Minister Corbell, has a track record in this place.

This motion is an alternative to voting down the JACS bill that has just been passed. It is a motion to send a message to this and future governments, including Liberal governments, and to provide them with some guidance on how omnibus legislation should be used. Omnibus legislation should not be used for making substantive changes. It should not be used to sneak through changes the government hopes will not be noticed under a false sense of purpose.

No, Madam Assistant Speaker, omnibus bills should be used for the very purpose the Attorney-General stated in his presentation speech. They should be used for making

minor and technical amendments. Those amendments should be of a non-contentious nature to ensure that the ACT statute books are kept up to date and contemporary. Major policy changes should be dealt with openly and under dedicated bills. I commend this motion to the Assembly.

MR RATTENBURY (Molonglo) (12.02): Statute law is made up by continually changing an array of interconnected pieces of legislation. One small change can require changes to numerous other pieces of legislation.

I noted Mrs Dunne's lazy sideswipe regarding the amendments to the Fair Trading (Consumer Affairs) Act 1973 in the earlier debate about the Greens' amendment to try to produce better protection for battery hens in the ACT and to provide consumers with the information to be able to make informed choices. This was exactly an example where one important policy change that was passed had some flow-on effects for other legislation. That is exactly the sort of thing that omnibus bills are supposed to do.

It also underlines the fact that omnibus bill generally are required. They make minor and consequential changes broadly across the entire statute book without introducing policy change. When policy change is made, it warrants and generally receives a bill in its own right.

Justice and community safety bills are the most common types of omnibus bills that the Assembly sees. There have been 24 such acts in the current series. As Mrs Dunne just noted, the standard presentation speech for all JACS bills—not just the most recent one but all of them—contains the introductory text where the minister says, "The bill I am introducing today will improve the quality of the statute book and make minor or technical amendments to portfolio legislation."

The vast majority of amendments pursued through JACS bills are just that, minor and technical. They give effect to existing government policy which is well established. This is not always the case, as we are unfortunately starting to see. Sometimes amendments represent significant policy shifts. The Greens believe this must be guarded against. Mrs Dunne has, in her comments, highlighted a number of examples. For the sake of brevity I will not touch on them again.

The consequences of these moves to bring through perhaps more substantive policy questions are that important policy changes are not fully explained or justified by the government. There is the potential for significant policy changes to slip through without the appropriate level of scrutiny by the Assembly or by stakeholders, an important part of any debate. There is a greater risk of unintended consequences from that legislative change because of the potential lack of focus or lack of scrutiny that may have been received. What were slated as being minor or technical amendments, therefore, do not receive the attention they should.

Having made those comments, I concur with Mrs Dunne's comments about the role of omnibus legislation. I again express my disappointment at the failure to take up the opportunity to stop the government doing this when we voted on the last bill. In concurring with those comments, I indicate that the Greens will support this motion

today. I welcome the fact that Mrs Dunne did bring it forward, even if she had her tongue perhaps planted in her cheek—I am not quite sure of the internal thought processes there. In doing so, I call on the government to make a commitment to only make policy changes through specific bills directed to that objective rather than using omnibus bills to make such changes.

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) (12.06): I think always with a bill or a motion or a proposal such as this we are confronted really by the reality of difference of opinion in relation to some of the definitions that are used to determine what legislation is pursued in a single legislative sense, in an omnibus bill. And then there are two types of omnibus bills that we pursue in this place, most particularly the SLAB bills, which are purely technical, to correct grammatical issues or drafting mistakes or errors or to update legislation, and provide essentially no change.

So we have a SLAB bill introduced by the Attorney General and we have this series, the JACS bills. In relation to the JACS bills, I do not think anybody would ever suggest that substantive amendments are not made in JACS bills. Substantive amendments are never made in a SLAB bill, which is an omnibus bill. So I think we just need to understand the hierarchy. Individual discrete bills for major new initiatives, major new policy, major new policy settings, would always be pursued through a distinct, separate bill.

We then have bills such as the one we have debated today, a JACS bill. I do not think that anybody is arguing or suggesting that there should not be substantive matters pursued through a JACS bill, though the government's expectation, or the norm, would be that a majority of the substantive issues pursued through a JACS bill would not be necessarily controversial but they may be substantive. I think that is perhaps the heart of this motion.

I think it is important through a motion such as this and the acceptance that it has from a majority of members of the Assembly that we not be seeking to constrain the capacity of government to pursue legislative change, for purposes of administrative efficiency and for purposes of clarity and of cleaning up the statute books, in omnibus bills of the form that we have debated today.

The government does not agree with the essential thesis around the ACAT bill. The amendments that have been pursued and have passed today in relation to ACAT are essentially consistent with the initial policy settings that were brought to the Assembly by the government in relation to the creation and powers of the ACAT. There is no essentially new policy setting. In fact, what was sought to be achieved today on the amendments which proved to be somewhat controversial was a return, or actually a maintenance, of what the government had intended be the position. I think nobody in this place at the time thought otherwise in relation to the positions that were taken in relation to the debate and the eventual passage of that bill.

My response to the concerns or the perspective that has been put by both the Liberal Party and the Greens in relation to this motion is that the government would not have

expected it to be particularly remarkable or controversial that the government would seek to ensure, or to reflect with some clarity and some certainty, the position which we always understood to be the position—and a position which reflected a previous statutory arrangement. We would not have thought that that was particularly controversial and I have to say that at one level it is not even a particularly substantive matter.

But these are matters for judgement and that is always the case. In saying that, I think it is a fairly rough judgement when the government in relation to that particular amendment brought a particular mindset to its inclusion in the JACS bill. The mindset was that this is not particularly controversial; to us it was not. And, to be honest, we did not think it would be to other members of the Assembly. Nor did we think it was particularly substantive.

So, in response to the motion, we acknowledge the generally accepted practice. It is a practice, of course, that is generally accepted and it is a practice which I believe, in the main, all governments have sought to honour and uphold, certainly in my time in this place. I am sure I could point to JACS bills or bills of this particular nature in the time that we were in opposition that would, in appearance and content, be virtually indistinguishable from the bill we have debated today. But these are matters of judgement and perspective at one level—judgements that are determined depending on which bench you are sitting on.

But I believe, as Mrs Dunne has described it, the generally accepted practice has been essentially honoured, I would have thought reasonably faithfully, by any party that has formed government in this place. I have to say that that would have been my experience in opposition and I would maintain it is my experience in government—that this government has no desire not to accept or honour that practice. I do note and I accept that Mrs Dunne in her motion is benignly calling on the government to honour that generally accepted practice. But I guess in honouring that generally accepted practice it is reasonable we have this conversation about what each of the parties in the place understands the generally accepted practice to be. I am saying, in defence of the government, that I do not believe that we have betrayed that generally accepted practice. But we would certainly want to see that it is honoured.

I do not disagree for one minute that it is important that we understand the parameters or the boundaries that are very much part of the accepted notion of omnibus bills. Having said that, I do not disagree with the essential thrust, feeling, desire to ensure that we all understand the way in which these bills will be produced and proceeded with. All I am saying is that I do not believe the government has transgressed, and in that sense the government cannot agree with paragraph 1(b) because we simply do not accept that it represents the way in which we have proceeded with these. So the government, whilst accepting in good will what it is that Mrs Dunne is seeking to highlight, do not accept that we have not, or have ever not, sought to act within the constraints of that practice. So we are happy to support the motion except for paragraph (b).

MRS DUNNE (Ginninderra) (12.14): To close, I thank members for their comments and I thank Mr Rattenbury and the Greens in particular for their full support for this

motion. I do take up the point that was made by the Chief Minister. This is a fairly benign motion; it is calling on the government to do what is essentially an established practice.

I would rather challenge some of the comments made by the Chief Minister. But, without going back and having a very forensic analysis of the 24 JACS bills that have come in the past, my feeling is that there has been a substantial change under the tutelage of Mr Corbell and I think that it is a change that needs to be nipped in the bud.

I can recall occasions when amendments have been ruled out of order to JACS and SLAB bills because they were not of a routine nature. Ms Tucker wanted to move some amendments—it probably was to a SLAB bill rather than to a JACS bill, because I think it had something to do with gaming machines—and they were ruled out of order because they were of a policy nature and not of a routine fix-up nature.

What we debated today in relation to the ACAT bill was a substantial piece of policy. The fact that we had amendments which were by everyone's reckoning—on the government and crossbenches—even more substantial policy shows that we have had a substantial departure here. The experience that I have had in the last little while shows that the community is uninformed about the changes the government wants to make. I draw attention to the amendments to the security industry that came up in November-December last year, which were substantial changes to the operation of the security industry, and no-one in the security industry knew about them because there was no security industry amendment bill for them to say, "Hmm, I wonder what the government has in store for us." The government, of course, did not consult on the matter and there were no markers for a moderately observant member of an industry group to say, "I should be interested in that," because it was hidden in a justice and community safety amendment bill.

Again, the embarrassing bungling over the appointment of the Official Visitor and others was covered up, or attempted to be covered up, in a justice and community safety bill. They are the standout ones, and then we come to today where a substantial number of the acts amended have substantial policy implications.

I take the point that no family with a troublesome will matter would go to the justice and community safety amendment bill to see what the government is doing about helping them fix up their troublesome will matters—and that is a substantive change.

I thank the Greens for their support. I acknowledge the in-part support of the Chief Minister. I hope that this motion will result in better bills being introduced in this place and where it is necessary to have substantive bills for them to arrive so that members of the community can be aware that changes may be taking place that will affect them.

Ordered that the question be divided.

Paragraph 1(a) agreed to.

Paragraph 1(b) agreed to.

Paragraph 2 agreed to.

Sitting suspended from 12.19 to 2 pm.

Ministerial arrangements

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage): Mr Speaker, just to confirm, as I said, the Attorney-General, Mr Corbell, regrets that he is unable to attend question time today. If there are questions that members had proposed to ask of the Attorney-General in any of his portfolio capacities, I will seek to be of assistance. I will do my best, but if I cannot provide answers today, I will take them on notice.

Questions without notice

Small business—payment of invoices

MR SESELJA: My question is to the Treasurer, and it relates to small business confidence in the ACT government. Treasurer, the Greens-Labor agreement, in section 7.3, requires that all ACT government agencies pay invoices for small business within 30 days. Treasurer, in responses to questions on notice which state that up to 20 per cent of invoices are paid late, you indicated that ACT government financial systems do not allow agencies to distinguish which invoices relate to small businesses. Given this lack of detail, do you have any idea if this requirement of the agreement is being met?

Mr Hargreaves: On a point of order, Mr Speaker, I would ask for your ruling on whether or not the agreement between the Greens and the Labor Party falls within the portfolio of any minister.

Mr Seselja: Mr Speaker, as it relates to small business and answers to questions on notice, it absolutely does.

Mr Hargreaves: On the point of order, Mr Speaker, Mr Seselja referred specifically on two occasions in his question to the relationship between the subject and the Greens-Labor agreement. If it is to do with the portfolio, I have no objection, but on that, I think it is a problem.

MR SPEAKER: Thank you, Mr Hargreaves. Mr Seselja, perhaps you could just reframe your question.

Mr Seselja: I am not quite sure which part—

MR SPEAKER: You cannot ask about the Labor-Greens parliamentary agreement but the rest of your question is broadly valid. Perhaps you could just reframe it slightly.

Mr Smyth: The Treasurer is the minister responsible for liaison.

Mr Seselja: This is the implementation of part of her portfolio.

MR SPEAKER: Are you dissenting, Mr Smyth?

Mr Smyth: No, I am just commenting.

MR SPEAKER: Stand on your feet if you want to make a comment. Mr Seselja.

Mr Seselja: So the part that I can't ask about—

Mr Hanson: The Greens-Labor agreement?

MR SPEAKER: Order! Mr Hanson, if you want to backchat the Speaker, you can stand and seek a point of order as well. I am ruling on what is clearly a matter of substance. I have been given a point of order. If you have got comments to make about the Speaker's ruling, have the decency to stand up and make them. Don't backchat from the floor. Mr Seselja.

MR SESELJA: I will reframe, Mr Speaker, according to your ruling. Given this lack of detail, minister, do you have any idea if small businesses are being paid on time?

MS GALLAGHER: I can certainly inform the Assembly of the discussions that we have had around this matter. I cannot answer, for every portfolio where payments to businesses are made, about the exact percentage that are being paid. But the issue that was raised with us, and in terms of negotiating the Greens parliamentary agreement, was around ensuring that payments to small business were made in a timely fashion. That is what the agreement was about, and that is certainly what agencies endeavour to deliver. At times, for various reasons, and there are a number of reasons why, invoices can't be paid or won't be paid within that time frame. But the genuine intention is to pay them, and pay them within 30 days.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Thank you, Mr Speaker. Treasurer, are late payments to small business one of the reasons that small business confidence in the ACT government, as demonstrated by the Sensis business index, is in free fall?

MS GALLAGHER: Late payments to small business have not been raised with me by any small business that I can recall. I note the opposition's excitement to grab onto any piece of research or survey that is negative about the territory and talks down the territory. The one thing that the Liberals, in their questions so far, in their preambles to their questions, have not indicated is that in this survey the ACT is the only jurisdiction to experience improved business confidence during the quarter. All of the economic indicators that we have available to us, which I would argue are perhaps more reliable and more robust than a Sensis survey, would indicate that business conditions in the territory are very good and that the business environment in the territory is very good.

I am not surprised that businesses have some concern around the capacity of the territory government to do more for them. That is in the context of the overall budget situation that we are in. All stakeholders would like government to do more for them—to give more, to have more: to have more mentoring programs in business, to have further business assistance programs, to have lower taxes. All of them would. Any business you ask would answer that. But when you weigh things up, as you have to when you are providing a budget for every member of the community across the territory, there are different priorities for each group, and government's job is to weigh them all up and come out at the end of the day with what is affordable and what we believe is a fair deal for everybody.

MR SPEAKER: A supplementary question, Ms Le Couteur?

MS LE COUTEUR: Thank you. Treasurer, what is the government doing to increase the timeliness of payments to small business and, in fact, to business altogether—all sizes of business?

MS GALLAGHER: The government has been very clear about the need to ensure that payments to business for services provided to the ACT government are paid in a timely fashion, in accordance with the agreement that we negotiated with the Greens.

Certainly, in the negotiations we had relating to that agreement concerns had been raised about the impact it has if the government is not paying its bills. Indeed, the only complaint that I have had that I can recall about payments to small business in the last year has been about a bill that was paid too quickly, not too late.

MR SPEAKER: A supplementary question, Mr Hargreaves?

MR HARGEAVES: Thank you, Mr Speaker.

Mr Seselja: The problem is you're paying them too fast?

Ms Gallagher: Well, that's the only complaint I've had raised with me.

MR SPEAKER: Order! Mr Hargreaves has the floor.

MR HARGEAVES: Thank you very much, Mr Speaker. Is it true, Treasurer, that the security of payments legislation introduced by the Stanhope Labor government and supported by the MBA and the industry actually contributes to the viability of our small business in this town?

Mrs Dunne: On a point of order, Mr Speaker, could I just seek your ruling on relevance? The security of payments legislation is about payments made by subcontractors to other subcontractors in the building industry and, therefore, is not relevant to the original question, which was about the government paying its accounts.

MR SPEAKER: I did not know that detail. Mr Hargreaves?

Mr Hargreaves: On the point of order, Mr Speaker, I appreciate the clarity from Mrs Dunne; she is ever helpful. The issue for me was that the original question went to the payments system within the contractual food chain. I want to know how the security of payments system affects that.

MR SPEAKER: The point of order is upheld; the question is out of order.

Roads—Ainslie and Hackett

MS LE COUTEUR: My question is to the Minister for Transport and it relates to problems of traffic congestion and safety in inner north suburbs such as Hackett and Ainslie. How is the government addressing the traffic problems in this area, particularly caused by motorists from the north "rat-running" through the suburbs to get to Civic?

MR STANHOPE: I thank Ms Le Couteur for the question. I think we are all becoming aware of some increasing pressure through northern parts of Canberra. It is very much an incident of the growth in Gungahlin. At one level it is a situation that has certainly been exacerbated since the start of work on stage 2 of Gungahlin Drive. Since the commencement of work on stage 2 of Gungahlin Drive, particularly at Glenloch Interchange—and I notice this myself as a resident of Belconnen—there have been very significant and marked changes in driver route selection since the commencement of those works. It has impacted on all routes into the city, whether they be down Bindubi, Caswell, Coulter or Belconnen Way.

Out of Belconnen, there has been a marked change in route selection and a number of cars are seeking to get to the city by other than their traditional routes, seeking to avoid, to the extent that they can, some of those traffic works. That is also the case for residents of Gungahlin that previously may have chosen an alternative route to north Canberra. Now they are choosing to seek a way into the city and south through Northbourne Avenue and, indeed, some through other roads through the north.

TAMS monitors road car usage and the numbers of cars on particular roads. There are some engineering solutions to some of the issues—in other words, traffic lights and different configurations in relation to stop and give way signs. TAMS is currently pursuing some of those options. There are major longer term issues for the government and the community in relation to, most particularly, Northbourne Avenue. I touched on these yesterday in relation to the thinking that the government has done as part of the transport in Canberra action plan which is under development, which will be released in the next couple of months. There is obviously a recognition that Northbourne Avenue and the configuration have to be changed. There have to be changes made.

The simple answer to the more recent change in driver behaviour, Ms Le Couteur, is simply the upgrade of Gungahlin Drive, which will be finished, unfortunately, not for a year or so. The government is asking residents to be patient with significant roadworks that are being pursued throughout the whole of the ACT where we have contracts to the tune of $175 million currently let on 14 separate projects. Each of

them is designed to enhance safety, convenience and indeed to assist us in our sustainable transport aspirations. It is simply impossible for governments to provide improvements without causing some discomfort or some delay. I regret that there will be concern about plans announced today that work is about to commence on an overdue upgrade of London Circuit and some pavement upgrades of parts of Northbourne Avenue.

MR SPEAKER: Ms Le Couteur, a supplementary?

MS LE COUTEUR: Minister, have you considered helping to solve the traffic problems by opening a park-and-ride facility at Mitchell? In particular, could this be fast-tracked by using the existing overflow car parking at EPIC?

MR STANHOPE: I thank Ms Le Couteur for the question. Yes, the government, in the context of its planning, has given consideration to a park-and-ride at Mitchell and, indeed, has given consideration to park-and-ride facilities at a number of destinations. It will all be detailed in a plan that I will release in the next couple of months.

But, Ms Le Couteur, let me hasten to add that the government, through budget cabinet, is currently giving consideration to projects or infrastructure that it believes should be prioritised in the upcoming budget. Whilst I answered yes, we have active plans for park-and-ride facilities at Mitchell, I need to say that in the context that their delivery will, of course, be dependent upon the availability of funds. But yes, what you say is sensible. It is very much part of the government's thinking.

MR SMYTH: Supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Chief Minister, I note in this week's edition of the *City News* that there is a full-page ad about your roadworks. How much did the ad cost?

MR STANHOPE: I will take that question on notice, Mr Speaker.

MR SPEAKER: Supplementary question, Ms Bresnan?

MS BRESNAN: Thank you, Mr Speaker. Chief Minister, have you considered that, if the Mitchell park-and-ride is not open before the Morriset Road extension is built, the traffic problems in north Canberra will be exacerbated?

MR STANHOPE: I thank Ms Bresnan for the question. Most certainly, Ms Bresnan, we believe that park-and-ride facilities and an expanded network of park-and-ride is part of the solution for a significant issue in the territory in relation to achieving modal shift, in achieving a shift from motor cars to other forms of transport. So yes, I accept that—

Mr Coe: What have you done with the transport action plan, Jon?

MR STANHOPE: I just said a minute ago, Alistair. Wake up, mate. Stop dozing.

Mr Coe: What have you done? What have you done, Jon?

MR STANHOPE: I said this in answer to a question within the last three minutes. Mr Coe interjects to ask me to answer a question which I just responded to, which I just provided in the last couple of minutes. Ms Bresnan, yes, we accept the role and the place that there is for park-and-ride facilities and we are committed to expanding park-and-ride facilities across the whole of the ACT. We will seek to prioritise our capital funding, including in the upcoming budget, to incorporate additional park-and-ride facilities, but those are decisions that will be made in the context of the capacity of this particular budget to meet all of the territory's needs.

Economy—diversification

MR SMYTH: My question is to the Treasurer. Treasurer, on 6 May 2009, during a debate on the ACT economy, you said:

> Government administration and defence account for around 31 per cent of the ACT economy. It would be unrealistic to think that this proportion would change in any significant way, even with major government intervention.

Treasurer, what initiatives have you taken to increase the size of the private sector in the ACT economy?

MS GALLAGHER: The focus that I have taken in the past year; particularly post the global financial crisis, has been to take advice from industry about what support they are after from government. The main focus was to maintain employment in the territory. So the decisions we took were to continue to invest and, in fact, to allow for record investment in our capital program to put work out into the ACT when others were not investing at a pace that they had been in previous years and to support business that way, to support employment and to support the economy more broadly through the efforts by which we could, as a small but sizable part of the ACT economy, show confidence in them. That is what we have done. I think if you look at all the economic indicators, it will show that that strategy has been successful.

MR SPEAKER: A supplementary question, Mr Smyth?

MR SMYTH: Thank you, Mr Speaker. Treasurer, given the actions you claim to have taken, what has been the increase in the size of the private sector in the ACT economy since your actions started?

MS GALLAGHER: As I said, Mr Speaker, the focus in the past 12 months has been to maintain jobs in the ACT to support the private sector going through an extremely difficult time, a time that they had never seen or experienced before. We provided them with the support they needed. Indeed, I think if you go and talk to industry groups about that, all of them unanimously say that the local initiatives package and the capital program that we rolled out has supported them to maintain employment and maintain work to the point that some of them have asked us to wind back some of that work.

I think that has been the strategy. That is the strategy outlined in the budget and that strategy has been successful to the point that the ACT has the strongest performing economy in the country.

MR SPEAKER: Supplementary, Mr Coe?

MR COE: That is right, Mr Speaker. Treasurer, how do you explain the failure of the economic white paper to lead to any diversification of the ACT economy?

MS GALLAGHER: I am not sure how that relates to Mr Smyth's question—the economic white paper. But, if you look at the steps that this government has taken to support NICTA, for example, to support the ANU, to support research at the hospitals, to build new facilities such as the arboretum—to actually drive, to inspire, to lead with projects—you will see that many of the issues outlined in the white paper have been followed by this government.

