



Debates

WEEKLY HANSARD
SEVENTH ASSEMBLY

Legislative Assembly for the ACT

1 JULY 2010

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Thursday, 1 July 2010

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Thursday, 1 July 2010

The Assembly met at 10 am.

(Quorum formed.)

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

Personal explanation

MR HARGREAVES (Brindabella): Mr Speaker, I seek leave to make a personal explanation under standing order 46 relating to events of last evening.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Last evening, I made a ruling that a division would be called after a vote. Mrs Dunne rose to her feet and took umbrage and accused me, in effect, in my words, of denigrating the position of the chair, to which I took great offence. I have had a look at and a reflection on what was the case. I would like to put on the record what was the truth, not what was the interpretation that Mrs Dunne put on it in her point of order taken.

What occurred was that a vote was called and I said, “Those in favour say ‘aye’” and an aye was registered, those to the contrary said no. I made a ruling, and then I said: “I think the noes have it. No, I don’t believe that’s so. Division called.”

That comment of mine, which is “No, I don’t believe so”, reflected the fact that both sides of the chamber indicated that the noes have it and the ayes have it and that a division should have been called. What I was saying—in the sense that I said, “I don’t think so”—was a reflection on my error in not calling the division in the first place. Instead of saying, “I think the noes have it,” I should have said, “A division is called; please ring the bells.”

I take great exception to Mrs Dunne’s instantly jumping to her feet. Yet again we have seen somebody being precipitate and getting it wrong. We have seen somebody being denigratory and getting it wrong. I just think that an apology on the part of Mrs Dunne may very well be appropriate.

Health—cancer treatment **Statement by minister**

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations), by leave: I would like to thank Mr Rattenbury for his letter dated 19 March 2010 regarding the Legislative Assembly’s resolution on cancer services at the Canberra Hospital. The Assembly asked for a report back on the issues raised in this resolution by 30 June 2010.

In relation to the request that I investigate whether staff at the Canberra Hospital who assist in the front-line provision of cancer services require customer service or reflective practice training, I can advise that ACT Health is conducting training in customer service to support front-line staff and ensure that, in addition to quality care, patients and their families continue to receive high quality customer service and communication. Radiation oncology staff are currently working with the customer service training team to tailor the content of the training modules to suit their specific requirements, and feedback from consumers will also be used to ensure the training is as effective as possible. Sessions will commence in July 2010.

In relation to the request that I reinstitute formal consultation meetings between managerial and consumer representatives, I can advise that ACT Health is currently undertaking planning for construction of the capital region cancer centre, and an integral part of this work is investigation of current practices and procedures in order to improve a patient's experience of the care and information they receive. Two customer representatives are part of the committee responsible for leading this project, and the Capital Region Cancer Service has begun to work with these representatives to identify other opportunities for meaningful consumer participation. A meeting with consumer organisations is being planned to identify the most appropriate vehicle for increasing consumer engagement across cancer services. This may result in the reinstitution of the previous meeting format or it may implement a new consultative framework that improves communication and outcomes.

In relation to the request that I direct the Canberra Hospital to plan for staff turnover and aim to ensure a staff person will be replaced before they leave a position, I can advise that, under the terms of the current collective agreements, staff are only required to give two weeks notice before resigning from a position. However, when notice is given, every effort is made to recruit to positions quickly, particularly where vacancies may impact on the provision of healthcare services.

In the specific case of radiation oncology, the process to fill the vacant radiation therapist positions was promptly initiated when the vacancies were identified. In addition to acting in a timely manner to fill the vacant radiation therapist positions, additional funding, has been provided to enable recruitment of an additional five radiation therapists. This will assist the radiation oncology department to meet growing demand, cover backfill and reduce the risk of future vacancies negatively impacting on the service's capacity.

In relation to the request that I investigate whether any further financial assistance can be provided to those patients who had to travel interstate to receive radiotherapy treatment, I can advise that, when a patient has to travel interstate for care, the ACT covers all medical costs associated with their treatment. The ACT interstate patient travel assistance scheme is a subsidy scheme to provide some financial assistance towards travel and accommodation costs. It is available to permanent residents of the ACT where access to inpatient or outpatient medical treatment and/or specialist oral health surgical treatment is not available in the ACT. Reimbursement amounts do take into account individual patient circumstances, for example, distance and method of travel or length of overnight accommodation required.

IPTAS is the only government subsidy offered to patients that travel interstate for treatment. Patients are considered under IPTAS if they are not eligible to receive benefits through the Department of Veterans Affairs repatriation transport scheme, private health insurance, third party insurance or WorkCover. Interstate travel for access to healthcare is not an issue that affects the ACT community as much as it does other communities of Australia.

We review IPTAS every year and the ACT, from memory, next to WA provide the highest reimbursement amounts when compared to other jurisdictions. We might be second or third. I support IPTAS becoming a national scheme. Indeed, I have written to the federal minister for health over this since my return from leave, asking that we do work together to find a national position on IPTAS because I think it would be incredibly sensible to have one.

In relation to the request that I advise when the staff shortages will be resolved and almost all patients suffering from cancer in the ACT will again be able to be treated locally, I can advise that a recruitment process to fill the vacant radiation therapist position was held as soon as the vacancies were identified, and radiation oncology successfully recruited against these vacancies in March 2010. We are still actively recruiting an additional five therapists above full-staff establishment. As at the end of May 2010, interviews to fill the five additional positions have been held and offers made to successful candidates. The radiation oncology department has been operating at full capacity since 1 April 2010, and no patients have been transferred interstate since 30 March 2010.

Victims of Crime Amendment Bill 2010

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) (10.11): Mr Speaker, I am presenting this bill today on behalf of the Attorney-General, Mr Corbell. Mr Corbell, as I believe members are aware, is currently hosting a ministerial council meeting in the ACT, I believe on corrections. Mr Corbell does hope to be able to return to the Assembly today, but at this stage that is not clear or confirmed, subject to the agenda that he is dealing with today; so I will be presenting this on his behalf.

Mr Stanhope, on behalf of **Mr Corbell**, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR STANHOPE: I move:

That this bill be agreed to in principle.

I am pleased to be presenting today on behalf of the Attorney-General the Victims of Crime Amendment Bill 2010. This builds on the government's demonstrated commitment to victims of crime. The current Victims of Crime Act 1994 was one of

the first instances of law reform recognising victims in Australia, but has since been overtaken by reforms in other Australian and overseas jurisdictions.

The government is committed to striving for best practice in the support of victims of crime in our community. This is particularly important in the ACT, given that it was the first jurisdiction in Australia to adopt a statutory human rights framework. The reforms contained in the Victims of Crime Amendment Bill were overseen by a reference group comprising representatives from a range of ACT criminal justice agencies.

The bill introduces a number of important reforms for victims of crime, and I will take the opportunity to outline those reforms today. Firstly, the bill inserts an objectives clause into the act. Having a clearly stated objective of what the legislation is intended to achieve will assist agencies to ensure that they are meeting their obligations under the act.

The bill defines what we mean when we talk about a victim of crime. The bill lifts the definition out of the dictionary and places it within the act, giving it the prominence it deserves in an act about victims of crime. An important element of the victims framework in the ACT has been the role of the Victims of Crime Coordinator, and that position has been one of the main focuses of the review which has led to the bill introduced here today.

The bill renames the Victims of Crime Coordinator as the Victims of Crime Commissioner. The change of name better reflects the important and diverse role the Victims of Crime Commissioner has in assisting victims of crime. The bill clearly articulates the commissioner's statutory role and functions, which include, among other things, the function of managing the victim services scheme and any other program for the benefit of victims.

Currently, the basis for the advocacy role of the Victims of Crime Coordinator is unclear. The bill clearly sets out an advocacy role for the Victims of Crime Commissioner. This is an acknowledgement of the important work the coordinator currently performs, and the commissioner will be expected to continue to perform, in this area. Another function the bill assigns to the commissioner is managing the victims services scheme, the VSS.

Currently the coordinator manages the scheme on behalf of the chief executive of the Attorney-General's Department. In order to recognise the intimate connection between this function and other functions being performed in the one-stop shop that is our Victim Support ACT entity, the bill makes the VSS part of the Victims of Crime Commissioner's statutory functions.

Accountability for the continued delivery of the scheme will be protected through arrangements in this bill for the commissioner to report to the chief executive every six months on the performance of the scheme. As is the case with any statutory office holder, the Victims of Crime Commissioner will have the power to undertake all the functions given to the position.

I understand that some concern about this issue was expressed to the reference group during review of the act, but as evidenced by the note to proposed new section 11, our Legislation Act already clearly provides that “A provision of law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function”.

Another feature of the bill is a change to the management of complaints relating to the guiding principles for victims. The function will now fall naturally to the Ombudsman and Health Services Commissioner. The ACT Ombudsman currently has the power to investigate complaints by victims of crime in respect of ACT government agencies and ACT Policing.

The Ombudsman also has the processes and policies in place to investigate these complaints. The complaints process will be the process which the Ombudsman currently follows. In line with standard practices of that office, it is expected that where agencies have internal complaints systems in place, for reasons of fairness and efficiency victims should attempt to resolve the matter with the agency first.

Having said that, the government also recognises that it is important that victims have the opportunity to avail themselves of the services of the commissioner—a victims’ advocate who is familiar with the interests of victims and the functioning of the criminal justice system. The bill allows for victims to raise with the commissioner matters of concern about an agency involved in the administration of justice, short of formal complaint, that the commissioner will then be required to try to resolve with the agency when the commissioner considers that the agency has not complied with the governing principles.

The commissioner will be able to request that the agency provide any document or information reasonably required by the commissioner to resolve such a concern. The agency will be required to provide the commissioner with such information as it could have given to the victim, just as if it was the victim making the request.

As part of the advocacy role of the commissioner, should victims of crime seek assistance from the commissioner to raise a complaint with an agency, the commissioner can advocate, together with the victim of crime, to try to seek a timely resolution.

The Health Services Commissioner will be the responsible complaints entity for complaints about victims’ health service providers. The complaints handling process the Health Services Commissioner can then apply under legislation will be much the same as described for the Ombudsman.

The division of the complaints and investigation functions in this way aims to address the level of actual, perceived or potential conflict of interest which I understand some in the sector feel exists as a result of the Victims of Crime Coordinator currently having both advocacy and investigative roles.

Between them, the Victims of Crime Commissioner, the ACT Ombudsman and the Health Services Commissioner will be able to complement these reforms through the

use of their respective community awareness and education programs to advise victims of their rights in connection with concerns or complaints they may have.

Mr Speaker, the bill also establishes the Victims Advisory Board. The board will provide a platform to formulate protocols and procedures for the treatment of victims of crime and advise the Attorney-General on the development of policies and plans to promote the rights of victims of crime.

The intention is to use the board to encourage agencies to implement and actively participate in protocols between agencies. The board does not replace any of the commissioner's current or new functions outlined in the bill. Rather, it is to complement and support the commissioner in his or her role to achieve better outcomes for victims of crime.

The bill outlines the make-up of the board. To complement the government's commitment to victims' issues and to ensure victims' interests are prominent public sector priorities, the board will be chaired by the chief executive of the Department of Justice.

Should the chief executive need to delegate the responsibility, it is intended that this delegation will not go below a deputy chief executive level. The commissioner will be a full-time member of the board and membership of the board will consist of representatives of government justice agencies and non-government agencies including the DPP, ACT Policing, the ACT Courts, Corrective Services, Youth Justice and Restorative Justice, three members from victim service groups, a representative from the Indigenous community and one person who is a lawyer.

It is essential that the representatives on the board cover a cross-section of the community and, importantly, represent a broad range of views. This is always a challenge. However, the government is confident that the proposed structure for the Victims Advisory Board achieves this.

The Victims of Crime Amendment Bill complements other important statutory and administrative developments and reforms. For example, it effectively catches up with the practicalities that have flowed from the government's amalgamation of victim advocacy and support services in Victim Support ACT to ensure a one-stop shop for victims of crime.

These entities are currently administered by the person who holds the position of Victims of Crime Coordinator, but some are currently departmental functions while others have been roles of the statutory functionary. The amendments will also enable the Victims of Crime Commissioner to have a clearer mandate for a whole-of-system oversight role in relation to a range of initiatives as part of the sexual assault reform program to enhance the criminal justice response to vulnerable victims of crime. Mr Speaker, this bill continues the government's commitment to victims of crime and I commend it to the Assembly.

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

Mrs Dunne: Mr Speaker—

MR SPEAKER: Just a moment, Mrs Dunne. Mr Hargreaves, is there a problem?

Mr Hargreaves: Mr Speaker, with your indulgence and the indulgence of members, although I was not party to the discussions, I understand that there was a conversation between the manager of government business and manager of opposition business that perhaps speeches on bills to be introduced could actually be tabled instead of read to the Assembly. I would, if that is the case, so move.

Mrs Dunne: Actually, Mr Speaker, I can clarify this. I was about to stand and speak on this. The agreement was that we would move to have the speeches incorporated in *Hansard*.

Mr Hargreaves: Instead of being read?

Mrs Dunne: Instead of being read.

MR SPEAKER: Members, as I observed the other day, it is not the practice of this place to incorporate speeches in *Hansard* for a range of reasons, primarily the history of concern that there is no ability for the Assembly to intervene in the content of those speeches. I understand that it was the will of the Assembly to do it the other day. I simply make that view known to the chamber before we continue to make this a permanent practice.

Mr Hargreaves: Mr Speaker, on your ruling, with the greatest—

MR SPEAKER: I am not ruling, Mr Hargreaves.

Mr Hargreaves: With the greatest of respect, I note your comment. I can recall it being a fairly common practice in this place when the subject of debate, in general terms, was quite extensive or quite detailed. For example, in previous budget sessions we have actually had tabling speeches—presentation speeches—incorporated into *Hansard* without speaking. Further, on some other ones, for example, we had some conscience vote-type issues which went on quite extensively. We did it then as well. It seemed to be a negotiated thing. It was not common practice that ministers would stand up and incorporate their speeches, but in instances such as the budget debate, it was fairly common practice, in my experience.

MR SPEAKER: One moment, members.

Mr Hargreaves: Mr Speaker, it would appear, in fact, that the conversation between Mrs Dunne and manager of government business was not conveyed to the ministers. I apologise for that; so we will now proceed to read the speeches.

MR SPEAKER: Thank you, Mr Hargreaves.

Members interjecting—

MR SPEAKER: Order, members! Let us move on. We will continue with executive business.

Mr Hanson: There will be members complaining at one o'clock, I am sure.

MR SPEAKER: Order, Mr Hanson!

Mr Hanson: Don't you try to muzzle the speech.

MR SPEAKER: One moment. Mr Hanson, let us not start the day on that note.

Mr Hanson: They are inept, Mr Speaker.

MR SPEAKER: Sorry, Mr Hanson. What was that?

Mr Hanson: I was just making a further interjection, Mr Speaker.

MR SPEAKER: You made reference to myself?

Mr Hanson: No, I said, "They are inept." Mr Speaker, it was a comment aimed at the government and their failure to address issues—

Mr Seselja: It is an arguably correct comment. We could have a debate about it but—

Mr Hanson: relating to tabling speeches. It is not a comment aimed at you.

Construction Occupations Legislation Amendment Bill 2010

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

Mr Hanson: Well, they are inept, Mr Speaker.

MR SPEAKER: Sorry, Mr Barr, one moment. Sorry, Mr Hanson, what was that?

Mr Hanson: I was just making a further interjection, Mr Speaker.

MR SPEAKER: You made reference to myself as—

Mr Hanson: No, no, I said, "They are inept, Mr Speaker." That was my comment. It was a comment aimed at the government and their failure to address issues around tabling speeches, not a comment aimed at you.

Title read by Clerk.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (10.23): I move:

That this bill be agreed to in principle.

Thank you, Mr Speaker. In the 1990s, the ACT established an energy efficiency rating scheme for residential buildings. The ACT was the first jurisdiction in the world to introduce an energy efficiency mandatory disclosure scheme for residential buildings when they are sold. Under the current arrangements, the Civil Law (Sale of Residential Property) Act 2003 requires an energy efficiency rating, or EER, to be declared when residential premises are advertised or offered for sale. Some types of dwellings, such as caravans and hostel-style accommodation, are excluded from the EER provisions. The EER must also form part of the contract of sale.

Disclosure of an EER is also required by the Residential Tenancies Act 1997 when leasing or advertising a rental property, if an EER exists for the property. Mandatory EER provisions were introduced to address the lack of energy efficiency information for potential buyers. The ACT scheme is the only legislated scheme in Australia to require an independent energy efficiency rating.

Despite a number of national agreements, the earliest expected establishment of a comparable mandatory disclosure scheme in other jurisdictions is late 2011 or 2012. Other jurisdictions are looking to the ACT's experience to inform their programs. Energy efficiency standards for new dwellings are mandated by the Building Code of Australia. The building code is applied as law in the ACT through the Building Act 2004.

The BCA allows various methods to assess the energy efficiency of a dwelling. However, the requirement under the Residential Sales Act to provide an EER statement means that most practitioners in the ACT use the software verification or "energy rating" method.

Since 1 May this year, the performance equivalent to six stars is now the minimum standard for detached houses and townhouses. Under the Building Code of Australia, detached houses and townhouses are class 1 buildings. A similar increase in stringency for sole occupancy units in apartments and other buildings has also been introduced. These are class 2 buildings. Energy efficiency assessments rate the theoretical thermal performance of a dwelling. In Canberra's climate, this energy use often represents the majority of a household's energy bill.

Mr Speaker, given the reliance on energy ratings to demonstrate compliance with the building code and when selling a property, it is increasingly important that consumers and the building industry have confidence in the rating system. Energy efficiency assessors are not currently licensed in the ACT. However, assessors preparing energy efficiency rating statements under the Residential Sales Act must be registered with ACTPLA. At present, there are currently over 200 registered energy assessors. Registered assessors are subject to a code of practice for preparing EER statements. These guidelines have been developed by ACTPLA under the Residential Sales Act. Qualifications for assessors rating new buildings are independently checked by building surveyors.

Since the introduction of the energy rating scheme, government intervention has been minimal and the approach to assessors predominantly educational. Mr Speaker, the current approach is no longer viable. Under current arrangements, there is limited

capacity for government to compel assessors' compliance with provisions in ACT legislation for preparation of EERs. There is no formal consumer complaints mechanism.

Energy assessment is still a relatively new field of practice. ACTPLA audits of the ratings system show the ACT would benefit from more formal regulation, consistent with other construction occupations. The bill I introduce today utilises the existing regulatory framework under the Construction Occupations Licensing Act 2004, known as COLA, and the Building Act 2004, to license and regulate energy efficiency assessors. Licensing assessors in this way will enable incorrect assessments to be rectified. It will also place conditions on licensees who need to improve their skills to do so. It will also allow consumers to access the complaints process established by COLA.

COLA was developed to incorporate construction related occupations in a consistent framework. It is in keeping with this that assessors will be included under this legislation, rather than through the creation of a new regime. COLA was established with industry consultation and is a robust regulatory framework, accepted by industry. It is, therefore, the simplest and most cost-effective method to achieve the goal of licensing energy assessors.

Mr Speaker, the bill provides for licensing a new occupation under COLA. The bill also stipulates the particular licensing requirements and the codes of practice for energy assessors within COLA itself, rather than creating a separate occupational act. The bill only prescribes energy assessor licensing for residential schemes, and only individual assessors will be required to hold a licence. Separate licence endorsements will be granted for each of the software tools a licensee is trained to use. This means that licensees may choose to be endorsed only for the tools they use in practice, and licensees can apply for a new endorsement as they gain competency in a new software tool.

The bill also introduces provisions to allow the creation of more classes of licence. This provides scope to license more assessable work. This could cover work such as water efficiency and appliance assessments in the future, if required. These provisions will also allow other pre-purchase assessors, such as those who conduct building inspection reports for sale or purchase, to be regulated, if necessary.

The bill will also consolidate all guidelines for preparing energy efficiency ratings and certificates into a single code of practice under COLA. The bill also transfers relevant conflict of interest provisions into that act. Assessors will also need to obtain adequate insurance to be eligible for a licence. To minimise disruption to current energy assessors, a transition has been included in the bill to allow 12 months for assessors to apply for a licence. During this time they will be deemed to be licensed and endorsed for the software currently permitted under registration. Eligibility provisions in forthcoming qualifications regulation will allow previous registration to be recognised as a pathway to licensing.

The bill also includes two generic aspects of regulation to improve agency responses to events that pose a risk to public safety. The bill will authorise the Construction Occupations Registrar to suspend a licence where an issue of public safety has been

identified. The bill will also authorise relevant regulatory agencies and inspectors to share information where public safety is at risk.

Building work, including electrical, plumbing and gas fitting work, poses inherent safety risks, and when the work is not done according to prescribed standards the power to suspend a licence on public safety grounds will enable the registrar to prevent further risk to public safety and manage the existing risk. This new power is especially relevant in the context of building and development moving at a rapid pace.

The bill will also allow the sharing of private information between specialised regulatory agencies that deal with safety issues in the context of building and development. Inspectors enforcing work safety laws, building laws, gas fitting laws and plumbing laws are often confronted with situations that require multidisciplinary responses or require other regulators to exercise their laws. In most cases, referral or collaboration between agencies requires sharing of information covered by the Privacy Act 1988, such as the name and address of the owner of the particular site or of individuals that may be working on a particular site. In the absence of authorising legislation, the Privacy Act 1988 requires each case to be assessed against the information privacy principles.

In some cases, time is of the essence and it is not possible to conduct a full assessment of the nature of the information being exchanged or to affirm the relevant exclusion under the Privacy Act 1988. In other cases, exchange of information often takes place between inspectors who have been investigating the same incident but have different statutory roles. In this situation, there is a strong community expectation that government agencies should be free to cooperate to enforce all relevant laws.

For these reasons, the bill authorises relevant agencies to exchange information to assist in administering the laws for which they are responsible, where a public safety issue is at stake. The amendment will provide the specified agencies with certainty when coordinating a response to a threat to public safety that involves a number of inspectorates or agencies. Two examples that come to mind are dealing with a situation in which asbestos is involved and dealing with damaged power lines or gas lines.

Another example would be the discovery by a building inspector of an unauthorised structure which has been wired for power and plumbed. Obviously electrical and plumbing work carried out unlawfully raises safety risks and often requires advice and inspection by more than one agency. The agencies or inspectorates contemplated by the bill are: emergency services, work safety, dangerous substances, utilities, water, building, electrical, plumbing and gas fitting.

The extent of information sharing is restricted to exchange between authorities who regulate relevant legislation that have public safety elements. This does not extend to disclosure beyond the circle of agencies nor to any form of public disclosure not already authorised by law.

This bill has been developed after consultation with energy assessors, building industry associations and the community. On 30 April last year, the ACT Planning and Land Authority released a discussion paper that outlined a number of proposals

that revise the ACT house energy rating scheme. A public consultation session was held in May 2009 and attended by over 35 members of the community, including energy assessors, builders and representatives from the MBA, HIA and the general public. As well as addressing the licensing of energy efficiency assessors, the discussion paper also covered compliance and auditing mechanisms.

All submissions were supportive of better regulation of energy assessors, including increased compliance checking and auditing of EERs. All attendees at the session and respondents that particularly addressed the licensing related proposals were in favour of stronger regulation for both mandatory disclosure and BCA compliance. The government recognises that licensing does not ensure quality by itself. The government will also increase the level of auditing of energy ratings, which will increase access for assessors to compliance officers and advice on the legislation and assessment protocols.

This will help give consumers confidence that energy efficiency information is accurate and they are getting what they have paid for. This reform is supported by the majority of energy assessors. ACT assessors operate under a system unmatched in scope and diligence by any other scheme in Australia. The government is pleased to be introducing legislation that will further support this system and allow our industry to continue to be the benchmark for the nation. I commend the bill to the Assembly.

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

Planning and Development (Concessional Leases) Amendment Bill 2010

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

Title read by Clerk.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (10.36): I move:

That this bill be agreed to in principle.

This bill amends the Planning and Development Act. It is about concessional leases and the means of their identification. An exposure draft of this bill was publicly released for a comment period closing on 11 June this year. Comments were received from the Law Society and the Property Council.

Before I turn to the specific content of the bill, I will first outline some of the background and some of the reasons for this bill. Members would no doubt be aware that concessional leases are leases granted by the government for less than market value. Concessional leases are granted in the expectation the lessee will provide a community or economic benefit to the territory in return for obtaining the lease at a discount. Concessional leases are typically granted by direct sale to community organisations.

The practice of issuing leases for less than market value and restricting their transfer through lease conditions or specific legislation has existed for many years. Since 1992 it has been unlawful to transfer any lease granted for less than market value without the required government consent. This provision applied retrospectively in the sense that it applied to existing leases at the time as well as to new leases. The blanket provision had the effect of applying the restriction to leases granted from the 1930s onward, even when these restrictions were not intended at the time the relevant leases were granted.

A concessional lease cannot be sold without the permission of ACTPLA. Permission to sell is only granted if the purchaser would be eligible to be granted the same concessional lease. The concessional lease status cannot be removed, except through a development application assessed in the high-end impact assessment track and with the consent of the Minister for Planning. Given these restrictions, it is important for a prospective purchaser to know whether the intended purchase is a concessional lease in order to know whether it is available for purchase and potentially for subsequent sale.

The concessional status of a lease goes to the heart of its transferability and therefore its market value. Regrettably, in past years, particularly before 2000, leases were often granted without an explicit statement as to their status as a concessional or not concessional lease. As a result, buyers of land and others were at times required to spend significant time assessing the status of a lease by looking at the original grant of lease and subsequent transactions.

In 2004, the government considered a review of concessional lease policy by KLA Australia consultants. Their report included a number of recommendations on the granting and administration of concessional leases. The report also considered the issue of the identification of concessional leases. As a result of this report, the government agreed to a new statutory process for the identification of concessional leases.

The new process was implemented administratively and then mandated in the Planning and Development Act on 31 March 2008. The new process permits a lessee to apply to ACTPLA for a declaration as to whether their lease is concessional. If the lease is declared to be concessional, then a notation to this effect is included in the register of land titles.

The government has been in discussions with the Law Society and the Property Council about the identification of concessional leases. These stakeholders indicated there have been difficulties in applying for a declaration as to concessional status. There are difficulties for those who do not have the time or resources to make an application. There are difficulties for those who lack the knowledge to know when an application for a declaration might be advisable.

The government has listened to these concerns and the government agrees with the Law Society that there is a need for legislation to allow the ready identification of the concessional status of leases. This is vital, not just for individual sellers and buyers but also for the long-term reliability and integrity of the register of land titles and the property system as a whole. This bill addresses this need.

I will now turn to some of the key elements of the bill. As I have suggested, the bill is intended to make it easier to identify whether a particular lease is concessional. With the bill in place, one can simply look at a lease in the register of land titles and tell immediately whether it is concessional or at risk of being concessional.

In order to achieve this, the bill groups all leases into the following three categories: firstly, concessional leases, that is, leases deemed under the bill to be concessional. A concessional lease cannot be a market value lease. This is an existing concept which the bill modifies. The new definition of concessional leases is in the new section 235A, clause 4.

The second is market value leases. A market value lease cannot be concessional and is not subject to the restrictions that apply to concessional leases. This is an existing concept modified in this bill. The new definition of market value leases is in the new section 235B, clause 4. The new definition relies on the list of lease types in part 5.2 of the new schedule 5 inserted by clause 37. This list is based on the already existing list of leases exempted from the definition of concessional leases in section 99 of the planning and development regulation. This list has been clarified and augmented to make the list as comprehensive and as clear as possible. This list of market value leases, in combination with the new definition of possibly concessional leases, should ensure that the category of concessional leases only applies to leases clearly intended to be so.

Thirdly, there will be leases classified as possibly concessional, that is, leases deemed neither concessional nor market value leases. The new category “possibly concessional” includes leases that might or might not be concessional. This category is intended to serve as a flag or warning that the lease might prove to be concessional if further research shows that the lease was in fact granted for less than market value and is therefore a concessional lease. The new definition of possibly concessional leases is in the new section 235C, clause 4. The new definition relies on the list of possibly concessional lease types in part 5.3 of the new schedule 5 inserted by clause 37.

I note that the bill includes the power to expand on this list of possibly concessional leases by regulation. This feature is in item 12 of part 5.3 of the new schedule 5. This provision is limited. It will be available for a transitional period only. This provision will enable the government to supplement this schedule in light of operational experience should this prove necessary. The establishment of these three categories is one key element of the bill. The other key element is the relationship between them. The bill establishes a number of key principles designed to make it easier to tell from looking at a lease whether it is concessional or at risk of being concessional.

The key principles are as follows: a lease can be a concessional lease if it is explicitly identified as such. If the lease is not explicitly identified, it can only be a concessional lease if it is also a possibly concessional lease. A lease can only be a possibly concessional lease if it is of a type listed in the list of possibly concessional leases in part 5.3 of the new schedule 5 and meets other requirements set out in the definition in section 235C. In other words, if the lease is not stamped concessional and is not of the type listed in part 5.3 of schedule 5, then the lease is in all cases deemed to be not

concessional and such leases are deemed to be market value leases. This closed loop will permit purchasers of land to tell whether the lease is concessional or at risk of being concessional.

Another key principle is the rule that a lease cannot be a concessional lease if it is a market value lease. This means that any lease of a type listed in part 5.2 in the new schedule 5 is deemed to be a market value lease and cannot be a concessional lease. Again, this principle makes it easier to tell whether a lease is concessional. If the lease is of a type listed in the new part 5.2, then the lease is a market value lease and is not concessional. This is the case irrespective of whether the lease is explicitly identified as a market value lease.

The bill contains a range of other features too numerous to elaborate on in this presentation speech this morning. I will leave a more exhaustive account of this bill until the detail stage. But I would like to recognise and thank the stakeholders who have contributed to the development of policy behind the new bill. The Law Society and the Property Council have both put considerable time and effort into the development of the policy underlining this bill and in the review of the exposure draft.

Specifically, these stakeholders have participated with representatives from ACTPLA and others in a working group on these issues. The Law Society has formally expressed its appreciation for the conduct of this working partnership and the opportunity to participate in the resolution of this pressing issue.

In saying that, I recognise the inevitability that this complex bill may not be worded in exactly the manner desired by the Law Society and the Property Council and I wish to make it clear that the government's door is open to further comments that these or other stakeholders may wish to make following the presentation of this bill and once we have seen the legislation in action.

The bill also reflects the good work of ACTPLA's staff, and I thank them again for their dedication to this task. I commend the bill to the Assembly.

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

Children and Young People Amendment Bill 2010

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

Title read by Clerk.

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (10.46): I move:

That this bill be agreed to in principle.

I am pleased to table before the Assembly the Children and Young People Amendment Bill 2010, proposing amendments to the Children and Young People Act

2008. The Children and Young People Act 2008 was passed in the Assembly in July 2008. Implementation commenced in September 2008 and was completed in July 2009. During its implementation, a small number of issues were identified that required clarification of interpretation and flexibility of application.

The amendments proposed encompass four sections of the act. I consider these amendments to be minor and technical in nature. Their passing will continue to protect reporters of child protection concerns to the Department of Disability, Housing and Community Services as well as improve the care and protection aspects of the legislation.

The bill proposes an amendment to the mandatory reporting provisions of section 365 as they apply to children and young people where an approval has been provided under the Education Act 2004 for their home schooling. The bill proposes that the mandatory responsibility to report in these circumstances be placed upon the officers authorised under the Education Act 2004 to inspect home schooling arrangements, removing the current mandatory responsibility on the persons provided with registration for home education, namely, the parents.

The second amendment proposed in the bill concerns the provision of annual review reports for children and young people on reviewable care and protection orders. An annual review report is prepared by the chief executive and informs the court and other relevant parties, including the child and young person's parents and carers and the Public Advocate, about the circumstances and living arrangements for the child or the young person and whether the chief executive has considered that existing arrangements continue to be in the best interest of the child or young person.

Clarity regarding the time when the annual review reports are due is provided through this amendment, that is, within a year of the order being made. This would enable the Public Advocate to have a clear picture of the chief executive's compliance with this statutory requirement.

The third amendment proposed refers to section 866 of the act regarding the provision of sensitive information to parties to a court proceeding, information which may include the identity of a reporter. This section of the act enables the court to request information through direct evidence or subpoena. This information may include sensitive information. The act currently requires the court to consider, when sensitive information has been provided in documents, that the information is materially relevant to the proceedings and that the best interest of the child or the young person are protected before releasing any information to the parties to the court proceedings.

The bill proposes that the same requirement apply to information required by the court to be provided through direct evidence. Such amendment provides consistency in the application of the act and continues to protect the identity of the reporters and the best interest of the child and young person.

The last amendment proposed in the bill refers to the decision making undertaken by people with daily care responsibilities for a child and young person under the act. In the majority of instances, these people will be kinship or foster carers and residential carers. Under section 19 of the act, the carers may receive information and advice

from a dentist and, upon receiving this advice, give consent for dental treatment and minor dental surgery that a child or young person in care may require.

The proposed amendment seeks to also include dental therapists who are registered health professionals under the health practitioner regulation national law (ACT) 2010 as being able to provide such advice and provide the recommended dental treatment or minor surgery to children and young people in care in the ACT. This amendment does not affect the capacity of a child or young person to consent to their own dental treatment.

I table the Children and Young People Amendment Bill 2010 for the consideration of members of the Assembly.

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

Planning, Public Works and Territory and Municipal Services—Standing Committee Reference

MR SESELJA (Molonglo—Leader of the Opposition) (10.52): I move:

That this Assembly:

- (1) refers to the Standing Committee on Planning, Public Works and Territory and Municipal Services for inquiry and report to the Assembly by the last sitting day in 2010:
 - (a) the concerns in the community of problems with building certification workmanship and warranty in unit plans and single dwellings; and
 - (b) the recent request from the Owners Corporation Network Inc for further investigation into the problems of building certification, and warranty in unit plans; and
- (2) calls on the Standing Committee on Planning, Public Works and Territory and Municipal Services to specifically inquire into:
 - (a) how complaints have been and are dealt with by the ACT Government;
 - (b) the means of addressing building faults and poor workmanship;
 - (c) legislative and regulatory reform needed to prevent further problems;
 - (d) measures that can be taken to assist owners and owners' corporations to address current problems of building faults and poor workmanship; and
 - (e) the impact of the Unit Titles Act in addressing building faults and poor workmanship in unit plans in Canberra.

This motion takes as its basis the fundamental call from the Owners Corporation Network regarding building quality in the ACT—that is:

... a full and fearless examination of why complaints of our members have not been dealt with by your bureaucracy to date.

That really is at the heart of this matter; it is not about examining each individual building complaint, important though they may be. There are rules, regulations and processes in place to deal with those by experts more qualified than those of us here in the Assembly. The problem is the application of those rules and processes.

This is not a witch-hunt of builders; we have an excellent building industry here in the ACT. It is vital that building standards are of the highest quality and provide certainty and safety to unit buyers and the community. The question is whether and how well those standards are being applied in the ACT. It is not about necessarily suggesting new regulations but testing the compliance of the current ones. It is not necessarily about more regulations but testing the quality of the regulations in place now. It is not a hounding of individual bureaucrats. They are parts of a government-led, government-guided and government-controlled system. It is that system itself that needs to be examined.

There can be no greater example of the fact that it is the governance and application that is the main cause for concern than the correspondence from the Owners Corporation Network ACT. Their letter states:

Individually, many of our members have been seeking help from your government's agencies for up to five years without result, and it must be said they have been met with a level of indifference from your bureaucracy that is both disgraceful and inexplicable.

These concerns should be examined. The letter continues in relation to the response to issues raised on the *Stateline* program:

If by now, he and his authority do not recognise the huge problem that is growing, in which his Authority's self regulated private certification is the causal root, in which his Authority's auditing function has failed miserably, and to which he can offer only a ten point review to be conducted at some unspecified future date, then it is with great reluctance that we must say that we have no confidence that he or his authority will achieve any significant improvement in the current demonstrably ineffective procedures.

It is these kinds of claims that need to be examined objectively and dispassionately. In our dissenting report to the estimates committee, we recommended that:

... the Standing Committee on Planning, Public Works and Territory and Municipal Services conduct a review of the problems associated with building certification and warranties as they relate to residential buildings.

This motion is taking that recommendation into action. Correspondence from the OCN raises issues that need to be addressed. Mr Savery has said:

... if industry doesn't do something about it, then the Government will.

Clearly, the government has not done something about it. We will do something about it, in an open and inclusive way that gets to the bottom of the concerns, digs up the real issues and gets to why a system of this government has lost so much faith with the very people they are tasked with protecting. This motion is about a dispassionate examination of these issues. The motion is about getting answers as to why this government has not been able to address these concerns and, if they are proven to be substantiated, why the regulations failed to protect consumers. This motion will be about finding out why standards and procedures designed to protect consumers have been so comprehensively condemned by some of those consumers.

Our motion calls on the Standing Committee on Planning, Public Works and Territory and Municipal Services to inquire into and report to the Assembly by the last sitting day of 2010 the following matters: the concerns in the community of problems with building certification and workmanship and warranty in unit plans and single dwellings—this answers the needs of the OCN in their correspondence; and the recent request from the Owners Corporation Network for further investigation into the problems of building certification and warranty in unit plans.

It also calls on the Standing Committee on Planning, Public Works and Territory and Municipal Services to specifically inquire into how complaints have been and are dealt with by the ACT government, the means of addressing building faults and poor workmanship, legislative and regulatory reform needed to prevent further problems, measures that can be taken to assist owners and owners corporations to address current problems in building faults and poor workmanship, and the impact of the Unit Titles Act in addressing building faults and poor workmanship in unit plans in Canberra.

A viable, credible building industry is vital for the ACT, vital for growth and vibrancy, vital for infilling our urban areas and maximising our urban density potential and vital for the safety and security of home owners. As such, this inquiry is a vital part in guaranteeing that government discharges their key responsibilities in a professional, transparent and responsive manner.

I will, with your indulgence, Mr Speaker, briefly speak to the Greens' amendment which has been circulated. I note the amendment circulated by Ms Le Couteur, and I thank her for her support in the need for further investigation. Unfortunately, her motion calls on the government to investigate itself and report back to the Assembly. For that reason, we will not be supporting the amendment.

The very genesis of this complaint, the core problem, is that the government has not investigated itself properly. I refer again to the OCN letter:

We noted with interest and astonishment the comments of the CEO of ACT Planning and Land Authority on the Stateline program.

This government does not have a good record of open self-examination. This case, in particular, is all about the failure of the government to regulate itself. As such, we cannot let the government continue doing precisely what is being complained about as an answer to that complaint.

It will be no surprise that we, as Liberals, support the building industry in the ACT. They are an important segment of our community and our economy. They do a lot of good and a lot of good work. The vast bulk of our industry performs at a very high standard, and we have a lot of confidence in it. It is apparent that, in some instances, standards are not being met. It is also apparent that, after five years of complaints by OCN members, those complaints are not being handled well by the government. We cannot leave it to this government to suddenly succeed where they have for so long failed to act. We must take action, get answers and get results. I therefore commend the motion to the Assembly.

MS LE COUTEUR (Molonglo) (10.59): I agree with almost all of the comments that the Leader of the Opposition has made. This is an important problem, and it is one that we need fixed. We debated earlier this week the change of use charge, but I would have thought, in terms of things which are impacting negatively on the building industry in Canberra at present, that this must be one which is impacting even more. Anyone who watched the *Stateline* program about multi-unit developments would have to think twice before buying one, which will have a greater impact than a possible increase in price.

I think it is very important we get this right for the future owners of buildings and for the sake of the industry. I am really pleased to find that the three parties are very interested in this issue. This was something that we spoke about at great length in the estimates hearing. While it is clear that the government took quite a long time to respond to the calls of the community and the questioning from the Greens, it is clear that they are responding.

It is also very clear that this actually is a very complicated area with building standards and construction issues, certification processes and building indemnity and warranty issues as well as issues related to various phoenix companies. As I said in my speech last week on the COLA bill, a lot of different things—some smaller and some bigger—will be needed to fix this problem. Because of the technical nature of the problem, a proper solution is going to inevitably require some serious government consideration and input.

Given that the government has made it clear that it is currently looking at this issue quite seriously—the minister himself in the estimates process said that he was, in fact, one of the victims of the problem—the most useful and constructive thing to do is to let ACTPLA finish its current round of discussions and negotiations before the Assembly starts any additional process. I also say this just from a sheer practical point of view—it is very confusing for the community out there to simultaneously have the government investigating something and the Assembly investigating something. I speak from a degree of experience here, because that is what is now happening with the live music inquiry. We have a parliamentary inquiry and an interdepartmental committee, both with pretty identical terms of reference. Because we have been speaking to industry participants, we know it is very confusing for most people as to who is doing what and how they fit together.

So that I do not forget to do it later, I move the amendment circulated in my name:

Omit all words after “That this Assembly”, substitute:

- “(1) notes the problems raised by the Owners Corporation Network and others related to building standards and building certification;
- (2) calls on the Government to provide a detailed report to the Assembly by September 2010 on:
 - (a) the range and extent of problems related to building standards and certification in the ACT, taking into account:
 - (i) how building-related complaints have been and are dealt with by the ACT Government;
 - (ii) the role of the Unit Titles Act in addressing building faults and poor workmanship in unit plans in Canberra; and
 - (iii) public input, which is to be called for and detailed as part of the report;
 - (b) progress on reform, based on discussion with the Owners Corporation Network, the building industry, and other relevant professional bodies through the Building Quality Forum;
 - (c) recommendations relating to regulatory and legislative reform for the short and medium term; and
 - (d) measures that can be taken to assist owners and owners’ corporations to address existing problems of building faults and poor workmanship; and
- (3) foreshadows the Assembly’s intention to inquire into the issue if it has not been satisfactorily addressed by November 2010.”.

One of the reasons we are moving this amendment is that we do not want confusion out there in the building owner community as to exactly who is doing what, when, who they should be giving submissions to and who they should be talking to. The Greens have actually spent quite a lot of time discussing what to do about this. At one stage we actually did think about putting forward the motion which Mr Seselja has put forward this morning. Clearly, more action is needed on this matter. But the reason that we did not was basically because we have been convinced that, at this point of time, ACTPLA and the minister are taking this problem quite seriously.

We have spoken to a number of industry groups in the last few weeks, and they also appear to be taking the problem quite seriously. We have all spoken to the OCN, we have also spoken to the MBA and the HIA and to some individual building owners who have problems. One of the things that ACTPLA will be doing shortly is hosting the building quality forum next month. I am hopeful that this will help ACTPLA identify some of the existing construction certification processes. My understanding is that OCN has been invited to this forum, and we are of the impression that ACTPLA is prepared, on the basis of all the information it is working on, to put forward some

helpful, practical and possibly not always popular decisions. We do not think this is an issue that an Assembly inquiry can do as a quick fix.

Another reason I have concerns about an Assembly inquiry is that the planning committee currently has before it two inquiries referred by the Assembly last year—that is, the inquiry into live events and the inquiry into inner north. We have not managed to finish those two, despite the fact that they are last year's inquiries. We also, of course, have normal territory plan variation work to do.

I note with pleasure that, as a result of the sustainable futures project, the planning committee anticipates having a lot more work in terms of draft territory plan variations in the forthcoming months. Another reason why the Greens would like to see the government work as hard as it can and actually address this issue is that I am concerned that, with the other workload of the planning committee, if we give the job to the planning committee it will mean some months delay in resolution. In this case, as the government are already working on it, we should let the government do what they are going to do and then see if it is an adequate result.

One of the things that we have got in our motion is that the government will consult not just with the affected industry but with the community, because, particularly in terms of single house owners, that is where they are. They do not have any industry group to represent them. We have suggested to the government that what could be appropriate would be a notice on the community noticeboard. I think that that would be a very effective way of getting input from the wider community.

One of the questions that has been exercising our minds is how big this problem is. Clearly, this is a significant problem in some of the unit developments, but it is not clear how far that goes into single residences and how widespread the problem is in the industry. That is a key piece of information. Again, speaking as someone who is on the planning committee trying to get public submissions on issues which are very important, I know it is quite hard to get enough information. This is where the government is, unfortunately, in a better position than the Assembly to get information. The complaints go to ACTPLA they are in the best position—

Mr Barr: A very cynical view, Caroline. What do you mean “unfortunately”? We are fortunate to be in a position—

MS LE COUTEUR: It would be good if the Assembly had the resources of government, but, as a practical reality, it does not, and that is one of the reasons I feel that, in this case, we are best off letting the government finish its thing so it can report back to the Assembly in September. We can then give ourselves a couple of months to consider the issue, and my motion foreshadows that if we are not happy we will refer this to an Assembly inquiry.

One area I would say where it is very likely that we will not be happy—I do not have an idea myself yet what the solution is—is existing multi-unit developments and existing single residences which have problems which are greater than are covered by the current insurance arrangements. It would be great if the government comes up with some good ideas on that. That is one of the harder, intractable ones where I suspect there is a fair chance that an Assembly inquiry will be required.

In summary, I am very pleased that all three sides of politics take this as the serious issue that it is. The Greens' amendment is the most practical way to go in the circumstances, but I strongly support Mr Seselja's move in bringing this before the Assembly. It is an important issue, and I am glad that we are dealing with it.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (11.09): The government share the Assembly's interest in this important issue. Our building quality standards affect thousands of Canberrans and will affect thousands more in the future. Accordingly, the government want to ensure that we have the best possible regime in place to ensure quality work. We certainly believe that this is a debate that all sides of politics should take seriously. In that context I particularly welcome the constructive contribution of Ms Le Couteur.

The government believes that any policy work in this area should include all stakeholders, especially owners. Policy work done in this area should also be mindful of the professional bodies who manage multi-unit buildings, whose day-to-day job it is to resolve these issues on behalf of owners. The government is already talking to the community about the concerns that have been raised. The government is resolving those problems which can be addressed immediately.

I thank the Leader of the Opposition and Ms Le Couteur for the opportunity to raise these challenges. I would also like to take the opportunity to discuss a few issues that are perhaps not widely understood. For example, in the case of multi-unit buildings, the owner of the building during construction is often not the eventual owner who buys the unit and lives in the building. This creates a number of difficulties in the realm of consumer protection, as the legal protections for contract or sale of goods during construction apply to the owner at the time of construction. These protections do not inherently flow to individual owners who buy discrete units after the building is complete. So this is a complex area of policy and a complex area of law.

One of the first order issues we all face is getting hard data. Whilst there is clearly a problem with building quality in some developments, it needs to be restated that the majority of developments are of good quality. One of our most important early steps, therefore, is to gather and analyse hard evidence. ACTPLA has provided me with some analysis, but has advised me that more work needs to be done.

In the financial year just passed, ACTPLA received approximately 88 building complaints of a nature consistent with the types of issues raised by the Owners Corporation Network. The Owners Corporation Network has identified three buildings as particular sources of problems. These buildings indicate the problems they raise are significant and worthy of government response. It is my view that the government response be steady, proportionate and evidence-based.

The government can, and do, take steps to address shoddy building work, but we must do it in a rational, consultative way that does not undermine all of those in this important industry who do the right thing. But the government cannot fix everything on their own. There is no quick legislative fix for this complex problem. The solution will lie in partnership with the community and the building industry.

The government clearly has a role in educating people on the best way to seek remedy when they are faced with shoddy workmanship. For example, the Planning and Land Authority has discussed these issues with unit title and body corporate managers. It seems that body corporate managers, in the majority of cases, have been dealing with these issues directly with builders or by using consumer and civil remedies. We hope to be able to draw on their experience and perhaps strengthen their ability to get the best out of the builders of their buildings.

In the vast majority of cases, the problems are fixed through communication and negotiation between builders and owners. Unit plan managers typically receive complaints firsthand and deal with these directly. Some also commission their own reports on the extent and nature of problems raised with them. ACTPLA is talking to unit plan managers with a view to putting in place processes where ACTPLA can receive all of this information. This would enable the authority to get a much clearer picture across the city as to the nature and extent of problems that unit plan managers are contending with and thereby enable more targeted strategies to address them. Further, it would also give the authority a better understanding of where the particular construction practitioners are featuring more than others in relation to the complaints being received by unit plan managers.

I recently announced that the government is taking immediate action on this issue, as well as looking at longer term measures. I will take the opportunity today to advise the Assembly about the measures already put in place by the Planning and Land Authority. These measures will support existing processes, including the ACT's strict licensing and compliance system, to improve building quality in the territory. ACTPLA's building audit team will increase the level of onsite auditing of building certifiers with a focus on multi-unit development. The audit results will be analysed and any necessary further action taken.

The Construction Occupations Registrar has also advised me that he has started an immediate review of the existing mandatory inspections regime for both single and multi-unit construction. If the registrar advises that there is a need for increased or different mandatory inspection the government will make the required regulation changes as a matter of priority. Consultation with the community and the industry has identified a need to improve clarity about the roles and responsibilities of owners, building certifiers and builders.