I have to say that this has been done—

Opposition members interjecting—

MS GALLAGHER: Oh, so you do not like the arboretum now?

Opposition members interjecting—

MR SPEAKER: Order!

MS GALLAGHER: You are against the arboretum now?

MR SPEAKER: Order, members of the opposition! I have spoken time and time again this week, particularly about the volume of interventions. I do not expect the Treasurer or any other minister to be shouted down. The next person who does it will be warned.

MS GALLAGHER: I cannot even remember where I was up to. It is actually quite difficult, when all of you start shouting at once when I am speaking, to actually continue on the path. But this government has invested more than any other government into ensuring that our private sector is supported. We have a range of business programs which are actually managed under the portfolio responsibility of the Minister for Business and Economic Development. Perhaps if you have further questions about those, you might want to get off your little "Attack Katy" strategy and ask another minister a question in question time.

Let us look at the economic indicators of the ACT. If you go down one by one, it will demonstrate how strong this economy is—and you cannot say that we have not had a role in this. You blame the government when we go into a technical recession. But, when all the economic indicators are positive and leading the country, all of a sudden it has got nothing to do with us; it has got nothing to do with us.

Mr Smyth interjecting—

MS GALLAGHER: Well, you are wrong, Mr Smyth. We set out 12 months ago with a very clear plan about what we wanted to do over the next 12 months—and we have achieved it.

MR SPEAKER: Mr Hargreaves, a supplementary?

MR HARGREAVES: Mr Speaker, this is about economic and business support to the small business sector, I believe. I am just checking with you. I would like to know: is the government going to give any support to the newsagents industry going forward after 2012? I know this is of interest to the paperboy of the year 1990, Mr Brendan Smyth, and I know he will be looking for a job after the 2012 election. I want to know what support he might get.

MR SPEAKER: Thank you, Mr Hargreaves.

Mr Hanson: Mr Speaker, on a point of order more generally, if Mr Hargreaves continually asks supplementaries which are vexatious and are clearly just intended to use up supplementaries that could otherwise be used by the crossbench or the opposition, I would ask that you not go to Mr Hargreaves for supplementaries.

Mr Hargreaves: Fair suck of the sausage, Mr Speaker. They are getting to me. These people are taking so much latitude with your patience. I must say that you have incredible patience and I congratulate you.

MR SPEAKER: The Treasurer, on the question.

MS GALLAGHER: Thank you, Mr Speaker. I do not believe the government has taken any decisions about support for newsagencies post 2012 but I am happy to take any submissions that interested parties, particularly those on the other side of the chamber, might like to put forward if they are seeking any government support.

Mental health facility

MR COE: My question is to the Minister for Health. Minister, when exactly was the decision taken to include the Quamby site for consideration of the mental health unit? What was the process and who was included in the consultation?

MS GALLAGHER: I will check the date on when the decision was taken, but from memory it was in excess of a year ago. We went out with three sites to be considered for the secure mental health facility. There was the former Quamby site at Symonston and then there were two sites out near Mitchell and in Gungahlin.

The government took an agreement in principle that these were the three sites to be considered. We had gone through quite an extensive community consultation process. There were presentations to three community councils. there were three user group workshops, 36 one-to-one meetings and 23 contacts by email requesting feedback. There were three drop-in sessions—one at Narrabundah, one at Canberra Hospital and one in Gungahlin. There were feedback sheets from public drop-in sessions

returned—14 of those. There were government agency briefings. There were 10 website responses to ACT Health. There were 338 hits to the ACT Health webpage on it. There were 126 hits to the questionnaire on the adult secure unit. There were 1,500 newsletters delivered in Narrabundah, 2½ thousand around the Canberra Hospital and 2,300 in Gungahlin.

The decision to have Quamby as the preferred site was taken in the last two weeks, after looking at the feedback we received and the report on the pros and cons of each of the sites.

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Minister, what was the projected cost of the original facility, and what is the projected cost of the new facility?

MS GALLAGHER: Well, you can read in your budget papers that the original cost for the secure adult mental health in-patient unit was in the order of $11.5 million. Choosing Quamby as the preferred site increases the costs by the order of $3 million to demolish the current Quamby site and to prepare the land for building. That was one of the cons of the Quamby site—the additional costs. Those costs would not be incurred on the Mitchell or Gungahlin sites.

Now that we have chosen the preferred site, we will go through the detailed design stage of that building, and there may be some increased costs as well, because it is not co-located with the adult in-patient unit, which it was originally proposed to do when it was originally budgeted. I think I have said that a number of times publicly before. But the detail of the additional cost has not been agreed to and will be worked through in the next little while as the design of the building is finalised.

MR SPEAKER: Yes, Ms Bresnan, a supplementary?

MS BRESNAN: Thank you, Mr Speaker. Minister, what is the proposed time frame for the construction of the facility?

MS GALLAGHER: It is a little difficult, I guess, to give a concrete answer on this because I am not certain how the process is going to go from here. I have actually been quite heartened by the lack of concern about this facility that has been expressed so far. But I expect that there will be some more community consultation that occurs—

Mr Smyth: So how late is it now—five years?

MS GALLAGHER: Oh, Mr Smyth, I think you have had about 25 questions already. There is a process here that members get to their feet and ask questions.

Mr Seselja: Very sensitive.

Mr Smyth: Yes.

Mr Seselja: You are sounding sensitive.

MS GALLAGHER: I am not sensitive. Look, Mr Seselja, it is my 40th birthday today and I am determined not to let you guys—

Mr Hanson: Happy birthday!

Mr Seselja: Should we not ask any questions, then, Katy?

MS GALLAGHER: That would have been my preferred option but that strategy is long gone. I woke up this morning thinking about the day ahead and wondering what sort of birthday I was in for. I made a decision not to allow you to get to me today. It is 25 past two and I have done pretty well so far.

So the expectation is that I would be very happy if this building was under construction within 12 months. I expect it would be a 12-month construction period. But that is based on everything going smoothly from here in relation to the planning and further consultation processes.

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: How late is the facility?

MS GALLAGHER: It is late in the sense that in the original commitments around the adult in-patient unit we desired—you need to put it in the context of these discussions, that what we—

Mr Smyth: You need to put it in the context that you do not deliver capital works.

MS GALLAGHER: There is always context to these.

Mr Hanson: Five years? Six years?

MS GALLAGHER: Governments do not deliberately sit around and do nothing. There are always issues around—

Mr Smyth: We are beginning to doubt that about your government.

MR SPEAKER: Mr Smyth!

Mr Seselja: Sometimes it is sheer incompetence.

MR SPEAKER: Order! Stop the clock, please. Members, the minister is actually answering the question Mr Hanson asked. You might care to listen to her.

Mr Hanson: On a point of order, Mr Speaker, she is not answering the question; she is trying to make excuses. I asked a question about how late it is—

MR SPEAKER: Mr Hanson, sit down. There is no point of order.

MS GALLAGHER: I have already acknowledged that under the original proposal it is late, but that proposal has changed significantly. For example, the building that we sought to build for adult mental health facilities was larger than it is going to be now, and that was based on some very lengthy consultations that I held with consumers, who were very unhappy about the proposed size of the building. We then took a decision to have a smaller adult in-patient unit and co-locate it with a secure facility. There was some unhappiness about that in the mental health community—about co-locating those facilities. At the time I believed it was the best option to have them co-located due to the smallness of their size.

When we got to the detailed design work of the adult in-patient facility, it became clear that both buildings would potentially be compromised on that block because of the need to provide some confidentiality and protection from the rest of the hospital. Then the government took the decision to move the secure unit, which I think has been welcomed by mental health groups, but we had to then go through a process of consultation about where to place that secure unit. We have now finished that consultation process. We have now got the block of land identified. I hope that it continues to go smoothly and that we will be able to start construction of that building within 12 months.

Canberra Hospital—obstetric unit review

MR HANSON: My question is to the Minister for Health and relates to the secret review into allegations of bullying within the obstetric and gynaecology unit of the Canberra Hospital. Minister, what was the selection process to select the reviewer, who selected the reviewer, and has the reviewer undertaken reviews under the Public Interest Disclosure Act 1994 previously; if so, how many?

MS GALLAGHER: I reject and find offensive Mr Hanson's preamble of a "secret review". There is not a secret review.

Mr Seselja: You won't even reveal the name.

MS GALLAGHER: This is the information that is available to everybody—that it is an independent person with experience in handling workplace issues, doing a public interest disclosure process with staff that have requested very strict confidentiality requirements to participate in it. And nobody else is complaining about this apart from Jeremy Hanson. Jeremy Hanson and the opposition are the only people who are continuing to try and interfere with this process. Nobody else is.

In relation to the person that is doing it, it is beyond me why they keep perpetuating this myth that it is a secret review. I cannot think of one review quite like this that has got the kind of attention that this has. The terms of reference are out there; the contact officer is out there; anyone who wants to participate is encouraged to participate and we have—

Mr Smyth: Encouraged?

MS GALLAGHER: Mr Smyth, are you unhappy with something in particular around it? There are fact sheets going out to staff. This is a serious investigation being conducted under serious legislation to protect people to ensure that they will participate. That is what is asked for. That is what has been provided. And now the Liberal opposition have decided to come and cast doubts and shadows over the professional that has agreed to do it. Well, congratulations to you, Mr Hanson; what a wonderful achievement for this week!

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: Minister, has the review been publicly advertised or notified so that members of the public are given an opportunity to participate and, if so, where?

MS GALLAGHER: No, because, Mr Hanson, this is a review into allegations of bullying and harassment in a workplace at the Canberra Hospital. That is what the review is about. In the immediate instance, it is for staff in that area.

Mr Hanson: A lot of them have left, haven't they?

MR SPEAKER: Mr Hanson!

MS GALLAGHER: Mr Speaker, if I could just answer without the constant interruptions. It is for staff in the workplace. Then, before Mr Hanson rudely interjected, I was going to say "and for people who used to work there but who no longer work there". That is where the allegations have centred. It is not a free-for-all for any member of the public to provide a submission. That is not what this is about. This is about—

Mr Smyth: What about former staff?

MS GALLAGHER: Mr Smyth, if you were not listening while I was giving my answer—and I will just remind myself about my 40th birthday wish—for former staff as well who are in the process of being contacted.

Mr Smyth: How will they know?

MR SPEAKER: Mr Smyth, you will get supplementaries in a moment.

MS GALLAGHER: How do they know? That is Mr Smyth's 40th question for today, my 40th birthday. People are being contacted. Anyone who worked there or currently works there or who has shown interest in this or who has contacted ACT Health is being given information about how to participate.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Minister, what was the selection process to select the reviewer; who selected the reviewer; and has the reviewer undertaken reviews under the Public Interest Disclosure Act?

Mr Hargreaves: On a point of order, Mr Speaker, that is almost the exact question that Mr Hanson asked.

Mr Seselja: On the point of order, Mr Speaker, she did not answer it, and it is not the exact question. So the question has not been answered.

MR SPEAKER: Order! There is no point of order.

MS GALLAGHER: The reviewer was selected by ACT Health. The reviewer is a registered psychologist in the ACT and New South Wales, as well as a nationally accredited mediator with 30 years experience in workplace human relations. He has been a member of the ACT government panel of independent reviewers since 2005. He has undertaken numerous investigations and reviews for a number of ACT and commonwealth government agencies, and the outcomes of these processes were in accordance with the terms of reference.

MR SPEAKER: A supplementary, Mr Seselja?

MR SESELJA: Thank you, Mr Speaker. Minister, will written submissions be accepted as part of the review and how are they to be submitted?

MS GALLAGHER: I understand written submissions will be accepted and have been.

Hospitals—Calvary Public Hospital and Clare Holland House

MRS DUNNE: My question is to the Minister for Health. Minister, can you advise the Assembly on the current status of the ACT government's proposal to purchase Calvary hospital and sell Clare Holland House?

MS GALLAGHER: The Chief Minister and I met with the archbishop and Little Company of Mary representative, Tom Brennan, who is the Chair of Little Company of Mary Health Care; Mr Martin Laverty, the chief executive of Catholic Health Australia; Father Brian Lucas, secretary of the archbishops conference; and Sister Jennifer Barrow, the Province Leader of Little Company of Mary, I think early last week, to discuss the future arrangements with Calvary hospital.

We have put a preferred position to the archbishop and discussed with the Little Company of Mary, and, rather than have some squeals of secrecy being thrown at me, the preferred option that the government has put—

Mr Seselja interjecting—

MS GALLAGHER: Mr Seselja, you might actually want to listen to this: the preferred option that the government would like to pursue with Little Company of Mary is that we proceed to purchase the hospital and they continue to operate it.

MR SPEAKER: Mrs Dunne, a supplementary?

MRS DUNNE: Yes, Mr Speaker. Minister, in discussing your preferred option at that meeting, did you offer a price?

MS GALLAGHER: No. Indeed, there was discussion around whether valuation work would need to be done around a suitable compensation for purchasing the building, but I do not imagine it would be very different to the $77 million. We are still purchasing the same building and it has not changed enormously in the last year. We did talk about whether there was a need for further valuations. At this point in time we will not pursue it further until we get agreement from the Catholic Church more broadly that they will be supportive of it because I do not want to waste further time.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Minister, has the hospice, Clare Holland House, been part of the discussions with Cavalry?

MS GALLAGHER: We have talked about Clare Holland House, not in terms of selling Clare Holland House but just in terms of future operating of Clare Holland House. Little Company of Mary have made it very clear that they want to keep operating services at the hospice and would want to see that as part of any arrangement that the government and Little Company of Mary might be able to reach, should the archbishop and the Catholic church more broadly be supportive of the preferred position that we have put to them.

It is certainly there, although the focus has been very much on the hospital. That really is to enable us to develop that hospital as it needs to be developed. Here we are in government wanting to spend $200 million on a hospital. It does, at times, seem a little odd that people would be resisting that, because that is what we need to do. We cannot fund it off our budget, and that is the discussion we have had. We simply cannot—particularly now post the loss of the Commonwealth Grants Commission money—fund the upgrade of Cavalry Hospital if it has to be funded off our bottom line and essentially be a gift to the non-government sector. We just cannot do it. But we need to resolve Cavalry as soon as we can.

Little Company of Mary are supportive in principle, I think, of the discussions so far. But, as we saw under the last negotiations, there are other influences in their decision making, and we need to be clear about what position those individuals are taking.

MR SPEAKER: Supplementary question, Mr Hanson?

MR HANSON: Yes, a supplementary, Mr Speaker. Minister, will you table any analysis that has led to the preparation of this new proposal and table any correspondence arising from the meeting you had with Martin Laverty, the archbishop and Tom Brennan?

MS GALLAGHER: I would be surprised if you do not already have it, but in terms of the letters I do not see any reason why I cannot provide members with letters. At

the meeting we did make an agreement that all participants at the meeting would keep the discussions confidential while everybody had time to go back to their own groups and talk about it.

But the Chief Minister and I also indicated that should I be asked a question in the Assembly that I would answer that question. Those letters did contain the government's preferred option; so I do not see any problem with providing you with that.

In relation to an analysis that has led to that, I think at this point in time those matters are before cabinet and they will be cabinet in confidence. But the letters will provide you with the information you need.

Mr Hanson: Can I have that by close of business?

MS GALLAGHER: It is my birthday. I am busy this afternoon.

Multicultural affairs—strategy

MR HARGREAVES: Mr Speaker, my question, through you, is to the Minister for Multicultural Affairs. On behalf of the multicultural community can I wish the Deputy Chief Minister a very happy birthday today. I know they all join with the opposition in wishing her a happy birthday. Minister, can you tell me what the government is doing to support Canberra's multicultural community?

MS BURCH: I thank Mr Hargreaves for his continued interest in our multicultural community. The ACT multicultural strategy 2010-13 sets out the ACT government's visions and goals in the multicultural affairs portfolio and clearly outlines activities which will support: a whole-of-government framework for the delivery of programs; increased participation of Canberrans from culturally and linguistically diverse 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 culturally diverse 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 multicultural strategy 2010-13 is the product of a comprehensive consultation process which brought together voices from all parts of our city. Over the next four years we can anticipate Canberra reinforcing its place as a recognised leader in multicultural affairs.

The ACT government recognises, encourages and fosters the multicultural community through a range of initiatives focused on boosting opportunities and showcasing our cultural diversity. This includes services to assist the settlement of new migrants. The ACT government has increased funding to the Migrant and Refugee Settlement Services of $200,000 over four years. This money will be used to provide information, advocacy and referral services to new migrants. Importantly, the Migrant and Refugee Settlement Services will develop and tailor information sessions on housing, aged care and employment to ensure migrants, asylum seekers and refugees have an understanding of how to navigate these essential services.

The ACT multicultural strategy also highlights the ACT government's intention to provide children and young people with multicultural backgrounds access to age appropriate support services. I am keen to ensure that Multicultural Youth Services, which works with many of our disadvantaged migrant youth, is supported to continue doing its valuable work. In this regard I am happy to announce that we are actively exploring accommodation options for the Multicultural Youth Services drop-in centre, including within the Theo Notaras Multicultural Centre in Civic. I will be making a formal announcement about this development shortly.

The lack of Australian workplace experience can be a barrier to migrants seeking employment. The Office of Multicultural Affairs will continue to offer the successful work experience and support program for migrants living in the ACT. I am delighted to receive advice that 80 per cent of WESP participants have gone on to secure paid contracts in an ACT government agency following their placement. Many migrants are well qualified, often with more than one degree gained overseas, and most have work experience in another country. The Office of Multicultural Affairs will continue to provide free overseas qualifications assessments for people who need their qualifications assessed for a job.

Canberra is a multilingual city with 170-plus languages spoken at home, in public, in education and in the media. The next year or so will prove to be an exciting time for our city's multicultural community as this government and its agencies work with the community to develop a whole-of-government language policy. This work will be led by the Office of Multicultural Affairs. We anticipate releasing a discussion paper in the second half of this year seeking the views of the community on the important issues of languages maintenance in the ACT. This government does offer comprehensive support to our multicultural community.

MR SPEAKER: Mr Hargreaves, a supplementary question?

MR HARGREAVES: Thanks very much, Mr Speaker. My supplementary to the minister is: can the minister please tell us about available grants that target our multicultural community?

MS BURCH: I thank Mr Hargreaves for his interest. The ACT government, through the Office of Multicultural Affairs, runs three grants programs that promote and strengthen our multicultural community. These are the ACT multicultural grants program, the ACT community languages grants program and the ACT multicultural radio grants program. These grants programs align with the ACT multicultural strategy 2010-13. In particular, the grants programs directly relate to the objectives of languages, intercultural harmony and religious acceptance focus areas.

Importantly, all applications for these grants are considered by an assessment panel that includes members of the community and makes recommendations for funding projects.

The aim of the ACT multicultural grants program is to enhance the ACT community through the development of innovative programs that contribute to sustainable

communities by highlighting and promoting cultural diversity and social harmony. A total of $145,000 in funding has been provided to multicultural community groups in this financial year and the next round will open in July this year.

The ACT multicultural radio grants program is also important for our community. Community radio is an important medium for many multicultural groups not only to distribute vital information to their members but also to share their diversity in a forum open to all Canberrans. Under this grants program, a total of $115,000 is available to both community radio stations and multicultural community broadcasters.

The final grants program is the language grants program. The objective of the community languages grants program is to provide assistance to the multicultural community in facilitating projects with a focus on maintaining mother languages. A total of $60,000 has been made available under this program. I am pleased to inform the Assembly that both the 2010 radio grants and the languages grants are open for— *(Time expired.)*

MR SPEAKER: Mr Doszpot, a supplementary?

MR DOSZPOT: Thank you, Mr Speaker. Minister, what did this year's Multicultural Festival cost, how did that compare with the budget and will there be an expanded festival next year to include the fringe festival?

MR SPEAKER: Mr Doszpot, the first part of your question—what was the total cost of the 2010 multicultural festival—is on the notice paper. I believe that under the rules of the Assembly you are therefore not allowed to ask it. Would you like to stick to the second half of your question?

MR DOSZPOT: Minister, how did the costing of the festival compare with the budget that you had? And if you came in under budget, are you looking at including a fringe festival for next year in an expanded festival?

Mr Hargreaves: Point of order, Mr Speaker. Firstly, the first part of the question relates to the substance of the question the answer to which will be on the notice paper.

MR SPEAKER: Okay.

Mr Hargreaves: Secondly, this year the fringe festival had nothing to do with the Multicultural Festival; therefore the question is out of order.

Mr Hanson: It does not stop the question. I seek clarification of the question on the notice paper. If that simply asked about the budget, what Mr Doszpot is trying to get to is the differential between the budget, what was in the budget, and the actual cost of the fringe festival, which is a very different question—if there is either an overspend or underspend. Then the second part of that is: does the minister intend to run a fringe festival? I would not have had either of those questions appear on the notice paper.

MR SPEAKER: Mr Hargreaves, briefly on the point of order. Then I am going to rule on it.

Mr Hargreaves: Thank you, Mr Speaker. I appreciate that. My original question talked about multicultural support for the multicultural community. The supplementary that I asked talked about the grant to target the multicultural community. The fringe festival was not part of either of those two.

Opposition members interjecting—

MR SPEAKER: Minister Burch is waiting to answer her question. On the point of order, on the first part there is no point of order. The first part of Mr Doszpot's question does not impinge on his question on the notice paper. On the second part, I think it is pushing the envelope, but the minister may choose to comment or not. Given that the fringe festival has historically been part of the Multicultural Festival, it is open to the minister to make a comment if she wishes.

MS BURCH: It is a bit like a tennis game going on, but I will try and get to what he was asking. He asked about the fringe festival. This government made a decision to allocate funds for the fringe festival to be part of the National Folk Festival. I remind people that the Folk Festival won the national tourist event, so what a fine home for a fringe festival—to go into the national winner of a tourist event. That might answer that question. The fringe festival people have found a very prestigious home in which to enjoy themselves.

As far as the Multicultural Festival for 2011 is concerned, we are talking with community groups now. We are talking with them about the success of this year's festival and we will work with the community, the diplomatic corps, traders and those interested to see how we can enhance—

Mr Hanson: Mr Speaker—

MR SPEAKER: Point of order. Stop the clocks.

Mr Hanson: The minister is not answering the question, which was about the differential between the budget of the Multicultural Festival and the actual cost of the Multicultural Festival.

MS BURCH: It was about the fringe.

Mr Hanson: The question was not about the broader questions about what would be included in the Multicultural Festival.

MR SPEAKER: Minister, the question was not about next year's festival; it was about the budget of this year's festival.

MS BURCH: The budget for 2010?

MR SPEAKER: That was as I understood the question.

MS BURCH: The budget for 2010—I have articulated that here before. We had a budget of $418,000. I have said that the advice to me—we are still paying final

invoices—is that we have delivered it on budget over the three days, and it was a success.

MR SPEAKER: Ms Bresnan, a supplementary?

MS BRESNAN: In regard to refugee services, which you did mention earlier, what specific services are provided for asylum seekers, given their very specific circumstances? That includes housing options.

MS BURCH: I thank Ms Bresnan for her interest in refugees and asylum seekers. We have a refugee, asylum seeker and humanitarian coordination committee, and that is a clear way in which the ACT government connects with the important community services provided assistance to these groups of people. The committee has a settlement contact information resource that is provided to refugees and asylum seekers and other humanitarian entrants, and that resource will be updated this year.

We know, and we appreciate, that there are many challenges that these communities face when they come and settle here. In the ACT, we recognise that with financial help, housing, accommodation and, indeed, language support. The ACT government provides housing assistance through gateway services and the refugee transitional housing program. We also provide English lessons through a variety of opportunities that the Department of Education and Training manage and we provide funds through the Migrant and Refugee Settlement Service to undertake programs that fill in gaps in service provision that may be not covered by commonwealth funding.

I understand that the transitional housing that is available for asylum seekers and refugees is, indeed, playing an important part in supporting them. But it is transitional and then they work with Housing ACT to connect them with support structures and support systems and, indeed, how they can be better connected with sustainable housing.

Mr Seselja: On a point of order, Mr Speaker—and if you want to take this away and come back to the Assembly—on your ruling on Mr Doszpot's question, I have consulted the Clerk and I understand it is not in the standing orders, though there is mention in the *Companion to the Standing Orders*. Could you give us a ruling on how you will be ruling on that? From my quick reading of the *Companion*, it gives you the discretion to rule such questions out of order but it does not appear to require you to rule such questions out of order.

MR SPEAKER: I will take that on board and come back at a later time, given that it is obviously a question of some discussion, by the sound of it.

Disability services—support packages

MS BRESNAN: My question is for the minister for disability and is about individual support packages for people with a disability. Minister, yesterday during question time you advised that, with regard to the eight people with disability who were in hospital this time last year despite being medically approved for discharge, three had yet to transition to the community. Minister, can you please advise how many people on top of those existing three currently are in that same situation?

MS BURCH: I am not aware of additional people on top of those three, but I am not saying that that is a definitive response. Over the next few months, we will have a number of people transitioning into houses in Narrabundah and Ainslie that will afford them sustainable community living. The house in Narrabundah will accommodate four people who are transitioning out of residential nursing home care, and that has taken some time. We are looking at an appropriate provider of those community-based services to best meet their needs.

But, Ms Bresnan, if there are other people that we could add to those three, I am happy to take that advice and share that with you. I think this government, given that we have improved accommodation placements by 31 per cent over the last six to seven years, are doing well. But, as I said yesterday, we can have the accommodation in place, but then we need to work the community sector, the providers—whether they are government providers or community providers—to make sure that we do have appropriate services in place.

MR SPEAKER: Yes, Ms Bresnan, a supplementary?

MS BRESNAN: Yes, Mr Speaker. Minister, on average how many people each year who acquire a disability apply for an individual support package? Are these numbers built into the government's annual budget for the individual support package program?

MS BURCH: The numbers will no doubt vary from year to year. We do collect information on unmet need. Here in the ACT we have a questionnaire that we put to disability clients as part of our national agreement being measured around need. How do we capture the unmet need? We ask if clients, users or carers, requested more support for this type of service than they are currently receiving. The answers are "yes", "no" or "unknown".

An additional question aims to capture the number of hours of unmet need requested. This is phrased in terms of how many additional hours per week, if any, has the service user or carer requested that is not currently received. This work goes into not only our ISP budget but also how Disability ACT responds generally to the community services.

As I said yesterday, we have grown our funding base by 61 per cent. We have $58 million, from memory if that was my figure yesterday, plus. Total budget for Disability ACT for this year is $63 million plus. So this is significant money but it is a finite number. I know that the sector out there is using every dollar wisely. We work well with the community sector to see how we make that dollar as effective as we can.

MR HARGREAVES: Supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Could the minister tell us what the increase in funding for the disability sector has been over the last couple of years, please?

MS BURCH: I thank the minister for his continued interest in disability services.

Mr Coe: The minister?

MS BURCH: Sorry, the member. I can say that there has been an increase of 61 per cent in funding assigned to disability services since 2002, and since 2002 the accommodation places have risen by 31 per cent, community support places have increased by 55 per cent, community access hours have increased by 70 per cent, centre-based respite nights have increased by 11 per cent—

Opposition members interjecting—

MS BURCH: and flexible respite hours have risen by 96 per cent. That is an incredible figure if you look at the amount of families that are wanting respite services; that this government has increased flexible respite hours by 96 per cent is indeed a good outcome.

Opposition members interjecting—

MS BURCH: The operating budget for this year is—

MR SPEAKER: Order, members! I cannot hear the minister.

MS BURCH: Thank you. The operating budget for this financial year is $63.7 million and new funding in the 2009-10 budget included $3 million over four years being allocated to enable individuals who were medically cleared for discharge—that is that transition from hospital—

Opposition members interjecting—

MS BURCH: We have also had special care packages, which include $200,000 for capital works for property modification and an extra $245,000 for support needs.

So you can see that this government has a record of increasing the resources available to the disability sector.

MR SPEAKER: A supplementary question, Ms Le Couteur.

MS LE COUTEUR: Minister, can you advise the Assembly what the findings so far have been from the government's recent review of this individual support package program?

MS BURCH: That work has been done in partnership with NDS, the community sector and the government sector. We are going through that work now, so we have not come to the end of that analysis process, but when we have, we will come back to you with the findings. Will it influence how we do business? Every bit of work that we do where we can find ways of service improvement we will take on board.

ACT Planning and Land Authority—workplace injury

MR DOSZPOT: My question is to the Minister for Planning. When did the ACT government first advise the federal government that a man carrying out insulation safety inspections on its behalf had received an electric shock while performing his duties in Scullin?

MR BARR: At around the same time that I advised the Assembly.

MR SPEAKER: Mr Doszpot, a supplementary?

MR DOSZPOT: Minister, why did your officials take so long to inform you and other ministers of this occasion?

MR BARR: I am content that my officials, through the Planning and Land Authority—who, as I am sure the member would be aware, were one of a number of government agencies who were in attendance once the incident was alerted—have undertaken appropriate due diligence in ensuring that, when they did inform me, the information they provided was accurate.

In my view, it is entirely appropriate for those agencies to take the time necessary to provide accurate information to ministers. I certainly do not want to create a culture within our public service that goes along similar lines to what we have seen in the commonwealth public service under previous governments. So to put it simply, there will be no children overboard type incidents in the ACT public service as a result of my ministerial office directing public servants to give information that is later proven to be absolutely incorrect. I think that is a very important cultural point within any public service—to ensure that information is accurate and that when it is presented to government that the appropriate authorities can ensure accuracy of that information.

I am content that the information provided to me by the Planning and Land Authority, who were one of a number of government agencies called to that particular incident, is accurate and has been provided to me in a timely manner.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Minister, will you table all material related to this incident in the Assembly by the close of business next week?

MR BARR: I thank Mr Seselja for the question. In principle, I have no problem with that at all. I need to be assured, though, of course, of the privacy of the individuals concerned, most particularly the person who suffered the electric shock. I think all members would agree that it would be inappropriate for that level of information to be provided.

Of course, the further investigations by other ACT government agencies are underway. But in relation to the information that the Planning and Land Authority can provide, yes, I am happy to make that available, and I will make further statements to the

Assembly. I will not accept the Leader of the Opposition's time frame, as that may not be in accordance with the completion of the investigation. But I do undertake to come back to the Assembly with further information when it is available. But, again, I stress the point that it is important that that information is accurate and it is provided to the Assembly at the conclusion of a thorough investigation.

MR SPEAKER: Ms Le Couteur, a supplementary?

MS LE COUTEUR: Thank you, Mr Speaker. Minister, is it possible at this stage to tell whether it was a pre-existing electrical fault or whether it was created as part of the insulation program?

MR BARR: I obviously made a statement to the Assembly yesterday in relation to this matter. What I can say is that I will await further advice on the detail of that investigation. But it has been relayed to me that the incident may not be linked to insulation at all. As I indicated in my statement to the Assembly yesterday, the electrical inspector identified voltage tracking from an electrical device in the roof space through a wet ceiling and timbers in the roof space. So it may not be linked to insulation at all.

Housing—affordability

MS PORTER: My question is to the Chief Minister. Can the minister update the Assembly on the latest official housing figures relating to affordability, housing starts and housing value and explain how the government's policies have contributed to these results?

MR STANHOPE: I thank Ms Porter for the question. Indeed, as I am sure all members are aware, some significant regular reports were released over the last two days in relation to housing starts, housing finance and housing affordability. I was fully expecting questions on the latest Real Estate Institute of Australia reports on housing affordability. I also came today expecting questions from members in relation to yesterday's Australian Bureau of Statistics' report in relation to housing starts, housing loans and housing finance in Australia, including in the ACT. But I am very pleased that Ms Porter is interested.

I wonder why it is that the Liberal Party most particularly is not interested in these reports. Having read and digested them, I know why it is that we did not see a flurry of press releases, as we are wont to see in relation to other reports in relation to these issues.

Ms Porter: It is good news, Jon.

MR STANHOPE: Precisely, Ms Porter. The reason there were no questions, the reason there were no press releases and the reason there was no flurry of activity and, indeed, perhaps the reason there were no media reports is interesting. I do not think the Real Estate Institute of Australia's latest quarterly report has not been reported by a single media outlet in the ACT. I wonder why that would be, because it is staggeringly good news for the ACT. It actually reveals again—

Mr Seselja: It is a terrible, terrible conspiracy between the Liberal Party, the Property Council—

MR STANHOPE: Of course, it is very interesting on any debate in the Assembly on housing affordability that Mr Seselja instinctively begins to look just a touch embarrassed because he knows the subject of land rent is going to be raised. Of course, we will get to land rent in a minute, but in the interim—

Mr Seselja: Yes, tell us about it. How many people do you think will go out backwards as a result of land rent?

MR STANHOPE: Here we go. Here is the Liberal Party position. He asks, "How many people will go out backwards?" Here we have the Liberal Party position on land rent summarised. We have it now out of Mr Seselja's mouth: the people who access land rent will go out backwards. What a judgement! What a judgement that actually represents of the position of the Liberal Party on who is entitled to own a house. There we have it. They do not deserve to own houses. They are not worthy. They will go out backwards, anyway. They will go out backwards, anyway.

But to get to the views that the Liberal Party did not want to hear about—

Ms Le Couteur: Point of order, Mr Speaker. Mr Stanhope has not attempted to answer Ms Porter's question. I would love to hear the answer.

MR SPEAKER: Chief Minister, can you answer the question? I am sure you have it.

MR STANHOPE: I am glad you are interested, Ms Le Couteur. The answer is that the Real Estate Institute of Australia has again reported that the ACT has the most affordable housing in the nation. Indeed, they report that the average Canberra household spends 17.7 per cent on average of its weekly income on loan repayments on a median three-bedroom home. That is 30 percentage points below the national average. It is 16 percentage points lower than the rate across the border in New South Wales. That is what the Real Estate Institute reports. The Real Estate Institute in its report reflects again on the ACT remaining the most affordable housing jurisdiction in Australia.

But that is not all, of course. It does then also report on affordability in the ACT for rental property. It shows that in relation to rental payments in the ACT, Canberra households pay an average of 16.7 per cent of their income on rent payments, unchanged over the year. But this is by far the lowest in the country, eight per cent lower than the national average. *(Time expired.)*

MR SPEAKER: Ms Porter, a supplementary question?

MS PORTER: Minister, what effect has the government's policy on mandating 15 per cent of all blocks in new estates to be dedicated to affordable housing had on the availability of moderately priced housing in the ACT?

MR STANHOPE: Thank you, Ms Porter. It is interesting to hear the Liberal Party's cries in relation to this issue and the philosophical issue that underpins them. What the reports have revealed this week is to show just how successful the ACT government's policies in relation to affordability and land release have been over the last three to four years. That is reflected, again, in the outcome of the latest data from the Australian Bureau of Statistics in relation to new home starts and loans in the last quarter report, which was the December quarter. They rose in the ACT by 33.7 per cent in that quarter against a national growth rate of 15 per cent—in other words, double the national rate here in the ACT.

For the 12 months—it was not just a quarterly aberration—new home starts in the ACT grew by 26.1 per cent, and the number of loans issued to first-home buyers in that time increased by the same number—26 per cent. That has been the reported and recorded effect of policies and programs initiated by the ACT government in relation to housing affordability and our ramped up and very concentrated attention on land supply and planning in order to meet the needs of this market. This is a reflection of that.

This is a reflection of all the work that has gone into land supply, land release, infrastructure supporting land release and reform of the planning system to ensure that these sorts of numbers, these sorts of figures, these national results, these results in relation to both affordability and in relation to housing finance, housing starts and construction activity, lead the nation by a country mile. It is a reflection of the work that this government has done. It is reflected in the numbers of greenfield sites that fit within definitions of "affordability". We see the 15 per cent policy that has produced—*(Time expired.)*

MS LE COUTEUR: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Mr Stanhope, is the reason that the ACT has such good housing affordability our high average incomes and, if so, what does this mean for lower paid workers?

MR STANHOPE: It certainly is a significant aspect of it but it is the truest measure of affordability in Australia. And on that measure, against the rest of Australia, we are the most affordable jurisdiction in the nation. But what it means, Ms Le Couteur, is that the government has been able to concentrate on what is regarded by every other jurisdiction—and I meet with them in relation to these issues—as the most far-reaching, the most progressive and, indeed, the most expansive and successful housing affordability program in Australia.

What it has meant for people on lower incomes, Ms Le Couteur, is that we have pursued innovative programs like the land rent scheme, that we have engaged Community Housing in Canberra in a massive construction program in relation to providing affordable accommodation. And we see, and we are seeing, the fruits of that. We are seeing it in the fact that 222 blocks have now been taken up under the land

rent scheme. We see that CHC Affordable Housing is well on the way to meeting its target. In fact, it will exceed its target, the target set by the ACT government, of delivering 1,000 affordable dwellings over the next 10 years. They are ahead of target in relation to those targets of 500 affordable rental properties and 500 affordable properties for sale.

OwnPlace is currently working on delivering 247 house and land packages for under $300,000. Of all of the massive number of blocks that have been delivered in greenfields, for instance, just in this financial year, the Village Building Company has delivered 252 homes for under $350,000. Over the last 2½ years, you have just one developer, pursuing policies initiated by this government, most particularly mandating, firstly, 15 per cent and then 20 per cent of all house and land packages being under $350,000, delivering in the order of 900 dwellings within that price range. *(Time expired.)*

MR SPEAKER: Mr Hargreaves, a supplementary?

MR HARGREAVES: Thank you very much, Mr Speaker. I would like to ask the Chief Minister the last supplementary of the day and the week and it is: what is the government doing through its affordability action plan to ensure that housing remains good value for money?

MR STANHOPE: Thank you very much, Mr Hargreaves. In the context of good value for money, it is very interesting, and it is reported today in the *Canberra Times*—I forget the name of the report; I believe I have it here.

Mr Hanson: Speak to young families out there trying to get into the real estate market, Jon. What have they got to say to you?

MR SPEAKER: Thank you, Mr Hanson.

MR STANHOPE: I have the article here. It is in relation to the latest PRDnationwide survey as reported in the *Canberra Times* today. It was a survey of investors across Australia, of people interested in investing in property. The results of that survey are quite remarkable and, once again, come as something of a kick in the shins to the Liberal Party. Of investors across Australia that have property portfolios, only three per cent had a view that properties in Canberra were overvalued, as against a view that 28 per cent believed properties in Sydney were overvalued and 26 per cent believed properties in Brisbane were overvalued. But only three per cent of property investors surveyed by PRD believed that properties in the ACT were overpriced.

That is some of the formal data. Of course, it is the sort of data that the Liberal Party hate, having regard to their complete and total opposition from day one to every one of the housing affordability initiatives that have been pursued by this government, and pursued successfully, to the point now where you have seen in this town over the last year the highest level—it is twice as high as in other places around Australia—of first home buyers.

The interjection has just been made, "What about first home buyers?" There are twice as many first home starts in the ACT as anywhere else in Australia. That is a direct

result of this government's actions in relation to this area. That is what we have done. It is what we will continue to do. That is how the market is responding and that is how first home buyers and young families are responding.

I ask that all further questions be placed on the notice paper. I will save land rent till next week.

Ministerial responsibility

MR SMYTH (Brindabella): Mr Speaker, I seek your advice—and you might like to review the *Hansard* and what you actually said—in regard to the first question asked by the Leader of the Opposition today, which did mention the Greens-Labor agreement and which you ruled out of order. I refer you to standing order 114. I remind you that the question was, of course, to the Treasurer. I refer you to standing order 114 which says:

> Questions may be put to a Minister relating to public affairs with which that Minister is officially connected, to proceedings pending in the Assembly or to any matter of administration for which the Minister is responsible.

I would contend that this is a matter relating to a public affair with which the minister is officially connected. I refer you to the ABC website, 11 November 2008, where it says that Labor had appointed the Deputy Chief Minister, Katy Gallagher, the party's liaison officer with the Greens. Given that is a public matter—

Ms Gallagher: Check the AAOs.

Mr Stanhope: Is that the AAOs, is it?

Ms Gallagher: You are usually a bit better than this, Brendan.

MR SPEAKER: Order! Mr Smyth has the floor.

MR SMYTH: Given that this is a public matter—and we know that the government has used, for instance, Treasury to cost Greens' promises and the Greens-Labor agreement, so there is a public cost to which the Treasurer is actually connected—I would ask you to review what you have said as to whether or not it is appropriate to ask questions in that context.

MR SPEAKER: Thank you, Mr Smyth. I am happy to do that.

MR HARGREAVES (Brindabella): Mr Speaker, on that, if I may address for your attention Mr Smyth's suggestion to you, I might also ask you to give consideration, in terms of whether or not a minister is connected with any particular subject of public affairs, that a minister's responsibilities, in fact, are delivered to that minister by the Chief Minister under authority of this Assembly, under the administrative arrangements orders. The administrative arrangements orders actually detail the acts of this Assembly for which a minister is responsible. And I hate to tell these people across the chamber, through you, Mr Speaker, the Labor-Greens agreement does not fall into the category of an act before the chamber.

MR SPEAKER: Thank you, I will—

MR SMYTH (Brindabella): If I may, just on Mr Hargreaves's statement—

MR SPEAKER: Briefly, Mr Smyth. I am happy to listen to both. I feel I got the point; so unless it is—

MR SMYTH: Okay. It is just that it does make it clear that there are three segments to what questions can be asked. It is public affairs; it is things happening in the Assembly or the responsibility as laid out in the AAOs, on which he is correct; but there are other elements beyond the AAOs that one can be asked questions about.

MR SPEAKER: Thank you, Mr Smyth. I will consider that and come back to the chamber.

Supplementary answer to question without notice
Disability services—support packages

MS BURCH This has got nothing to do with that, you will be pleased to know, Mr Speaker. Yesterday, in question time, after a question from Ms Bresnan in relation to long-stay patients transitioning from hospital, in my response I inadvertently said "transition of May of last year". It is actually May 2010. I give my apology for that.

Also during question time, in a response to a question from Ms Le Couteur in relation to unmet need for individual support packages funding, I inadvertently provided incorrect percentages for respite services. For members' information, the correct increase is 96 per cent—I might have said 98 per cent—for flexible respite services and an increase of 11 per cent in centre-based respite services. I made reference to 30 per cent, which was actually the increase in accommodation. There were too many percentages in my head; so I apologise for that error.

Answer to question on notice
Question No 561

MS LE COUTEUR: Madam Assistant Speaker, under standing order 118A(a), I would like to ask about a question for the Minister for Planning which remains outstanding. It is question 561, which is an outstanding question, Mr Barr.

MR BARR: I understood I had answered all of my questions on that. I will check whether there has been a delay in transmittal between my office and the secretariat. And if there has been, I will check that and get back to the member.

MR ASSISTANT SPEAKER (Mr Hargreaves): As I understand it, the chamber support staff does not have this registered as an outstanding question, Ms Le Couteur, but I am sure the minister will look and see whether he can get you another copy of that answer.

Homelessness
Discussion of matter of public importance

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

> The importance of a comprehensive strategy to address homelessness in the ACT.

MS PORTER (Ginninderra) (3.24): I am very happy to be able to bring this matter of public importance before the Assembly this afternoon. I think the words that we could focus on are "a comprehensive strategy to address homelessness in the ACT".

The ACT government is aware of the complex range of issues that we need to look at when dealing with homelessness in the community. These of course present a number of challenges to any government looking to address this issue. And that is why I raise these matters today. I am pleased to be able to say that the ACT government's approach to homelessness is, indeed, both comprehensive and underpinned by a strong collaboration with specialist homelessness services.

Homelessness, Mr Assistant Speaker, as I am sure you are well aware, is not something that government addresses alone. Homelessness also requires a whole-of-community response and new approaches if the nation is to succeed in halving homelessness by 2020. Of course, this is not exclusively an ACT issue but we are talking about how it affects us in the ACT this afternoon, what the government is actually doing and, indeed, how we can respond as a community.

Obviously, to address homelessness, we will need to work together to address the factors that cause it and the factors that prevent people from moving out of the cycle of homelessness. Some of these factors—and there are numerous factors, as you are well aware, Mr Assistant Speaker—are poor literacy and numeracy, one's employment status, one's education status, one's educational opportunities both in the past and in the future, one's health. As I said, there are many factors that lead a person, a family or part of a family to become homeless.

We need to continue to establish new partnerships and collaborations between government agencies, homelessness services and other mainstream services in areas such as health care and education. We need to better understand the relationships between past trauma—mental illness, for instance—and how this affects a person's ability to access and maintain their housing.

I had the great pleasure about two year ago of launching a wonderful piece of research by the Institute of Child Protection Studies on the experience of children who have been homeless. I did that across the road in the Canberra Museum and Gallery. I do

remember that day most distinctly. This research was funded by the ACT as part of the homelessness strategy.