To address this, the Planning and Land Authority will be overhauling building application forms and creating a new process that removes any ambiguity. I will also seek specific advice on suggestions that building certification be done at arm's length from the developer. For example, one practice being looked at is the practice whereby certifiers enter into a contract with the lessee, but the builder also requires the certifier to enter a separate contract with them. One possibility is strengthening the legislation to make it an offence for that practice to occur, such that the builder would face disciplinary action if he is found to be insisting on that practice.

This is an area where the government will seek to strike a balance. We are open to practical reform to ensure public confidence in the regulatory system, and we are wary of counter-productive general regulation in reaction to specific problems. We will also carefully consider the advice we receive before proceeding.

Owners will also be given plain language information about the approvals and building process. It will detail their responsibilities and those of certifiers and builders. As well as being provided with better and clearer information about roles and responsibilities through the development process, consumers will also be provided with better and clearer information about the existing compliance mechanisms and how they can engage them if they experience unacceptable building work.

These measures are largely short-term measures—measures that the government is already implementing. It is worth noting that there is also a range of other long-term measures which the government is considering. These measures have been put to industry for their views. I am pleased to advise that I am now starting to get some constructive responses from industry.

These possible measures include developing a proposal to extend time frames for existing statutory building warranty periods, developing a proposal to create a building defects fund, introducing mandatory independent preoccupancy inspections, and introducing negative licensing for finishing trades. Again, the government will carefully consider the advice we receive before proceeding.

To further these proposals, I have determined to convene a building quality forum to discuss some of the more complex, long-term measures that might be taken. I have asked the Planning and Land Authority to organise this forum as soon as possible. I understand that we will be in a position to conduct this this month, if that is convenient to the representatives of the community, industry and property-related professionals who will be invited to attend the forum.

Consultation is going to be a key part of delivering any changes to address these complex issues. I look forward to speaking with representatives or organisations involved to help generate solutions. So the government will be supporting the Greens party amendment to Mr Seselja's motion this morning. We believe this is the best way forward to resolve these issues. If members are genuine in their desire to resolve this problem then they will follow the lead of the Greens party and work with government to achieve a practical outcome that will make a difference.

The test will be who chooses to politicise this process and who chooses to work constructively to get outcomes. The judge of that will not be me, it will not be the Greens party and it will not be the Liberal Party. It will be the people of the ACT. They will make their judgement in an independent way, based on how people act, not on what they say.

MR SESELJA (Molonglo—Leader of the Opposition) (11.19): To close the debate, if there are no other speakers, Mr Assistant Speaker, I thank members for their contribution. Just to reiterate, we will not be supporting the amendment. We have a difference of opinion in terms of the approach here. We take the view that the government have sat on this issue for some time, and asking them to effectively investigate themselves I do not think is the right way to go. We would prefer that the Assembly have the ability to look at that.

We certainly come to this with good faith because we believe very strongly in the importance of this industry to the territory. We also acknowledge the legitimate concerns that are raised when things go wrong. That is the balance that we seek to achieve. We believe that the Assembly, looking at this in a tripartisan way, would be a very important way of doing that. Hopefully it would look at how, if regulations need to be strengthened, they could be strengthened. If it is about enforcement, let us look at enforcement. If it is about other issues in industry and the way that industry communicates, let us look at those things. These are all of the issues that need to be considered. Fundamentally, our approach is that we do not generally trust the government to examine themselves, to investigate themselves, and we do not tend to take their word for it. Long, bitter experience has taught us not to accept the word of the government.

For that reason we will not be supporting the Greens' amendment, though we hope that, despite the fact that the amendment will get up and the original motion will not, there will be a considered way forward at the end of that and the Assembly can make rational and reasonable decisions about how we maintain that balance, how we ensure that buyers and owners are legitimately protected and how we can make sure that our industry continues to thrive.

It is important for the industry because those few rogue operators who get exposed from time to time give a bad name to the vast majority of people in the industry who do the right thing, who work hard, who comply with the law and who simply seek to make a living in that industry. The vast bulk of very good operators would want to see those others out of the industry. They would want to ensure that we do not see those kinds of things which reflect, unfortunately, poorly on the rest of the industry. I reiterate that we will not be supporting the amendment. I commend the original motion to the Assembly.

Question put:

That **Ms Le Couteur's** amendment be agreed to.

The Assembly voted—

Ayes 9

Noes 4

Mr Barr
Ms Bresnan
Ms Burch
Ms Gallagher
Mr Hargreaves

Ms Hunter
Ms Le Couteur
Mr Rattenbury
Mr Stanhope

Mrs Dunne
Mr Hanson

Mr Seselja
Mr Smyth

Question so resolved in the affirmative.

MR ASSISTANT SPEAKER (Mr Hargreaves): The question now is that the motion, as amended, be agreed to.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee

Statement by chair

MRS DUNNE (Ginninderra) (11.26): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Justice and Community Safety performing the duties of a scrutiny of bills and subordinate legislation committee.

At the beginning of the Seventh Assembly, members agreed to a new temporary order governing the scrutiny of government amendments to government bills. One year on, following discussion within the committee, the operation of the temporary order was referred to the Standing Committee on Administration and Procedure. In response, the scrutiny committee received correspondence from the chair of the Standing Committee on Administration and Procedure, including a submission from the Clerk and a discussion paper from the ACT Greens.

Consequently, this committee—that is, the scrutiny committee—has agreed, as a service to members, to encourage members to submit all amendments to all bills for the committee’s consideration. This will be in addition to receiving and considering all government amendments to government bills as provided for by temporary order 182A. The committee stresses that reference to the committee is voluntary and that it sees this new arrangement as a service to members.

Members are advised that such amendments should be new—that is, not arising out of a previous scrutiny report—and should fall within the purview of the committee’s terms of reference. As per the existing protocol, amendments should be submitted for the committee’s consideration at least 14 calendar days prior to the day proposed for further consideration of the bill. The committee proposes this as a trial and invites members to avail themselves of this service should they so choose. The committee proposes, in the interests of giving this arrangement a fair trial, that it should continue until the end of the Seventh Assembly.

MR HARGREAVES (Brindabella): This is an important time for members in this chamber. We have seen movements since I have been here where all bills are considered by the scrutiny of bills—

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Excuse me one minute, Mr Hargreaves. I believe you have to seek leave.

MR HARGREAVES: I seek leave to address the statement.

Leave granted.

MR HARGREAVES: Thank you very much, Madam Assistant Speaker, and I thank members.

It is important that we recognise the point where we are at in the development of this Assembly. When I first came in here, the only bills considered by the scrutiny of bills and subordinate legislation committee were government ones. In fact, the subordinate

legislation was done in part, in a sense. We had a movement where we introduced regulatory impact statements and then that became within the purview of the Standing Committee on Justice and Community Safety acting in its role as the committee for the scrutiny of bills and subordinate legislation.

What happened then, of course, was that we moved on to where all bills, private members' bills or government bills, are now considered by that committee on scrutiny. And now we believe that we would like to move to the point where when we are talking about the passage of legislation it matters not. I apologise; I cannot remember who it was—I think it might have been Mr Rattenbury—who said yesterday that the executive does not have a mortgage on bright ideas. It may have been your good self but I am sorry, I have forgotten. We need to consider that when bills are put before the Assembly this is a parliamentary process, actually, and so we need to have the same process of scrutiny to ensure that personal liberties are not infringed upon, regardless of who is the bill's originator.

That applies to bills, but it does not necessarily apply to amendments of bills. What we are seeing is that consideration by the committee of people's freedoms, personal liberties et cetera is being applied to government bills but not to private members' bills.

The essence of this particular initiative is that for a while we would have private members, non-executive members, submit their amendments in the same process as would government members, to have them examined by the committee's legal adviser. It is quite possible—it has occurred in this place before now—for people's rights and liberties to be infringed upon inadvertently, and our only protection against that really is to have these things examined by the legal adviser and thus the committee on scrutiny of bills and subordinate legislation.

A point brought up in the road safety drug testing issue—I think it was by Mr Hanson—recognised that some people will have their rights and privileges et cetera impinged upon through arrest et cetera but that that is okay because it is in the interests of the common good. I do not have a problem with that; but I think the Assembly would be well advised to know that impact and know how it impacts, through the benefit of having the legal adviser look at these sorts of things when we consider them, because we have quite often passed legislation here and an individual has been treated detrimentally out of the human rights stuff but we know quite clearly that it is in the common good and the Human Rights Act actually allows for that. So we need to make sure that our conversation here covers that.

The disappointing bit for me in recent times was that the committee was ready to put this offer to private members down on Tuesday, but it did not appear on Tuesday, did it? It appears today. For the first time for a very long time we saw legislation yesterday which has the potential to impact on people's personal liberties and we have passed the legislation without the benefit of such examination, which would have been possible had members availed themselves of the offer to have it examined.

However, most members in this place were not necessarily aware that the offer to have amendments considered by that committee was there, was on offer. Indeed, quite a number of amendments were put in the legislation yesterday which may have had an

easier passage through here had we had the benefit of that advice from the scrutiny of bills and subordinate legislation committee, because we would have had a reason why X needed to be the case to support the common good—not just our idea of what that may be. I do not believe that you can mess around with people's rights and privileges and their liberties if you are a rank amateur at this. With the best will in the world, we are essentially rank amateurs at this. It is my understanding that we have three lawyers in the place, unless I am wrong. But did we ask them about this particular part of the legislation? No, we did not. We talked about other things.

It was an extreme disappointment for me that we were not able to run the flag up the pole on Tuesday early enough for the consideration of those amendments by the scrutiny of bills and subordinate legislation committee's legal adviser—I would have preferred it—and I am not so sure it was inadvertent. I am not convinced it was inadvertent. It was either incompetence or conspiracy and I leave it to members here to work out which one it was. I just think it is an appalling state of affairs. I do not have anything more to say.

MRS DUNNE (Ginninderra), by leave: Mr Hargreaves sought the leave of this place to make a brief statement which turned into an attack. There was no conspiracy to prevent this statement from being made. Whether it was made on Tuesday, Wednesday or Thursday, it would have made no difference because the rules set by the scrutiny of bills committee and outlined in the statement were that it would want 14 days notice to deal with amendments. Mr Hargreaves is just trying to make an issue where none exists.

Leave of absence

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

That leave of absence be granted for all Members from the conclusion of this sitting until 16 August 2010.

Appropriation Bill 2010-2011

[Cognate paper: Estimates 2010-2011—Select Committee report—government response]

Debate resumed from 30 June 2010.

Proposed expenditure—Part 1.12—ACT Health—\$826,910,000 (net cost of outputs), \$196,981,000 (capital injection) and \$710,000 (payments on behalf of the territory), totalling \$1,024,601,000.

MR SESELJA (Molonglo—Leader of the Opposition) (11.36): In dealing with health, I believe it is worth going to some of the widely publicised cultural issues that exist within health in the ACT. They are cultural issues which, I think, cannot be totally dissociated from some of the very poor results we are seeing in a number of indicators in healthcare in the ACT.

I think that when we look at the minister's attitude to what has gone on in relation to these cultural issues of bullying and the like, there has, for a long time, been a real

head-in-the-sand approach. Unfortunately, instead of actually responding and saying, “There are these cultural issues, there are problems, bullying and other things; I am going to address them so that we can actually improve healthcare for all people in the ACT,” the minister just denied there was a problem.

On 16 February on ABC news, there was a report of a mass walkout by doctors. The minister’s response was to attack the doctors and deny the problem. She looks to Ross Solly and says, “Well, what issues, Ross? This is the frustration I have.” Apparently, there are no issues according to the minister. Nine obstetric doctors resigned from the Canberra Hospital in 15 months due to an alleged bad workplace culture and instances of bullying. At least four doctors have written to Ms Gallagher saying they would refuse to work in this department of the hospital while the current culture of intimidation remained and she says to Ross Solly, “What issues?”

On 17 February, the next day, doctors react angrily and a caller to Triple 6 ABC Canberra’s breakfast program says he works with obstetricians across Canberra and considers himself a friend of the registrars who have recently left the hospital. I quote him:

Probably every single one of the registrars has been approached by people from large metropolitan hospitals elsewhere and been offered work because they’re aware the situation down in Canberra had become so toxic.

It just concerns me people can say they’re not aware of the problem when people interstate are aware of the issues. She needs to give a very clear and frank explanation and she needs to be honest.

She needs to make sure she doesn’t try and cover this up. She needs to make sure it’s her that comes and addresses these issues rather than faceless bureaucrats.

On 18 February, on ABC Online, we had:

Maternity unit tension threatens training. The Royal College of Obstetricians and Gynaecologists ... says workplace problems are preventing Canberra-based obstetricians from doing more public work. A confidential report ... found “dysfunctional relationships within the Obstetrics and Gynaecology Department. This is a sensitive ‘in-house matter ...’.”

Once again, that was denied by ACT Health. We note that on 18 February the ACT government launched a new campaign against workplace bullying in the territory, which is pure coincidence according to Simon Corbell.

But what we did have revealed finally by the minister under questioning from the opposition was that there were serious problems. She revealed in her own language:

I think the long and troubled history in obstetrics, as would be well known to anybody who spent time looking at them, always appears to arise when vacancies are advertised at the Canberra Hospital.

She referred to “the war that has existed in obstetrics for in excess of 10 years”. This was on 24 February. Just a week earlier the health minister was saying, “Well, what problems, Ross? There are no problems.” Then she acknowledged that there has been

a 10-year war in obstetrics. I would have thought that is a problem. I would have thought that, if there is a war in obstetrics, that has the potential to adversely impact on health outcomes. Clearly it does, and the minister simply denied the problem.

Mr Hanson has led the way by calling for an inquiry, which was blocked by Labor and the Greens, and then by raising a matter of public importance. Finally we have a secret review launched: “Katy Gallagher has agreed to hold two external reviews into the Canberra Hospital’s maternity unit”. There is no doubt there is a failure to deal with these systemic and cultural issues. There is a denial that they exist when clearly the minister knew that there were problems. Clearly the minister knew there were problems, because she acknowledged on 24 February that there had been a 10-year war in obstetrics.

It does bring us to some of the statistics. It is interesting that in this place, when we refer to the statistics, the answer is always “we are doing our best and you are not really reading those statistics properly” but the statistics are damning. Then, when we refer to individual cases, the answer is “that is just an individual case”. The stats show that there is something wrong, and the individual cases reflect what the statistics show.

It is worth looking again at elective surgery waiting times. We have seen the AIHW report, released on 17 June, which shows that elective surgery waiting times in the ACT are the longest in Australia. You can only hide behind various iterations of the figures for so long. When you are delivering in elective surgery the longest waits in the country, something is seriously wrong. We compare it right across the board to New South Wales. The minister gets offended when we compare her to Reba Meagher. Reba Meagher lost her job.

Ms Gallagher: No, I have not. I have not once got offended.

MR SESELJA: She is now saying, I guess, Reba Meagher should be offended, because Reba Meagher and the New South Wales Labor government delivered better stats. It is extraordinary. The stats show: “Days waited at 50th percentile: ACT, 75; New South Wales, 39.” We are always told they are the worst government in the country but look at this: “Days waited at 50th percentile: ACT, 75; New South Wales, 39. Days waited at 90th percentile: ACT, 378; New South Wales, 283.” The percentage who waited for more than 365 days is more than 10 per cent in the ACT, 10.6 per cent; New South Wales, 2.5 per cent.

So the sobering statistics show that when it comes to elective surgery this government is doing worse than any other government in the country. And have we not seen some bad Labor governments around the country in recent years? Yet this ACT Labor government is delivering worse outcomes than any of them, New South Wales included. The AIHW report actually shows that it has got worse.

For all the talk that things are improving, we know that since they came to office it has got dramatically worse. It has just about doubled since they came to office—what was it?—40 days to 75 days. And now we see, even on the latest statistics that we have from AIHW, that it has gone from 72 days to 75 days, about double what New South Wales is delivering. It is continuing to deteriorate and is 31 days longer than the national average.

By not addressing the cultural issues, by putting her head in the sand, by pretending that there was nothing wrong and nothing going on before being forced to do something about it, the minister has significantly contributed to this problem. She has not shown leadership. She has had several years now as health minister and the stats have continued to deteriorate. They have deteriorated under her leadership. So there is no-one else to blame.

When we hear “there is more demand” and this sort of thing, is that not happening in other parts of the country? Apparently there has not been an increase in demand in New South Wales, Victoria or Queensland. They are not experiencing any demand. There is no population growth in any of those places. There is no ageing population in any of those places. Apparently that is just a Canberra problem. It defies credibility. And the stats do speak for themselves.

Then we see the personal stories. Allan McFarlane, who is again on the front page of the *Canberra Times* today, finally got surgery. Is it not a good thing that he finally got surgery? But is it not terrible that he had to wait for so long? And is it not disturbing that it takes publicity before some people get seen? I think it was on the very day that it was in the *Canberra Times* and almost as soon as it had finished on the radio that the carer got a call saying, “Yes, now we have got a date for surgery.”

What about all the other people who are not fortunate enough to get on the front page of the *Canberra Times* to highlight their plight? Allan McFarlane is not the only one who is waiting so long. The statistics say that there are thousands of others. The statistics say that we are doing far worse than anywhere in the country.

The minister should get up and say, in real terms, “Why is it that we are doing so much worse than New South Wales?” Let us take that comparison for a moment. “What is it that New South Wales is doing so much better than we are on elective surgery when they are considered to be such a poor-performing government?” The minister will have the opportunity and we look forward to hearing from her on this issue. (*Time expired.*)

MR SMYTH (Brindabella) (11.46): Mr Assistant Speaker, it was during the estimates that we finally had revealed to us the true extent of how much GST revenue the federal government are now going to retain to fund their national hospital reforms. Since the end of the committee, we have since heard that the main plank of the reforms has fallen apart. One of the main planks of the reform was to have the National Funding Authority. It was to oversee the transfer of money to the local hospitals network.

I note that both the main report and the dissenting report have, in various ways, asked the government to continue to update the Assembly and thereby the people of the ACT on what will happen with this. It will be interesting to see if the minister in her speech when she finishes this section is actually able to tell us what the loss of the National Funding Authority means. If the body that was to distribute the funds disappears, then the mechanism to regulate that distribution is also gone.

You now have to question how it is that these reforms were so shallow that really they did not last a month. The whole reform process did not last a month. In fact, the funds will now be distributed by the federal Treasury. It seems to me quite bizarre that we have allowed ourselves to sign up to an agreement that is now in effect defunct. It is only through questions in the estimates that actually the true level of funding that we will hand across was revealed.

Ms Gallagher: That is not true. You just had not listened before.

MR SMYTH: The minister can have her say in a minute. She says that we were not listening. But the figure of more than 50 per cent of GST being held by the federal government, retained by the federal government, was never made clear in this place. It was certainly never made clear in public. If the minister has had a sly conversation with a journalist, that is something the minister might have done.

Ms Gallagher: It was on the radio.

MR SMYTH: It was on the radio?

Mr Seselja: It was on the radio?

MR ASSISTANT SPEAKER (Mr Hargreaves): Order, members! The Treasurer and the Leader of the Opposition will both come to order, please. We have had a nice morning. It has been very pleasant. Let us keep it that way.

MR SMYTH: That is not the way, Mr Assistant Speaker—

MR ASSISTANT SPEAKER: I have had a good time and if you are going to make me miserable, I will return the favour. Please keep it down.

MR SMYTH: Well, if we are talking misery levels, Mr Acting Assistant Speaker—

MR ASSISTANT SPEAKER: I know you are an expert, Mr Smyth, but please.

MR SMYTH: That might be a longer conversation for a different day.

MR ASSISTANT SPEAKER: Fine.

MR SMYTH: The point here is that there is no clarity about this. What we have is a minister who tells different segments of different markets at different times and different numbers. I look forward to the minister tabling her press release where she informed all of the people of Canberra that greater than 50 per cent of our GST revenue would be retained by the federal government. I look forward to that. I am sure the minister will have that press release and table it as soon as I sit down. I look forward to having it. I look forward to her speech in the Assembly. I look forward to quoting the page in *Hansard* when she said greater than 50 per cent. I look forward to her tabling the articles from the *Canberra Times*—

Mr Seselja: You did not say that anywhere, Katy.

Mr Hanson: You have got to tell people somewhere.

MR ASSISTANT SPEAKER: Mr Hanson!

MR SMYTH: where it says that greater than 50 per cent was being retained. I think this is the thing of concern. It is the way this minister does business. It is the way this government does business. It is, indeed, perhaps even the way the federal government did business until the departure of Mr Rudd. It will be interesting to see how the new Prime Minister does.

The problem is that this is not a plan. Health is too important to be treated as some sort of meeting and showplace where you can say a few things that then evolve. If you are going to have serious health reform of this nature, what you have to have is a very clear, very concise plan that actually works. What you cannot have is bits falling off almost immediately the plan comes under any scrutiny. That is the problem with what this minister has signed up to.

You have got to give her some credit. She at least was willing to roll up her sleeves and do some work while the Chief Minister went off to the bar, because he thought he had cut a deal. He broke early. He thought he got a good deal for the people of the ACT. He just surrendered more than 50 per cent of the GST. He did not get a single concession—not a single concession—and this is still the same.

Mr Seselja: Once again, this is not New South Wales we are talking about.

MR ASSISTANT SPEAKER: Mr Seselja, Mr Smyth does not need your help. He doesn't need it.

Mr Seselja: I am helping him.

MR ASSISTANT SPEAKER: He does not need you.

MR SMYTH: No, he is. I find him of great assistance. He reminds me of things that I should say. It is great to have the Leader of the Opposition—

MR ASSISTANT SPEAKER: Well, I feel sorry for both of you.

MR SMYTH: I am very, very, very grateful. The problem is if you cast back to when Mr Stanhope was the health minister, Mr Stanhope in 2001 was going to fix the health system. He was going to fix the hospital system by a crisis injection of \$6 million. It was a crisis. It was a crisis then when the elective surgery waiting lists were 3,488. What is it now when the elective surgery waiting list, as at 22 June, is 5,484? If it was a crisis at 3,488, what is it now—an absolute catastrophe at 5,484?

Of course, the \$6 million crisis injection did not work because the government did not have a plan. They did have a review that took away the model that was actually working. The model in place in 2001 that was steadily reducing elective surgery waiting lists was to have a local board and a purchaser-provider arrangement between the government department of health and the hospital board.

But allowing people to manage the business of the hospital properly allowed real gains for the people of the ACT. Indeed, it improved access to elective surgery. That is why we got to that low point of 3,488. It is the lowest it has been for some time, but it was working. Instead, the Stanhope crisis injection of \$6 million and the implementation of the Reid review has, in fact, seen the list spiral out of control, trending upwards for the entire nine years of Labor management of the health system. That is at the heart of the problem. Labor cannot manage. They cannot manage their budgets, they cannot manage the health system, they cannot manage their own policy and they do not tell people the full story.

I can recall in estimates in 2002-03 there was one case where, if I remember the numbers correctly, growth was something like 15 per cent. Yet the government had only forecast seven per cent additional funds. The Chief Minister made the extraordinary statement yesterday, "Yes, we knew that and we expect there will be some pain."

The pain is being felt by the David Wentworths, by the Allan McFarlanes and by those individuals who do not get access to the services they require. It is genuine and real personal physical pain. We forget the words "the people" that appear up there on the coat of arms for the ACT. It is not about the press release; it is not about ministerial egos; it is about the people and the services that we deliver. In this health budget, there is no clear path forward to deliver better health services for the people of the ACT.

We have had the minister all over the place during question time this week. She was asked what was health growth. Well, it was 10 per cent one question, the next question it was nine per cent. But, as we know, the increased funding in the outyears is between six and seven per cent. So there is a gap that emerges—

Ms Gallagher: Which is about five per cent more than you ever factored into your forward estimates, Brendan.

MR SMYTH: We will come back to that, because it is interesting.

Ms Gallagher: Yes.

MR SMYTH: Whenever they are in trouble they run back nine years and say, "You did not do anything." It is quite a cheek—

Ms Gallagher: What did you do about funding health growth?

MR SMYTH: because before your time, Ms Gallagher, and I am keeping a close—

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

MR SMYTH: I will forgive you because you do not have the memory of this. We were the government that put growth funding into the health budget. What did the Labor Party of the day call it? They called it a slush fund. How irresponsible! We put in growth funding, which is now a standard feature of health budgets, because we all

know that it has to be there. We took that decision. We put it there. What did your party and your leader, Mr Stanhope, call it? They called it a slush fund. They wanted details of how it was all going to be spent, broken down into the dollars, into the components. We were asked to tell them where it is all going because it was a slush fund.

We have taken a very mature approach to the health debate in this place, because we understand that it has to grow. We have never questioned the need for growth funds in health because we do know that they have to be there, not like the immature approach of your predecessors. It is good to see that you continue our initiative to put that growth funding there, because we know that it needs to be there.

The unfortunate thing is the unfunded gap. That unfunded gap will be your downfall because you do not have a strategy to manage the hospitals properly. My prediction is that the national health reforms will not bear much fruit for the ordinary folk who deserve elective surgery. In fact we will be reviewing these reforms, I suspect, very, very quickly. They are not designed—in fact, they were not designed; they were just cobbled together and then immediately fell apart, which is what happens when things are cobbled together in this way.

But you have to have a real commitment to ensuring that the hospital is allowed to function properly, which it is not. It is beset by problems. This is highlighted by the minister's own statement that there has been a 10-year war in obstetrics. This is the thing that we need to look at. I will take a break now, Mr Assistant Speaker. I might come back to this in a while. (*Time expired.*)

MR ASSISTANT SPEAKER: I wish you well, Mr Smyth.

MR SESELJA (Molonglo—Leader of the Opposition) (11.57): (*Second speaking period taken.*) We heard before from Ms Gallagher that she really was open about the 50-odd per cent of GST that the ACT Labor government had agreed to give up. We had the speculation before the meeting “well, it could possibly be in the order of 40 per cent” but then nothing. When they signed the agreement and they signed up to over 50 per cent, there was nothing. There was nothing in the press release. It was reported in the *Canberra Times* as one-third. They did not correct that. It is funny that the ads did not come. Normally when they think the *Canberra Times* has got it wrong, they send out the government advertising to fix it. We saw that with the LDA. The Chief Minister got out of bed on the wrong side, saw an article that was critical of one of his programs and suddenly, wham, thousands of dollars of taxpayers' money was spent just to tell us how good those programs were.

We did not see a press release correcting it; we did not see a press release at all. We did not see one statement saying that what they had signed up to was actually 50 per cent, when everyone else had signed up for around 30 per cent. Embarrassed by this revelation, the minister's defence was: “Actually, it's not being withheld. We're not giving it up. There's no change here. There's nothing to see here.” What was all that negotiation about? Why was there that negotiation if they did not actually have to give anything up, if it was not withheld?

As usual, the Treasurer did not allow the facts to get in the way of a good story. She was asked whether or not it was being retained. She was asked by Mr Smyth, “Will you at least admit that 47 per cent of our GST is now being retained?” “No,” she said, and she kept repeating it. Yet we see that Nicola Roxon has a different view. She said, “Our bottom line is that the GST must be retained by the commonwealth and dedicated to health.” Is it retained or is it not? Who is right? Is Nicola Roxon not telling the truth? Does she not know what the agreement was? She goes on to say, in her press release of 28 April entitled “Historic health reform” under “Funding Arrangements”:

The commonwealth and seven states and territories have agreed to the Commonwealth retaining one third of the GST and becoming the dominant funder of the nation’s hospital system.

I guess that is where they got the one-third figure, but we did not ever hear anything different. The defence was “it’s not being retained”. No-one else actually believes that. That is why Colin Barnett has not signed up—because he does believe that it is being retained. That is what Nicola Roxon has said. It must be said again that the comparison with New South Wales is extraordinary. New South Wales held out and negotiated. We heard Kristina Keneally talking about how she negotiated hard. She said: “New South Wales got what it wanted out of this Council of Australian Governments negotiation. We got the money. We got the guarantees. I’m more than happy to speak to the conditions and the safeguards for agreement to GST retention by the commonwealth.”

Again, Kristina Keneally knows that it is being retained, but she actually bothered, on behalf of the people of New South Wales, to negotiate a better deal. Did ACT Labor negotiate a better deal? No, they got the worst deal. They gave up half our GST when New South Wales gave up one-third and they did not get anything extra in return.

Mr Smyth: Free bar snacks at the bar.

MR SESELJA: Indeed, Mr Stanhope was so keen. It is extraordinary. I suppose when he reflects on the fact that now Mr Rudd has gone that maybe he looks back with a tinge of regret that he was so desperate to please the then Prime Minister. They went for a nice walk around the gardens of the Lodge. We saw the footage there.

Mr Smyth: Saw the chooks.

MR SESELJA: Were the chooks there then?

Mr Smyth: They may have seen the chooks.

MR SESELJA: I think they may have seen the chooks. They had a lovely cup of tea and over that Mr Rudd said, “Look, Jon, I need you to sign up to this.” Jon said, “Absolutely; we will sign up.” There was no negotiation. They did not seek anything extra and they did not get anything extra. In fact, they got the worst deal of any jurisdiction, and then they hid it. We know why they hid it—because it is embarrassing. It is embarrassing that the people of the ACT, in order to get the same

thing that everyone else gets, which is the commonwealth coming in and becoming the dominant funder—they are not really the dominant funder, are they, because all they have done is just take our GST?—have had more GST taken away.

We had a tax that was put in place—opposed by Labor, mind you—a GST, which was about giving more autonomy to the states, giving them a growth tax. The Labor Party opposed that. Kevin Rudd called it “fundamental injustice day”. In fact, I think today is the 10th anniversary of what Kevin Rudd and the Labor Party referred to as “fundamental injustice day”. The states saw what a good growth tax it was for them. All we ever hear now from Katy Gallagher is complaints that we do not quite get enough GST, but then she goes and gives up 50 per cent. She gives up 50 per cent of our GST and allows it to be retained by the commonwealth, without—as Mr Smyth pointed out—any knowledge of the detail.

When Ms Gallagher was pushed on this in terms of the detail, she did not know. Now we see that the deal is changing, that they have abolished the oversight authority and that it will be handled in Treasury. So we are going to trust the commonwealth government, with very little oversight now, to retain our GST—50 per cent of it—and to spend it in our interests because, apparently, the commonwealth, under the Rudd-Gillard Labor government, have a really great record of looking after the ACT. They have reneged on promises for the ACT. They have not invested in infrastructure in the ACT. They have slashed funding to national institutions, and now ACT Labor are saying, “Yes, we trust you. We trust you so much that we will give heaps more than the rest. Kristina Keneally only trusts you to give one-third, but we trust you so much that we’ll give one-half. That’s how much we trust you.”

Ms Gillard, the new Prime Minister, has said that the government lost its way and that is why she had to take over. I would have thought that the scrambled nature of this health negotiation would be one of the ways that it had lost its way. It was desperate to change the conversation from the ETS so it said, “We need an agreement and we’re going to get an agreement.” Some of the state premiers resisted; they resisted strongly. John Brumby resisted strongly before he rolled over. Kristina Keneally negotiated hard. Collin Barnett in the end said, “No thanks. I’m not going to sign up to an agreement that you haven’t thought through, that you don’t know the details of, where I’m giving up my state’s GST, giving up autonomy, and then hoping that we’ll be looked after.”

This is what ACT Labor signed up to. They went to this absolutely flawed process and, because they were fawning over the former Prime Minister so much, they were desperate to sign up. To hide that fact they did not mention how much of the GST they had given up. When it was finally exposed that we had given up half when everyone else had given up one-third, the minister’s response was: “Well, we didn’t give it up. It’s not being retained.” Nicola Roxon begs to differ. Kristina Keneally begs to differ. All the other state and territory leaders who actually negotiated something on behalf of their communities beg to differ.

If it was not being retained and if we were not losing some autonomy then what was the negotiation about? If nothing was changing then what was the negotiation about? Kevin Rudd could have gone there and said: “Here’s the cheque and this is how many cheques you will be getting over the next few years. You’ll be getting these extra

cheques. You don't have to do anything." Well, you do. You have given up autonomy to your GST for a deal you have no idea of the detail of because it was rushed.

That is indicative of federal Labor and ACT Labor. It is indicative of federal Labor that they would engage in this shocking policy on the run that has led to them dumping a first-term Prime Minister, that has been endorsed by ACT Labor because they are just desperate. They were just desperate to say yes. They were desperate to please Kevin Rudd and Nicola Roxon and federal Labor—for what reason I do not know. Was it in the best interests of the people of the ACT? Well, they did not seem to have much regard to that. They did not negotiate. They did not care. They simply gave up half our GST not knowing where it was going to get to. If that is the way that health policy is developed now under ACT Labor and federal Labor, I think we are in trouble. (*Time expired.*)

MR SMYTH (Brindabella) (12.07): (*Second speaking period taken.*) Just to continue, the other thing that comes out of the federal government's abandonment of the national funding authority is, of course, a statement by a spokeswoman for the health minister, Nicola Roxon, that the decision to scrap the funding authority removes a layer of bureaucracy. Of course, part of the reforms was to add no extra bureaucracy. So, even there, there is an admission of the flawed nature of the reforms. The problem for our government here is that they cannot present to us a clear picture of what is going on. We have made decisions without having any knowledge or any understanding of the detail of what it is that we have signed up to.

Perhaps that is the template now for the Labor government. People are buying blocks at Molonglo without having any idea of where their block might be. Perhaps it is just standard now that that is the way that Labor governments will operate. The problem for the ordinary person in the ACT is that this affects the level of service that they will receive or, in many cases, are not receiving. It will have an impact on wait times. It will have an impact on their ability to get elective surgery. Indeed, the report made public by the federal government yesterday by the minister shows that, again, the ACT has by far the longest wait times in the elective surgery lists in the country. That is what happens when you let the list, which in October 2001 was standing at 3,488, blow out to 5,484 as of 22 June this year. That, by any measure, is a disaster for the people of the ACT. There is no clear plan from the minister to rectify this problem.

Moving on to another area, the question of mental health was discussed in the committee and the progress towards improving the mental health of people in the ACT. One of the criticisms of the budget has come from Lifeline. It makes the comparison that the government seems more interested in, for instance, speed cameras than it is in suicide. The suicide prevention strategy was discussed. It is an issue out there in the community. It is something that we do not discuss enough. There needs to be a political discussion, not just in this jurisdiction but in all jurisdictions, about how we, as a country, deal with the issue of suicide.

Depression affects one in four or one in five Australians. The number of those Australians who are affected by those who have attempted suicide or who have completed a suicide is not far beyond those numbers. When such events occur it is very sad. Having a discussion about the nature of suicide, the causes of suicide, what it is that we as individuals can do to prevent suicide, how we can develop resilience as

individuals and as a community in the way we address mental health issues and those factors that might lead someone to consider then attempt suicide, let alone complete suicide, is something that we are going to have to step up to.

I am not sure there is a sense of urgency in the government about taking up the challenge that was proposed by the CEO of Lifeline. Lifeline knows these issues all too well. When you have the Lifeline CEO saying that, as a city, we need to have this discussion it really is a wake-up call for all of us in regard to the issue of suicide. I knew people that have committed suicide. I have attended funerals with families of people who have committed suicide, as I suspect we all have. They are very sad occasions.

Every time we have another suicide in the ACT and every time we do not take the opportunity to talk about it, to bring it to the fore, to let people who are vulnerable or feeling stressed know that they need to go and talk to somebody—"As a minimum, at least go and talk to Lifeline; discuss the matter with your family, your friends"—the problem will continue. If we as individuals do not have a discussion within our families, within our social groups, within our networks, within our sporting clubs, within our political parties—or any other organisation that we belong to—and collectively look out for each other and individually be there to assist each other, this problem will continue.

The statistics show that suicide does not affect any particular socioeconomic group. It is not the poor, it is not necessarily the rich, it is not the well-educated, it is not the successful, it is not the not-so-successful, it is not the ordinary; it is everyone. Everyone is affected by it.

The fact that Lifeline took the opportunity just after the budget was delivered to put out that statement saying that we do not have the debate, that we do not discuss it and that it is not funded adequately in the budget really says that we as a jurisdiction—and I think probably we as a nation—need to accept the wake-up call that is being delivered by the numbers and try to work together towards addressing it. We all know someone or a family of someone who has committed suicide. Again, in the budget I do not see the commitment to it; I do not see the funding for it. We certainly do not have the discussion often enough about the terrible, terrible thing that is suicide.

Mr Speaker, there are other areas in the health budget that are of concern to me. The minister made much mention the other night of the ACIL Tasman report. ACIL Tasman mentions preventative health. The whole discussion about preventative health is, again, something that the government seems to ignore. If you are serious about reducing the call on the hospital then clearly the best way to do that is not to have people go there. That is not to turn them away because the standard of service is so poor; it is that we turn them away because we have kept them healthier for longer.

I have great admiration for the people who work in the emergency department. The staff there—the nurses, the doctors—are all trying to do their best in difficult circumstances. I have gone up there late at night with my little fellow over the last four years since he was born—the emergency dash to the department for the croup, the ill child and the fevers. The service, as you get to it and as you get into the system to receive that service, is excellent. It is the wait times and it is the pressure. If we are

serious, instead of just having a debate, as the minister does, about inputs—“we’re putting more money in; we’ve got a plan”—we need to have a debate, as Mr Hanson has started, about the future of health in the ACT. If members have not read it, I would commend Mr Hanson’s paper about the future of health.

We have got to look at the issues holistically. We have got to look at the issues about the genuine long term and what we can do to prevent people from becoming unwell. The statistics say that about one-third of the people that present at accident and emergency are chronic illness sufferers. If they were treated better, if they were treated earlier and if they had preventative health plans, they could be kept away from the accident and emergency department.

If we took a third of the pressure off the A&E, that would be a tremendous thing, apart from which it would take pressure off the Ambulance Service. The Ambulance Service is often seen by some as a taxi: “I can’t get there. I’ll wait till I’m ill. I’ve not controlled my chronic illness. I will use the taxi with the flashing lights to get me to the hospital.” Again, we as a society have to take responsibility and we have to assist those who have problems. I am sure the vast majority of those with a chronic illness are doing their best. Their families are doing what they can.

Part of the answer to the long-term problems that face us in health is the way that we deal with the fundamentals. We are treating at the end of the equation instead of at the start. What if we have givens and knowns—if we know who have the chronic illnesses, we know where they are in society and we know what needs to be done to prevent their chronic illnesses from moving out of control and thereby placing additional stress on those individuals and on their health and, again, putting an additional call onto the health system? This really calls for a rethink. We are not getting that rethink from the health minister. We are certainly not getting that rethink of the whole approach from the government.

Mr Hanson has made a great start in putting out that paper. He is having the discussions. He is having the forums. We are talking. We are doing the hard work as the opposition because the government is not doing the hard work. We are doing the hard work by getting out and holding the forums and talking to the stakeholders to find out what it is they want in a health system. Instead of being at the bar, or instead of being—(*Time expired.*)

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (12.17): I thank members for their contributions to this important line in the budget. I must say that I will listen to lectures from Mr Smyth on a number of things, but one thing on which I cannot listen to him—and on which he has no credibility—is mental health. The lowest per capita spend on mental health in the country was your legacy, Mr Smyth. That is your legacy, one that you are proud of. Then you have the nerve to stand up here year after year when you are not responsible and say that we do not spend enough on mental health. What a position to be in. To do nothing when you were in government and then to lecture us when we have moved considerably to improve the mental health system—

Mr Smyth: Has it got better?

MS GALLAGHER: Yes, I believe the mental health system has, and when you talk to the sector, the sector will say that, yes, it has. They will tell you that there is a lot more to be done, they have not got everything they want and they want more. They want to see legislative reform. They want to see more services in the community and they want to see better holistic wrap-around services. They will say that, but they will also say it is a lot better than it used to be.

Ms Bresnan did actually go to a few of the initiatives in the budget and talk about them, unlike the Liberals. Again, Mr Seselja gave an academy award winning performance and managed to ignore the entire budget. The only thing he did not do was break into song when he was prancing around giving his little lecture on the Health portfolio.

This budget is an important one for health. It is important from the point of national health reform, and I note the Liberals' refusal to understand or even take the time to understand the national health and hospital reform work that is being done or my answers that I gave. Ms Hunter said it yesterday: 44 pages of *Hansard* on one point about whether the GST was retained by the commonwealth or whether it came to the ACT. I stand by my evidence that that money remains in the ACT for ACT health purposes.

I will come back to national health reform, but this budget includes increases for mental health and for critical care capacity, both at Calvary hospital and Canberra Hospital. It deals with growth in demand for elective surgery, providing for 800 elective surgery operations through this next year. It sees some flow-through money from the national health reform. I note that the Liberals like to keep quoting WA and how great it was that they held out on national health reform. Come 1 July, WA is not getting any of this additional money from the commonwealth. It works out to be around \$80 million coming to the territory over the next four years, and WA is not getting any of it. We believe the ACT is better off for getting those payments.

There is extra money in the budget for more acute beds and subacute beds, for growth in cancer services, for increased demand for aged care services and for overall growth in activity output across both hospitals. There is increased demand for obstetrics and gynaecology services, which has seen an increase of 26 per cent in terms of birth numbers over the past couple of years. There is a relatively modest allocation for chronic disease management.

I listened to Mr Smyth on preventative health, and I agree: the more that we can do in this area the better it will be in terms of pressure on the acute system. But the balance the government has to reach is working out how you actually fund the current acute system and the demands in the growth there whilst prioritising preventative health initiatives.

I am sure Mr Smyth will be very happy to know that, as of today, there is a new phone line: "keep healthy". Canberrans can call to receive confidential telephone counselling around advice for healthy lifestyles in an aim to target a group in the community that perhaps has not sought advice or information in the past. Telephone coaching and telephone information is certainly proving to be a very successful strategy in terms of reaching people and providing them with information about health services.

This budget will see bed numbers in the ACT grow to almost 900. You will see from the reports released by the AIHW and the state of our hospitals report released yesterday that we are now third in the country as opposed to eighth for the number of beds per capita. That has taken us eight or nine years to deal with in terms of ramping up our bed numbers, dealing with the shortage of bed numbers that existed under the previous government and making sure we have got bed numbers for the future.

I look at the activity in the bed numbers every day in our hospital—how many are open, what is the demand, how many people are in the discharge lounge, how many people are waiting for beds, how many beds are available at different points, where are the beds available across the hospital? When I started in this job, at Canberra Hospital you had about 380 to 390 beds open on a particular day. As standard operating practice now on a non-busy day at Canberra Hospital there would be around 430 to 440 beds open every day, and that is not dealing with peaks in demand, particularly during winter.

This budget also has some capital allocations for delivering the infrastructure program at Canberra and Calvary hospitals but also for community health centres. There is some money for a refurbishment of the Tuggeranong community health centre, which I did not hear Mr Smyth talk about but I know, being the proud local member he is, that he welcomes that funding and will no doubt be there cheering at the opening when that new service opens.

Mr Hanson: Just before the election, no doubt. You'll be there for the good news, but not the bad news, won't you, minister.

MS GALLAGHER: That is right, Mr Hanson.

Mr Hanson: It's true.

MS GALLAGHER: Yes, very true.

Mr Hanson: "A spokesman for the minister."

MS GALLAGHER: That is right, because there is so much good news in the Health portfolio.

Mr Hanson: Whenever anything opens, you're always there.

MS GALLAGHER: That is right, I have not actually seen that much, but it is—

Mr Hanson: "A spokesperson for the minister."

MR SPEAKER: Mr Hanson, thank you.

MS GALLAGHER: We will let Mr Hanson live on in his happy little dream world where he is the Minister for Health and everything is rosy and everybody is happy.

Mr Hanson: It is a very happy world.

MR SPEAKER: Ms Gallagher.

Mr Hanson: Everybody dreams of that.

MR SPEAKER: Members!

MS GALLAGHER: Jeremy in Wonderland; that is where he lives.

Mr Hanson: I have patience.

MR SPEAKER: Thank you, Ms Gallagher.

MS GALLAGHER: That is where you are nice and safe and protected, and it is a dream. The Liberals spent quite a bit of time on undermining the decision the government took around the national health and hospital reform and made a number of allegations around the ACT's preparedness to negotiate. Again, it was a performance where Mr Seselja had nothing to offer other than pretending to recreate a situation that he was not a party to. I think it is the lack of relevance syndrome—I am not sure—but he does it all the time where he comes in and he goes, "This is what happened and this is the way it played out." Nothing could be further from the truth.

The ACT had a number of issues with the health and hospital reform. Indeed, we negotiated very closely with the commonwealth. The main areas of concern that we were worried about were our higher than average cost and what that would mean under a national funding model. Doing this will benefit ACT governments of the future, whatever colour. If you are ever in government, you will thank us for the fact that we wanted acknowledgement around the cross-border activity, that we wanted acknowledgement about the diseconomies of scale and that we wanted acknowledgement that 30 per cent of our public health system is run by a non-government provider.

We needed not only acknowledgement of that, but we needed it in writing, and we got in writing from the Prime Minister. They were the substantial concerns that we had around the negotiations. It was not about the amount of allocation of the GST, because our health budget is larger than all the GST we actually get. Whilst health grows at nine and a half per cent—

Mr Smyth: Yes.

MS GALLAGHER: It moves around. It does, every year, and this is the point. One year it grows at—

Mr Smyth: Nine and a half today.

Mr Hanson: Another day—

MR SPEAKER: Order! Treasurer, one moment. Gentlemen, you are really making too much noise. I do not want to have to give out warnings before we even get to question time.

Mr Hanson: But she is entertaining—

MR SPEAKER: Mr Hanson!

MS GALLAGHER: Whilst health growth exceeds GST growth, this is a good deal for the ACT, and this is something that the Liberals just do not understand. They either cannot add up or they have not done the work. It is very easy to throw stones from the sidelines, but the extra money coming to the ACT—\$16.3 million to cut emergency department waiting times; \$10.4 million for additional elective surgery procedures; \$26 million for 22 subacute beds; \$6.8 million for operating room equipment and other infrastructure investments; \$7.5 million over four years for a flexible funding pool to support emergency department subacute and elective surgery; and, in addition, \$23 million for coordinated care on diabetes, doctor and allied health professionals training and aged care—is a substantial amount of money coming to support our health system.

The Treasury analysis and health advice to government is that it was a deal that had a positive outcome, both in a financial and service perspective for the people of the ACT. That is what we signed. We got the concessions that we wanted. We argued strongly for the ACT, and we will give the national health and hospital reform process, the governance arrangements, a really good go in the ACT. You can always improve the health system, and this a national agreement about a way forward, which I think is good for the health system not just here in the ACT but around the country. I thank members for their comments today.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.13—Department of Justice and Community Safety—\$202,606,000 (net cost of outputs), \$60,319,000 (capital injection) and \$143,521,000 (payments on behalf of the territory), totalling \$406,446,000.

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

Sitting suspended from 12.30 to 2 pm.

Questions without notice

Childcare—places

MR SESELJA: My question is to the Minister for Children and Young People. Minister, the introduction of new staff-to-child ratios for childcare services will impact on the business operations of many childcare centres. Some will reduce the number of places they can offer. Others will extend their buildings and seek licence approval to accommodate more places. The draft report on the review of the change-of-use charge for the ACT prepared by Macroeconomics identifies that a set change-of-use fee of \$10,000 per childcare place applies if a development application seeks to amend the number of permissible child places only, in a childcare centre which has a single permitted use of childcare centre only.

Minister, can you confirm that childcare centres in the ACT contemplating an expansion of their facility to accommodate additional places will need to factor into their costings your government's massive new tax of \$10,000 per additional child?

MS BURCH: I thank Mr Seselja for his interest in childcare. I will just take that one on notice.

MR SESELJA: Minister, what has your department done to raise the awareness of childcare centres as to the existence and reach of the government's massive new tax of \$10,000 per additional child?

MS BURCH: My department has regular contact with the childcare providers in the ACT. We do that directly through the regulation unit and we also do it through the children's services forum, so any bits of information they need to be aware of will be provided.

MR SPEAKER: Mrs Dunne, a supplementary?

MRS DUNNE: Thank you, Mr Speaker. Minister, what modelling has your department undertaken to assess the impact of your government's massive new \$10,000 tax for an additional childcare place on the cost of childcare, and will you table that modelling?

MS BURCH: Given that it is still at the proposal stage, I think we will just leave it there. There has been no study done.

MRS DUNNE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, why do you have no idea about this massive new tax on additional childcare places, given the report was released in March this year?

MS BURCH: I have plenty of ideas about those opposite. But in response—

Opposition members interjecting—

MR SPEAKER: Order! Let us hear from the minister.

MS BURCH: I think I have answered that. This is a proposal at the proposal stage and any conversation with the childcare sector does occur both directly through the unit and through the child services forum.