Obviously, it is important to see children as individuals in their own right. Obviously, it is important to be able to listen to their experiences and for us to understand how these experiences inform us when looking at a homelessness strategy. Children are not just appendages of their parents. Children are individuals who have unique experiences and we need to listen to them and listen to their experiences, their views, their beliefs, their aspirations.

What came out of that study was a toolkit for homelessness services for how to deal sensitively and appropriately in a child-focused way with children in homelessness services. That is an invaluable asset, Mr Assistant Speaker, as I am sure you and all of us here agree.

I think it is very important to understand that the ACT government does have a comprehensive strategy to address homelessness, including looking at the special needs of children, as I was talking about just now. Homelessness is not just about not having a roof over your head. And to be in a home is not necessarily just about having a roof over your head.

That became extremely clear in the results of the research with the children. It was discovered that many of those children, as I recall from listening to the comments that were made by those who did the research on that day and by reading the material that was provided for the toolkit and the results of the research, relayed to the researchers that a home was not necessarily assigned to a place or a building. A home to them was a place, whether other members of their family resided with them, whether one or more of their parents were with them, whether their siblings were with them, even whether their family pets were co-located with them.

So you can see that, when we look at homelessness and how we respond to homelessness, we need to take all these many factors into consideration, particularly when we are responding to the needs of children. And children, of course, are very vulnerable in these situations.

One example of Housing's approach is the housing accommodation and support initiative which, importantly, provides both clinical management and housing solutions for clients experiencing significant mental health issues. As I said, a person's ill health is one of the factors that may lead the person to become homeless. The housing accommodation support initiative model is a three-way partnership between Housing ACT, ACT Mental Health and community mental health providers.

When I was in the last Assembly and I was working on the standing committee on health, we did an inquiry into appropriate accommodation for people living with a mental illness. It was brought out time and time again that often a person's homelessness or living in what they would consider unsuitable accommodation was, in large part, due to the fact that they were suffering from or had suffered from quite significant mental illness in the past or in the present. Of course, that is only one factor in many factors that would affect those people but it is a significant factor

indeed. The housing accommodation and support initiative model is a model that integrates service delivery and will provide improved outcomes for people with a mental illness, in relation to both sustained long-term public housing tenancies and improved mental health services.

Linking appropriate support with housing is also important to respond to domestic violence. Sadly, women and children escaping domestic violence continue to be the largest group of people seeking support from homelessness services. The ACT government has already commenced work that improves the outcome for women and children escaping domestic violence, to allow them the option of remaining in their public housing home.

I must say, as a survivor of domestic violence in a previous relationship, I know that the spectre of becoming homeless featured largely in my reluctance to leave my family home to avoid violence. Therefore, it took me much longer to actually make that move than probably was very wise but, as I said, there was the spectre of being homeless because I was obviously the person that would have to leave, given the attitude of the other person. I left it a very long time.

The staying at home after domestic violence project is a joint partnership between Housing ACT and the Domestic Violence Crisis Service and recognises the need to address both the accommodation and the support needs of women and children after domestic violence. I think we would all agree that, for people who have been affected or are being affected by domestic violence, the most important thing is that they are safe. But they cannot feel safe unless they know they have a place that they can call home.

The ACT government is aware that homelessness has a potential to affect older people as well. As a government, we are well aware of the large increase in our older population that will occur in the ACT in the not-too-distant future. This expected increase in the number of older people living in the ACT must always be factored into our planning.

We know that currently the health minister has before us the plans that she has been putting in place to address this issue with regard to health. And it is no different to looking at housing and planning to ensure that we are responding appropriately to this challenge that we have on our doorstep. The housing needs of older people are a key focus of the ACT's program under the nation building and jobs plan. Fortunately, new housing stock will feature universal design principles to support older people to age in place.

It is surprising, when you have a disability of some description, which I did have a few years ago—members would recall I had my hip replaced—how many things you find in a normal home that can prevent you getting around comfortably. And obviously, as we age—I am sure you know that is going to be a long time for you, Mr Assistant Speaker—there are challenges that are thrown up in our homes. I certainly found those when I had a temporary disability. So it is very important that these features are designed into our homes so that people can age in place.

I know that it is the preferred option of many older people in our community to remain where their relationships are, where their local shops are, where their friends are obviously, and their day-to-day activities. Two hundred and forty properties will be provided under this initiative and it will make a significant impact on homelessness and on the disadvantaged.

Members will be pleased to know that Housing ACT is also undertaking a needs analysis of older public housing tenants to assess the suitability of their current housing adequacy, of their support networks. And I will be very interested to read the results of this analysis.

Examples I have given demonstrate the range of approaches that are being implemented to respond to homelessness. Homelessness is a complex issue and it does require a range of responses. It does require collaborative approaches. It does require us to work as a whole community—government, all the government agencies and all the community agencies. These initiatives, along with an existing range of specialist homelessness services, represent a comprehensive strategy which is among the best, if not the best, in the nation.

The ACT government will continue to work to build relationships across the community, continue to respond to these issues, continue to explore the needs of the homeless to ensure that we are appropriately responding, adequately responding at all times. It is a big challenge but I know that, with government, with all our government agencies and with the community, we can do this together and we can continue to deliver a comprehensive strategy, as I said, which is among the best, if not the best, in the nation. And I commend this discussion to the rest of the members this afternoon. I think it is a very important matter that we need to discuss.

MS BRESNAN (Brindabella) (3.38): I thank Ms Porter for raising this matter of public importance today. The ACT Greens believe access to safe, secure and affordable housing is a human right and an essential prerequisite to social equity. If people do not have secure housing, it is very difficult for other areas of their lives to be addressed, including health and employment.

It is often said by organisations like ACTCOSS that, in a city like Canberra, we should be aiming for zero homelessness, and the Greens agree with this statement. According to the 2006 census, the ACT then had approximately 1,354 people who were homeless. This figure can also be described as a rate of homelessness at 42 per 10,000, up from the 2001 census that showed there were 40 people homeless per 10,000 people. This is quite a significant figure when you look at the population of the ACT. The current rate of homelessness in the ACT is unacceptable and must be reduced as a matter of urgency.

People who make up the homeless population generally reflect those who are most vulnerable in our community. Some 76 per cent of our homeless are under 35, and 22 per cent are children under the age of 12. Women comprise 53 per cent of the homeless population, compared with 44 per cent nationally. Although Aboriginal and Torres Strait Islander people made up 1.25 per cent of the ACT population in the

2006 census, they comprised 19.7 per cent of people staying at homeless accommodation and 3.8 per cent of rough sleepers.

In addressing this topic today, I would like to refer to the review being conducted by the ACT government Department of Disability, Housing and Community Services into homelessness services. The discussion paper issued by the department in November 2009 provides points of insight about our future funding situation, given the changes in federal government policy. It is concerning that our ACT government is being asked by the federal government to achieve more outcomes with less funding into the future.

As I have noted previously in the Assembly, while there has been a significant investment in housing through the federal stimulus funding, the concern is what will happen when this funding ends and the changes to the federal-state housing agreement begin to impact. According to the discussion paper, funding for the ACT under the national affordable housing agreement declines from 2.2 per cent of total funding in 2008-09 to 1.9 per cent in 2010-12, an approximate funding loss of $2.2 million. A further reduction to 1.6 per cent is expected by 2015-16.

Under the old supported accommodation assistance program, the ACT received 3.6 per cent of national funding. I think it is worth remembering that, several years back in 2004, the federal government also decreased that funding to the ACT. The ACT government tried to cover this loss but, due to the 2006-07 functional review, the ACT government cut back on this further.

So while we may face a decrease in funding, there are some worthwhile goals being set out in the government's future homelessness policy. For example, by 2013 the government is aiming for a decrease of seven per cent in the number of people who are homeless. The federal and ACT governments' reform priorities for homelessness services are focused on an increase of wraparound services to ensure that long-term positive outcomes are achieved. There will also be a focus on reducing the number of accommodation transitions.

The Greens are supportive of the housing first model, as it is premised on the notion that housing is a basic human right and so should not be denied to anyone. The housing first model attempts to give a homeless person a house straight away that they can stay in and then receive wraparound services to assist the sustainability of their tenancy. This is in contrast to the continuum housing model, where a homeless person is taken to emergency shelter, to transitional housing to public housing.

The housing first model does require access to a large amount of housing stock, and there are concerns about the program's viability, as public housing was cut significantly under the Howard Liberal government years. Already the ACT features a shortage of housing properties for those people who are on very low incomes, and the waiting list for public housing is growing, despite having tighter eligibility criteria.

Already there is a great bottleneck in accommodation support services, with few exit points to offer to clients. It is critical, therefore, that the ACT government vigorously commits to its goals of working towards public housing making up 10 per cent of

housing stock in the ACT, as is detailed in the parliamentary agreement. This figure of 10 per cent housing is also argued by ACTCOSS and the YWCA in their submissions to DHCS.

The federal government's stimulus housing does make a significant contribution towards the ACT meeting this goal, but it is also important that the ACT government sustains and builds on these numbers. The concern from the housing and community sector is that over coming years state and territory governments will use the stimulus housing boost as an opportunity to dispose of a great number of public housing dwellings that are in poor condition.

While ACTCOSS welcomes the housing first initiative, its submission stresses the need to retain a range of crisis and transitional accommodation options for people experiencing homelessness. There is no, one clear solution for people suffering homelessness. There are a number of groups that make up the population, and each has its own unique requirements. Services must be tailored to suit each group and each individual and it should not be a one-size-fits-all approach.

While some homeless people will be assisted quite obviously by being given a home straight away and receiving wraparound services, some homeless people may work better in a situation where they are housed in emergency and group-style accommodation and where they are assisted and prepared to live on their own. Young people, migrants or refugees and women who suffer domestic violence are particular groups who may not be suitable for housing first. Migrant women are a particularly vulnerable group as they have very specific needs. To quote Marluce Peters from the ACTCOSS submission to the DHCS discussion paper:

> The plight of migrant women in a violent relationship is often especially difficult. If they have not been issued a visa of their own, their visa ties them to the perpetrator which places them at a higher risk of being severely abused. This dependence can only be countered if countries guarantee migrant women separate residence and work permits that do not tie them to their husbands and families.
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> Migrant women must also be given sufficient social and economic support to enable them to start a life of their own. They often have access to fewer resources and are barred from social benefits. This makes it all the more important to admit abused migrant women to refuges. For them and their children, a refuge may well be the only place where they are safe and supported.

As Ms Porter has also mentioned, I would like to refer to people with mental illness, as they are also a particularly vulnerable group. This can be because there are difficulties experienced in maintaining stable housing due to the episodic nature of mental illness. The idea of the continuum housing will not be appropriate for people with episodic conditions and, indeed, other groups I have already mentioned, such as women experiencing domestic violence, as there may be difficulties in maintaining employment and health treatments, for example. If support services are not provided and if they are placed in inappropriate housing, there is a real risk that they may lose their housing and fall into a vicious cycle of homelessness.

As Ms Porter has also mentioned, there are specific programs, such as the very successful HASI project which began in Sydney, and it is very good to see that it is to be piloted in the ACT. This does provide a high-level service to people with high needs. There are, however, a significant number of people with mental illness who will not be able to access this project and may be at risk of homelessness if they do not access appropriate housing or receive the necessary support services.

It is worth emphasising again the importance of having a variety of options for people who are vulnerable, at risk of homelessness and in other high-needs groups. Discussing social housing options is relevant, as a lack of suitable housing increases the risk of homelessness. A range of options is needed, and this includes emergency housing, community housing and public housing. They all have a role to offer. It is acknowledged by organisations and the community housing sector that this is needed.

Community housing will be appropriate for some people, and this often depends on their specific needs, whether they are able to afford 75 per cent of market rent and other factors. However, some public housing will be the most appropriate option. It offers a greater security of tenure, which includes the fact that there is a tribunal process available to deal with tenancies in the instances where it is required. Affordable housing will be suitable for others but, again, it is if their circumstances and means enable this, including being able to maintain stable housing, which is a crucial factor in all of this.

The reality is that there are vulnerable people in the community who need housing and who also may need assistance. Some people need significant assistance simply to maintain their housing. Ignoring this fact places people in danger of homelessness, which then affects every other area of their lives.

I would also just quickly like to read from the YWCA submission to the DHCS paper in discussing that ongoing need to have a range of housing options for people:

> Our experience working with people facing homelessness is that crises such as those outlined above —

which included loss of job, ill health, family crisis, domestic violence, accidents at work—

> can mean that very quickly people are without income and having to rely on a welfare payment that will not adequately cover the cost of housing. Currently, public housing is the only viable option for these people, and with the system unable to cope with the current demand, it seems the goal of halving homelessness will not be able to be achieved without significantly increasing public housing stock, or other affordable housing options, beyond what is being proposed.

MR COE (Ginninderra) (3.49): I too believe that it is important to have a comprehensive strategy to address homelessness here in the ACT. I think it is important that any set of programs designed to reduce homelessness does not simply address the short-term issues of homelessness but is genuinely strategic, including

looking at the long-term issues and some of the key issues which can lead to someone becoming homeless.

Homelessness is sometimes a very unfortunate symptom of a number of other issues. Such issues can include financial stress, often caused by a sudden change in circumstances such as the loss of a job or reduction in welfare payments; a family breakdown; physical health; mental health; substance abuse; ongoing disabilities or acute disabilities that have come on recently; or many other issues. Of course, there are a number of even broader issues that impact on all citizens—such as house prices, the rental market, housing supply, access to information, financial literacy and many more—which have a profound impact on homelessness.

I firmly believe that the cost of homeownership in Canberra is putting considerable stress on Canberra families and is changing the entrenched homeownership culture and life and family expectations of Canberrans. On any measure, the average house price in Canberra is well over $400,000, with the entry level also being extremely high. The reasons for this are many, but a key one is the Stanhope government's erratic supply of land. Since the ALP came to power in 2001, we have not seen a steady land release strategy, which has created uncertainty in the sector and led to higher house prices. In a situation that is extremely unfortunate for Canberrans, the ACT government must prioritise troubleshooting for their budget woes instead of housing affordability for all Canberrans.

This talk of house prices may seem irrelevant for people that are homeless or on the cusp of homelessness. However, there is a strong ripple effect that stems from housing issues at the top or at the homeownership level. When you have high house prices, the entry level is higher; therefore more people are forced into the rental market, which drives up rental prices. This creates greater incentive for property investors because of the increased yield. And there is greater pressure: it makes Canberra houses more attractive for investment opportunities, which in turn drives up house prices even further. This again encourages more people into the rental market. The problem can mean that house prices spiral well out of reach of many or most Canberra families.

There is hardly anyone in Canberra living in a group house who would be paying less than $100 per week in rent. For many, I imagine it is more like $150 or $180 a week. By the time you factor in electricity and gas, the price per week can soar. If you are a casual, a student or on a basic wage, or if you have a family, you have dependants, you are on welfare or you have health issues, this can simply be too much. A slippery slope, starting with couch surfing or staying with friends, may commence, and the homeless cycle can then be entrenched.

This also puts considerable pressure on our public housing stock. At the moment we have about 11,000 or so tenancies here in the ACT. I think it was 10,500 as at the last budget. A lot of people who are taking out public housing tenancies are doing so simply because of the rental market and the high house prices. In earlier times they would not have been forced into public housing at all. The bar is being raised for the housing market and, in terms of when someone would need to seek support from the government in terms of housing, the bar is being broadened to cover more people. So we are getting more people, putting more pressure on Housing ACT stock and

community housing stock, which is creating a very unfortunate situation and is overloading Housing ACT.

In 2008, the federal government agency FAHCSIA released a report *The road home*. The first paragraph of the executive summary states:

> Homelessness can affect anyone. In Australia, around 105,000 people are homeless on any given night. While the overall rate of homelessness has been relatively stable over the last 12 years, increasing numbers of children, families and older people are experiencing homelessness. Since 2001, there has been a drop in the numbers of young people who are homeless. Indigenous people are over-represented in the homeless population.

The executive summary goes on to say:

> Homelessness includes people who are sleeping rough, as well as people staying in temporary, unstable or substandard accommodation. Many people who are homeless cycle between homelessness and marginal housing. People are staying in crisis accommodation for longer because they have nowhere else to go.
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> Homelessness is not just a housing problem. Homelessness has many drivers and causes, including the shortage of affordable housing, long term unemployment, mental health issues, substance abuse and family and relationship breakdown. Among women, domestic and family violence is the main reason for seeking help from specialist homelessness services.

In addition to that, those in our community who are suffering from a disability have a particularly rough time. If you are suffering from a disability and you are perhaps on welfare or you are working in a low-paid job—if that happens to be your circumstance—it is extremely tough to find accommodation in Canberra in the private market. Then you are forced into the public housing market, which is not desirable.

It is not desirable for Canberrans to go into public housing. I think everyone in this place would prefer, if possible, that people were able to stay in the private sector. We have only about 10,000 dwellings available here in the ACT. It is a privilege to live in public housing. A lot of people would not want to live in public housing if they had that choice, but unfortunately many Canberrans do not have that choice. It is for that reason that we have to make sure that we limit the number of people that are forced into that predicament and give enough support to people in that situation.

This time last year ACTCOSS put in a budget submission for the 2009-10 budget. In that 2009-10 budget they advocated for an increase in commonwealth rent assistance to ease pressures on people paying 50 per cent or more of their income for rental accommodation. They also sought to establish a rental subsidy scheme in the ACT. They sought to fund the expansion of tenancy support programs that prevent evictions, as indicated in the white paper on homelessness, the white paper that I referred to earlier. They also sought to fund a brokerage service to connect long-term lessees with landlords who are interested in long-term arrangements. The final thing that ACTCOSS recommended with regard to homelessness was to complete the review of the Residential Tenancies Act 1997 and ensure that it included provisions to strengthen the security and amenity provided for tenants.

ACTCOSS have already submitted, and made public, their budget paper for 2010-11. On page 7, it mentions a particularly interesting case study about "More people sleeping rough". It says:

> Anecdotal evidence indicates a rising number of rough sleepers in Canberra over recent months. Community members working in emergency relief services and free food services have observed a growing number of Canberrans accessing services accompanied by all their belongings, indicating they were sleeping rough.
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> Despite the recent injection of funds through the National Partnership Agreement on Homelessness, there is need for more targeted support for people experiencing homelessness or at risk of homelessness. It is essential that planning for these programs involves consultation with the local community and the community sector. ACTCOSS supports a process that steers as far as possible away from competitive tendering which places organisations in competition with each other, rather than encouraging collaboration.

It is a very interesting case study, one that many organisations are echoing. Organisations such as the Salvation Army, St Vincent de Paul, ACT Shelter, Anglicare, Uniting Care and others are recording increases in the number of people that are seeking their services and the number of people that are seeking increased services compared with what they have sought in the past.

It is particularly timely that Ms Porter should move this matter of public importance today. I very much support this debate. The issue is something that, if possible, we should talk about more often in this place. And, as I said at the start of my speech, it is important that we have a genuinely strategic approach to this issue. We cannot just be looking at short-term issues. We cannot just be addressing the symptom—the symptom being that someone is actually homeless. We have to look at the broader issues. We have to look at house prices; we have to look at job stability; we have to look at all the other factors and all the other support services that are on offer in Canberra to make sure that people are not in such a dire situation that they are homeless and need to seek the support of the government through other agencies.

MR HARGREAVES (Brindabella) (3.59): I thank Ms Porter very much for putting this matter before the Assembly. As a former minister for housing, I have a very big commitment to this. As I was sitting here, I was wondering how many members of the Legislative Assembly have been homeless. How many have actually done couch surfing? How many have had the despair of finding that all of your possessions and the whole of your life are in the car that you own, which is worth about $600 on the open market. I experienced that in 1978 and 1980, when I had no home until I was rescued by a family member. You have to go through it to know the depth of despair that can overwhelm oneself. It was with that experience that I entered into some of the reforms I did as minister for housing in 2004.

I would like to outline now why the ACT government has sought to refocus the provision of public housing to become a part of a much larger homelessness services sector, discuss the nature of those changes and share the results that have been achieved to date.

There is a continuum of housing. At one end it starts with imminent homelessness and goes into homelessness. Mr Coe is absolutely right: sticking a set of bricks and mortar together is not the solution. You have got to go to the real cause of it all. As I was saying to the minister not long ago, homelessness is not houselessness. Homelessness is as much a state of mind as it is a state of circumstance. We need to understand that. Failure to understand it will mean a failure in public policy.

Public housing plays a vital role in supporting an efficient and effective service system where people who are homeless or at risk of homelessness can transition from crisis accommodation to public housing where this is the most appropriate exit point. Mr Coe says that people do not want to be in public housing if they can help it. Wrong. There are people who live in multi-unit complexes who might not want to be there, and I agree with that, but let me tell you that there are people in stand-alone public housing properties who absolutely adore their properties and do not want to go anywhere. So let us be correct about our assumptions on this.

Over the past few years, the community's views on the future direction of ACT Housing's social and housing system have been more widely canvassed than ever before.

In June 2006 the government introduced a package of reforms to sharpen the focus of the public rental housing assistance program for those in the ACT community most in need of housing assistance. These reforms included a raft of measures to target assistance more clearly to those people most in need. The priority needs system was completely overhauled and now targets people who have a range of complex needs.

Part of the reform to the priority system was to clearly position Housing ACT as the post-crisis response. The concurrent reform within homelessness services, then known as the SAAP sector, realigned it as the crisis and transitional response to homelessness. This reform ensured that homeless people can access support services at every stage of their transition to independence.

A strong feature of the new system was the introduction of a multidisciplinary panel to assess applications on a comparative needs basis. The panel draws its expertise through a diverse representation that includes representatives from across government and community sectors, including homelessness agencies; mental health, drug and alcohol services; Disability ACT; Therapy ACT; child protection; and so on.

Through its cooperative and collaborative approach, the panel allows Housing ACT to bring to bear a great depth of expert opinion to assist in the categorisation of public housing applicants with high and complex needs. To date, 87½ per cent of applicants have been housed within three months. That is incredible. Three months! That is a fantastic achievement. It clearly shows that the system we put in place is actually working.

The transitional housing program utilises vacant Housing ACT stock to provide short-term accommodation for people exiting crisis accommodation. Properties are available for periods of three to six months to encourage clients to achieve their goal

of independent living. This enables better utilisation of Housing ACT stock which may be vacant for a period of time because it is awaiting redevelopment or is hard to let. This year Housing ACT has increased the number of properties available to the transitional housing program.