Schools—My School website

MS HUNTER: My question is to the Minister for Education and Training and it concerns school league tables and the My School website. Minister, a number of changes to the NAPLAN testing regime and the My School website were considered at the recent ministerial council meeting in Perth. Can you please advise what was

agreed and how these changes will be reflected in the future testing and on the My School website?

MR BARR: I thank Ms Hunter for the question. Education ministers did, indeed, discuss further additions to the My School website at our meeting in Perth. We will be having subsequent meetings to hear back from ACARA, the Australian Curriculum, Assessment and Reporting Authority and also from the work of the working group that the now Prime Minister and former Deputy Prime Minister and minister for education established.

That working group consisted of representatives from across the education sector—the Australian Education Union, experts in data performance management within the education sector, academics and representatives from other key stakeholders. There were a number of proposals discussed, some of which pre-dated this particular ministerial council that was held in Perth last month, that go to the decisions of the ministerial council from months before.

Perhaps the most important element that people will see when the My School website is updated later this year is the addition of information on the financial resources available to schools. That information will be broken down by the proportion of funding that the school receives from the federal government, from the territory government and from its own private sources. It will also include information on the level of capital expenditure that is undertaken at the school.

Discussions in relation to that capital expenditure line have been detailed because, by its very nature, capital expenditure tends to be lumpy. It comes in great amounts but at infrequent intervals. For example, all schools will benefit, of course, from various elements of the building the education revolution. Primary schools, depending on their size, are receiving millions of dollars of additional funding towards a range of projects. But under the national school pride element of the building the education revolution, schools are receiving up to a couple of hundred thousand dollars for a range of projects across their campuses.

We are also looking at further refinement of the ICSEA measure, the index of community socio-educational advantage. It goes to the issue of how you group like schools across Australia. ICSEA is the most sophisticated tool of analysis that we have available to compare the socio-educational advantage of school communities. It is certainly a step beyond the postcode analysis that was utilised by the former Howard government to derive its SES school-based funding model.

ICSEA breaks that down beyond the postcode to a census collection district—groups of households of up to 200 to 250 households. It gives a better picture of relative socio-educational and socio-economic advantage. ICSEA also looks at a range of factors—for example, home internet connection, the level of the parents' education and a range of other factors beyond just a straight economic analysis to determine the level of socio-educational advantage that a community has.

ICSEA is a powerful tool to be able to group like schools. However, the more detail that is available there, the better—particularly for territory schools. We have recognised that other jurisdictions have been collecting a range of data in their

enrolment process, most particularly about parental occupation. It is a level of data that we do not have. But we are seeking through our work in the ministerial council to get a more uniform national system there. That is something that education ministers discussed.

We are also, of course, looking at a range of other issues that we can add to the My School website to provide more information. But the overall principle is that more information is better for parents.

MR SPEAKER: Ms Hunter, a supplementary?

MS HUNTER: Thank you, Mr Speaker. Minister, what was agreed to in relation to copyright on the information posted on the My School website?

MR BARR: We did look at two specific issues: the first related to efforts to stop data mining. There is a process where particular private organisations were sending bots or spiders on to the My School website to extract all of the data and then seeking to re-sell that data back to consumers and charging them a fee for it. We have sought to respond to that by ensuring that that practice is outlawed. In this technological age there are those who will seek to make money out of virtually every aspect of public data collection, so trying to restrict other organisations from making money out of the data that is available on the My School website was something that all ministers agreed was important.

The ministerial council has issued a directive to the Australian Curriculum, Assessment and Reporting Authority on that particular matter. Also, we did discuss what levels of copyright were appropriate for ACARA to hold over that My School data, ensuring and respecting the right of the media to be able to report on these matters. I think this obviously is at the heart of the question from Ms Hunter and I reiterate that neither this government nor any other Australian government is interested in trying to censure the media's capacity to report on the information that is available on the My School website. That would be counterproductive.

In New South Wales, the Liberals and the Greens tried to combine to stop newspapers from reporting. It was a massively unsuccessful thing. In fact, what it did was to encourage more and worse and simplistic league tables being published in New South Wales than anywhere else in the country.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Thank you. Minister, what concerns did education ministers raise in relation to the round of NAPLAN testing which has just been completed and the My School website?

MR BARR: Ministers discussed a number of matters, particularly in relation to security, around the NAPLAN tests themselves. We wanted to ensure the integrity of the testing system and undertook to ask the Australian Curriculum, Assessment and Reporting Authority, who undertake the tests on behalf of the ministerial council, to

ensure further compliance and further measures in relation to the security of the NAPLAN documents. That is an important element and that was something that ministers did raise.

In jurisdictions other than the ACT there were some concerns in terms of the implementation of the testing in May. Obviously the threat of a boycott by the Australian Education Union and its impact on public schools was discussed. We were pleased to see that there was an outcome that saw the Education Union withdraw their threat of a boycott to the tests. The tests are important. The tests are significant in providing an evidence base for further education policy. The tests are important for ACT students. Parents value them. This government supports NAPLAN and supports the My School website.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, when will the proposed government and AEU working group on the My School website be convened, and when can we expect the results of the deliberations?

MR BARR: The head of ACARA, Barry McGaw, wrote to ministers in the last few weeks, indicating that the first meeting had taken place and that a range of issues were being discussed. My understanding is that those meetings will continue over the next few months and report progressively to the next scheduled meeting of the ministerial council. Members would be, of course, aware that we are very close, it would seem, to a federal election. So whether in fact the ministerial council meets again before that election is a matter that I cannot confirm at this stage. But I am certainly aware that that reference group continues to meet. It is at a national level, of course, as I am sure Ms Bresnan and Ms Hunter are aware. So there is not a direct involvement by me, as the ACT minister. However, we are looking with great interest at the results of that working group.

The former Deputy Prime Minister and education minister was very clear—and I endorsed this 100 per cent—that no information will be removed from the My School website. The discussion is simply about what new and additional information will be provided to parents. More information is better for all education stakeholders. There is a lot at stake here. But what we are doing is moving away from the poker machine approach to education which is simply to put another dollar in and hope that we get a better outcome. We are delivering an education revolution in this city and in this country, and we are ensuring that we are doing so with a sound evidence base. And that is how we should be directing new resources in education—to those areas and those schools that most need it.

Community sector—portable long service leave

MR HARGREAVES: My question is to the Minister for Disability, Housing and Community Services. I acknowledge that there is significant community interest in the particular subject which I am going to ask a question about, which can be contrasted against the lack of interest there has been in the chamber from people in the budget discussions thus far.

Mr Hanson: Long lunch, was it, John?

MR HARGREAVES: Mr Speaker, Mr Hanson is such a little man, isn't he?

Members interjecting—

MR SPEAKER: Order! Mr Hargreaves, sit down. Mr Hanson, do not interject during the question. Mr Hargreaves, do not do him the honour of responding to it.

MR HARGREAVES: I will not give Mr Hanson any further respect, Mr Speaker. I note the interest in the gallery, and I appreciate people coming, because this is, as I believe, Minister, a significant day. I ask the Minister—this is a significant day for the community sector, this being the first day of the portable long service scheme taking effect—would you please inform the Assembly of just how the scheme will benefit workers in the ACT, who are gathered today in the gallery?

MS BURCH: I thank Mr Hargreaves for his question and I also acknowledge the members of the childcare and community sector that we have here today. Mr Speaker, this government supports a sustainable community sector workforce. From today, a portable long service leave scheme will be in place to benefit all of the workers in the ACT community into the future, and I acknowledge the members of the childcare and the community sector that are watching here today.

Now, Mr Speaker, this scheme supports all childcare and community sector workers in a number of ways. For the first time, it will protect the basic entitlements to long service leave for all community sector workers, even when this has been accrued by service to multiple organisations. This allows the workers to keep their own entitlements. The primary objective of the scheme is to enhance employment conditions for the sector's workforce, decreasing staff burnout by supporting the staff to take a break. The scheme will also assist in creating an enhanced career path for community sector staff, supporting them to obtain experience in a range of organisations.

This scheme also provides benefits. The scheme is portable, so the benefits accrued in one organisation can carry over to the next, encouraging people to stay in the sector. This increases their skills and knowledge, and benefits both Canberra and the broader sector.

This scheme makes very practical contributions to the workers of the childcare industry and the community sector. The focus on the scheme is very important to me, because it maximises the opportunities and benefits for the workforce that give so much to our community. The scheme will provide enhanced opportunities for workers to stay engaged in the workforce, with a resultant improvement of the quality of life of those for whom they care.

This scheme is about equity and fairness for the workers who support the most vulnerable people and families in our community—and it was a pleasure to meet a number of the childcare and community sectors just before question time. I can tell you, Mr Speaker, and share with others here in the Assembly, they are pleased and

very excited to have this scheme in place. But it has just brought to my attention too the opposition to this scheme from those opposite, so in many ways, Mrs Dunne, I was surprised by your absence, and I invite you, Mrs Dunne, to meet with these workers and invite you to look at them and to say to them why they do not deserve to have a portable long service leave scheme.

MR HARGREAVES: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Given the opposition, those balaclava-wearing sons and daughters of Peter Reith, have been opposing it for so long—

MR SPEAKER: Order, Mr Hargreaves, no preamble.

MS BURCH: Minister, can you advise the Assembly what support has been given to organisations leading up to the introduction of the scheme?

Mr Hanson: Are you sober?

MR HARGREAVES: Right, mate, good on ya. You are so low.

Mr Stanhope: On a point of order, Mr Speaker, constant interjections by Mr Hanson most particularly, that actually challenge the integrity of Mr Hargreaves in the way they are, are simply unacceptable. It is low, it is sleazy, it is slimy and it is straight out of the gutter. It is what we expect and have come to expect of Mr Hanson. It is simply unparliamentary and it behoves you to keep Mr Hanson and the low, guttersnipe level of his constant interjections under control.

Mr Seselja: On a point of order, Mr Speaker, the Chief Minister cannot make a speech and hurl insults in order to raise a point of order. He either has a point of order or he does not. If we are going to get into the game of people withdrawing, then I would ask Mr Stanhope to withdraw everything he just said.

Mr Hanson: On the point of order, I was not reflecting on the member's integrity, only his sobriety.

MR SPEAKER: Mr Hanson, sit down.

Mr Hargreaves: In that case, I require a withdrawal.

MR SPEAKER: This is unacceptable behaviour in this chamber from all of you. The next person who crosses this line will be warned. You, Mr Hanson, are particularly close. Mr Stanhope, your contribution was not helpful and, Mr Hargreaves, neither was yours. The next person who crosses this line will be warned and will be very close to being named straightaway. This is entirely unbecoming behaviour for this chamber. Mr Hargreaves, would you like to repeat your supplementary question?

Mr Hargreaves: Mr Speaker, on the point that you just made—

MR SPEAKER: Mr Hargreaves!

Mr Hargreaves: No, Mr Speaker. That is a reflection on the member and that is not allowed under the standing orders.

MR SPEAKER: Which bit, sorry?

Mr Hargreaves: I require Mr Hanson to withdraw his comment about sobriety.

MR SPEAKER: Yes, Mr Hanson, I will have a withdrawal, thank you.

Mr Hanson: I withdraw.

Mr Seselja: Could I ask you to ask Mr Stanhope to withdraw his comments about Mr Hanson?

MR SPEAKER: Mr Stanhope.

Mr Stanhope: What precisely should I withdraw, Mr Speaker?

MR SPEAKER: I think it is fairly clear, Mr Stanhope—the language around Mr Hanson.

Mr Stanhope: Actually I referred appropriately to Mr Hanson's behaviour and you have just supported it by asking him to withdraw his unparliamentary language.

MR SPEAKER: And I am asking you—

Mr Stanhope: Out of respect for you, Mr Speaker, I will withdraw.

MR SPEAKER: Thank you, Mr Stanhope.

Mr Stanhope: But really—

MR SPEAKER: No, Mr Stanhope, thank you.

Mr Stanhope: There is a but and we all know what the but is.

Mrs Dunne: I have a separate point of order, Mr Speaker. Mr Hargreaves began his preamble by referring to, I presume, members of the opposition as black balaclava-wearing rabble. That is unparliamentary. He can only refer to us by our names or as members of the opposition or by a position we might hold. He may not use that sort of language. It is unparliamentary and I ask you to ask him to withdraw it.

MR SPEAKER: Mr Hargreaves.

Mr Hargreaves: I unreservedly withdraw the accusation that those opposite are the sons and daughters of Peter Reith.

MR SPEAKER: I am sorry, I did not hear that. Are you upset by that Mrs Dunne?

Mrs Dunne: I think his behaviour is shameful and reprehensible.

Mr Stanhope: What do you think of Mr Hanson's behaviour?

MR SPEAKER: Thank you, members. I think at this point we are going to stop the points of order. I have made my view clear and I expect a better standard of behaviour in this chamber. It reflects badly on all of us, the way this question time is being conducted. Mr Hargreaves, did we get your supplementary question? Has the minister answered? I am sorry, I have lost track.

MR HARGREAVES: Thank you very much, Mr Speaker. The substantive part of it, given that I have withdrawn the accusation that they are sons and daughters of Peter Reith, was: can you advise the Assembly what support has been given to organisations leading up to the introduction of the scheme today?

MS BURCH: I thank Mr Hargreaves for the question. Indeed, in leading up to the introduction of this portable long service leave scheme, the government has worked hard to support organisations to understand the obligations of the portable long service leave scheme. Initial community consultation with the broader sector was conducted by urbis, an independent consultant, who found that peak organisations were generally supportive of the scheme. There was general consensus from employees and unions that the scheme would encourage worker loyalty to the sector as a whole.

During the consultations, broader support for a mandatory scheme and one that is broadly defined was expressed. The government responded to these views and the scheme will be available for full-time, part-time and casual employees. The scheme is administered by the Long Service Leave Authority. Throughout February, March, April, May and June this year, the authority consulted with employers to inform them of their obligations under the new scheme. As at 17 June, 132 employer organisations had attended briefings by the authority's CEO in 22 small group briefing sessions. A further 300 employers in the sector have been communicated with regarding the introduction of the scheme.

The consultation will be ongoing and assistance is available to individual employers and groups of employees and employees, if required. The practical assistance is focused on how to lodge returns from existing information sources that employers already hold. This ongoing consultation is important in ensuring organisations, employers and employees are supported throughout the transition of the new scheme.

I note that the first returns are due to be lodged at the end of October and transitional support will be available at this time on a case-by-case basis.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, can you rule out that none of these employees will lose their positions or have their hours cut back as a result of the increased cost to community groups as a result of the long service leave scheme and their subsequent admitted and recognised reduction in cash flow?

MS BURCH: It comes as no surprise to me that Mrs Dunne, on a day that we should be celebrating workers owning their entitlement, continues to spread alarm. I acknowledge the work of the minister who had carriage of this development for some time before the implementation.

The portable long service cost to organisations is 1.67 per cent. The cost to organisations to put aside entitlements for long service leave is 1.6 per cent. It balances out, Mrs Dunne. I just do not understand why you do not understand that the entitlement is for the workers and employers should be putting aside this entitlement for the workers.

It is accepted that when the workers left before they were able to claim their entitlements, organisations had cash managed and kept that cost. I do not think, now that we have this portable leave in, that we should begrudge the benefit for the workforce in any way, shape or form.

MR SPEAKER: A supplementary, Mrs Dunne?

MRS DUNNE: Thanks, Mr Speaker. Minister, how do you reconcile the answer you have just given with the evidence to the estimates committee by the head of the Long Service Leave Authority that this measure will have an impact on the cash flow of community sector organisations?

MS BURCH: I thank Mrs Dunne for her interest in portable long service leave and had she joined the childcare and community sector workforce in celebrating—and we also celebrated today the 10th anniversary of the portable long service leave scheme in the cleaning industry. So it does work.

Ms Gallagher: Ten years?

MS BURCH: Ten years. So there are workers in the cleaning industry that are now celebrating 10 years of portable long service leave. Mrs Dunne, if you had been there, you would have had the opportunity to again talk to Mr Collins, who was there with us as we celebrated 10 years of the cleaning industry portable long service leave, and indeed the introduction of portable long service leave for the childcare and community sector.

As I have said, the entitlement cost and the portable long service leave cost are the same. Organisations now have to put that money into the authority and are not able to hold that as a cash managed benefit. That is something for an organisation to manage. It should not come out of the entitlement of the workers.

ACT Health—contracts

MS BRESNAN: My question is to the Minister for Health and is about ACT Health's funding contracts with non-government organisations. Today being 1 July, a number of non-government organisations are meant to have their new three-year funding contracts in place. Negotiations on many of those contracts have not concluded and in some cases have not yet started. Minister, could you please advise the Assembly why some contracts have not been put in place in time and when you expect they will be signed off?

MS GALLAGHER: I will take the detail of that question on notice in terms of what organisations have not got a contract in place, or a new three-year contract in place. I understand Health has been negotiating with the community sector. Some of the changes that I think have been considered as part of contract arrangements have not been able to be finalised in time so there was an agreement that we not pursue those changes for this contract period. My understanding is that Health has been in discussions with all organisations about their funding arrangements and that they will continue unchanged. As to whether all of those have been signed off by today, I will come back to you.

MR SPEAKER: Ms Bresnan, a supplementary?

MS BRESNAN: Thank you, Mr Speaker. Minister, until new contracts are in place, what is the way forward for payments to non-government organisations, including promised indexation?

MS GALLAGHER: I do not think there should be any concern around community organisations not being paid. Essentially, it is a continuation of the current contract while new contracts are signed. I would be interested to hear if you have got an organisation that is not clear on the process ahead because we will need to respond to that. I do not think it is acceptable if on 1 July there are organisations who are worried about whether they are getting any financial support from the department, including additional indexation which will flow with the passage of this budget this morning, probably. I am happy to follow it up. As to mechanisms to allow funding to flow, essentially it will require a rollover of the current contract.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Thank you, Mr Speaker. Minister, will the government be providing organisations with back pay to 1 July if they are able to negotiate payments that are higher than they currently receive?

MS GALLAGHER: The government certainly will pay, in terms of increased indexation, the money from 1 July. In relation to whether there is a contract change and an increased output or a new project done, that will depend on what that period of time is specified for. If it is from 1 July then, yes, it will be paid from 1 July. We do not ever try to scrimp on paying the community sector in Health.

MR SPEAKER: Ms Hunter, a supplementary?

MS HUNTER: Thank you, Mr Speaker. Minister, how many organisations does ACT Health have three-year contracts with and how many of them have been signed in time for today?

MS GALLAGHER: By far the majority of our contracts—we are the second largest agency in terms of the number of contracts with non-government agencies; I think we are second to the Department of Disability, Housing and Community Services—are three-year contracts. There are shorter contracts, particularly, say, through the health promotion grant rounds. At times they are one-year and two-year funding arrangements. Sometimes they are three years. As to the detail, I will get some advice from the department and come back to the Assembly today if I can.

Childcare—fees

MRS DUNNE: My question is to the minister for family and community services. Minister, according to a backgrounder prepared by your department, the cost of childcare is increasing at a rate of 6½ per cent per annum over the last four years. Added to this, many childcare centres are likely to have to raise their fees to accommodate the changes to the regulations due to be implemented in 2012. Further, the federal Labor government has just reduced and frozen the childcare rebate to \$7,500.

Minister, what is your plan to deal with this impending crisis in the cost of childcare and how do you plan to pay for it considering that you have already spent your funding allocation of \$4 million when you created only about 20 new childcare places at Flynn?

MS BURCH: I thank Mrs Dunne for her question and for drawing my attention to the Flynn childcare centre that we put on line, and again reminding me of our budget commitments to indeed deliver childcare centres, and Flynn is part of that commitment. And indeed it does not stop there; that is just the first tranche of work that we will do to support the families here of the ACT.

We have brought on Flynn, to much delight—I think it was over the moon, overjoyed, ecstatic, for Gumnut and Alkira—and I think that is a good outcome. We are delivering on our election commitment and we are supporting the childcare—

Mrs Dunne: That's two new childcare centres?

MS BURCH: Mrs Dunne, we are not even halfway through this term—

Opposition members interjecting—

MS BURCH: They need to get used to sitting over there for some time yet to come. We have committed and we will deliver; in fact, we will over-deliver on our commitment to childcare in the ACT.

Members interjecting—

MR SPEAKER: Order, members!

MS BURCH: I think there was another part—

Mr Coe interjecting—

MR SPEAKER: Mr Coe!

MS BURCH: It beggars belief that those opposite get upset when we over-deliver on childcare places and over-deliver on childcare centres and indeed deliver portable long service leave for the community sector.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, how will low income earners who already pay 20 per cent of their weekly disposable income on childcare be able to plan to address these childcare rises?

MS BURCH: I thank Mrs Dunne for her interest in childcare. We have been to this place before. Access Economics has done some work and some modelling on the costs for childcare. I think that by 2015 the increase will be a bit over \$11 to families. But the balance of that increase comes with a workforce that is qualified, a workforce that is well skilled and trained. It comes with a better child to worker ratio. It comes with improved quality childcare. The community that I speak to welcomes the quality framework for early childhood. The mothers and fathers I talk to recognise the increased cost but say, "If my child has better quality childcare then that is money well spent."

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Minister, what will be the impact on the skills crisis in the ACT if families are forced to leave the workplace because they are unable to gain access to affordable childcare?

Mr Barr: A hypothetical question.

MS BURCH: It is an absolutely hypothetical question and I am not answering.

MR SPEAKER: A further supplementary, Mr Smyth?

MR SMYTH: Minister, what analysis has been done by your department as to the impact of the changes that come into place on 1 January next year?

MS BURCH: We have looked to Access Economics—

Opposition members interjecting—

MR SPEAKER: Order! Let's hear from the minister.

MS BURCH: That is where we have got our modelling from around costing the impact of these measures—the impact of these measures on the cost of childcare.

Mr Hanson: Is that in the *Hansard*, that look?

MS BURCH: You can watch it again tonight if you like, Jeremy.

Planning—Casey

MS LE COUTEUR: My question is to the Minister for Planning and concerns the development at Casey and the retention of trees and vegetation. The 2004 concept development plan for Casey identified almost 3,000 trees that would qualify as protected trees under the Tree Protection Act. Minister, why did you wait until 2009 to declare Casey as an area covered by the Tree Protection Act when many trees would no doubt have been removed prior to that date?

MR BARR: Given that I was not a member of the Assembly when the initial assessment was undertaken it is difficult for me to have acted as Minister for Planning prior to that time. Of course, these matters in relation to estate development have a process. They involve the interaction of a number of agencies. Most particularly in relation to trees, obviously, the conservator has a particular view and makes recommendations to the Planning and Land Authority, who in turn make recommendations to the minister of the day. That interfaces also with those other agencies of government that are directly involved with the delivery of land development.

In terms of when I personally responded, it would be difficult for me to have done so while I was not a member of the Assembly, or indeed in that portfolio. If the intent of the member's question is to try and elicit some response from me but I have sat idly by for a number of years on this matter, that is not the case. I certainly reject that particular element of the member's question.

Mr Smyth: But you sit idly by on so many things, Andrew.

MR BARR: If the little *Muppet Show* sound effects man over there could just be quiet for a moment, I will complete my answer, which is to say that in matters of estate development clearly there is a complex trade-off that is required to meet the needs of a growing population and a growing city, to balance greenfield development with residential infill and to balance the need to protect and enhance high quality woodland. A number of decisions have been taken by government in recent times to protect such woodland. I would refer you all to central Molonglo and a decision that was taken there to protect what was a high quality area of woodland, the Kama woodland, and to provide buffer zones around that particular area of high quality woodland.

Of course, in any urban development, in any area of the city, there is the potential for some trees to have to be cut down in order to accommodate that new development. The question for government is what level of offset is provided and what new trees might be planted. The quality of the particular trees would be the matter under consideration. We have a process and that process has been followed.

MR SPEAKER: Ms Le Couteur?

MS LE COUTEUR: Thank you, Mr Speaker. Minister, given that the 2004 concept plan recommended retaining a large site on the southern side of the central playing field where there is a large number of medium-value trees, what proportion of trees were retained on the site?

MR BARR: Mr Speaker, you would understand that I would not have that level of detail available to me at this point in time. Given that, again, the matter refers to 2004, or prior to my time in the Assembly, I will need to seek some advice from the Planning and Land Authority in relation to the specifics of the member's question. I will take that on notice and provide information back to the Assembly after the winter recess.

MR HARGREAVES: I would like to know, given the minister's comment that some trees may need to be removed to allow residential development, did that apply to the suburbs of Downer and Dickson?