Building on the fine tradition of public housing in Canberra, the challenge for this era of public housing is to continue to work collaboratively to reform service delivery practices to improve responsiveness to those most in need. In this regard, the ACT government, in partnership with the commonwealth government, has embarked on a program of further reform for the homelessness sector that builds on the reforms that I have already outlined. The direction of these reforms is to provide for a shift from a high proportion of accommodation support periods to increased periods of outreach support to people to prevent them from becoming homeless or to support their tenancies once they have become housed after a period of homelessness.

In addition, there will be a significant shift to a "housing first" approach with "wraparound" support to ensure that long-term positive outcomes are achieved. A capacity for crisis accommodation will be retained to ensure that the safety and immediate support needs of vulnerable Canberrans such as women escaping domestic violence are met. Key reform directions are the central access point for homelessness services, which will streamline access to services and housing; assertive engagement and persistent support for rough sleepers; early intervention to prevent repeat cycles of homelessness and to sustain tenancies; and the breaking of cycles of poverty by building links to education and training, and ultimately employment. The buzz words for this are "social inclusion".

The central access point will streamline service entry points into the homelessness service system and other support services, ensuring that clients do not have to negotiate multiple agencies to access services. The central access point will provide a one-stop shop. It will be more than just an information and "warm referral" service. It will have the ability to allocate clients to accommodation vacancies and provide access to other support mechanisms such as outreach and personal support.

The central access point has three components. The first one is a central intake. The second one is a common waiting list between public and community housing, which has already been progressed. And the third one is the combined housing and homelessness shopfront co-location, incorporating other government and community assistance programs such as Centrelink, ACT government service providers and community organisations. This is an important step to improve the integration of homelessness services, employment and training providers and Centrelink.

The central intake service is one of the ACT government's commitments under the implementation plan for the national partnership agreement on homelessness. The key deliverable from this agreement is to offer more connected, integrated and responsive services for people who are homeless or at risk of homelessness.

It will be imperative to establish and expand partnerships between specialist homeless services and mainstream service systems if we are to achieve broader change in the lives of people affected by homelessness. The provision of stable housing will see

broader social impacts for the community in general, including better health, education and employment outcomes for tenants. It will provide a stable base for tenants, and from that base other agencies can provide assistance to resolve the many other issues that people might need help with.

The ACT is well positioned for reform, with demonstrated capacity through "Breaking the cycle", the ACT homelessness strategy; changes to public housing under the Housing Assistance Act 2007 and the revised public housing rental assistance program; and the ACT government's affordable housing action plan, phase II.

We need to be practical and serious if we are to get on top of homelessness. Words are fine, but we need action. Within finite resources, we need to concentrate on what we can do, and we need to do it well. We have truly reformed our public housing system to better respond to those most in need in the Canberra community, including those who are homeless or at risk of homelessness.

I want to congratulate the Department of Disability, Housing and Community Services, particularly Sandra Lambert, Maureen Sheehan and their officers, for the innovative reforms that they have done over the years. I want to also congratulate those community service providers who came and had participation in the ministerial forums. In the discussions and the summits they said what we needed to do to reform the sector. Of the reforms that were talked about in those summits, I think 90 per cent have been delivered, and they have been delivered in partnership between the government and the community sector. Right now we have got just a little bit further to go to tackle both ends of the housing continuum that I described earlier.

I will go back to the very beginning. When a person becomes homeless, and I have experienced this, it is the deepest feeling of despair a person can ever imagine. The black hole is huge. And at the bottom of that black hole is a black dot. We need to make sure that nobody falls into that black hole.

MS LE COUTEUR (Molonglo) (4.09): I wish to thank you very much, Madam Deputy Speaker, for introducing this topic to discuss today. Ms Bresnan has already talked about many of the direct issues facing homeless people in Canberra today. I do not intend to double up on that, although I will make brief mention of a demographic group that is not always considered but is one that is dear to my heart. I refer to older people, especially women a little older than I, who often have been part of a relationship breakup. They no longer are part owner of a matrimonial home and they have found themselves comparatively late in their lives with potentially not much employment prospects and few assets.

I have a number of friends who are in this situation and who are looking at a wait of many years before they could hope for public housing and the prospect, when they stop working, of not having any possibility of paying for private rental. I think homelessness can occur in all groups in our society and we need to consider it for all those groups.

What I will spend more time on in my talk today is housing affordability, which obviously is a considerable contributor to homelessness. If you cannot afford to buy

or rent a house, or if there simply is not enough housing availability, then homelessness is one of the outcomes. I think we have all spoken about how important it is to have safe and affordable housing. It is considered a basic human right. There are many organisations like YWCA, Housing ACT et cetera who will agree with that.

In terms of housing affordability, as the previous speakers have said, obviously the government has been very focused on land supply and the cost of the actual bricks and mortar of the house. In fact, we heard the Chief Minister speak on this earlier today in question time. That is important but it is not the only thing that is important.

What is important for a house owner, a house renter or a person who is occupying a house is the total cost of living there. That is not just the rent and the mortgage. It is your utilities, it is your energy, it is your fuel, it is your water, it is your transport. All of those make a huge difference towards affordability. I think that it would not be too hard for the government to raise the bar as far as these are concerned.

In particular, I would mention first public housing. The government has done some work in terms of increasing energy efficiency in public housing. But I am well aware that there is still a lot to do. There are many public houses which do not yet have adequate heating and cooling. This means that their tenants, who are vulnerable from the point of view of income already, have ongoing high costs of living there.

I am very pleased to see the interest that the members of the government here are paying to this and, hopefully, the agreement of members of the government to these sentiments. Building sustainably and retrofitting for efficiency is a win-win situation. It saves energy for the people living in the houses and it helps us as a territory to meet our carbon emission targets when, of course, we get them.

One good example of this win-win situation was to be seen in yesterday's *Canberra Times* where the University of Canberra outlined their most recent innovation in terms of the housing shortage for students. They have just launched—I guess that is the word—a new building. It is five-star energy rated and it is about 500 residences for students. They do not have any air-conditioning. They are so well designed they do not need it. According to the *Canberra Times* article, the students were very happy with the temperatures over summer. The cost of running the 500 new units or rooms was, I think they said, a couple of hundred dollars per month in terms of energy.

For their previous 240 rooms, they were paying in excess of $10,000 a month for energy over the summer. So to go from $10,000 to a few hundred dollars and twice the number of rooms is a very good achievement. This is one case where the owner has realised that building for sustainability is a long-term plus. I hope that other builders of mass accommodation will take note of this and continue the trend.

Looking at housing affordability, I think every speaker has agreed that it is an issue. I guess that one of the things we think of is that we need to have broader, more innovative solutions. The government has tried some things and unfortunately they have not worked as yet. As Ms Bresnan said, one of the solutions is to raise the level of public housing in Canberra. This was one of the items of the parliamentary agreement, as I am sure you are all aware.

In this context, I am very pleased about the federal stimulus funding for public and community housing. It has certainly increased and I look forward to the completion of these new places. But we need to agree and commit to more in the future.

While the government strategy seems to be to release every piece of land possible, this is not actually going to solve the problem in the long run. Given how dependent the territory's budget is on this land, the territory is never going to sell the land as cheaply as it would need to for some people to afford it.

In looking at land releases or housing in general, we need to look at a wider range than we have been looking at in the past. One I would like to suggest is co-housing. Co-housing is about 10 per cent of housing stock in Denmark. When I am talking about co-housing, it is a form of multiunit housing where there are shared facilities—the bottom-line things like shared laundries.

They usually have a common house and in that common house there will be some extra rooms so that you do not have to have a spare bedroom for when your aunt or uncle comes to stay. There is spare accommodation there. There is a workshop that all the guys, or the women if they want, can share. There will be a shared meeting space with a dining area so that the group can all get together socially, which leads to a much better community inclusion.

I am going to run out of time but one of the things I would also like to talk about is a recent relaxation in the rules which used to prohibit people having a second kitchen in their house unless it was actually made into two houses, which was usually impossible. I am aware that ACTPLA is currently reviewing what they call habitable suites and what the rest of us call granny flats.

I think this is an area where, with suitable policies, we probably could make, at comparatively little cost and social disruption, a difference to housing affordability and housing availability, because I am aware that particularly in our inner suburbs there is a lot of unutilised housing. There are a lot of houses which were big enough for the whole family. Now the family is down to one or two people. If those one or two people could reorganise the house a bit better they would probably be very happy to share the house.

That reorganisation may be another kitchen or it may be another bedroom but I think this is something which should be promoted. ACTPLA needs to do the policy work and promote it because the current situation is that, if you do create a secondary dwelling or habitable suite, it has to be turned back into your original dwelling if the person it was for leaves—for instance, if your grandmother finally moves to a nursing home or a disabled person has to move into another form of care.

I will just very briefly talk about some of the other issues. One of the issues for Canberra, of course, is the size of an average house. Australia is now officially building the largest new homes in the world. Of course, bigger houses cost more to build and more to run. Late last year CommSec released data showing that new homes in Australia are an average size of 214.6 square metres. In contrast, the United States,

which used to have the biggest in the world, averaged a mere 201 square metres, while in the United Kingdom the average is only 76 square metres. Addressing the size of housing is one way of addressing affordability and thus homelessness.

There are a lot of other issues outside the ACT government's control, particularly our tax system, negative gearing and capital gains. *(Time expired.)*

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) (4.19): The ACT government has a longstanding commitment to provide support to people experiencing or at risk of homelessness. The ACT has the lowest percentage of homelessness population experiencing primary homelessness, that is, sleeping rough, at 5.7 per cent, compared to a national average of 15.6 per cent. This is a result that our community should be proud of but it does not disguise the fact there are still people in need.

We should also be proud of the fact that, while across Australia it is estimated that only about 30 per cent of homeless people actually receive a service from a homelessness service, in the ACT 50 per cent of homeless people receive a service. Of course, herein lies the problem: there are honest people who are flying under the radar who need our assistance and have never even presented for assistance to a service.

Under the national affordable housing agreement, the ACT and Australian governments combined to provide over $18 million per year to address homelessness and both governments say we need to do more. In December 2008 the Australian government white paper on homelessness, *The road home*, announced the bold goal to halve overall homelessness by 2020. This is a commendable commitment but I think it is deplorable that the federal opposition leader has recently seen fit to backflip on an all-party agreement to this commendable target. Let there be no doubt that targets will require a shift in mentality from providing a high-quality crisis response to intervening early and acting to prevent homelessness.

A man who is quite wise has recently provided me with a comment: homelessness should not be confused with houselessness; it is as much a state of mind as it is a state of circumstance. That goes to the need for early intervention and prevention. That is the effort that we will put in and it requires a whole of community effort and effective partnership between services such as schools, hospitals, Centrelink and specialist homelessness services.

The Australian and ACT governments have jointly invested an additional $20 million over five years in the national partnership agreement on homelessness to implement new approaches. The initiative will shift efforts towards preventing both the systemic and individual causes of homelessness and supporting people to access and sustain long-term housing options. The initiatives will directly target the needs of vulnerable groups, especially children, young people, young families, rough sleepers, people exiting custody, people experiencing mental health issues and those subjected to domestic violence.

During 2008 the ACT government investigated homelessness as part of the ACT affordable housing action plan. This work was undertaken in consultation with local experts providing front-line services in our community. The plan identified that homelessness in the ACT needs to focus not only on the provision of housing for people sleeping rough but must also include mechanisms to assist people to sustain and maintain stable tenancies. I think most others who have spoken this afternoon also recognise that. The plan also identified the importance of both support and services appropriate to addressing some of the causal factors that lead to homelessness, such as mental health, drug and alcohol abuse, domestic violence and the availability of employment opportunities, as equally important in breaking the cycle of homelessness.

In response to the need to create innovative solutions to homelessness in the ACT, the ACT government has committed to a range of new initiatives that will focus on preventing homelessness and on supporting those at greatest risk. A street to home program will receive $898,000 over the next four years to support the needs of people experiencing chronic homelessness. This program will provide assertive engagement and outreach to assist those people into appropriate housing and to maintain that housing. I recently announced the ACT Society of St Vincent de Paul as the successful tenderer for this service and the service has been operational since 1 March of this year.

A place to call home is an initiative that will receive $10 million over five years to provide 20 additional properties to accommodate homeless families and to provide those families with the necessary support to sustain their tenancies.

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

Adjournment

Motion by **Ms Burch** proposed:

> That the Assembly do now adjourn.

Allegations against members' staff

MRS DUNNE (Ginninderra) (4.24): Yesterday Mr Barr got stuck into Mr Hanson for reading "trashy questions that are fed to him by the guttersnipes on the Liberal Party staffers bench". Mr Barr's unparliamentary words inadvertently complimented our staff by insinuating that he had anticipated your dorothy dixer—that they had anticipated your dorothy dixer and had a supplementary ready for Mr Hanson to go. I know our staff are good and it is obvious that Mr Barr holds them in some awe, but they also have enough trust in their members to be able to come up with their own supps to the government's dixers.

The incident speaks volumes about the attitude that Mr Barr has for staff. We saw it during last year's estimates committee when he dropped his former chief of staff in it with his exposition of implausible deniability. The attitude that Labor members have

to their staff is evidenced by the exodus from various offices upstairs. The exodus from the Chief Minister's office should be a matter of concern. Obviously staff there are getting sick of the Chief Minister waking up in a bad mood and insisting on ads being placed in the paper or the dispatch of the odd cranky letter.

If rumours are true, the disregard for Assembly staff by Labor members extends as far as the Prime Minister himself. According to what Mr Hargreaves tells me, Kevin Rudd has such disdain for the Labor staff that he is about to intervene to derail the preselection aspirations of at least one. Apparently, K Rudd bears a grudge to the extent that he would sabotage a rank and file preselection because that Labor staffer apparently stood up to him once. The Prime Minister has a track record for bearing a grudge. The case of the DFAT officer whose ambassadorial posting was vetoed by the Prime Minister is a standout example.

But ACT Labor's preselection is another case in point—or so Mr Hargreaves tells me. The question of the Labor preselection is an interesting one, and Mr Hargreaves is obviously a player. Understandably he is keen to promote his wife's chances by whatever means. He has spoken to me fairly often about what may or may not be going on inside and outside his faction. He tells me that a call will soon be made by the Prime Minister. Mr Hargreaves tells me that Kevin Rudd will pull the pin on the rank and file preselection. I presume the Prime Minister was involved in the national executive decision in favour of rank and file preselection only a few weeks ago, but it seems that some decisions are more binding than others.

So it is on for the young and old in ACT Labor. The calls are being made, the phones are running hot, the numbers are being counted and the commitments are being firmed up. I am wondering how committed Mr Hargreaves is to advancing his wife's cause in this race. Is he prepared to break all links with the fractured right faction to do a deal with the left, and what will the terms of the deal with the left be? On the grapevine I hear that Mr Hargreaves is willing to resign to make way for the return to the Assembly of Mick Gentleman in return for the left's support for his wife. That is one of the fascinating facets of this farrago on which Mr Hargreaves so far has not been so forthcoming with me.

MR ASSISTANT SPEAKER: I call Mr Seselja. I was just gobsmacked by that last harangue and I do apologise for my tardiness.

St Michael's primary school

MR SESELJA (Molonglo—Leader of the Opposition) (4.27): Thank you, Mr Speaker. I just wanted to make mention of St Michael's primary School in Kaleen. A number of us had the opportunity to attend a breakfast there yesterday as part of Catholic Education Week in the territory. It was well attended by many parents, students and teachers. Principal Dave Austin did a wonderful job of hosting the morning. It was also well attended by local representatives, both federal and local, including my colleagues Mr Doszpot and Mr Coe. It was a testament to what a wonderful school community it is. I have been there on a number of occasions now and have always felt exceedingly welcome.

It also speaks of a bigger story about Catholic education in the ACT. Catholic education, as was mentioned during the MPI discussion earlier this week, has played a significant role in the education of children in the territory. Tens of thousands of children have been educated in Catholic schools in Canberra. The Canberra Liberals certainly believe that that contribution has been a significant one. It has been a very worthy one and has made a major contribution to our territory.

St Michael's is, I think, a fantastic school. It is a fantastic example of a small school that does a very good job. I am not sure of the exact number but I think it is somewhere under 300 students at St Michael's. That would be the number that would have put it in the firing line for closure a couple of years ago had it been a government school. It is a school community that not only instils wonderful values in its students but also achieves excellent educational outcomes. I would like to pay tribute to principal Dave Austin, parents and friends and all of the teachers and staff at the school, as well as all of those who made us feel so welcome and who put on the wonderful breakfast for us yesterday.

Education—special needs
Merici college

MR DOSZPOT (Brindabella) (4.30): I had the pleasure today of meeting with families, teachers and the principal, Ms Jo Karaolis, from St Lucy's school in Wahroonga, New South Wales. The school is part of the Dominican Sisters of Eastern Australia and provides education specifically for students with a disability.

This group came to Canberra on a mission, a mission to remind the federal government that they have said nothing about children with disabilities when talking up the so-called education revolution. The group rallied today at Parliament House and reminded us all of the role that special skills play in education. They asked the Rudd government a very timely and legitimate question: are they—the special needs schools—considered to be part of the education revolution? And well may they ask.

The number of students with disabilities in every sector increases every year and this must be addressed. While we do not have any non-government special schools in the ACT, many of our non-government schools have a growing number of students with special needs enrolling each year. We need to recognise that the issues facing students with special needs are the same across the education sectors and certainly the same for parents of all children with special needs.

With the conclusion of the ACT Shaddock review into special education, we can see the value of including the non-government sector in the terms of reference—something that Minister Barr tried to stop at every turn for over two months, completely ignoring the logic of including the non-government sector in this review, until the very last moment when he did a now well known and now regular Barr flip—back flip.

I look forward to hearing which of the 68 options provided by the Shaddock review will be implemented by this government. I asked Mr Barr during question time on

Tuesday which of the 68 review options will be implemented and which stakeholders he had sought feedback and advice from. His answers were curt and non-committal. I would not blame the local ACT special needs community if they felt compelled to ask the same question that their New South Wales counterparts asked today: are we part of the education revolution? Mr Barr, we are waiting for your answer.

Madam Deputy Speaker, as part of Catholic schools week, along with you I attended a function at Merici college this morning. It was in the very early hours, around 7.15 am. Madam Deputy Speaker, you were the guest speaker at the school and there were some prominent sporting people there also. They were assisting the children in celebrating the Catholic approach to the development of the whole person, particularly with regard to healthy eating and healthy lifestyle choices—an innovation that Merici college has brought about through their canteen, which is run by staff and students for all staff and all students.

We also met with the principal, Catherine Rey, and the school board president, Steven Cork. I would like to thank them again for their hospitality and for the innovation that they have brought to education in Canberra through the way their canteen is run by the staff and the students for the benefit of all the staff and the students.

Allegations against members' staff

MR HARGREAVES (Brindabella) (4.34): I am forced to rise to respond to Mrs Dunne who, I have to say, absolutely surprises me. I have been in this place for a dozen years, Madam Deputy Speaker, and I have never seen such a vitriolic piece of venom thrown across the chamber in all of my time here. Any member who displays and disports themselves in that manner ought to resign from this Assembly forthwith.

I have had my sparring with those opposite on some massive subjects but never have I seen such a disgusting, wormlike performance from a person whom I formerly had a respect for. I have lost all respect for Mrs Dunne, Madam Deputy Speaker, for as long as my backside hits the ground. Let me just tell you: she accuses me of knowing what is in the mind of the Prime Minister. Well, thank you for the compliment. If I knew what was in the mind of the Prime Minister, let me tell you something, Madam Deputy Speaker: Mrs Dunne would be the last person I would speak to. She does not have my confidence to keep anything to herself, so why on earth would I want to do something stupid like that?

The other thing, Madam Deputy Speaker, is that she besmirches the good name of my wife, who is a bona fide candidate. I have to put it on the record now, thank you very much to Mrs Dunne, that I have had nothing to do with her campaign. Any suggestion is a rampant insult to my wife and I will hear nothing of it. Madam Deputy Speaker, this is a disgusting display. I do not know where she gets her information from. Perhaps, in fact, it is from her friends, through the hallowed halls of the churches that she frequents. Perhaps there are some people in this building who should consider whether they deport themselves with any credibility and any respect.

I have had nothing to do with this. I have had a conversation, in passing, Madam Deputy Speaker, where it was Mrs Dunne who suggested to me that there may have

been a message from the hill. I responded, "I don't know." Why would I know? How would I know? I could not possibly know, but there are people in this building who are trying to foment mischief. They can foment as much mischief as they like with regard to my good name, Madam Deputy Speaker, but I will not stand for it, on the public record, when it besmirches my wife's good name.

Mrs Dunne is not fit to walk in the shadow of my wife. Her behaviour this evening is despicable. I am calling on her to come down to this chamber now and put an apology on the record to someone who has no opportunity to defend herself. She can go and tell those people who are inciting her to make such venomous and vindictive remarks that they can go back to the cave, from the sewer from which they came.

I do not care whether they are Catholic or not, Madam Deputy Speaker. If she thinks that I think that she has come up with something original, she is wrong there too. Mrs Dunne has never had an original thought in her life. She is a marionette doing somebody else's bidding because somebody else does not have the courage to do it themselves. Let me say to them: if Mrs Dunne wants to say this outside this chamber—and I challenge her to do it—let her do it with a photo of her house, because I could do with another rental property, Madam Deputy Speaker. The same thing goes to the scumbag that is feeding her with these absolute falsehoods and an abundant bag of lies. Madam Deputy Speaker, I thought I had seen it all.

As for the rumour that I might trade my job to the left, that has got to be the silliest comment of them all. With the exception of your good self, Madam Deputy Speaker, I am the best local member this place has ever seen since 1989. It is, some people would say, the only thing I do well. I have no intention whatever of trading my job for anything. I know there are rumours abounding in this place that I am about to pack it in. Do I sound like somebody ready to pack it in? All I can say now is that, if Mrs Dunne wants to go to war about these sorts of things, bring it on. I say this now: I have respect for Mr Doszpot and I have respect for Mr Coe. We will have our swordfights, sure, but they have respect. I have nothing but contempt for Mrs Dunne across the chamber. *(Time expired.)*

National sheepdog trials
Motorsport

MR COE (Ginninderra) (4.39): Firstly, I would like to add to the record of what I said on 16 March, a couple of days ago, about the national sheepdog trial championships in Hall. I should have also acknowledged the fine leadership of Peter Welsh who is the president of the National Sheep Dog Trial Association Inc. I should also acknowledge the other members of his team. They are a great organisation and they do some great work. I made a mistake in not acknowledging them on Friday.