MR BARR: Thank you, Mr Speaker, and I thank Mr Hargreaves for the question. I think it would inevitably have been the case that, as suburbs have been developed in this city, going back to the origins of Canberra nearly 100 years ago, undoubtedly some trees were cleared to make way for that development. New trees were planted, most particularly in Dickson and Downer, and, as a resident of Dickson, I am certainly aware that the trees in my street were planted subsequent to some of the development that occurred in that suburb. And I think I could be fairly confident in saying that a similar thing would have occurred in the suburb of Downer all those years ago, Mr Speaker, when that suburb was founded.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Thank you, Mr Speaker. Since 2009, when you made the Tree Protection Act applicable to Casey, has ACTPLA approved developments that will remove protected trees, contrary to the conservator's advice to keep them?

MR BARR: From time to time the Planning and Land Authority must make difficult decisions in relation to the issue of trees, to ensure that we are able to conduct an orderly development process in this city. There is a formal process that is in place.

Opposition members interjecting—

MR BARR: I know it has been a long week for you guys; it must be getting very tough. It has been a long time in opposition. I was looking to pass a few hours last night and I went back—and I think this probably reflects badly on my character, Mr Speaker—and read some of Mr Smyth's previous responses to budgets, just to see whether anything had changed over the years. I was going back year after year after year. One thing that is very certain is that the shadow treasurer calls for plans and strategies every year.

Mr Seselja: A point of order, Mr Speaker.

MR SPEAKER: Stop the clocks, thank you.

Mr Seselja: Whatever the minister is babbling on about now has nothing to do with the question he was asked, and I would ask you to direct him to be relevant.

MR SPEAKER: Mr Barr, you can—

MR BARR: Mr Speaker, I apologise. I was momentarily distracted by the shenanigans from those opposite.

In relation to trees, yes, it is possible; it has occurred in the past and it will continue to occur in the future where the planning authority, in making a final decision, will not necessarily incorporate every element of the advice of the conservator of trees. That process is there in the legislation and the planning authority has that capacity. It does not happen that often, but there will be times when there will be disagreement, and there is a formal process for that disagreement to be recognised and to be resolved. But ultimately we are balancing a range of competing interests, and the government needs to ensure that there is an orderly process for the development of land in new suburbs. Whilst every effort is made to protect as many trees as possible, from time to time some trees will have to be cut down. But the government's policy, and it is clear from the efforts of the Chief Minister, has been to plant many thousands of new trees to replace trees that are cut down.

Childcare—staff-to-child ratios

MR COE: My question is to the Minister for Children and Young People. Minister, in this week's edition of the *CityNews* Roxanne Elliott, founder of www.careforkids.com.au suggests that, because of the introduction of the new staff-to-child ratios, some childcare centres are:

reviewing whether they will continue to provide care for children under two, as it will be cost-prohibitive to do so.

Minister, what assessment has your department made of the potential impact of the new staff-to-child ratios on under two childcare places being made available to the ACT community in the future, and will you table that assessment?

MS BURCH: I thank Mr Coe for his interest in childcare. Here in the ACT, for the over twos we already meet the new ratios; for the under twos 25 per cent of our

existing services already meet the ratios. Indeed, had you joined me just before question time and met with some of the childcare providers, you would have joined in a conversation where they are keen and are seeking room to expand, with the target of under two. So less than an hour ago I was talking with a local provider—a well-established and regarded provider—who wants to grow in the under two area.

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Thank you, Mr Speaker. Minister, with the interaction of the new staff-to-child ratios, what contingency plans does your department have in place to ensure that childcare for under twos continues to be offered to at least current levels in the ACT?

MS BURCH: The department works very closely with all providers and is assisting them in this transition process. But as I have said less than an hour ago, I had a provider who is wanting to expand in the under-two areas. So there is demand. There is response and the department will work through on a case-by-case basis with providers.

The commonwealth has provided transitional funding. The ACT is in receipt of transitional funding. We have put on staff to work through on a case-by-case basis with the providers. Indeed, we are running a scope with a number of services just in the next short time. We will go through and test the new requirements and regulations against the existing providers. So we will learn and we will adjust and transition as we go.

MRS DUNNE: Supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, exactly what does Access Economics in its advice to COAG say about the impact in the ACT—

Mr Barr: Why don't you just read the report, Vicki?

MRS DUNNE: I have read the report, Andrew. What does it say exactly about the impact in the ACT on the cost of childcare? And what in particular does it say about the cost of under-two places?

MS BURCH: I think Mrs Dunne already knows the answer to that question because she has already read it. Access Economics have said that the increase by 2015 will be \$11.39. This equates to 55c per day to 2012. Access Economics have also indicated that the ACT will meet the qualification requirements under the new quality agenda by 2016. If Mrs Dunne wants me to go to the page and do that, I will take that on notice.

But what I find extremely interesting in this whole exercise is Mrs Dunne's interest in childcare. Mrs Dunne referred me to the government's election promises of 2008, so it peaked my interest to go to the Liberals' election promise of 2008. I did search—

Members interjecting—

MR SPEAKER: Order!

Mr Seselja: I raise a point of order, Mr Speaker.

Members interjecting—

MR SPEAKER: Order!

MS BURCH: and what I found in the costings—

Mr Seselja: The minister has not been able to answer one question. The question was very specific and it asked her about Access Economics and what it says about under twos. She has not been able to answer that. If she cannot answer that, she should sit down, because at the moment she is not being relevant.

MS BURCH: Can you stop the clock?

MR SPEAKER: Ms Burch, you have the floor.

MS BURCH: What I found is the Liberal Party election commitment costings, with not one cent for the childcare sector—not one cent. But what I did find—

MR SPEAKER: Ms Burch, the question.

MS BURCH: The question? Yes, I am getting to the question.

MR SPEAKER: Not the Liberal Party policy—the question.

MS BURCH: The ACT Liberal Party, at the eleventh hour, copied—

MR SPEAKER: Ms Burch!

MS BURCH: Four million dollars for two childcare centres—

MR SPEAKER: Ms Burch! Sit down. If you are going to simply stand up and quote Liberal Party policy, you are not answering the question and you are not getting time to—

Mr Hanson interjecting—

MRS DUNNE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, you said in answer to the question earlier that you had conversations today with a reputable childcare provider in the ACT. Did you advise that childcare provider of the \$10,000 massive new tax on childcare places?

Mr Hanson: Hear, hear! Andrew, give her some protection.

MR SPEAKER: Mr Hanson!

MS BURCH: No, I was actually too busy talking with that provider about their interest.

Mr Coe: You did it?

MR SPEAKER: Ms Burch, one moment, sorry. Stop the clocks. Mr Coe, you are now warned for constant interjection, as are you, Mr Hanson.

Mrs Dunne: He didn't say anything.

MR SPEAKER: He did, just a second ago. I do not like to interrupt too often. Minister Burch, you have the floor.

Mr Hanson: I didn't say a word.

MS BURCH: The key point of the discussion with that well-regarded and established childcare provider was her need and interest to expand her service, in particular to those children under the age of two. The Liberal Party's childcare policy, at the 11th hour, reads, almost word for word, the same as Labor's. It was so good you had to copy it.

Childcare—centres

Mr Seselja: That is embarrassing.

MR SMYTH: Yes, it is. Mr Speaker, my question is to the Minister for Children and Young People.

Ms Burch: That is embarrassing—you.

MR SPEAKER: Order! Ms Burch, you have finished your time. Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. My question is to the Minister for Children and Young People. Minister, yesterday you advised the Assembly that the refurbishment of part of the former Flynn primary school, closed by Mr Barr, for a childcare centre is, and I quote from *Hansard*, "part of the 2008 election commitments". That part swallowed up the whole of ACT Labor's 2008 election funding commitment of \$4 million for two new childcare centres, which ACT Labor promised to build in areas of high need—one in the north and one in the south of Canberra. So with one new childcare centre being provided in the north, but only offering between 13 and 23 new childcare places, the mums and dads in the south are wondering when their promised new childcare centre will be built. Minister, can you confirm that ACT Labor will honour its 2008 election promise to provide funding for a new childcare centre in the south of Canberra?

MS BURCH: I did indeed come in last night and say that Flynn is part of the 2008 commitment. But what I find difficult to believe is that, when we deliver, and we are going to go on delivering, with two childcare centres, it beggars belief that those opposite get anxious when we deliver. In fact, we are over-delivering. As new centres come online and parents are dropping their kids off, I am just wondering if they will hear on the radio that the Liberals did not want us to over-deliver—that they did not want us to build Flynn to accommodate Gumnut and Alkira childcare centre, that they did not want us—

Mrs Dunne: A point of order, Mr Speaker.

MR SPEAKER: Stop the clocks, thank you.

Mrs Dunne: Mr Speaker, Mr Smyth asked Ms Burch a direct question about provision of a childcare centre in the south of Canberra that was promised in the 2008 election. He asked her whether she would commit to delivering that. We are now almost a quarter of the way through the answer and she has not actually come to that point. I ask you to ask her to be directly relevant to the question that Mr Smyth asked.

MR SMYTH: Mrs Dunne, on the point of order, I think Mr Smyth's question was about the delivery of childcare services, including one in the south. So far, the minister is talking about the government's delivery of childcare services. I imagine the minister will come to Mr Smyth's specific question in the course of her four minutes.

Mrs Dunne: Sorry, just on that, Mr Speaker, Mr Smyth's question was:

... can you confirm that ACT Labor will honour its ... election promise to provide funding for a new childcare centre in the south of Canberra?

That was the question. There was preamble.

MR SPEAKER: It was, Mrs Dunne, but you did not quote Mr Smyth's extensive preamble which I think provided the minister with some latitude.

Mrs Dunne: But the standing orders say, Mr Speaker—

MR SPEAKER: Mrs Dunne, thank you; sit down. There is no point of order. Minister Burch.

MS BURCH: Obviously, their attention span is short.

MR SPEAKER: Minister Burch, back to the question, thank you.

MS BURCH: Given their short attention span: yes.

MR SPEAKER: Mr Smyth had his question answered. Mr Smyth?

MR SMYTH: I have a supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Minister, when will it be funded, where will it be built, and how many new childcare places will it create?

MS BURCH: Work is progressing, we are making those decisions. It is a cabinet decision, the commitment is there. The election commitment defines south of Canberra, it defines approximately a hundred sites, and that is what we have committed to.

Mr Barr: Places

MS BURCH: A hundred places.

MR SPEAKER: Mr Sesleja, a supplementary question?

MR SESELJA: Yes, Mr Speaker. Minister, where in the 2010-11 budget or forward estimates is there provision for a new childcare centre to be built in the south of Canberra?

MS BURCH: Given that we have just delivered in this budget part of our election commitment—we do have the capacity over the next couple of budgets to deliver on the complete commitment; in fact, over-deliver—I think watch this space. Again, it is absent—missing in action—your interest in childcare.

MR SPEAKER: Mr Hargreaves, a supplementary?

MR HARGREAVES: Thank you very much, Mr Speaker. Given that Mr Smyth's original question was on northside childcare centres, I would like to know from the minister, please, whether—

Mr Smyth: On a point of order, Mr Speaker—

MR SPEAKER: Let me hear the question first, Mr Smyth.

Mr Smyth: It was not about northern childcare centres; it was about southern childcare centres.

MR SPEAKER: Mr Smyth, sit down. I will hear the question and then I will decide whether it is in order.

MR HARGREAVES: Thanks very much, Mr Speaker. Things have moved on. Given Mr Smyth's preamble around childcare centres, particularly on the northside, I would like to know, please, whether or not the planned solution assisted Gumnut and Alkira childcare centres, which I believe were in difficulty—I would like some information on that—and what was the role that Baringa childcare centre also played in that particular solution?

MS BURCH: I thank Mr Hargreaves for his question. Indeed, we have found a solution for two childcare centres—Gumnut and Alkira. I remind Mrs Dunne that she was calling on me earlier this year to find a solution for her, and I did, but that has not satisfied Mrs Dunne. In fact, she is not happy with that result. She is not happy when we help out a childcare centre in difficulty.

This outcome means that we have responded to need and demand. We have a facility that the community wanted utilised and refurbished. We did that—tick. We had two childcare centres that needed new accommodation so they could go on delivering for ACT families. We have accommodated that—tick. We have still got a commitment on the table to deliver more. In regard to Baringa, Baringa approached my department with an interest in growing, growing on site, and we have—guess what—ticked, delivered, on that.

Childcare—centres

MR HANSON: My question is to the Minister for Children and Young People. Minister, yesterday, in an answer to a question about the ACT Labor election commitment, regarding the \$4 million you have already committed for one childcare centre and where you were going to get the money for the extra childcare centre, you said:

That, Ms Dunne, is on the assumption that we are responsible for building and putting on line each and every childcare place. We have delivered \$4 million, and we will look across the sector. The sector itself is quite capable, in responding to the needs of ACT families. I think it is incumbent on this government, one, to take its own responsibilities seriously, but also to allow partnerships with the commercial sector.

Minister, do you plan to ask the private sector or the community to build the childcare centre that ACT Labor promised at the last election?

MS BURCH: Thank you. We are supporting the childcare sector. Again, I do encourage you to go to your party's election promises. The \$4 million that we have already committed is on the table—and, as I have said before, there are two more budgets to go, two more budgets for this government to deliver to the people of the ACT—and I think that is a very good outcome. Yes, there is a strong community provider presence in the ACT. I think 80 per cent of our childcare providers are community provided—by sheer maths, that puts around 20 per cent as being commercial providers.

If the sector and industry has an interest—their own interest—in growing under their own steam, this government will certainly work in partnership. I do not think that is a bad thing—to partner and support community or commercial providers that may have an interest, to further deliver for the people of the ACT.

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: Yes, Mr Speaker. Minister, have you broken ACT Labor's commitment to build two new centres?

MS BURCH: We are in train to overdeliver on that commitment.

MRS DUNNE: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, when you referred to partnership with the commercial sector, were you saying it would be the government entering into partnership with the commercial sector or the childcare centres would be entering into those partnerships?

MS BURCH: I think smart government works with that community sector, works with the commercial sector, and works towards solutions that better deliver for families of the ACT. If those opposite think that we should not partner, we should not go into partnerships, we should not facilitate solutions, then that is a limited and negative approach to it.

MRS DUNNE: A supplementary question?

MR SPEAKER: Yes.

MRS DUNNE: Minister, what assistance will you provide to childcare centres to enter into commercial partnerships and what funding will you provide to childcare providers to enable them to make their capital contributions to those partnerships?

MS BURCH: All that goes into the mix of finding solutions and I am sure, as they are fine-tuned and they come to cabinet, I can share it with you. Mrs Dunne, rest assured I will invite you to one of those centres as they open.

Health—autism spectrum disorder

MR DOSZPOT: My question is to the Minister for Housing and Community and Community Services. Minister, you stated yesterday:

There is a recommendation of a minimum of 20 hours of intervention. That does not mean necessarily that Therapy ACT has to have a clinician on site eyeballing a child for 20 hours. I have said that we work with families to give them the skills so they can manage. These children are also in the education environment, so through DET, through the education department, we also work with teachers and give them the skills, so some of these areas are provided within the school environment.

Does the minister regard early intervention for children with autism as merely helping families manage?

MS BURCH: Absolutely not, and I think that is disingenuous of Mr Doszpot to think that Therapy ACT is just clearly thinking that therapy helps. Therapy ACT provides clinical assistance to a number of children with autism. They also provide education and support to families so they can too—

Mr Seselja: Shuffle faster.

MS BURCH: Yes, not quite fast enough, though—so they can too provide support to their families. The intervention support provided to families is across multiple clinicians: speech pathologists, OTs, physios—a range of providers that go to help the individual child, help the families, help the teachers in special units. The department of education also provides a response. We are piloting therapy assistance in a special school so we can learn from what benefits, and better model what we can do to support children across a range of disabilities and therapy support needs.

MR SPEAKER: Mr Doszpot, a supplementary?

MR DOSZPOT: Yes, Mr Speaker. Minister, those disingenuous words were really yours, not mine. I will not take credit for that.

MR SPEAKER: Mr Doszpot, the question, thank you.

MR DOSZPOT: Minister, are children with autism really in the education system from the time of their diagnosis, which could be as young as 18 months?

MS BURCH: If they are diagnosed at 18 months clearly they would not be in the education system, but they would be within the support structures of Therapy ACT. Once they enter the education system there will be a partnership with DET and Therapy Act about how better to respond to those children's needs.

MR SPEAKER: Supplementary question, Mr Coe?

MR COE: Thank you, Mr Speaker. Does the minister believe teachers can also deliver intensive autism-specific early intervention while they teach an entire group of young children?

MR SPEAKER: Ms Burch.

Mr Coe: I raise a point of order, Mr Speaker. All these questions are directed to Ms Burch, so it would be nice if she answered it, rather than getting pointers from Andrew Barr beforehand.

MR SPEAKER: There is no point of order, Mr Coe.

MS BURCH: We seem to be concentrating on a model of care that provides 20 hours of intense intervention and I think it is the ABA model. There is no jurisdiction—as I understand, no state or territory funds that model of care. I know it is a model of care that is a particular interest of a particular stakeholder, but no state or territory funds that model of care.

Through Therapy ACT, through private clinicians and practitioners in town, through DET, through ACT programs, through commonwealth programs, there are a range of services and support structures for young children and people with autism across Canberra. I think that is a good thing. Could we change it? Could our models change? Possibly. That is why we are looking at a model of therapy assistants in one of our special schools, so we can better learn how we can better respond to their needs.

MR SPEAKER: Mr Hargreaves, a supplementary?

MR HARGREAVES: Thanks very much, Mr Speaker; I appreciate it. Minister, in acknowledging that there are some people in the sector who are very concerned about services for autism and children suffering from autism, can you tell us what relationship you are trying to forge with that community to provide those services for them?

MS BURCH: Providing better support to families with autism is a priority for this government, which is why we have committed over \$400,000 over four years to create a designated coordinator that will work within the community sector and work for and alongside families with children with autism. That support will help them to navigate and coordinate through the multiple levels of service, through those private clinicians that are in the ACT, in response to the multiple commonwealth programs that are available, and also to those programs that we have available here in the ACT.

MR SPEAKER: If there are no further questions—

MR SMYTH: Thank you, Mr Speaker.

MR SPEAKER: I am sorry, I have miscounted, Mr Smyth.

MR SMYTH: No, I am just having another. Mr Speaker, my question is to the Minister for Disability, Housing and Community Services—

MR SPEAKER: I am sorry, Mr Smyth, you had a question without notice.

MR SMYTH: Standing order 113A says:

Questions without notice shall not be concluded until all non-Executive Members rising have asked at least one question.

MR SPEAKER: Yes, you are correct, Mr Smyth.

Childcare—places

MR SMYTH: Thank you, Mr Speaker. My question is to the Minister for Disability, Housing and Community Services. Minister, what consultation took place with the John Flynn group about the government's intentions that a childcare facility would be incorporated into the refurbishment of the former Flynn primary school, and when did that consultation take place?

MS BURCH: I will have to check the date in my diary when I met the John Flynn group and we discussed their proposals and their interest and their wants of the site, and certainly childcare. The last time I spoke with the John Flynn Community Group, their president, their secretary, the various spokespeople involved in the group, we agreed wholeheartedly that childcare on the site was an agreed and positive outcome.

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

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: One moment, I am hearing Mr Stanhope.

Mr Stanhope: He has had his question.

Mr Smyth: A question consists of two parts and two supplementaries, Chief Minister. You should check your standing orders.

Mr Corbell: He can move to close question time after all non-executive members have asked a question.

MR SPEAKER: We seem to be in an unprecedented situation for which the standing orders appear to provide no clear answer. I think that, given Mr Smyth has asked his question, he is entitled to a supplementary. Then I will take your request, Chief Minister. I will not be inviting additional supplementaries. I will just have Mr Smyth's.

MR SMYTH: Minister, what consultation took place with the John Flynn group about the government's intention that the childcare services at Flynn would be provided by a community-based provider and when did that consultation take place?

MS BURCH: Again, I refer to that last conversation where we both agreed that having a community provider on site was probably the optimal way to go. But given that the process was still in train and no determination was made, I could not confirm one way or another on that date. But certainly we were in mutual agreement that a community provider would have been a good outcome.

Mr Hargreaves: A supplementary?

MR SPEAKER: No, we are not having any further supplementaries, Mr Hargreaves.

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

Papers

Mr Stanhope presented the following papers:

Planning, Public Works and Territory and Municipal Services—Standing Committee—Report 4—*Inquiry into Live Community Events, Interim report*—Government response, dated 18 March 2010.

Administrative Arrangements—Administrative Arrangements 2010 (No 1)—Notifiable Instrument NI2010-297 (S2, dated Thursday 1 July, 2010).

Territory Records Act, pursuant to subsection 58(2)—Review of the operation of the Act—

Report, prepared by Paul Macpherson, Campbell Macpherson Pty Ltd, dated February 2010.

Government response.

Ms Gallagher presented the following paper:

Health Practitioner Regulation National Law Regulation, made under the Health Practitioner Regulation National Law.

Appropriation Bill 2010-2011

[Cognate paper: Estimates 2010-2011—Select Committee report—government response]

Proposed expenditure—Part 1.13—Department of Justice and Community Safety—\$202,606,000 (net cost of outputs), \$60,319,000 (capital injection) and \$143,521,000 (payments on behalf of the territory), totalling \$406,446,000.

Debate resumed.

MRS DUNNE (Ginninderra) (3.11): One of the follies of Attorney-General Simon Corbell in this budget was his big new idea to establish a virtual district court. I suppose the headline theme to my comments today is this: “Mr Corbell finds no supporters for his district court.”

On 5 May, the *Canberra Times* carried the story of the attorney’s announcement. The article reported that Chief Justice Higgins, who had led a campaign to have a permanent fifth Supreme Court judge appointed, declined to comment on the proposal for a virtual district court. The same article reported that the President of the ACT Law Society said that he was “disappointed the group was not consulted” and he was quoted as saying:

... It remains to be seen whether the addition of a virtual court is a real as opposed to a virtual solution to a very real problem ...

It also reported that you, Mr Speaker, had concerns that “the idea had come out of left field with limited discussion” and that you had “concerns the reforms would not make significant difference for Canberrans waiting to access justice”. Three days later, Mr Jack Waterford contributed a major piece on the subject. His views on the subject might be summarised in a few brief quotes from his piece. Firstly, he said:

I am pretty sure that few of his—

that is, Mr Corbell’s—

obvious but unspoken problems will be addressed by a new court, real, virtual or imaginary.

Secondly, he formed the view that Mr Corbell’s big new idea “has a fairly cynical objective”. Thirdly, Mr Waterford said:

The trouble is that a District Court, even without a physical presence or separate judiciary, will quickly become a thing of itself ...

Finally, he offers some advice to Mr Corbell:

If you are not up to a big decision, take a smaller one than you are contemplating.

Ten days after Mr Corbell's announcements, the dust had had time to settle, people had had time to gather their thoughts and to come to a view about the worth of Mr Corbell's big new idea, his virtual district court. But still no-one liked the idea. On 14 May, a report was published that reflected the thoughts of the ACT Bar Association. Association President Mr Pilkinton described Mr Corbell's idea as "perplexing". The article reports him as debunking Mr Corbell's big new idea as one that had come "out of the blue" and "ignored the advice of court officers and practitioners".

The *CityNews* weighed into the fray, too, declaring in its edition of 20 to 26 May:

Corbell's cheap justice won't work.

Its author, legal identity Ric Lucas, said Mr Corbell's virtual district court "creates more problems than it solves". Then the letters to the editor started. On 25 May, a letter from barrister Ken Archer was published. Mr Archer was the first to talk about the elephant in the room. He said that "this proposal was very much an attack on the Supreme Court" and he further said that "yet again, criminal justice policy is driven by personality politics". His view is that the district court creates further complexity in a criminal justice system that "is already too bureaucratic". He said his view about Mr Corbell's big new idea is shared by just about everybody in the legal profession in the ACT. He even suggested that the establishment of a virtual district court "completes the emasculation of the Magistrates Court, the jurisdiction of which has been decimated by the ACAT disaster", another one of Mr Corbell's inventions. Indeed, Mr Archer cringes "when thinking about the jurisprudence that might come out of the District Court".