I rise today to speak about one of the biggest events on the Canberra tourism calendar, the Summernats car festival. For many people from interstate, when you say "Canberra", Summernats is the word that springs to mind. In a city with a reputation dominated by the home of federal parliament, the Summernats car festival diversifies that reputation and gets people thinking beyond parliament when it comes to Canberra and Canberrans.

From an event that began in 1988 with 47,000 people, it has gone from strength to strength. These days the figure is closer to 80,000 people, nearly 80 per cent of whom come from interstate. Needless to say, Summernats represents a significant contribution to the ACT economy, with net contributions estimated at over $3 million. This is an event that I think should continue. In 2005, 119,000 people went through the gates of the festival, which was a record.

Summernats 23 was held from 7 to 10 January 2010. I was pleased to be able to attend on the Friday, as I did Summernats 22 last year. It was great to walk around and see families enjoying the festival and to observe the results of so much effort in bringing the vehicles up to an extremely high standard.

Of course, synonymous with Canberra and with Summernats is the founder and champion of the festival, Chic Henry. Chic loves Canberra. He has been a tireless advocate for the city and for keeping the festival in the national capital. I commend him for all that he does in Canberra. I would also like to congratulate the new owner of Summernats, Andy Lopez, on a very successful first year of the job. I also congratulate the staff and volunteers who make it all possible.

Some of the awards that are on offer at Summernats each year include the airbrush art competition, the kids awards, the elite awards, the show and shine standouts, the club awards, street awards and many others. I would also like to acknowledge the many sponsors which make Summernats the success it is and make it all possible. The major sponsor for Summernats 23 was the *Street Machine* magazine. The supporting sponsor was Rare Spares. The gold sponsors were Jack Daniel's and Australian Capital Tourism. The silver sponsors were Barlens, Pedders, Coca-Cola Bottlers, Shannon's and Southern Cross Ten. The bronze sponsors were Coates, Fosters Group, Meguiar's, Nolathane, Slingshot, Strathfield and Yella Terra. The associate sponsors were Anest Iwata, Capital Trophies and Sportswear, Creative Kids Beds, Canberra FM 104.7, Fuchs Lubricants, Hi-Powered Networking, Nita's Snacks, Streets and Team Army.

The Canberra Liberals support motorsport and the rich motoring heritage we have in Canberra. Whether it is rallying, Summernats, drag racing, hill climbs and other forms of racing, Canberrans should be proud of the role our city has played in Australian motorsport.

The sport and the vocation has its challenges: the financial costs, the growing towns and cities encroaching on established circuits, bureaucracies, insurance and environmental issues are just some of them. However, none of these challenges are insurmountable. We as a parliament should be working with the motorsport community to work out how we can get the balance right so that we can see the continuation of motorsport in the ACT. I look forward to working with the motorsport communities, including the many clubs, which make Canberra a great place to live.

Merici college
St Michael's primary school

MS PORTER (Ginninderra) (4.43): I rise this evening just to talk about my visit with Mr Doszpot this morning to Merici college. Indeed, I did officiate at the launching of

their college's canteen initiative. The canteen has a new look and a new approach. I was pleased to be welcomed by the principal, Catherine Rey, the school captains, the students from the hospitality and administrative units of the college, who are now using the canteen to learn invaluable skills, and also, of course, the rest of the students. Along with the teachers in the school, they are learning to walk the talk with healthy eating. It was good also to share a very healthy breakfast with the teachers, parents and students today and also some other children of some of the parents, as well as the other dignitaries that Mr Doszpot mentioned who joined with us this morning at this very good event.

Yesterday at St Michael's we shared another breakfast with the principal, David Austin, his teachers and students. A number of us from this place were in attendance, as I think Mr Doszpot and Mr Coe mentioned. I do not think they mentioned that Minister Barr was there to speak and that Mr Bob McMullan and Senator Humphries were also present. I particularly enjoyed listening to the children's choir. I thank all those who made the breakfast such a pleasant event.

Question resolved in the affirmative.

The Assembly adjourned at 4.45 pm until Tuesday, 23 March 2010, at 10 am.

Schedules of amendments

Schedule 1

Justice and Community Legislation Amendment Bill 2010

Amendment moved by Mr Rattenbury

1
Schedule 1, part 1.1
Page 4, line 3—

omit

Schedule 2

Justice and Community Legislation Amendment Bill 2010

Amendment moved by Mrs Dunne

1
Schedule 1, part 1.1
Amendment 1.5
Proposed new section 48 (3)
Page 6, line 4—

omit

but do not include

substitute

and

Answers to questions

ACTION bus service—dead running costs (Question No 434)

Mr Coe asked the Minister for Transport, upon notice, on 19 November 2009:

(1) What is the cost of dead running, the time taken for dead running and the number of kilometres of dead running per day on the ACTION bus network, broken down by weekday, Saturday and Sunday services.

(2) What is cost of dead running, the time taken for dead running and the number of kilometres of dead running per day on the ACTION bus network for buses allocated to Redex services.

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

1 Dead Running Analysis for ACTION bus network:

	Cost of Dead Running Per day	No of Hours Dead Running Per Day	No of Kilometres Dead Running Per Day
Weekdays	$27,725.91	296	11,875
Saturday	$8,130.25	87	3,482
Sunday	$5,563.37	59	2,383

2. It should be noted that as REDEX is a trial it is not incorporated in ACTION's bus network. If the REDEX Trial is continued, it is expected that it would be incorporated into the network, minimising some of the dead-running. Dead Running Analysis for REDEX services:

Cost of Dead Running Per day	No of Hours Dead Running Per Day	No of Kilometres Dead Running Per Day
$1,772.62	18	790

Public service—corporate credit cards (Question No 476)

Mr Seselja asked the Minister for Education and Training, 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 Barr: The answer to the member's question is as follows:

For the Department of Education and Training:

(1) The Department of Education and Training (including schools) had thirty four corporate credit cards at 30 November 2009.

(2) The cards are issued to gain efficiencies in the purchasing process including expenditure on 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 spent on each credit card in 2008-09 (excluding schools) and 2009-10 to date (including schools) is provided in the table below. Information on credit cards held by schools is only available for the 2009-10 financial year.

2008-09 (Central Office)

Card 1	$957	Card 6	$16
Card 2	$2 450	Card 7	$985
Card 3	$67	Card 8	$490
Card 4	$888	Card 9	$259
Card 5	$343	Card 10	$765
Card 11	$760	Card 16a	$857
Card 12	$632	Card 17a	$366
Card 13	$2 340	Card 18a	$0
Card 14	$1		
Card 15	$513		

2009-10 July - November (Central Office and schools)

Card 1	$638	Card 6	$8
Card 2	$1003	Card 7	$1071
Card 3	$875	Card 8	$333
Card 4	$748	Card 9	$482
Card 5	$107	Card 10	$777
Card 11	$520	Card 16b	$1373
Card 12	$2084	Card 17b	$193
Card 13	$885	Card 18b	$218
Card 14	$50		
Card 15	$1520		
Card 19	$2300	Card 24	$1 594
Card 20	$2715	Card 25	$579
Card 21	$535	Card 26	$999
Card 22	$153	Card 27	$717
Card 23	$2348	Card 28	$2935

Card 29	$1363	Card 34	$378
Card 30	$1325		
Card 31	$3678		
Card 32	$4563		
Card 31	$489		

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. It is not considered a reasonable use of the agency's limited resources to extract data for 2007-08 and 2006-07.

Note that cards 16a and 16b were held by different card-holders, as were cards 17a and 17b, and cards 18a and 18b (ie the card-holders for 16a, 17a and 18a left the Department in 2008-09 and card-holders for 16b, 17b and 18b were new to the Department in 2009-10).

(4) The total amount spent on each credit card in 2008-09 (excluding schools) and 2009-10 to date (including schools) is provided in the table below. Information on credit cards held by schools is only available for the 2009-10 financial year.

2008-09 (Central Office)

Card 1	$11 484	Card 6	$186
Card 2	$29 403	Card 7	$11 820
Card 3	$800	Card 8	$5 876
Card 4	$10 654	Card 9	$3 106
Card 5	$4112	Card 10	$9 178
Card 11	$9122	Card 16a	$3 429
Card 12	$7579	Card 17a	$4 391
Card 13	$28 076	Card 18a	$0
Card 14	$10		
Card 15	$6161		

2009-10 July - November (Central Office and schools)

Card 1	$3 188	Card 6	$40
Card 2	$5 016	Card 7	$5 356
Card 3	$4 373	Card 8	$1 666
Card 4	$3 742	Card 9	$2 412
Card 5	$533	Card 10	$3 883
Card 11	$2 600	Card 16b	$6 865
Card 12	$10 419	Card 17b	$964
Card 13	$4 427	Card 18b	$1 088
Card 14	$250		
Card 15	$7 598		
Card 19	$11 502	Card 24	$7972
Card 20	$13 557	Card 25	$2899
Card 21	$2674	Card 26	$4994
Card 22	$765	Card 27	$3584
Card 23	$11 472	Card 28	$14 674

Card 29	$6817	Card 34	$1892
Card 30	$3977		
Card 31	$18 391		
Card 32	$9126		
Card 33	$1957		

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. It is not considered a reasonable use of the agency's limited resources to extract data for 2007-08 and 2006-07.

Note that cards 16a and 16b were held by different card-holders, as were cards 17a and 17b, and cards 18a and 18b (ie the card-holders for 16a, 17a and 18a left the Department in 2008-09 and card-holders for 16b, 17b and 18b were new to the Department in 2009-10).

(5) As at 30 November 2009, credit limits on cards issued by the Department of Education and Training are as follows:

$ Limit	Card Number
$2000	24
$5000	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 19, 20, 21, 26, 28
$8000	22
$10 000	16b, 17b, 18b, 25, 27, 29, 30, 31, 32, 33, 34
$20 000	15, 23

(6) a) In 2009-10 the Department of Education and Training has spent $4 365 on corporate credit cards for catering. Meals for officers on official travel are not recorded separately; they are a component of accommodation costs. To date in 2009-10, $19 376 has been spent on accommodation.

For the Canberra Institute of Technology (CIT):

(1) In 2008-09 the CIT used 55 cards, and in 2009-10 there are 54 cards

(2) The cards are issued to gain efficiencies in the purchasing process including expenditure on 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 CIT.

(3) CIT: The average amount per month on each card from July 2008 to November 2009 is as follows:

Card 1.	$2400.03	Card 6.	$479.11
Card 2.	$199.24	Card 7.	$1019.31
Card 3.	$169.49	Card 8.	$1577.81
Card 4.	$2681.61	Card 9.	$435.20
Card 5.	$128.18	Card 10.	$66.58
Card 11.	$65.84	Card 16.	$4952.74
Card 12.	$4.17	Card 17.	$1511.58
Card 13.	$1172.19	Card 18.	$214.05

Card 14.	$810.39	Card 19.	$255.26
Card 15.	$683.33	Card 20.	$651.51
Card 21.	$840.57	Card 26.	$233.66
Card 22.	$508.73	Card 27.	$981.72
Card 23.	$1414.15	Card 28.	$1586.59
Card 24.	$1155.70	Card 29.	$4620.23
Card 25.	$3412.14	Card 30.	$5574.52
Card 31.	$610.99	Card 36.	$1564.06
Card 32.	$172.06	Card 37.	$1004.88
Card 33.	$323.58	Card 38.	$387.23
Card 34.	$405.23	Card 39.	$193.86
Card 35.	$206.77	Card 40.	$336.03
Card 41.	$451.08	Card 46.	$221.62
Card 42.	$729.85	Card 47.	$3400.42
Card 43.	$119.29	Card 48.	$237.03
Card 44.	$1139.46	Card 49.	$2344.60
Card 45.	$1241.80	Card 50.	$389.19
Card 51.	$1755.21	Card 54.	$7,033.49
Card 52.	$660.91	Card 55.	$84.70
Card 53.	$2126.83	Card 56.	$1032.33

(4) The total amount spent on each credit card in 2008-09 and 2009-10 to date is as follows:

2008-09:

Card 1.	$27 438.93	Card 6.	$7013.80
Card 2.	$2607.18	Card 7.	$16 296.12
Card 3.	$148.00	Card 8.	$23 221.30
Card 4.	$34 989.66	Card 9.	$5222.44
Card 5.	$2024.67	Card 10.	$1116.36
Card 11.	$50.00	Card 16.	$62 424.54
Card 12.	$16 523.20	Card 17.	$14 442.87
Card 13.	$14 623.55	Card 18.	$1896.76
Card 14.	$8083.44	Card 19.	$1868.18
Card 15.	$155.00	Card 20.	$7818.12
Card 21.	$14 249.74	Card 26.	$458.98
Card 22.	$7790.49	Card 27.	$10 874.55
Card 23.	$18 459.94	Card 28.	$19 623.35
Card 24.	$13 100.45	Card 29.	$64 535.43
Card 25.	$47 006.25	Card 30.	$68 751.72
Card 31.	$10 383.85	Card 36.	$511.95
Card 32.	$2 922.08	Card 37.	$9282.86
Card 33.	$3229.46	Card 38.	$6582.92
Card 34.	$1659.32	Card 39.	$2157.30
Card 35.	$2132.88	Card 40.	$4100.94

Card 41.	$7395.35	Card 46.	$3764.50
Card 42.	$5848.70	Card 47.	$23 657.01
Card 43.	$2024.85	Card 48.	$1956.55
Card 44.	$13 776.21	Card 49.	$36 423.43
Card 45.	$16 069.17	Card 50.	$6 149.31
Card 51.	$29 835.52	Card 54.	$671.26
Card 52.	$35 572.82	Card 55.	$11 177.75
Card 53.	$70 101.37		

2009-10 to Date:

Card 1.	$13 361.53	Card 6.	$1131.08
Card 2.	$779.90	Card 7.	$1032.20
Card 3.	$2733.40	Card 8.	$3601.44
Card 4.	$10 597.71	Card 9.	$332.88
Card 5.	$154.37	Card 10.	$3.00
Card 11.	$3404.10	Card 16.	$11 254.03
Card 12.	$3556.35	Card 17.	$1742.10
Card 13.	$5693.26	Card 18.	$2471.21
Card 14.	$11 461.63	Card 19.	$40.00
Card 15.	$21 772.10	Card 20.	$858.00
Card 21.	$5580.58	Card 26.	$7348.70
Card 22.	$6546.37	Card 27.	$14 008.48
Card 23.	$11 000.20	Card 28.	$26 015.11
Card 24.	$3513.21	Card 29.	$3.00
Card 25.	$5814.68	Card 30.	$3.00
Card 31.	$2 271.36	Card 36.	$0.00
Card 32.	$5 229.63	Card 37.	$1 138.38
Card 33.	$1 382.25	Card 38.	$1 611.50
Card 34.	$26 077.14	Card 39.	$273.00
Card 35.	$7800.16	Card 40.	$6558.69
Card 41.	$3.00	Card 46.	$2073.00
Card 42.	$5594.63	Card 47.	$3434.76
Card 43.	$5041.38	Card 48.	$466.97
Card 44.	$3.00	Card 49.	$3.00
Card 45.	$34 150.08	Card 50.	$3304.57
Card 51.	$583.28	Card 53.	$768.68
Card 52.	$49 467.89	Card 54.	$6371.80

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, 2007-08 and 2006-07 data is not provided.

(5) **2009-10**

$ Limit	Card Number
$1000	3
$2000	2, 5, 9, 31, 35, 36, 38, 43, 48 and 50
$3000	17
$4000	24
$5000	6, 7, 8, 11, 13, 20, 21, 22, 25, 26, 30, 32, 33, 37, 40, 41, 46, 54
$10 000	1, 4, 10, 12, 14, 15, 16, 18, 19, 23, 27, 28, 29, 34, 39, 44, 45, 49, 51, 53
$15 000	47, 52

2008-09

$ Limit	Card Number
$1000	3
$2000	2, 5, 11, 33, 37, 38, 40, 45, 50
$3000	18, 44
$4000	26
$5000	6, 7, 8, 12, 14, 22, 23, 24, 27, 28, 32, 34, 35, 39, 42, 43, 48, 55.
$10 000	1, 4, 9, 10, 13, 15, 16, 17, 19, 20, 21, 25, 29, 30, 31, 36, 41, 46, 47, 51, 52, 54
$15 000	49, 53

(6) CIT: The catering/meals expenditure detailed below includes meals whilst travelling on official business.

2009-10 to Date	$7 914.96
2008-09	$13 679.28

Education—language teachers (Question No 522)

Ms Hunter asked the Minister for Education and Training, upon notice, on 9 February 2010:

(1) How many language teachers are currently employed in ACT public schools.

(2) How many of those teachers referred to in part (1) have language teaching as their primary speciality.

(3) What is the turnover rate of language teachers in ACT public schools.

(4) What work is the ACT Government doing with the ACT Ethnic Schools Association to assist to up skill teachers in ACT public schools.

(5) Is the ACT Government considering bringing ACT Ethnic School teachers into ACT public schools to assist ACT public school teachers.

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

1) 133.

2) Principals select teachers for language positions based on qualifications and relevant experience. Currently the identification of teacher qualifications for teachers already in the system are stored in hard copy on individual personnel files. A manual search of each individual file would be required to report information on relevant experience and qualifications.

3) Information is not currently collected on language teachers' movements to other subject areas. Resignation or retirement notification does not include teachers' subject areas.

4) The Department's language teachers continuously undertake professional development to enhance their language skills and teaching methodologies. The Department engages a range of external and internal service providers to meet the ongoing professional development and learning of language teachers in eight identified languages.

5) The Department employs teachers holding recognised three year and four year teaching training qualifications. ACTESA teachers considering employment with the Department can apply through the continuous recruitment process or annual recruitment round.

Multiculturalism—language policy (Question No 524)

Ms Hunter asked the Minister for Multicultural Affairs, upon notice, on 9 February 2010:

(1) Will the ACT whole-of-government language policy for the ACT, noted in the ACT Multicultural Strategy 2010-2013, be open for consultation; if so, how will this consultation be conducted.

(2) Will the finalised policy be a public document.

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

(1) Yes it will be. The community consultation process will involve the release of a discussion paper in mid 2010 followed by a consultation forum and a call for submissions from interested parties.

(2) Yes.

Muliculturalism—women's services (Question No 525)

Ms Hunter asked the Minister for Women, upon notice, on 9 February 2010:

(1) What promotion is currently being undertaken amongst the multicultural community for women's grants and services apart from the Multicultural E-news Bulletin.

(2) When will the Women's Information and Referral Centre begin undertaking measures to gather data for multicultural women attending their courses and adapt its Client Satisfaction Survey to enable collection of data for multicultural women.

(3) What promotion is currently undertaken to multicultural women to encourage their participation in the Register of Multicultural Advisers and how will this promotion be increased.

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

(1) Women's grants and services are promoted by direct contact with groups such as the Multicultural Women's Advocacy, Women of Australian Mon Association Inc, Multicultural Youth Services ACT, and community services with multicultural programs. More broadly, the grants and services are promoted through:

- The ACT Women website and the Community Calendar for Women;
- The ACT Government Grants Portal;
- Media release;
- Community Development Network for the ACT (CDnet);
- Women's Services Network (WSACT) e-mail list;
- The Canberra Times and community notice boards such as the Canberra Chronicle;
- The Department's stall at the combined Office for Women / Office for Ageing Sanctuary and the ACT Government Canberra Connect stall at the ACT Multicultural Festival;
- ACT Ministerial Advisory Council on Women;
- Through consultations for development of the ACT Women's Plan, which included distribution of information sheets in a number of community languages such as Dinka (Sudanese);
- International Women's Day activities; and
- ACT Government Online Community Noticeboard.

(2) The Women's Information and Referral Centre (WiRC) Client Satisfaction Survey gathers client demographic information including: age, Aboriginal and/or Torres Strait Islander status, cultural and linguistic diversity, marital status and postcode and cross-border information. The results for the 2009 survey indicated that 16% of clients who completed the survey spoke a language other than English at home.

The cultural background question is asked on all course/support group registration forms, evaluation forms and future courses information forms. It has been noted by WIRC that clients do not always supply information on cultural background.

(3) The Office of Multicultural Affairs promotes the Register of Multicultural Advisers (ROMA) through its e-community news service on a regular basis as well as through word of mouth promotion at regular community functions attended by Office staff.

The Office intends to actively encourage women to participate in ROMA this year with a targeted promotional campaign through organisations such as the Migrant and Refugee Settlement Support Service, Companion House and the Multicultural Womens Advocacy Service.

Schools—expenditure
(Question No 526)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 9 February 2010:

How much was spent during 2008-09 in each ACT government (a) pre-school, (b) primary school, (c) high school and (d) college for (i) non-teaching staff, (ii) cleaning, (iii) general repairs and maintenance and (iv) education materials.

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

1) In 2008-09 a total of $54.1 million was spent by ACT public schools (excluding centrally managed employee expenses). The details on a school by school basis, showing cleaning, general repairs and maintenance, and education materials are provided at **Attachment A**. As pre-schools are managed as part of primary school operations, separate financial data for pre-schools is not available.

   Non-teaching staff costs and the majority of repairs and maintenance expenditure is managed centrally by the Department rather than at the school level. These costs are not included in the attached data.

   (A copy of the attachment is available at the Chamber Support Office).

Schools—revenue
(Question No 527)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 9 February 2010:

How much revenue has been received during 2008-09 for each ACT government (a) pre-school, (b) primary school, (c) high school and (d) college, by school name, and what did this revenue relate to.

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

1) In 2008-09 ACT public schools received total revenue of around $56.7 million. The revenue primarily relates to school based management payments (payments by the Department), transitionary revenue for excursions, grants and bank interest. The details on a school by school basis are provided at **Attachment A**. As pre-schools are managed as part of primary school operations, such separate financial data for pre-schools is not available.

(A copy of the attachment is available at the Chamber Support Office).

Education—teacher recruitment
(Question No 528)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 9 February 2010:

(1) How many teachers did the ACT Government recruit in during 2008-09.

(2) How many teachers left the employment of the ACT Government during 2008-09.

(3) How much did the ACT Government spend on (a) recruitment and (b) placement of teachers during 2008-09.

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

Department of Education and Training

(1) 364.

(2) One hundred and one permanent staff left the Department and 88 permanent staff retired. Twenty-six temporary teachers completed contracts during 2008-2009 without commencing new contracts at a later date. Four temporary teachers retired.

(3) The Department spent approximately $400 000 during 2008-09 on advertising, marketing, assessment and placement of new teacher recruits.

Canberra Institute of Technology

(1) 49.

(2) 26.

(3) (a) Expenditure on direct recruitment activities was $39 125.46
(b) Nil.

Schools—canteen managers (Question No 529)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 9 February 2010:

(1) How many canteen managers are employed by the Department of Education and Training, where are they employed and how much did each cost, on average, in 2008-09.

(2) How many canteens in ACT government schools are run by volunteers exclusively.

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

(1) The Department of Education and Training does not employ canteen managers. While schools enter formal agreements with canteen operators, the financial viability of the canteen is the responsibility of the canteen operator.

(2) As at November 2009, canteens at 50 ACT government schools were operated by the schools' Parents and Citizens Association (P&C). Individual P&Cs decide staffing arrangements, based on local circumstances.

Schools—classrooms
(Question No 530)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 9 February 2010:

(1) How many classrooms were located in each ACT government school, by school name, in the (a) 2006, (b) 2007, (c) 2008 and (d) 2009 school year.

(2) How many classrooms in each ACT government school, by school name, had been identified as demountable in the (a) 2006, (b) 2007, (c) 2008 and (d) 2009 school year.

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

1) The answer to questions 1 and 2 can be found in **Attachment A**. Preschool and Special School learning environments are significantly different and are not represented in the classroom data of **Attachment A**.

(Copies of the Attachments are available at the Chamber Support Office).

Education—students—laptops
(Question No 531)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 9 February 2010:

(1) How many students in each ACT government school have been provided with laptop computers as part of the Commonwealth Government's Computers in Schools program.

(2) What is the cost per laptop computer.

(3) What proportion of the entire cost of each laptop computer is funded by the (a) Commonwealth Government and (b) ACT Government.

(4) What proportion of the entire cost of each laptop computer is each student required to pay in exchange for the use of a laptop computer.

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

(1) Under the Federal Government's National Secondary Schools Computer Fund schools are entitled to receive not only laptops, but desktop computers and other ICT equipment. In the ACT, schools have been able to choose the types of devices they would like to best meet their needs. To date funding for the provision of 4518 ICT devices has been received and 3980 devices have been purchased and deployed to ACT public schools as follows:

Alfred Deakin	105	Dickson College	244
Amaroo School	38	Erindale College	308
Belconnen High School	179	Gold Creek School	139
Calwell High	95	Hawker College	269

Campbell High School	127	Kaleen High School	63
Canberra College	276	Lake Ginninderra College	236
Canberra High	.97	Lake Tuggeranong College	232
Caroline Chisholm School	133	Lanyon High School	149
Lyneham High School	213	Melba-Copland Secondary	303
Melrose High School	110	Narrabundah College	256
Stromlo High School	139	Telopea Park School	145
Wanniassa School	76	Black Mountain School	37
Woden School	11		

The balance of funded ICT devices are expected to be deployed shortly.

(2) The Commonwealth provides nominal funding of $1000 per device.

(3) As noted above, the Commonwealth provides nominal funding of $1000 per device. No additional expenditure has been required by the ACT Government.

(4) The students are not required to make any contribution.

Children—childcare centres (Question No 533)

Mrs Dunne asked the Minister for Children and Young People, upon notice, on 10 February 2010:

(1) Will the Government provide transitional support to childcare centres who will expand when new carer/child ratios commence on 1 January 2012; if so, what support will be available.

(2) What assessment has the Minister made of the level of competition between childcare centres in the ACT and how does this compare with childcare centres in other metropolitan areas.

(3) What is the Government's policy on competition in the childcare industry.

(4) In which parts of Canberra is there a (a) surplus of long day care positions and (b) shortage of long day care positions.

(5) In which parts of Canberra are childcare fees the (a) highest and (b) lowest.

(6) What were the main drivers of the 0.03 per cent increase in childcare fees in the December quarter of 2009 and how does this compare to other states.

(7) How many childcare positions in the ACT are used by residents of NSW.

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

(1) The ACT Government will provide regular information and advice to child care services of any new requirements associated with the implementation of the National Quality Framework, including the new National Quality Standards.

(2) The Government has made no assessment about the level of competition between child care centres in the ACT. Issues of competition within the child care market are matters for individual service providers.

(3) The ACT Government does not have a policy on competition in the child care industry. Issues of competition within the child care market are matters for individual service providers.

(4) No definitive information about shortages and surpluses of long day care places is available.

(5) The ACT Government does not hold specific data on the level of all child care fees across Canberra, however I am advised by the Department of Disability, Housing and Community Services that there are no consistent patterns to fee levels set by services across different areas of Canberra. Information is available on fees on the www.mychild.gov.au website.

(6) An increase was observed in Canberra for the Childcare component of the ABS Consumer Price Index (CPI) for the December quarter 2009. The Childcare component of the CPI reports differences in out of pocket expenses for consumers of childcare services in the ACT. The key drivers relate to childcare subsidies provided by the federal government as well as the amount charged by childcare providers. With regard to the question of how this compares with other states, the CPI is measured over capital cities only, information on state by state comparisons is not available. The average quarterly increase for Canberra from September 2008 to present was -2.6% (A decrease of 2.6% in out of pocket expenses). This result was identical to the Australian average.

(7) The ACT Government does not hold statistics on the number of child care places in the ACT used by residents of NSW.

Land—rent scheme sales (Question No 534)

Mr Seselja asked the Chief Minister, upon notice, on 10 February 2010 *(redirected to the Minister for Land and Property Services)*:

(1) How many blocks have been sold under the land rent scheme in 2009.

(2) How many of the block referred to in part (1) have been sold to (a) builders and (b) non-builders.

(3) How many blocks are leased under the (a) discount rate of two per cent and (b) standard rate of four per cent of the unimproved value of the block.

(4) What is the total value of blocks sold under the land rent scheme as at 31 December 2009.

(5) What is the total revenue the ACT Government has received from rent on blocks sold under the land rent scheme to date.

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

1. 201 blocks were sold under the land rent scheme in 2009.

2. Of these blocks, 73 were sold to builders, and 128 to non-builders.

3. Of the 12 land rent leases that have settled, 9 have applied for, and have been granted, the two per cent discount rate of land rent. The remaining 3 have not applied for the discount land rent and will be charged at the four per cent standard rate of land rent.

4. As at 31 December 2009 the total value of blocks currently being rented was $3,556,000 with a further $38,827,000 on hold awaiting completion of settlement.

5. The amount of land rent payments received from land rent lessees as at 18 February 2010 totals $3,426.68.

Prices—Martin review
(Question No 536)

Mr Seselja asked the Chief Minister, upon notice, on 10 February 2010:

(1) What consideration did the Chief Minister's Department give to Treasury pricing surveys which were conducted on 16 April 2008 and 4 June 2009 in the context of the Martin Review.

(2) What information from these surveys were included in the Martin Review.

(3) What other pricing information was used in the review to perform analysis of the ACT grocery market and did this include data published on the Australian Competition and Consumer Commission's GroceryChoice website.

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

1. The Review document was authored by Mr Martin, not the Chief Minister's Department. Mr Martin did have access to the ACT Treasury pricing surveys which were conducted on 16 April 2008 and 4 June 2009.

2. Reference to the ACT Treasury pricing surveys is included on pages 6,11,24,53,54,75,93 of the Martin Review.

3. It is my understanding that Mr Martin used data published on the Australian Competition and Consumer Commission's GroceryChoice website along with ACT Treasury pricing survey's and market intelligence supplied by industry on a commercial-in-confidence basis.

Public service—performance statements
(Question No 539)

Mr Seselja asked the Treasurer, upon notice, on 10 February 2010:

Which agencies or departments did not comply with the reporting timetable for completing statements of performance issued by the Department of Treasury in 2008-09.

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

The 2008-09 statements of performance for the following agencies were not received by the Auditor-General's office by the due date as specified by the Department of Treasury reporting timetable:

Received one day after the date due:

- ACT Health;
- Legal Aid Commission; and
- Public Trustee for the ACT.

Received two days after the date due:

- Land Development Agency;

Others received after the date due:

- Independent Competition and Regulatory Commission – five working days; and
- ACT Public Cemeteries Authority – 14 working days.

Notwithstanding this, it should be noted that compliance with the Treasury timetable has improved over recent years.

Energy—solar feed-in tariff scheme (Question No 540)

Mr Seselja asked the Minister for the Environment, Climate Change and Water, upon notice, on 10 February 2010:

(1) What was the total subsidy paid to generators who participated in the Solar Feed-In Tariff Scheme in (a) October 2009, (b) November 2009, (c) December 2009 and (d) January 2010.

(2) What is the estimate of greenhouse gas emissions saved in (a) October 2009, (b) November 2009, (c) December 2009 and (d) January 2010.

(3) How many generators joined the scheme in (a) October 2009 (b) November 2009, (c) December 2009 and (d) January 2010.

(4) How many households were in the scheme as at 31 January 2010.

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

(1) Information on subsidies paid to generators under the Feed-in Tariff Scheme is provided by the ICRC in quarterly reports. Premiums paid during the December quarter 2009 totalled $313,851.

(2) Estimates of greenhouse gas emissions saved as a result of the Feed-Tariff Scheme are provided by the ICRC in quarterly reports. Greenhouse gas emissions saved in the December quarter 2009 totalled 734 tonnes.

(3) The number of additional renewable generators connected to the ACT grid were:

(a) October 2009 – 108
(b) November 2009 – 139
(c) December 2009 – 163
(d) January 2010 – 108

(4) 1,388 total renewable generators were connected to the ACT grid as at 31 January 2010.

Environment—waste management (Question No 541)

Mr Seselja asked the Minister for the Environment, Climate Change and Water, upon notice, on 10 February 2010:

(1) What was the estimate of the department's waste paper sent to landfill from 1 July 2009 to 31 December 2009.

(2) What was the total waste paper recycled from 1 July 2009 to 31 December 2009.

(3) What action has been taken by the department to audit its waste stream to determine a baseline for ongoing waste management.

(4) Has the department's resource management plan been completed; if not, when will the plan be completed.

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

(1) A current estimate is not available as a waste audit has not yet been completed.

(2) From 1 July 2009 to 31 December 2009 the Department's waste contractor collected 32 x 240L and 1 x 140L waste paper recycling bins. A total bin capacity of 7,820 litres of waste paper.

(3) All DECCEW staff have been supplied with and trained to correctly use desk-side mixed recycling, clean paper and 'waste to landfill' bins. Both floors of Macarthur House occupied by DECCEW have waste bins for secure paper, clean paper, mixed (co-mingled) recycling, organic waste and waste to landfill bins. In addition to this action, the Department will commence an audit of the Departments waste stream.

(4) A draft Resource Management Plan has been developed and will be finalised shortly.

Energy—audits
(Question No 542)

Mr Seselja asked the Minister for the Environment, Climate Change and Water, upon notice, on 10 February 2010:

How much did each (a) audit conducted and (b) rebate paid under the ACT Energy Wise Program cost in 2008-09.

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

(1) (a) Each Energy Wise program residential energy audit costs the ACT Government $250 (ex GST).

(b) The rebate is valued at $500; paid on a minimum expenditure by the applicant of $2,000 on identified energy efficient recommendations.

Health—Canberra Midwifery Program
(Question No 543)

Ms Bresnan asked the Minister for Health, upon notice, on 11 February 2010:

(1) What independent reviews have the ACT Government had conducted of the Canberra Midwifery Program over the last five years.

(2) Will the Minister provide copies of these reviews; if not, why not.

(3) How has the ACT Government responded to the recommendations from these reviews.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

(1) **In 2004** the ACT Standing Committee on Health enquired into maternity services in the ACT and subsequently published a report "Pregnant Pause – the Future of Maternity Services in the ACT". The terms of reference of this report were:

To inquire into and report on maternity services in the ACT with particular reference to:

- Continuity of care available throughout pregnancy and during and following birth by all areas and professional services related to the delivery of maternity services;
- Comparative costs and benefits of different models of maternity services and systems;
- Strategies for involving consumers in the planning and provision of maternity services;
- Impact of medical indemnity insurance on the provision of maternity services; and
- Any other related matter.

In 2005 the ACT Government's Response to the recommendations in "A Pregnant Pause: the Future for Maternity Services in the ACT" was published and circulated.

In May 2006 KPMG (contracted by the Government) published "Canberra Midwifery Program – Demand Analysis Report" arising from one of the recommendations of the Standing Committee's Report:
"That the (ACT) Government undertake a needs analysis to determine the actual level of unmet demand for the Canberra Midwifery Program as a matter of urgency. Further, the Committee recommends that the Government increase funding to the Canberra Midwifery Program to meet existing demand and following the outcome of the needs analysis appropriately resource the Program to meet demand".

In February 2007 there was a "Review into the Canberra Midwifery Program for ACT Health". The Review considered:

- The Canberra Midwifery Program (CMP) homebirth cases for a set period;
- The incidence of unplanned homebirths and whether the ACT numbers are significantly different to other community midwife programs that do not offer home birth;
- The effectiveness of the policies and guidelines for the management of unplanned homebirth within the CMP; and
- The current system of assuring quality outcomes in CMP.

(2) These first three reports are in the public domain. The final Report (the Review into the Canberra Midwifery Program for ACT Health) can be released excluding Sections 9.7, 9.8 and 9.9 and Section 10 plus the respective sections of the Executive Summary and Recommendations. These are Cabinet in confidence.

(3) The three reports contained a number of recommendations some of which the government supported, supported in principle, or did not support.

The majority of the recommendations from the *Pregnant Pause* report, which the Government supported, have been implemented. These include the implementation of initiatives such as antenatal education for women and midwives, Baby Friendly accreditation, better access to Maternal and Child Health Clinics and of course the Review of the Canberra Midwifery Program.

As a result of the findings of the *Canberra Midwifery Program Demand Analysis Report* published by KPMG, a number of actions were taken.

A Working Group was established by the Health Minister to consider the views expressed in the report and related issues. The key areas identified for improvement were:

- Improved access to women centred care by a known midwife;
- Continuity of care and carer through antenatal, birth and postnatal care; and
- Access to home like birthing facilities.

In response to the suggestions made by KPMG, operational areas identified a number of immediate steps for reengineering the service system at the time (such as roster changes, better referral pathways for Midcall/Newborn and Parent Support Service, expansion of the Young Mums Program) and many of these were implemented.

The Working Group advised that the whole of service approach (suggested by the Report), be adopted into future planning. As part of its Innovation, Redesign and Access Improvement Program, ACT Health has developed a model of care for women's services consistent with the principles to guide service provision as suggested by KPMG (Equity of access, continuity of care, targeting those most vulnerable and choice).

ACT Health is also an active participant in two current national maternity services initiatives - development of (i) a National Maternity Services Plan and (ii) a Quality and Safety Framework for Independently Practicing Midwives and home birth services. The National Maternity Services Plan is an action of the Maternity Services Reform Package that was announced in the 2009-10 Federal Budget and aims to achieve national consistency of maternity services nationally. The timeframe is to have a plan ready for the Australian Health Ministers Conference by June 2010.

In respect to the 2007 *Review into the Canberra Midwifery Program for ACT Health*, a range of recommendations were made and subsequently implemented excluding those relating to Sections 9.7, 9.8 and 9.9 and Section 10 of the Review. The Government is considering the options for a home birthing service and associated insurance. A preferred option is yet to be agreed.

Hospitals—birthing centres (Question No 544)

Ms Bresnan asked the Minister for Health, upon notice, on 11 February 2010:

(1) Is the new birthing centre at the Women's and Children's Hospital intended to be a permanent home for women choosing natural birthing processes; if so, why it is being designed so that it can be an interchangeable ward.

(2) With regard to the skeleton plans for the birthing centre that have now been signed off, what advice has the department and architects taken on from midwives and the friends of the birth centre and what suggestions have been discounted.

(3) What types of changes can and cannot be made to the design of the new birthing centre now that the skeleton plans have been signed off.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

(1) The new birthing centre at the Women's and Children's Hospital is intended to be the permanent home for women choosing natural birthing processes.

The birthing centre is not being designed to be interchangeable wards. The current design is a response to the requirement to ensure each room has a window, and the need to comply with Building Code of Australia fire egress requirements. The Project architects are currently exploring alternative options to configure the Centre.

(2) The following suggestions from staff and the Friends of the Birth Centre (FBC) have been incorporated into the current design of the birth centre:

- Separate entrance – direct access to the birth centre via main lift or main stairs;
- An informal environment available for all services from ante-natal visits and education, birth, and postnatal recovery;
- Space available for women to research and attend education classes;
- Physical separateness from the medicalised birthing unit including sights, smells and sounds of a clinical hospital environment; and
- An increased space to prepare food or rest while the woman is giving birth or recovering postnatally, and for children to play or rest under the supervision of family.

A number of staff and FBC suggestions will be incorporated in the next phase of design. These include:

- Home-like environment;
- A low-technology environment in all birthing rooms;
- Larger and specifically designed birthing pools;
- Provision of equipment and bedroom fixtures to facilitate active labour and birthing; and
- Larger rooms with easily accessible beds.

The FBC have also requested an alternate configuration to the current double corridor design to reduce the ward like feel of the centre (and maximise the home like environment). The project architects are developing a number of options which aim to meet both this requirement and the underlying Building Code of Australia requirements.

(3) The Women's and Children's Executive Reference Group approved the preliminary sketch plans on 2 February 2010. This means the architects (BVN) have permission to progress the plans to the next stage of development. This stage is the final sketch plans (FSP) and is the stage where the plans will develop with a much higher level of detail. This will include interior design, fitouts, furnishings etc of the birth centre to maximise its home like environment.

In addition, as discussed above the overall layout of the Birth Centre is still open to change as per the responses in (2) and (3) above to develop alternate configurations to the double corridor layout.

Planning—Currong site (Question No 545)

Ms Bresnan asked the Minister for Disability, Housing and Community Services, upon notice, on 11 February 2010:

(1) What options is the ACT Government currently considering for the future of the Currong site.

(2) What are the ACT Government's timelines for progressing these options.

(3) Who is the ACT Government consulting with in developing and progressing these options.

(4) What are the anticipated financial implications of each of these options.

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

(1) A range of uses for Currong are being considered including residential, commercial, retail, office and community.

(2) The studies are being progressed with the aim of finalising the development controls for the site by the beginning of 2011.

(3) Community consultation will be initiated as part of the further studies that need to be carried out. A consultation plan will ensure the broader community, other stakeholders and adjoining residents and land owners are consulted.

(4) The financial implications for the development of the site will be considered as part of the studies into the development of the site.

Housing—Causeway residents (Question No 546)

Ms Bresnan asked the Minister for Disability, Housing and Community Services, upon notice, on 11 February 2010:

(1) What options is the ACT Government currently considering for the future of the public housing tenants in the Causeway.

(2) What are the ACT Government's timelines for progressing these options.

(3) What recent consultations has the ACT Government had with the residents of the Causeway about their future housing.

(4) On what matters has the ACT Government achieved consensus with the residents of the Causeway about their future housing.

(5) What are the sustainable housing design considerations that the ACT Government is intending to pursue in the future developments of the Causeway area, particularly in relation to any public housing developments.

(6) What are the anticipated financial implications of the options that the ACT Government is progressing.

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

(1) The Government has agreed that there will be some public housing included in the Eastlake development. There has been no decision on the numbers of dwellings.

(2) Planning studies being undertaken by the ACT Planning and Land Authority are expected to be completed by mid 2010. The first land release for the East Lake area is scheduled for the 2011 – 2012 year.

(3) Officers from Housing and Community Services and the ACT Planning and Land Authority meet regularly with the Causeway residents. The last meeting was held in December 2009 and the next meeting is scheduled for March 2010.

(4) The ACT Planning and Land Authority and Housing and Community Services will continue to meet with the residents of the Causeway to discuss the future development of the area. The public housing residents have been advised that if the Causeway/Eastlake area is redeveloped there will be public housing provided and they will have the first offer of that accommodation.

(5) The *Canberra Spatial Plan* recognises sustainability and healthy communities as key goals for the future development of the ACT. The proposed development of Eastlake presents an opportunity to implement practices and principles to achieve these goals.

Dwellings constructed by Housing and Community Services are designed to achieve a minimum 6 star energy rating and are equipped with energy efficient appliances. Similar standards would be applied to public housing dwellings constructed in East Lake.

(6) The financial implications of the development of the area will be considered as planning of the area progresses.

Land—management costs (Question No 548)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 11 February 2010:

(1) What is the average cost of management of public land per hectare for (a) national parks, (b) Canberra Nature Park and (c) urban parks.

(2) What is the cost of (a) lawn mowing for ovals and for other land, (b) the installation of and annual maintenance of electric barbeques, (c) fencing public land for different types of fencing, (d) the installation of and annual maintenance of bubblers and (c) the installation of seats and paving.

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

(1) (a) $11 per hectare.

(b) $350 per hectare

(c) $3,483.86 per hectare per annum. Note that the cost of management of urban parks is not separated out from other activities. Hence, the cost provided is for management of public open space.

(2) (a) Cost of mowing ovals is estimated to be $1.02million and depending on the season, TAMS spends between $4 and $4.5 million annually on mowing other land.

(b) The average cost for the supply and installation of an electric barbeque is $16,000. The annual cost for BBQ maintenance and cleaning is $114,620.

(c) Costs for fencing public land is not recorded separately from other land management and maintenance costs.

(d) The average cost for supply and installation of a drinking fountain is $12,000. Annual maintenance cost for bubblers cannot be provided as maintenance costs are not separately identified from other maintenance works.

(e) The cost of supply and installation of seats for public city areas range from $2,000 to $5,200. The average cost for installation of new paving for these areas range from $90 to $320 per square metre.

Housing ACT—maintenance costs (Question No 549)

Mr Coe asked the Minister for Disability, Housing and Community Services, upon notice, on 11 February 2010:

What was the average cost of maintaining Housing ACT properties for 2009 by different dwelling type.

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

The average cost of maintaining Housing ACT properties in 2009:

	Responsive Repairs	Planned Maintenance and upgrades
Older Persons Accommodation	$611	$576
Houses	$947	$2,485
Flats/Apartments/Units	$789	$1,239

The above figures do not include common area cleaning and horticultural maintenance undertaken in communal areas of multi unit sites.