But Mr Archer was not the only correspondent. On 2 June, fully a month after Mr Corbell's announcement, still the mistrust for his big new idea continued in another letter, this time by barrister Shane Gill. Mr Gill suggests the establishment of a district court "fails to grasp the fundamental problems with an additional court structure and the pre-existing problems in the territory's system". He too gave some advice to Mr Corbell. He said that "perhaps the first matter Corbell ought to turn his attention to is to improve the standard of justice with the court that is most accessed by Canberra's population, the Magistrates Court".

The final nail in the acceptance coffin of Mr Corbell's big new idea came from a joint statement by the ACT Law Society and ACT Bar Association, published in the *Canberra Times* on 17 June. They described the court proposal as "an unnecessarily complex solution to a simple problem".

Mr Corbell's response to all of this has been to go on the defensive. He sent a letter to the editor of the *Canberra Times* in response to Mr Archer's letter. It was published on 31 May. In just over 200 column centimetres Mr Corbell did little more than reject entirely Mr Archer's assertions. That was stated in the first three words of the text. The rest of his letter is a defence of his big new idea but fails to explain why he rejects

Mr Archer's analysis of it. He did not explain why the district court will be the saviour of the problems of delivering justice to the people of the ACT.

In fact, Mr Corbell's letter to the editor raises more questions than he answers. He says in his letter that he is "looking for ways to attack the workload pressure". He says that "the jurisdiction of an ACT District Court is yet to be fully determined". Even so, without knowing how his district court will operate, he nonetheless in the very same sentence says that "what is clear is that there can be a reduction of the workload of the Supreme Court from this approach".

We do not know what it is going to do, we do not know what its scope will be, but Mr Corbell can assure us that things will be better. How does he know that when he does not even know yet how the district court will operate? What is really clear is that the Attorney-General has no idea how it will work, how it will be structured, what resources will be required, how it will solve the problems or how it will make the ACT justice system more accessible and more efficient.

Once again, this ACT Labor government has come up with a big new idea but with no detail that underpins that idea. Even in the estimates committee, when asked a simple question about whether he proposed to replace a justice who will retire next year, Mr Corbell said:

It is not a matter that I have given any contemplation to at this time.

Mr Corbell's big new idea, his virtual district court, is little more than an excuse for another media appearance, another opportunity for him to get his picture in the papers. As a publicity stunt, this has backfired substantially on the Attorney-General.

One of the loudest criticisms of this Attorney-General's big new idea is that it came out without prior consultation. As the Bar Association said, it came out of the blue. "It ignored the advice of court officers and practitioners," said the association. What Mr Corbell has done is to introduce his big new idea but without any detail. He says he is consulting on the detail. And in consulting on the detail he is trying to put words into the mouths of those who would comment on his big new idea.

In the media article I mentioned earlier, in which two law bodies said the district court is not necessary, Mr Corbell did a number of things. He told them a district court is the government's preferred option. He criticised the position of the two law bodies, saying that it had "the potential to see delays in the courts exacerbated". He went further, saying that the real risk "is that it will only allow the problem to linger on". He even indicated that the government, like the cavalry thundering over the hill, will come to the rescue in 12 months time. In the estimates hearing, Mr Corbell made the extraordinary statement that adding a third tier to the ACT's court structure is actually a step towards a unified court system. That beggars belief. It is ridiculous and it defies logic.

So what really is the driver behind this big new idea of Mr Corbell's virtual district court? It is in fact not about judicial efficiency or anything of that nature. It is purely and simply about some ill-founded idea that the district court will save money. Well, let us see how it will work. The Magistrates Court will be given a higher threshold for

the kinds of cases it can hear. Two magistrates, at the same time, will be given dual commissions, being half-time judges in the district court. Presumably the district court will have a jurisdiction that sits somewhere between the yet to be expanded Magistrates Court jurisdiction and the existing jurisdiction of the Supreme Court, so higher level cases than the Magistrates Court but lower than the Supreme Court.

Mr Corbell has said that the jurisdiction of the Supreme Court will be reviewed in the process as well. Presumably then the threshold for the Supreme Court cases will also be raised, pushing matters down to the district court. So the workload of the Supreme Court will be reduced and the workload of the Magistrates Court will be increased, because of the two magistrates having a dual commission. So where will the pressure end up? It will end up again in the Magistrates Court and the district court. And for that we will have no new bodies to deal with it. (*Second speaking period taken.*) All of this work, which is going to be spread around in this magical way, will be done with minimal extra resources.

None of this, of course, takes account of the forum shopping and the appeals that will occur in our system. Mr Corbell has simply not addressed these issues and, of course, if he did it would certainly cloud the arguments in favour.

In setting all this up, Mr Corbell intends to appoint a temporary Supreme Court judge for nine months to clear the backlog of cases in that forum. He has not contemplated whether he will replace Mr Gray when he retires next year. So will the workload of the Supreme Court and the Court of Appeal be reduced? I doubt it. As Mr Archer said in his letter to the editor, he assumes his appellate practice, as a result of these changes, will develop significantly. So perhaps there will be money in it for the lawyers.

It would seem likely, therefore, that Jack Waterford's prediction, made in his commentary piece, will come true:

The trouble is that a District Court, even without a physical presence or separate judiciary, will quickly become a thing of itself, with interests demanding to be taken into account. Magistrates are ambitious and eager for status, and would soon be preening themselves and demanding higher salaries and privileges. As yet unappointed beaks would start delivering judgements and toughening sentences so as to catch the appointing eye of an attorney. They would slow down the necessarily frantic pace of their work so as to seem deliberate.

And how does this contrast with the measured approach recommended by the Attorney-General's own Supreme Court workshop? This working group, made up by a distinguished group of people and chaired by the deputy chief executive of the Department of Justice and Community Safety, examined the matters of issue affecting the ability of the Supreme Court to deal with its caseload. It produced a major report this year and it made six recommendations, which I will paraphrase, but I do refer people to the Supreme Court working group, for fear that people might think I am paraphrasing them too liberally.

These recommendations include: to consider increasing the limits of the Magistrates Court for civil matters to review which criminal matters come before the Supreme Court exclusively; to establish additional jury room facilities in the Magistrates Court

building; to review the Supreme Court's case management practices; to progress options for bail reform; to consider the proposal of the DPP for changes to sentence listing, bail, and pre-trial procedures; and to consider options for the appointment of an additional judicial officer—that is, a fifth Supreme Court judge.

So, despite extensive discussion on court structures in the ACT compared to other jurisdictions, including discussions on the role of the district court in other jurisdictions, the working group stops short of recommending the establishment of a district court. Yet Mr Corbell, no doubt inspired by discussions about district courts in other jurisdictions, except small jurisdictions like ours, Tasmania's and the Northern Territory's, saw an opportunity to build yet another vanity program. The trouble is that his big new idea is founded on the false premise of saving money.

Mr Corbell also let slip through his fingers a golden opportunity to see what impact a fifth resident Supreme Court judge might have on the output of casework while Justice Gray continues until his retirement. He could have taken up the suggestion of many in the law fraternity that he appoint a fifth justice between now and the time of the retirement of Justice Gray, consider the impact that that would have and then at the time of Justice Gray's retirement decide whether to continue with the fifth justice or to cut that off. That would have meant much more continuity in the courts and it would have been pretty much a risk-free sort of approach. But, of course, the problem might be that an appointment of a fifth judge might demonstrate that those people who were calling for a fifth judge were right and Mr Corbell was wrong—and we could not possibly have that.

He could have seen what impact this would have on the whole court and the throughput of cases without all the set-up costs of a district court. But, even with this lost opportunity, Mr Corbell's big new idea flounders on the premise of cost. It flounders because the premise is false. Mr Corbell's big new idea seeks to relieve pressure on the Supreme Court by increasing pressure on the Magistrates Court by increasing the jurisdictional thresholds. And the pressure on the Magistrates Court will be exacerbated by the fact that two magistrates will be distracted by their dual commission as judges in the district court, thereby reducing the resources available to the busiest court in the territory.

I can imagine where those holders of dual commissions will focus their primary attention. It will be on the higher court. It will be seen as a stepping stone to the Supreme Court. There is nothing inherently wrong with that; it is a natural response to the kind of opportunity that Mr Corbell's big new idea creates for magistrates in the ACT.

Ultimately, the inevitable will happen. The Magistrates Court will be crying out for more resources, the district court will be crying out for more resources and demanding that its virtuality be morphed into reality and, ultimately, the costs will be driven up and we will have a third tier in our court system. There will be inevitability in Mr Archer's prediction that Mr Corbell's big new idea will create "further complexity in a criminal justice system that is already too bureaucratic".

Mr Corbell's big new idea of a district court is a nonsense. It has no friends. It has no justification. It is ultimately cost inefficient. It is not conducive to the single court

system touted by the ACT Labor Party at the last election. And, most of all, it will not work. Therefore, this Liberal opposition, the Canberra Liberals, will not support it. The only question remains to be asked is: will there be a virtual opening?

MR RATTENBURY (Molonglo) (3.28): The year ahead for the Attorney-General and the Justice and Community Safety Department is going to be a challenging one. The department and the attorney are tasked with continually working for a safer and more just community. This is a challenging task in any year; however, I think this year there are a number of specific issues looming which will raise unique challenges.

The first is the third court proposal Mrs Dunne has just given some considerable commentary on. One challenge the attorney is going to have is explaining the third court proposal and attempting to win the support of the legal community. The responsible course of action is for the attorney to try to bring the legal community along with the government in this process, because they are the ones who will work with the court on a day-to-day basis. However, it is fair to say that the legal profession have not been that supportive of the idea since it was first raised in early May when the budget was presented. Recently, we had a joint paper issued by the Law Society and the Bar Association, which urged the attorney not to create the district court until other options have been trialled and implemented.

For the Greens' part, we know the required legislation will come up later this year. We will make our decision on the bill based on the answer to the fundamental question: will a district court in the ACT reduce court waiting times? This is the issue that needs to be addressed. The fact is that there are some people who are waiting 24 months to have their case heard in the Supreme Court. That is unacceptable, and something needs to be done about it.

I said in the Assembly, when the proposal was first floated, that the Greens remain to be convinced that it will in fact reduce court waiting times. That statement still largely sums up our position. That said, we remain with an open mind on this and, whilst it seems that the Liberal Party have staked out their seemingly unquestioning opposition to this, we are certainly going to be waiting to see what evolves out of the consultation process the government is going through and what form the legislation actually takes when it is presented to the Assembly.

Since the idea was first floated in the budget, we have got a more detailed understanding of how the proposal would work; and I thank the officials from JACS for the time they took to take us through some of the details. They particularly did try to explain to us how it would, in theory, reduce waiting times. However, I think there are unresolved technical issues that need to be addressed before we can be convinced that the court would operate as intended. As I have touched on, some of those matters are currently being considered as part of the consultation, and from my point of view it seems somewhat premature to form a definitive position without actually seeing some of the important detail that will come in addressing those technical issues—and I think that opportunity will come later this year.

That said, one broad fundamental issue to resolve is whether there are valid alternatives that should be looked at before creating a new court or virtual court. For instance, reforms to the existing bail provisions may be warranted. This has been

raised with me by a number of practising lawyers and is also included in the joint submission from the Law Society and the Bar Association. It may be that allowing Supreme Court judges to rehear relatively straightforward bail applications and appeals is an inefficient use of our judicial resources that leads to court delays. It may be the case that magistrates are able to deal just as competently with bail hearings but more efficiently. I think reform in this area could be considered by government.

Another potential reform to consider is to increase the civil jurisdiction of the Magistrates Court from \$50,000 to \$100,000. The government has incorporated this into its proposal but it could be a stand-alone reform before going the next step and creating a district court. Again, this could lead to a more efficient use of our existing judicial officers and to improvements in court waiting times. These are just two initiatives that could be implemented before going the extra step of creating a new court. There are others, and we will need to weigh up the question of whether they would be better first attempts at making cuts to the court waiting lists.

I would like to reflect on some of the outcomes from the estimates hearings for the district court proposal, because I was surprised to hear some of the comments made by the attorney. The attorney was unable to confirm that he would advertise for a replacement for the Supreme Court judge when Justice Gray retires next year. That was a surprising outcome that has caused many people who have an interest in this issue to reflect on the motivations behind the district court proposal. That is unfortunate, because it has begun to overshadow the proposal and perhaps even undermine it. It casts doubt over what the real motivations behind the proposal are. Whereas the Supreme Court has requested that a fifth Supreme Court justice be appointed to support the existing four judges, the question now appears whether there will be a move in the future to actually have three judges or justices. So, the underlying motivations behind this proposal have been muddled, and the Greens will be looking to clarify this and a number of other key issues, before making a decision on the impending legislation.

I would now like to come to the issue of community legal centres. This is an issue that we worked through in here yesterday in a motion that I brought forward, but I would like to make a few further comments in a budgetary context. Community legal centres represent an incredible investment opportunity for government, with every one dollar spent in a community legal centre saving \$100 at later points in the justice system. Community legal centres act in a preventative way that educates people about their rights and reduces their reliance on the courts and lawyers to resolve disputes.

However, community legal centres are facing an accommodation problem that is forcing them to turn away offers of pro bono assistance and operate at reduced capacity. By “reduced capacity” I mean they are less able to offer legal advice to those people who are falling through the cracks, cannot afford a private lawyer and do not qualify for legal aid. Helping community legal centres with this problem is a very practical way the government can act to close the gap on unmet legal need.

The budget does not contain allocated funds for an accommodation solution for community legal centres. However, the Greens do not believe that this precludes action in this coming financial year. As I mentioned, yesterday I brought forward the motion in the Assembly which dealt with this issue. I would like to thank members for

their support for most parts of the motion and their supportive comments on community legal centres generally.

There were some slight differences of opinion as to what the government should be able to commit to in the next 12 months in terms of providing an office accommodation solution. What was agreed to, however, was worth while. We got the agreement of the Assembly to the statement that the government must, firstly, work with CLCs to provide assistance in the coming 12 months and, secondly, consider proposals for improved accommodation in the 2011-12 budget. As I have said, I do not think action without a specific budget line is precluded, and I acknowledge that the Attorney has arranged for senior officials of his department to meet with community legal centres and discuss their issues.

I would also like to talk about the 10 new late night police, funded through this budget, and pick up on some of the welcome news that we got during the estimates hearings. The Greens are concerned to ensure the new police officers are trained to operate as proactively as possible to reduce alcohol-fuelled violence before it happens. What this means in a practical sense is that the new police will need to be encouraged to enter pubs and clubs to observe the sale and consumption of alcohol, as well as talking with licensees to help them understand their obligations.

One way of thinking of that model of policing is the “bar-side” approach, where police are involved in the early stages of the night, where an actual difference can be made. The alternative is to wait until later in the night, when the alcohol has been consumed and for police to deal with the consequences. I guess we consider this the “kerb-side” approach to late night policing, where police wait until patrons are intoxicated and misbehaving out on the streets.

We were pleased to see that the Chief Police Officer confirmed during estimates that the focus of the new police would be on prevention. He agreed that he wanted to ensure that he was not “just throwing additional beat police at the problem”. The Greens support this approach to try and tackle late night violence. The only option we have to make headway in reducing late night violence is to use these sorts of evidence-based strategies—ones that are formed on the basis of experience—to make our night-life safer and more vibrant.

The 10 new late night police are also dependent on the Liquor Bill, to be debated later this year in the Assembly. The Greens will support those elements of the bill that are backed by strong evidence. To be clear, we think the late night police are one such evidence of supported policy. The late night police will be funded from a risk-based licensing regime that places higher fees on higher risk pubs and clubs. This is based on evidence that factors such as trading hours do influence the level of violence. By making higher risk venues pay their way, more late night police can be funded and, so long as they are well targeted police teams that act to prevent violence, that is a sound policy initiative. The Greens contrast this type of policy with ones such as lockouts, which are not backed by clear evidence that they reduce late night violence. The evidence is far from clear, and the Greens will not support those elements where the jury remains out on their efficacy.

I would like to speak briefly about unit titles. The review of the Unit Titles Act is another key challenge to be faced later this year. There were some concerning issues raised during estimates hearings, and I urge the attorney to get on top of those issues and do the unit titles review well. (*Second speaking period taken.*) It is important that the attorney conducts the unit titles review well. It is a review that needs to be done carefully, because the number of people living in unit titles is only going to increase, and we need to be on top of the policy and legislation issues affecting unit titles, to ensure that that increasing mode of living is well supported.

Quite a few people who live in unit titles have begun to contact my office, outlining their concerns with how the act is operating. I have been noting their concerns, but I have also indicated to them the impending government review, telling them that this is the best place for their concerns to be addressed. And so it should be. However, when the attorney referred to the review during estimates he called it an “in-house operational review”. That did not fill me with a great sense of hope that the review would be anything near what the stakeholders are hoping for.

This unease was deepened when I heard the attorney say that it will be too hard to write to all stakeholders, because a different department has the list of postal addresses. Frankly, these same issues were raised by the government last time they needed to write to unit title stakeholders, and I must confess I was somewhat frustrated and disappointed that more than 12 months on there does not seem to have been any action on giving the government the ability to communicate with unit title stakeholders.

As was commented on during the estimates hearings by members of the opposition, this is a matter that should be addressed by cabinet and the information shared between departments. If this information cannot be shared, the review will be severely hampered, because stakeholder views will not be able to be thoroughly canvassed. The stakeholders clearly have something to say and valuable information to feed into the review. The government must engage with them and not use poor excuses such as those offered during estimates.

The review is scheduled to run from September this year. I think expectations in the community are high and the government needs to be refocused on delivering a thorough review that meets some of these expectations and ensures that we do not take an approach where we do not ask the questions to find out what the problems are and we simply try to gloss over some of those problems.

The fifth and final area I would like to make a comment on is funding for ambulance staff. There are welcome increases in the number of communications centre staff in this budget. This was in line with the recommendations of the Lennox review that said that the communications centre plays a pivotal role in demand management by delivering medical advice and diverting non-urgent calls. The government is to be congratulated for those initiatives.

However, the other side of the Lennox review is that it recommended front-line staff also be increased. The Greens see this as an equally valid and necessary step. Front-line staff must be resourced well enough to attend those calls that they are directed to

by the communications centre. I acknowledge the comments of the attorney during estimates that this would be something he worked on over the next 12 months and that he would take proposals to budget cabinet next year. In particular, I note his comments that he will be looking at whether all front-line staff in the future will need to be trained in the highest level of intensive care paramedic and whether more front-line staff can be delivered. The Greens are concerned to ensure that the government keeps this work progressing during the next 12 months and does have a clear answer at the next budget.

In conclusion, the Department of Justice and Community Safety and the Attorney-General face a number of challenges in the financial year ahead. For many of these, the problems are already known. We know that court waiting times are too long. We know that people are falling through the cracks in the legal system and going without legal assistance when they need it most. We know that community legal centres are turning away offers of pro bono assistance due to cramped office conditions. I could go on. We know that late night violence is a problem people are concerned about. The Greens think the best answers to these issues are still ahead of us, and we look forward to engaging with the government, with the opposition and with stakeholders, as we continue to grapple with the task of making Canberra safer and more just.

MR HANSON (Molonglo) (3.43): I turn to two issues which fall in my portfolio areas within JACS; that is, corrections and policing. Turning firstly to corrections, \$45 million a year is what we spend on corrections. That is on the back of the \$130 million that we recently expended on the Alexander Maconochie Centre. I think most people in the ACT would question whether their taxpayer's money that has been spent on corrections is getting us the service that our prisoners should be receiving, and that is to make sure that they are housed, that they are kept in a safe and secure environment and that their rehabilitation is being conducted in a productive way. Importantly, are we actually getting value for money out of that \$45 million compared with the previous way that the money was spent in sending our prisoners to New South Wales?

Many of the problems that we have in corrections stem from Minister Simon Corbell's mismanagement of the Alexander Maconochie Centre process. The new jail has been delivered well under scope. In fact, the figure in the original design was 452 beds. That was reduced to 375 and then reduced further to 300. It was opened after successive delays. But, unfortunately, it was then rushed and we saw the fake opening—the election-stunt opening on the eve of the 2008 election—and then we saw the rush to get it open as the embarrassment continued for the government, as the ongoing delays occurred after the election and there was the failure to bring prisoners into the prison.

All of those issues combined, which are entirely of this government's making, have led to the fact that the community has lost confidence in this government's ability to run the corrections portfolio, and the government has entirely lost credibility. So when things do go wrong—and from time to time of course they will in corrections, and I accept that fully—the problem is that, because they burnt their credibility and this minister has burnt his credibility so badly in the process of the Alexander Maconochie Centre development and the election-stunt opening, and because of the litany of problems, the litany of debacles that has occurred, and I will go through some, since

the prison was opened, the general public has lost its confidence in this government's ability to manage this portfolio.

This is described as teething problems by the minister. He has tried to say that these are teething problems. Of course we would expect a number of problems to occur. But it has been over a year now since the prisoners arrived and I think the ongoing problems that we have seen have certainly gone beyond simple teething problems. The JACS report obviously went into a great deal of detail about what went wrong and, if I get time at the end of my prescribed 20 minutes, I will come back to some of the recommendations. But a number of them were quite damning and a number of them were directly aimed at the minister.

The minister has denied the results of the committee. He has argued against the results of the JACS committee and has attacked the members of the JACS committee. I think it should be noted in this place that there was a government member on that committee, that Mary Porter was on that committee and that the committee's findings were unanimous. So when he said that it was a politically motivated report and he attacked the findings and attacked the members, he attacked a member of his own party. I think it needs to be noted just how disingenuous Simon Corbell's response has been.

In terms of things that have gone wrong—and there have been a number—probably the most substantive issue is the fact that we now have prisoners of different categories, particularly remandees and sentenced prisoners, being put in the same locale. Common sense would tell you that if you were managing a prison you would not put sentenced criminals next to remandees. You would not have a situation where they are put in the same place. And that is exactly what has happened. As a result of that, the number of assaults that we have seen on protected prisoners—and I have the numbers that came out of a question on notice—is significant. So we know what is happening is that the protected prisoners in the Alexander Maconochie Centre, in many cases remandees, are being assaulted by sentenced prisoners.

I do not think that the rhetoric about this being a human rights complaint prison is actually coming to fruition. How this government can possibly claim that they have addressed the human rights issues when they are putting remandees with sentenced prisoners and those remandees are being assaulted—and in one case, allegedly, a sexual assault; there may be others—by sentenced prisoners I think beggars belief and ridicules this government's claims that it is a human rights compliant prison.

In fact, the alleged sexual assault led to a judge warning that if remandees cannot be kept in a safe environment he was going to have difficulty in sentencing or that it could cause problems with him and maybe other justices in sentencing prisoners. He made that as a warning to the community.

But it is quite clear that human rights is an issue that this government harps on when they need it. We saw that with Mr Stanhope and his use of the human rights commissioner yesterday in the debate, and then the way they scurry away from her and what she is saying when it is evidence or information that does not suit them, and the under-funding of the human rights commission, which I will get to in due course.

One of the recommendations in the dissenting report from the estimates committee was:

... that the Minister provide the Assembly with a detailed explanation of why and when remandees are mixed with sentenced prisoners and the Government's plans to mitigate the safety and human rights concerns that this situation causes.

I think that is a pretty reasonable request. I know there are some political issues around the prison. I know this has been a great point of contention both between me and you, Mr Assistant Speaker Hargreaves, and me and Mr Corbell, but I do not think anybody could question that the ongoing situation where remandees and sentenced prisoners are put in the same locale—and it is leading to assaults and potentially to sexual assaults—is a satisfactory situation. I do not think anybody would consider that an appropriate thing to be happening at the moment.

Prisoners also have had a significant number of complaints—some prisoner complaints obviously will be spurious and some will be legitimate—but it did lead to an event where prisoners got on the roof of the Alexander Maconochie Centre to protest. That was a result of lock-downs that were occurring. If this prison were properly resourced or properly managed, then we would not see a situation where prisoners were getting on the roof because they were in lock-down. In other debates I have read what Mr Corbell said about giving prisoners time and busy times so they are kept occupied. But what we find out is that his system has been locking down prisoners 20 hours a day. Then he came out and denied that that had been occurring.

We know that there has been drug use at the jail. We know that there has been a hep C transmission. We know that there has been a wrongful release of a prisoner. I will read the words of the prisoner because they do bear saying again. This is what he said when he was released.

Anyone could have, murderers, bad armed robbers, they all could have got out, it was that easy.

I think we would all understand that what we want to do is keep criminals in the jail and not have a situation where they can be wrongfully released. There have also been cases where prisoners have been wrongfully detained after such time as they should have been released.