Environment—cat containment areas (Question No 550)

Ms Le Couteur asked the Minister for Land and Property Services, upon notice, on 11 February 2010:

(1) Are new residents in areas where cat containment policies are in operation, such as Bonner, being informed of these policies at the point of land sale.

(2) What information is given to prospective owners and residents at point of sale.

(3) Can the Minister provide relevant information given to prospective residents of cat containment areas.

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

(1) Yes, potential purchasers are informed prior to sale and at the point of sale. The Lease and Development conditions provided to potential purchasers prior to sale outline cat containment requirements.

(2) Potential purchasers are informed of the cat containment policy for Bonner prior to and at the point of sale as mentioned above.

At the point of sale purchasers are directed to the LDA website for further information about keeping a cat in the ACT. In addition to this, the LDA website also provides links to the Department of Territory and Municipal Services web site for further information on cat consignment.

(3) The information attached is as provided on the LDA website and in the Bonner brochure.

(A copy of the attachment is available at the Chamber Support Office).

Cemeteries—spaces (Question No 551)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 11 February 2010:

(1) How many available burial internments are there at (a) Woden, (b) Gungahlin and (c) Hall cemeteries.

(2) How many available spaces are there for ashes internment at (a) Woden, (b) Gungahlin and (c) Hall cemeteries.

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

(1) (a) 1,850
(b) 15,000
(c) About 30
(2) (a) 5,500
(b) 30,000
(c) Not quantified but many hundreds

The above numbers are estimates and are somewhat dependent on how areas are laid out and how intensively the available space is used. This is particularly the case for Gungahlin Cemetery which has large areas of unused space and therefore a great deal of flexibility. Conversely Woden has very little space and little flexibility. The estimates are based on allowing for the same aesthetics and structural framework currently employed on each site.

Note that the numbers for ashes internments are very large. This is because most gardens and shrub borders can be attractively and sympathetically used for the development of memorial gardens.

Transport—car pooling (Question No 555)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 11 February 2010:

(1) What was the result of the survey that was conducted in 2008, across the public service, in relation to car pooling.

(2) Is the Minister planning any action in relation to the survey results.

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

(1) An email providing a web link to a car pooling survey was sent to approximately 12,500 ACT government email boxes on the 27 June 2008. Approximately 6.5% of staff responded.

The results of the survey show that:

- there is support for and interest in car pooling as an alternative to commuting by car. Ten percent of survey respondents said they would not consider car pooling as an alternative to driving. Twenty-six percent were undecided and sixty-four percent indicated they would consider it.
- a car pool pilot appears to be feasible: There is capacity to find suitable matches as the majority of staff have common travel patterns. Most staff work full time Monday to Friday and have similar commuting times.

(2) The Government is considering supporting car pooling for its staff in the context of integrated transport planning and a range of funding priorities.

Environment—cat containment areas (Question No 557)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 11 February 2010:

(1) Are new residents in areas where cat containment policies are in operation, such as Bonner, being informed of these policies.

(2) What monitoring and enforcement of cat containment policies is undertaken in Bonner and other suburbs where these policies are operating.

(3) Which Canberra suburbs have cat containment policies operating.

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

(1) The ACT Government has made substantial media comment on the legal position of cat containment in Forde and Bonner. Requirements have been repeated, through the media a number of times, with the latest being reported in the Canberra Chronicle dated 15 February 2010.

The ACT Government, through a direct grant to the Conservation Council, has provided funding for educational material to be developed and distributed in the Gungahlin area.

The development of the sub-division known as Forde/Bonner is being project managed by a joint venture between Delfin and Lend Lease. The developers have engaged a consultant responsible for interviewing prospective land purchasers. The consultant explains the virtues of living in Forde/Bonner, including information on cat containment, as containment is considered of benefit to residents.

(2) Domestic Animal Services (DAS) rangers are responsible for patrolling all ACT suburbs including the cat containment suburbs of Forde and Bonner. DAS have a number of humane cat traps available for use by the public and respond to all public

complaints. Under agreement with the RSPCA, trapped cats are passed on to the RSPCA shelter at Weston.

Parks Conservation and Lands have conducted a cat trapping program within the fenced perimeter of the nearby Mulligan's Flat Reserve. Recent sand traps and camera points have not detected any cat activity within the fenced area.

(3) Currently, under the *Domestic Animals Act 2000*, cats must be fully contained within the private lease boundaries of homes in the suburbs of Forde and Bonner.

Environment—protected trees (Question No 558)

Ms Le Couteur asked the Minister for the Environment, Climate Change and Water, upon notice, on 11 February 2010:

How many applications to remove native Australian protected trees under the *Tree Protection Act 2005* and the *Nature Conservation Act 1980* had been made in (a) 2006, (b) 2007, (c) 2008 and (d) 2009 and how many of these have been approved.

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

(a) From March 2006 when the *Tree Protection Act 2005* commenced, 1300 applications were received with 909 approved;
(b) 1499 applications received with 980 approved;
(c) 1442 applications received with 898 approved;
(d) 1348 applications received with 830 approved.

The Tree Protection Unit, TAMS, has further advised that an approval does not necessarily mean the tree was removed. The approval is valid for 5 years. An approval may involve multiple trees with only one removed at this point.

There have been 4 licences issued pursuant to the *Nature Conservation Act 1980* to remove native timbers. These licences are infrequently issued as their application relates to reserved areas. Trees in reserved areas may be removed by Conservation Officers in the course of reserve works including for safety reasons without the need for a licence to be issued by the Conservator of Flora and Fauna.

Environment—energy efficiency ratings (Question No 559)

Ms Le Couteur asked the Minister for Planning, upon notice, on 11 February 2010:

How many energy efficiency rating audits have been conducted since 1 July 2009.

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

(1) 118 audits have been performed since 1 July 2009. As per the agreement of the Assembly, made on 1 April 2009. Energy efficiency audit information will be available in the ACT Planning and Land Authority's Annual Report.

Environment—energy efficiency ratings (Question No 560)

Ms Le Couteur asked the Minister for Planning, upon notice, on 11 February 2010:

(1) Can the Minister list, for all classes of buildings in the ACT, (a) current energy efficiency rating (EER) requirements, if any, (b) EER under the Building Code of Australia (BCA) 2010 and (c) ACT Government plans, if any, to change the EER requirements including timing of change and what the change will be.

(2) When does the ACT Government plan to adopt the BCA 2010; if so, (a) will it adopt all of it, (b) which, if any, parts will not be adopted and (c) will there be any amendments or variations specific to the ACT.

(3) How is the ACT Government notifying the industry of any expected changes.

(4) Did the Government issue a discussion paper dealing with EER in May 2009; if so, when will that progress and why has it not been publicly progressed to date.

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

(1) (a) The Attorney General administers the *Civil Law (Sale of Residential Property) Act 2003* and the *Residential Tenancies Act 1997,* which require certain residential buildings to have an EER when being offered for sale or lease. It does not require buildings to achieve an EER standard. No building or planning legislation requires an EER. The BCA allows an EER to demonstrate compliance with energy efficiency performance standards. These standards differ for each class of building and are described in Section J of Volume 1 and Section 3.12 in Volume 2 (housing) of the BCA.

(b) The BCA does not require an EER, and is not expected to do so for BCA 2010. BCA 2010 is expected to have increased energy efficiency performance requirements, aimed at correlating with the following EER performance for the building envelope, in addition to other energy efficiency requirements—

> for class 1 buildings—not less than 6 star equivalence; and
> for class 2 sole occupancy units or class 4 parts of a buildings—collectively an average of not less than 6 star equivalence and individually not less than 5 star equivalence.

BCA requirements generally cannot be verified using an EER for other classes of buildings, as house energy rating software rates only specific residential buildings. However, the BCA has extensive energy efficiency provisions for all classes of buildings except class 10 buildings (non-habitable) that are not attached to buildings or another class. The stringency of these standards in the 2010 BCA has increased from a cost-benefit ratio of 5:1 to just under 2:1.

(c) Reform proposals for expanding requirements for EERs for sale and lease have been published for public comment. Government will consider the most appropriate method for pursuing these reforms.

(2) (a) The *Building Act 2004* automatically adopts the latest version of the BCA. The BCA stipulates when each jurisdiction adopts each BCA version. The ACT has asked

that BCA 2010 indicate the ACT will adopt BCA 2010 from 1 May 2010. A decision to transition the BCA's increased energy efficiency provisions will be made in consultation with key stakeholders now that the BCA 2010 provisions have been published.

(b) A regulation under the Building Act may prescribe further detail about BCA adoption. In 2006 when the BCA increased energy efficiency requirements for housing from 4 star equivalence to 5 star equivalence, a regulation transitioned application of that increase for 7 months for class 1 and 10 buildings that had development approval had already been applied for, and 12 months for other classes of building that development approval had already been applied for. That approach will be considered for BCA 2010. Further consultation with industry will be required for some classes of building that showed a significantly negative cost-benefit ratio.

(c) The appropriateness of some provisions will need to be considered before determining if the ACT will not eventually adopt a BCA 2010 provision, or to adopt a provision with variation. For example provisions for hot water heaters need to be sufficient for ensuring that appliances work effectively and efficiently in the ACT's coldest periods.

(3) The ACT contributes money and staff to help run the Australian Building Codes Board (ABCB), its secretariat and committees. The ABCB secretariat undertakes national public and industry consultation on, and awareness about, BCA changes. Industry also has a representative on the ABCB. The ABCB secretariat has organised awareness seminars, which for BCA 2010 will focus on the increased energy efficiency requirements. ACTPLA will present an ACT-perspective paper at the ABCB's BCA 2010 awareness seminar in March 2010. ACTPLA has emailed an invitation to that seminar to all ACT licensed building surveyors and registered architects. Several hundred local practitioners generally attend the ACT seminars each year. After the seminar a peak industry body will run a workshop focusing on heating, ventilation and air-conditioning requirements of non-residential buildings under BCA 2010. Information about BCA 2010 changes is also published on the ABCB web site and communicated through ACTPLA's newsletters. ACTPLA and the ABCB secretariat have staff that regularly answer industry questions about BCA changes. The Building Act requires that a newspaper notice be published notifying adoption of each edition of the BCA.

(4) The ACT Planning and Land Authority did release a discussion paper regarding the ACT House Energy Rating Scheme (ACTHERS), which the Member made a submission to on behalf of her party. A proposal to licence building energy assessors is being considered by the Government. An announcement is foreshadowed for April-May this year. The more complex policy issues involved in expanding the scheme are currently being resolved by ACTPLA. Assessors and broader industry groups have been periodically updated on the progress of these proposals.

Housing—solar access and orientation (Question No 561)

Ms Le Couteur asked the Minister for Planning, upon notice, on 11 February 2010:

(1) What is the progress of the Government's work on the issue of solar access and orientation.

(2) Does the Government expect to implement changes by way of Territory Plan changes, legislation or any other mechanism; if so, when will these be introduced.

(3) Is the Government planning to implement these differently for green field sites and infill sites.

(4) Will any implementation take into account the needs of solar hot water, photovoltaic systems and passive solar design.

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

(1) The ACT Planning and Land Authority engaged a consultant in June 2009 to provide advice on improving policy provisions pertaining to solar access. The consultants researched national and international initiatives and proposed amendments/additions to the provisions in the Territory Plan (the Plan).

This work was presented to industry and community stakeholders at workshops held in October and November 2009. Testing of the recommendations across a number of greenfield and infill/redevelopment sites is currently being undertaken.

(2) Improvements to solar access and orientation requirements will be implemented through a suite of Draft Variations to the Territory Plan, particularly to the Estates Development Code (previously the Residential Sub division code), and the single dwelling and multi-unit Residential Codes. It is anticipated the Draft Variations will be released for consultation during the first half of this year.

(3) In greenfield developments there will be provisions to improve the orientation of blocks. Development on these blocks will be subject to the same controls as apply to redevelopment and infill sites. As stated previously the proposed amendments/additions to the policy provisions are being tested. This is to ensure there are no unintended consequences in applying these provisions to other important Government objectives for sustainability and affordability. Preliminary findings of this testing is indicating that some modified provisions may be necessary for the high density residential zones.

(4) It is beyond the remit of the planning system and hence the Territory Plan to mandate the inclusion of solar hot water, photo-voltaic systems and passive solar construction for residential dwelling construction. The amendments proposed, however, will encourage good orientation and assist in facilitating solar access to allow for these key features to be easily incorporated.

Environment—energy efficiency ratings (Question No 562)

Ms Le Couteur asked the Minister for Disability, Housing and Community Services, upon notice, on 11 February 2010:

(1) In relation to the report *Energy efficiency strategy for ACT Public Housing* which was prepared in 2007, provided to me by the Minister's office, does ACT Housing collect the information listed in the 4.1 Monitoring and Evaluation Program, in particular, are they collecting energy bill data; if so, is this information available in an aggregated form without personal information.

(2) Is the department following the program as outlined in the report.

(3) In relation to Table 3 in the report which lists ranked thermal improvements, can the Minister advise me how many have been carried out to date and what her program for them is into the future.

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

(1) Housing ACT collects most of the information included in section 4.1 Monitoring and Evaluation Program, however it does not collect energy bill data. As energy bills are paid by the tenants, this information is a private matter between tenants and their preferred energy provider. Housing ACT will invite a select number of tenants to allow approval to access energy records. The information will be used to assess the effectiveness of the energy improvements installed. The assessment will take place during 2010-11 having allowed sufficient time after installation for their effectiveness to be determined.

(2) Based on recommendations from the report, Housing ACT has developed an action plan to undertake improvements to public housing properties. This action plan focuses on building shell improvements such as ceiling insulation, wall insulation (for larger homes), draught sealing and the installation of efficient hot water systems. Other items such as double glazing, awnings and drapes are not currently economically feasible. Once building shell improvements have been implemented Housing ACT will consider the installation of more efficient heaters.

(3) As at 17 February 2010, 703 public housing properties have had thermal improvements installed. All Housing ACT properties will have draught sealing undertaken and their ceiling insulation checked and topped up as necessary. Brick veneer properties with four or more bedrooms will also have wall insulation installed. Housing ACT will continue to provide thermal improvements to its properties expecting to have completed improvements to all properties by the completion of the program in 2017.

Government—ministerial travel (Question No 563-583)

Mr Seselja asked the Chief Minister, upon notice, on 11 February 2010:

(1) How many official trips were made by the Minister from 1 July 2009 to 31 December 2009.

(2) What was the (a) date, (b) trip length, (c) destination, (d) total cost, broken down by travel allowance and airfares, and (e) purpose for each trip.

(3) How many staff accompanied the Minister of each trip.

(4) If staff did accompany the Minister, what was the total cost of the trip, broken down by travel allowance and airfares.

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

1. A detailed report on official trips made by all Ministers for the period 01 July to 30 December 2009 is at Attachment A.

2. The attached report includes (a) date, (b) trip length, (c) destination, (d) total cost, broken down by travel allowance and airfares, and (e) purpose for each trip.

3. Attachment A also lists how many staff accompanied Ministers on their trips.

4. Details of the total cost of the trip, broken down by travel allowance and airfares for staff accompanying the Minister are included in the report.

(A copy of the attachment is available at the Chamber Support Office).

Government—payment of invoices (Question Nos 584, 587, 589, 592 and 599)

Mr Seselja asked various ministers, upon notice, on 11 February 2010 *(redirected to the Chief Minister)*:

How many invoices were received by each department or agency in the Minister's portfolio in (a) July, (b) August, (c) September, (d) October, (e) November and (f) December 2009, what was the average value of these invoices and how many of these invoices were fully paid by their due date.

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

- Information associated with the number of invoices received by the Department each month is not available. The response is therefore based on the invoices paid by the Department.
- In line with how Shared Services provided the required information to the Department, the below response reflects the total number of invoices paid during the period July to December 2009, rather each month individually.
- The response for CMD shown below includes all CMD cost centres, and therefore includes invoices paid in relation to the following portfolios:
- Industrial Relations;
- Tourism data is included from the date of the AAO transfer;
- Business and Economic Development; and
- Arts.

Reporting Entity	**Number of Invoices Paid**			**% of Invoices Paid**		**Average Value of Invoices Paid**
	Number			%		$
	On Time	Overdue	Total	On Time	Overdue	
CMD	2,409	575	2,984	81%	19% *Notes 1-2*	$8,371
ACT Executive	271	7	278	97%	3%	$2,418

Notes:

1. The information has been extracted by Shared Services based on 35 days from the invoice date. Due to how the 'due date' field is used in the system, this methodology provides the most accurate payment data possible. A parameter of 35 days has been used instead of 30 days to allow for the normal time lag that occurs before a department receives invoices from suppliers.

2. Invoices can remain unpaid past the due date for a variety of valid reasons:
   - the invoice is being disputed by the agency with the vendor or further documentation is required;
   - the invoice received is an invalid tax invoice;
   - the invoice details are incorrect resulting in the invoice not being received by the correct agency or area within the agency; or
   - the invoice is issued by the vendor well after the date specified on the invoice.

Government—payment of invoices (Question No 589 supplementary)

Mr Seselja asked Minister for the Arts and Heritage, upon notice, on 11 February 2010:

How many invoices were received by each department or agency in the Minister's portfolio in (a) July, (b) August, (c) September, (d) October, (e) November and (f) December 2009, what was the average value of these invoices and how many of these invoices were fully paid by their due date.

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

Information on Arts invoices has been provided in relation to the invoices paid by the Chief Minister's Department.

Information on Heritage invoices has been provided in relation to the invoices paid by Territory and Municipal Services.

Government—payment of invoices (Question No 599 supplementary)

Mr Seselja asked Minister for Tourism, Sport and Recreation, upon notice, on 11 February 2010:

How many invoices were received by each department or agency in the Minister's portfolio in (a) July, (b) August, (c) September, (d) October, (e) November and (f) December 2009, what was the average value of these invoices and how many of these invoices were fully paid by their due date.

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

Information relating to invoices for Australian Capital Tourism and Sport and Recreation Services had been incorporated into the responses from the Chief Minister and the Minister for Territory and Municipal Services.

Land—lease variations
(Question No 605)

Mr Seselja asked the Minister for Planning, upon notice, on 11 February 2010:

(1) How many applications to rectify a breach of a crown lease did the ACT Planning and Land Authority (ACTPLA) receive in (a) July (b) August, (c) September (d) October, (e) November and (f) December 2009.

(2) For each month referred to in part (1), (a) what was the average length of time taken to process each application, (b) how many applications were not approved, (c) how many applications related to dwellings not being commenced on time and (d) how many applications related to dwellings not being completed on time.

(3) How many staff within ACTPLA work to assess these applications.

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

(1) The following numbers relate to breaches of Crown leases that relate specifically to non-compliance with building and development provisions:
a) July - 29
b) August - 78
c) September - 37
d) October - 39
e) November - 47
f) December - 44

(2) a) Cases logged for the processing of applications for extension of time to building and development provisions are not closed until applicants have paid the required fees or are informed that due to non-payment of the required fee, that the case will be closed. The case remains closed pending the submission of a new application for reassessment of the fees payable.

No times are recorded for assessment of the actual application itself. It should be noted that there are no statutory timeframes that apply to the processing of extension of time applications.

b) All applications for extensions of time to building and development provisions received in the periods identified above have been approved.

c) & d) The majority of applications for an extension to the building and development provisions of a Crown lease relate to extensions for both commencement and completion covenants as well as other related covenants that also require extensions.

(3) 1 x Senior Officer Grade C
1 x Administrative Service Officer Class 5
1 x Administrative Service Officer Class 4

Roads—driving simulators (Question No 608)

Ms Bresnan asked the Minister for Transport, upon notice, on 23 February 2010:

(1) Has the Government given any consideration to permitting driving simulators to be included as part of learner driver training; if so, can the Minister provide information on the reason that simulation was rejected.

(2) Does the Government place any value to the driver training process, on instructing learner drivers on crisis situations using a simulator.

(3) What is the approximate cost of licensing driver simulator operators to be included in the ACT Learner Driver program.

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

(1) Yes. A driving simulator was investigated by my department in 2007 on invitation from the simulator manufacturer. Representatives from road transport authorities in a number of jurisdictions attended a demonstration at the manufacturer's facility in Melbourne. The consensus view of the state and territory representatives was that the simulator at that time did not sufficiently replicate the on road feel of driving, steering and stopping a vehicle to enable consideration being given to using a simulator as a substitute for on-road licence testing.

(2) While there may be some aspects of simulator training which could be considered beneficial, for example as part of a Hazard Perception Test for providing an off-road component for teaching some skills, the Government does not believe that driving simulators examined so far are sufficiently advanced to enable them to replace on-road assessment of driver competence.

(3) There has been no cost analysis of licensing driver simulator operators as there has been no decision to mandate the use of simulators in the learner driver training process. The cost of a fixed dynamometer type simulator in July 2007 was approximately $1.2 million per bay with a transportable unit costing in the order of $600,000. There is no prohibition on any ACT driving instructor utilising a driving simulator to assist in training learner drivers providing all the mandatory components of the Competency Based Training and Assessment program are conducted and assessed on-road.

Education—teachers (Question No 609)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 23 February 2010:

How many (a) permanent full time, (b) permanent part time and (c) casual teachers are employed in ACT government schools as at 1 February 2010.

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

Teachers employed in ACT public schools as at 1 February 2010:

(a) permanent full-time: 2896
(b) permanent part-time: 489
(c) casual: 41.

Schools—class sizes (Question No 610)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 23 February 2010:

How many classes in each ACT government (a) high school and (b) college, by name, are (i) below, (ii) above and (iii) have 21 students.

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

(1) Analysis of public school class size occurs following the February school census. Processing of the February 2010 school census has not yet been completed. The most recent class size information available is therefore the same information provided to Mr Doszpot in response to the 2009 Question on Notice Number 78. This is available from Hansard on p.1837 from 2 April 2009.

Employment—disabled persons (Question No 611)

Mr Doszpot asked the Minister for Disability, Housing and Community Services, upon notice, on 23 February 2010 *(redirected to the Chief Minister)*:

(1) How many people with a disability are in (a) permanent full time employment, (b) permanent part time employment and (c) casual employment in all ACT Government agencies.

(2) What percentage of employment does this represent for each agency.

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

The 2008-09 ACT Public Service Workforce Profile provides details of employees with a disability in the ACT Public Service by employment category and agency.

The Profile can be found at the below website address:

http://www.cmd.act.gov.au/governance/commissioner