We are aware that certain programs, including rehab programs, are not being delivered to female prisoners. Again, this seems to be an issue with the size and the design of the prison. And we know that the government is now contemplating expansion of the prison within the next five years. Again we are seeing a GDE scenario where, rather than getting it right the first time and building it to the capacity they should have, we are going to have to go back and retrofit the jail. I am sure that in the long term that is going to cost us a lot more than if they had delivered it on time, on budget and on scope in the first place.

There are ongoing security defects. Defect 2.6, I believe, has not yet been resolved. There are problems with the radio frequency identification system, which, on my understanding, is still not operational. This is a significant period of time after the jail

has opened and that system is still not operational. We know that three of those systems actually went missing when prisoners walked out with that system on them. *(Second speaking period taken.)*

We have had breaches of the internet policy and, interestingly enough, when that issue first arose, the minister's office was unaware of any internet policy and it was actually my office that had to provide that to the media because his office was unable to find that.

As I said before, the human rights commissioner raised some concerns in her evidence to the estimates committee. She said that she had not conducted an audit since 2007 and she had no capacity to do so. When we have seen the alleged rape of a remandee, when we have seen prisoners on the roof, when we have had hep C transmissions, how Simon Corbell can claim that this is a human rights compliant prison is just impossible. How could he if there has been no audit of that facility and he is not funding the human rights commissioner to be able to do that?

I would like to put on the record here that the concerns that I raise and issues that I raise are in no way directed at the hardworking staff at the Alexander Maconochie Centre. I was given the honour of a tour of that centre the other day, and the staff are in a very difficult position. Because of the way the facility has been designed, because it has been delivered under scope, because of the political heat around the mismanagement at the political level, particularly the fake opening, the delays and the sudden rush when the government was being embarrassed, they are put in a very difficult position.

Of course they are very loyal to the government. They are loyal to the system and they are working hard. But Simon Corbell has not put these staff in an easy position, and I would like to put on the record that I acknowledge that. I acknowledge the hard work they are doing. I acknowledge the difficult position that they are put in and I commend them for the work that they are doing.

The minister really needs to explain what is going on and what he is going to do about it. I know the Hamburger review is going to occur, and there has been some toing and froing about why he is doing that review. And I must say that, in all the evidence I have looked at, both the *Hansard* and anywhere else, it is quite clear to me that the only reason we are having the scope of review that we are having, which is independent and looking at the terms of reference, is solely a result of the motion that was put here by the Liberals and amended by the Greens. I acknowledge that; that is why we are having the review that we are having. But drawing on the dissenting report, the recommendation is:

... the Minister report to the Assembly how the basic functions of the prison have been allowed to so comprehensively fail and what the Minister is doing to fix the situation.

I think that is a fairly reasonable recommendation. I think the focus needs to change from that of an obsession with human rights, which has clearly failed, to a focus on security, on safety, on discipline and on good management. And out of that will flow good treatment of the prisoners. What we do not want to see is more prisoners

protesting on the roof, what we do not want to see is more prisoners locked down and what we do not need to see is any more debacles at the jail. I think it is quite clear that the problems that we have stem out of an ineffective minister. He is weak, he is ideologically driven and he is quite clearly unfit to manage the corrections portfolio.

I turn now to ACT Policing. It is always difficult to get to the bottom of some of the issues relating to ACT Policing because of the purchase agreement, and it is difficult to understand some of the detail, through the estimates process and through the documentations provided, of exactly what the staffing numbers are and exactly where the money is going. But a number of issues that did come out through estimates were interesting.

The issue of the suburban policing consultative committees arose, and that has been a piece of contention for a while. It was Labor Party policy, and it seems to be failed Labor Party policy. This was initially going to attract \$300,000. It is now being done within hide. I think it is remarkable that the Chief Minister saw fit to run these committees—and there are only three meetings being run and he put a value on that of \$300,000—but he complains about the resourcing required for random drug testing. When you compare the two, for the Chief Minister to be putting his effort towards the suburban policing and consultative committees, which in the words of the CPO are not working as optimally as they could, and this is largely due to a less than enthusiastic approach of the community, it is disingenuous then to say that the police will not be given the resourcing this financial year for random drug testing. A recommendation arising out of the committee was to have the minister provide an update on where those consultative committees are at.

Crime statistics in the ACT continue to rise in a number of areas, including assault against a person. That is of particular concern. I know that we have had a lot of debate around assaults in Civic, particularly the alcohol-fuelled violence that has occurred, and the government is starting to respond. But the government's response has been slow. It is worth reminding members that after nine years we are starting to see some action—starting to see it—being taken by this government. But really the situation that we find ourselves in in Civic is a result of this government's inaction over the last nine years. There is no doubt that there are many issues that need to be addressed.

I turn now to drink driving in particular. I notice that the Chief Minister tabled legislation last week. There has been a real problem with drink driving in the ACT. This has been escalating over a number of years, and this government's response has been appalling. In actual fact, I am not sure there has been a response. It has just been sitting and watching whilst, year after year, the number of drink-driving offences has been rapidly increasing in the ACT.

There was a paper that was put in, as I said. It obviously went in with the tabling speech. We will go through that in detail and we will look at the measures that have been put forward. But I do note that Jon Stanhope has finally stepped away from the one idea he seemed to have and the one idea he did seem to be pushing, and that was name and shame. The Chief Police Officer, in his evidence, said:

I do not think there is any empirical evidence that suggests that a name and shame campaign actually works in any jurisdiction.

The fact that he said that, I am hoping, has now put Jon Stanhope off this.

Mr Seselja: I think Jon got rolled in cabinet on that one.

MR HANSON: You think he got rolled? I just thought that—

Mr Seselja: I think he may have been rolled.

MR HANSON: It is not that necessarily it is a bad idea; it is simply that there is no evidence to support it. I think the problem is that, in terms of drink driving, Jon Stanhope just simply came out with a bunch of rambling thoughts, and name and shame was one of them. I think that what was needed was a more constructive approach to drink driving. I think we are starting to see that. We will go through it in detail. But again, in nine years, how many accidents could have been prevented if we had had a more effective regime?

I turn now to the issue of random drug testing, which is obviously a very pertinent issue, given the fantastic result yesterday where this Assembly passed the ACT's random—

MR ASSISTANT SPEAKER (Mr Hargreaves): Excuse me, Mr Hanson, the standing orders—

Mr Seselja: Sorry, Mr Assistant Speaker, before you continue, can I seek your clarification on that? My understanding of that standing order in terms of reflecting on votes is that someone has to adversely reflect on the vote and claim that somehow the Assembly got it wrong. I do not think that Mr Hanson, in any way, is doing that. So I just seek your clarification, perhaps with the Clerk's advice on that as well.

MR ASSISTANT SPEAKER: No, I do not need the Clerk's advice. But thank you, Mr Seselja, for that request. I was not intending to ask Mr Hanson not to say something. I was just about to bring that piece of the standing orders to his attention in case something was going to come forward later in his speech which may cause us to have some discomfort. That is all.

MR HANSON: Thank you, Mr Assistant Speaker. I assure you that there is nothing that I will say that would in any way reflect badly on the decision that was made by the Assembly in relation to random drug testing on our roadsides. I think it is a fantastic result. It is a fantastic result for the community. It will keep our roads safer and I think that the objections that have been raised in the community are by people who probably are philosophically opposed to random drug testing. And that is an issue that we will not be able to get around.

I think it is a good measure. I would hope that the government thinks it is a good measure and I would strongly urge the government to now move forward with introducing random roadside drug testing. I would strongly urge them to support it in every way that they can. There is no question that random breath testing has reduced the number of people that go out and drink drive. It will never be reduced to everybody. It is not the only measure. Obviously effective education is an important part of that.

But there is no question that random drug testing equally will reduce the number of people that drive under the influence of drugs, be it an illicit drug such as ecstasy, marijuana or methamphetamines, as is in the legislation now. By regulation, if Mr Corbell or the transport minister choose to push forward with other drugs, if they can provide the evidence, then I am sure we would support that. So I make that point. I think that the time for the political squabbles is over. It is time for the government now to move forward and implement this legislation.

In closing, I would like to commend the police for the work they do not just in drug driving and implementing that legislation, which is obviously to come, but of course all their endeavours, be it random breath testing, the violence in Civic, the good work that they do. I commend the Chief Police Officer, who is facing political times at the moment, and his officers for the work they do.

MS BRESNAN (Brindabella) (4.04): I will speak on two areas: firstly, the work safety implications of the budget on the Department of Justice and Community Safety and specifically the safety enforcement arm of the Office of Regulatory Services. Workplace inspectors play a crucial role in ensuring workplace safety by ensuring safety standards are maintained in businesses and on work sites.

I have expressed concern during the estimates process and also during previous questions in the Assembly about the apparent low frequency of safety inspections conducted by ORS. The Attorney-General has moved to increase the number of inspectors as part of a reorganisation of ORS and WorkSafe. There is funding in the budget to increase the number of inspectors and, as noted in the estimates hearing, we would expect to see an increase in the number of inspections performed and a commensurate increase in compliance.

If this eventuates, the ACT Greens welcome this move. I would urge the minister to set appropriate targets for the number of workplaces and sites inspected as an output measure. From the estimates hearings it was noted by department representatives that each inspector has a set target; so we can expect to see appropriate targets and an increase in inspections, which is a positive move.

Additionally, given that the overwhelming majority of inspections, according to the report into the operation of the Work Safety Act, occur in the building industry, we would suggest that the government consider making one or more inspector positions dedicated to the building industry. This would allow the government to hire individuals with specific knowledge and onsite experience.

I would also raise as a concern the relatively pessimistic target for compliance with occupational health and safety standards. A target of 80 per cent of workplaces compliant with OH&S legislation does seem to accept that one in five businesses may fail to meet OH&S requirements. Is this a reasonable thing to expect? Particularly in an environment where the government will be engaging additional workplace inspectors, it is disappointing that the government may have not chosen to pursue a more optimistic target. But I do imagine that with the increase in inspectors and also the changes which have been made we may see a change in these targets. This was actually reflected in the estimates hearings, which again is a positive move.

We believe that WorkSafe should be a proactive organisation engaging positively with Canberra businesses, workers and unions to pre-empt and prevent workplace injuries and health problems. To this end, we will commend the work done by the Work Safety Commissioner in providing work safety education to businesses and employees in Canberra. In particular, the recent series on workplace bullying that emphasises that it is a health and safety risk in workplaces was very encouraging and, again, a positive step forward.

While the education program about psycho-social risks in the workplace it appears to be rolling out well, we would encourage the government to look at improvements to the inspection regime and enforcement provisions. They will allow more people to feel safe and comfortable in reporting workplace mental health issues as a genuine workplace safety problem. For white collar workers, depression and health are arguably the biggest danger they face in the workplace.

The estimates committee made a recommendation that the minister advise the Assembly via a ministerial statement on the outcomes of the review of WorkSafe ACT. The government has agreed to this recommendation following the 12-month review of the implementation of recent reforms. The proof of whether this amalgamation works will be in the outcomes and results achieved. If there is an improvement I would hope and expect to see improved functionality, more timely assessments and the rectification of some of the concerns that have been raised in relation to the operations of WorkCover. I also look forward to the setting up of the asbestos register which the government has expressed a willingness to do.

The second issue I will be discussing is the Corrective Services output. One of the ACT Greens' largest concerns with the budget is the lack of general accountability measures within the budget. The decision to build a human rights compliant prison with the AMC was, at least in part, predicated upon delivering improved results in terms of lowered re-offending rates, better prisoner health outcomes, and higher take-up of education and employment programs.

While we understand that the AMC has had prisoners for a relatively short period of time, the government should be setting targets and collecting data against concrete accountability measures now to establish trend measurements. Without this data the government and the Assembly are unable to judge the effectiveness of the AMC in delivering its stated outcomes. In particular, we need a dedicated mechanism to measure re-offending rates amongst prisoners who have previously spent time in the AMC.

The estimates committee made two recommendations in relation to the AMC. Recommendation 33 is that accountability indicators for the Department of Justice and Community Safety under output 2.1 be expanded to include the collection of data about recidivisms specific to the AMC.

The government has agreed in principle, stating that consideration will be given to the development of one or more appropriate accountability indicators for future budgets. This recommendation will be key in determining the success of programs in the AMC and would be seen by many as a necessary part of determining the future operations of

the AMC. I would expect to see the government follow through on this recommendation.

The second recommendation was to establish a strategic indicator for JACS to monitor the proportion of sentenced prisoners who are repatriated from New South Wales and the number of first-time prisoners repatriated at the AMC. It is disappointing that the government has not agreed to this particular recommendation. The intent behind this recommendation was to provide an indication of the culture operating within the AMC.

This will be a key factor in the success of programs being supported and implemented. The proportion of prisoners from New South Wales will show what issues may have to be dealt in terms of established patterns of behaviour from other prisons and the number of first-time prisoners will, as well as being an indicator of prison culture, provide a useful insight into recidivism itself.

The ACT Greens fully support the operation of the AMC as a human rights compliant prison. I do commend the government on setting out to do something different to other prisons across the country—from the design of the prison to the intent to establish training programs. We have expressed concern consistently on the through-care and after-care programs for released prisoners from the AMC. The government gave an undertaking to develop a through-care and after-care plan for the AMC, but this has yet to eventuate.

I raised in the committee hearings that the matter of through-care and after-care strategy has been raised in various Assembly debates and committees for some time, as well as being strongly supported by the community sector. The government, in response to my questions, did concede that they do not have a date for when this strategy will be in place. While we know that a number of groups have approved visitor status, the common concern we hear raised by groups is that there is little coordination of the services being provided by community organisations and groups, and that often one group will not know what another is providing in terms of a similar service.

To some extent, direction on this will need to come from the community sector itself. However, with their limited and already stretched resources, government needs to provide leadership and assistance. Making contact with a prisoner is an essential factor in establishing relationships and then maintaining contact with a prisoner once they are released. Again, this will be a crucial factor in ensuring that recidivism rates are reduced and released prisoners are able to become a part of the community.

As I have pointed out previously, prison cuts an individual's tie to the community, social services and employment. It is both an obligation upon the government and an important part of the rehabilitation process to assist prisoners in re-engaging with these services upon release. In particular, we call upon Corrective Services to work with ACT Health to ensure that prisoners with ongoing treatment programs are able to access appropriate public medical services, with Housing ACT to facilitate prisoners having prompt access to appropriate housing, businesses and community groups to give prisoners the best chance of employment.

In addition, the government should be measuring and reporting the rates at which prisoners are successfully engaging with health, housing and employment services upon their release, as these are crucial indicators to demonstrate the effectiveness of our corrections system. There was no specific funding in this budget for through-care, after-care or transitional programs.

Many organisations are having to address issues for AMC prisoners and released prisoners within their current budgets. This is not sustainable. We need to have a plan as well as specific resourcing to ensure the viability and success of transitional programs. We have had the recent situation when the tender for the women's transitional housing program was delayed and the fact that 18 months into the operation of AMC there is no specific transitional housing service for women.

While the numbers of released women prisoners are small, they are the most vulnerable group, particularly taking into account issues around children and domestic violence. (*Second speaking period taken.*) As I was saying, women are among the most vulnerable groups when it comes to looking at prison populations, particularly when we look at issues such as children and domestic violence that they have to deal with. Women should not be returned to an unstable or dangerous situation.

Again, we know that service providers such as Inanna and Toora Women have been picking up the added pressure, but they are doing so on the understanding that this specific service would have been established this year. I hope we will see a speedy resolution to this matter.

I understand that the therapeutic community program is proving very successful and that there is some consideration of siting the community outside of the AMC. I also understand that there are some issues with running the program in an environment where there are different levels of prisoners. I hope that this program will continue, regardless of issues around location, as it has the potential to have very positive and lasting impacts on the prisoners who take part.

The Attorney-General has previously notified me that the corrections officers are trialling a 12-hour roster system, negotiated with the CPSU, in an effort to reduce absenteeism amongst corrections staff. It would be useful for the minister to inform the Assembly of whether this rostering measure is successful in reducing the incidence of staff shortages.

Finally—in part this relates to corrections health—I would encourage the Attorney-General to strongly consider commencing discussions with corrections staff and community groups about the implementation of a needle and syringe program in the AMC. The high level of incidence of blood-borne viral infections amongst prisoners means that this kind of program should be carefully considered as an effective health, human rights and drug treatment measure.

MR SESELJA (Molonglo—Leader of the Opposition) (4.16): It is worth touching on some of the human rights issues that we have seen play out in the last couple of days. There is a concern in the community that the Human Rights Act will be used as an excuse not to implement good, reasonable legislation. We saw that from the Chief

Minister yesterday where he was effectively arguing that the human rights concerns of drug users trumped the rights of Canberrans to expect that they can be as safe as possible on our roads. Most people in the community find that quite outrageous.

I make the point that it was a concern around the Human Rights Act that it would be used not for legitimate protection of human rights but to prevent very sensible and sound legislation from coming through. That is exactly what the Chief Minister tried to do yesterday—he tried to use the human rights shield to argue against legislation because he fundamentally disagreed with it. He was philosophically opposed to that legislation, but the response from the community has been a very strong one. We saw the moving statements last night from Alison Ryan last night where she asked about her daughter's human rights.

It is disappointing, though not unexpected, that the Labor Party in this place will try and use the Human Rights Act to prevent legislation that they simply do not like—reasonable, reasoned legislation which is in place all around the country. We put it to Mr Stanhope in the chamber yesterday that Victoria had this legislation and they have a charter of rights, and he said, “Well, they got it before they had their charter of rights.” On that basis, I guess it is lucky that they did, but I suspect that they would have pushed it through anyway, because it is sensible legislation.

If we had had this Chief Minister around and if the Human Rights Act had been around when random breath testing was first implemented, I suspect we would have heard exactly the same kind of opposition being put—that is, it breaches human rights. The US has a bill of rights enshrined in their constitution, and we know there are concerns in a number of cases as to how random breath testing can be conducted. It is far more restrictive in that jurisdiction.

In the end, random roadside drug testing saves lives. That is what it is about. We should not just pretend that it was the Chief Minister putting up those arguments. ACT Labor's position is that they do not support random roadside drug testing. They did not support our legislation, and they did not support it in the end because they claimed it was not human rights compliant. Of course, concerns could be raised about any similar schemes with regard to human rights. We will stand up for the human rights of Canberrans who want to go about their daily lives and be protected to the maximum extent possible under the law. That is in stark contrast to ACT Labor arguing against such a sensible piece of legislation.

I want to touch on the virtual district court which is part of this budget. The virtual district court has no support from the legal profession. The ACT Law Society and the ACT Bar Association have separately and jointly criticised the proposal. The Chief Justice, of course, has declined to comment on it publicly. Two barristers have written letters to the editor, and it is worth reading some extracts, because Ken Archer is a respected barrister and former prosecutor in the territory:

Yet again, criminal justice policy is being driven by personality politics ... The result is a JACS-inspired solution that answers the problem by creating further complexity in a criminal justice system that is already too bureaucratic ... My irritation with this proposal is shared by just about all the legal profession ... It completes the emasculation of the Magistrates Court, the jurisdiction of which has been decimated by the ACAT disaster ... I cringe when thinking of the jurisprudence that might come out of the District Court.

These are serious matters that have been raised, and, as I say, he is not alone. The Law Society and the ACT Bar Association have separately and jointly criticised the proposal. It was not a recommendation of the ACT Supreme Court working group in its April 2010 report for presentation to the court's governance committee on issues affecting the ACT Supreme Court's ability to complete in a timely way cases currently coming before it. It will put pressure on the Magistrates Court by taking judicial resources away from it and increase its workload by increasing the case thresholds.

This looks to us to be a bad idea that has been rushed through without proper consultation. There have been processes in place. As I have pointed out, the Supreme Court working group reported in April 2010, yet we did not see anything about a virtual district court there. You would have to surmise that it has been dreamed up somewhere in the Attorney-General's office without actually thinking it through. It is policy on the run, and that is a very dangerous thing in jurisprudence.

Policy on the run is dangerous anywhere, but if we get our already overburdened court system wrong, if we pursue false policy paths, it has a real impact on people; it has a real impact on justice; it has a real impact on people's access to justice. We know that already there is significant concern about the workload. We do not see how this virtual district court will actually improve the situation.

Mr Hanson has touched on the issue of corrections. There is no doubt that, since the pre-emptive opening of the Alexander Maconochie Centre, we have seen a litany of disasters. I think it is time the minister actually told us what he is doing to fix it across the board. He has got the opportunity today to speak for as long as he likes. We would not want to be subjected to too long a speech, but perhaps the minister could actually get up and tell us what he is going to do to deal with the problems.

We know that there are massive cost blow-outs, we know there are ongoing concerns with the security system, we know that eight months after the prison accepted prisoners there were still ongoing concerns, and we specifically know that defect 2.6—which relates to the hierarchy of the security system—remains unresolved. The relevant committee reported prison cells not having a central feature of the security installed system—that is, radio frequency identification—and Mr Corbell blamed the security contractor.

Let us look at it in terms of what is happening now and what has happened recently. We have seen the rooftop protest. What does that speak to in terms of the management of the prison? There were allegations made that it was known that it was going to happen and that it was the only way that the message could actually get to the minister. If that is the case, that is a serious breakdown. If the only way for there to be even a discussion about improvements is to have rooftop protest, which is tacitly or otherwise approved, that is unacceptable.

We have seen prisoners walking free when they are not meant to walk free. Fundamental to our corrections system is the principle that those who are sentenced to prison stay until their sentence is completed and those who are not sentenced to prison are not in there. We do not want anyone locked up who should not be locked up; we

do not want anyone let go that should not be let go. They have not even got those basics right. We saw the prisoner on WIN news laughing about the fact that he had been able to walk out when he was not meant to. I do not know his history—presumably he did not commit any serious crimes while he was free, but that may not have been the case. It may have been a violent prisoner who was let free and then assaulted someone or murdered someone.

These are very important issues which have not been addressed. I say again: perhaps the minister can get up, when he gets his opportunity, and tell us what he is doing to fix some of these issues. (*Second speaking period taken.*) The minister will have unlimited time—God help us—to talk about it. I certainly expect that he would give us in some detail information on what he has done to fix all of those things. Mr Hanson has read some of the litany.

The minister may also talk to us about ambulance response times and how he is going to improve some of the very poor ambulance response times that the Auditor-General's Office has highlighted in a report which the minister has been so critical of. Why is it that so many of these outer suburbs—they are not all outer suburbs, but many of them are—are getting ambulance services that are so far below the standard that has been set?

We can look at numerous suburbs and go through those that had responses within eight minutes. These are percentages, so they give you an idea across the board: Hawker, 34 per cent; Red Hill, 32 per cent; Calwell, 42 per cent; Kambah, 40 per cent; Kaleen, 31 per cent—then it gets worse as we go on—Higgins, 27 per cent; Giralang, 31 per cent; Flynn, 23 per cent; Barton, 26 per cent; Monash, 30 per cent; Fadden, 20 per cent; Wanniassa 23 per cent; Campbell 27 per cent; Phillip, 43 per cent; Isabella Plains, 26 per cent; Duffy 10 per cent; Pialligo, 11 per cent; Symonston, 24 per cent; O'Connor, 46 per cent; Ngunnawal, 26 per cent; Oxley, five per cent; Holt, 21 per cent; Nicholls, 18 per cent; Weston Creek, 18 per cent; and Macarthur, zero per cent.

The minister cannot explain these figures away. Perhaps he could get up and table for us any updated figures. Have they significantly improved from what has been published? We would love to see if they have. We would love to hear that they have improved and how they have improved. If they have not, we want to hear how the minister is going to make sure that they do.

This is life and death stuff. These standards exist for a reason. They exist because, in many cases, someone not being seen by an ambulance quickly can be the difference between life and death; it can be the difference between serious ongoing injuries or otherwise. These figures do not reflect well in any way on this minister and his handling of this portfolio.

I did want to look at some of the non-answers to questions from the minister in this portfolio. We asked fairly simple questions around the budget initiatives involving JACS, for example, for each expense revenue or capital measure recorded in budget paper 3 which applies to the department—what is the staffing increase required and what are the IT requirements, and has the department offset any funding to accommodate any pay initiative and, if so, what was the offset? The minister's answer gives us nothing.

We have another example where we are being asked to pass a very large budget but the minister cannot answer the most basic questions about what is in that budget. He can answer some headlines, he can tell us how much the virtual district court will cost, he can tell us about a couple of announcements, but when it comes to some real basics about how this money will be spent, this minister cannot tell us, and he is not the only one. He is not alone, unfortunately; it goes right across the board. That goes to the credibility of this budget; it goes to the openness of this budget; it goes to the transparency of this government.

We are at 1 July; the new financial year has started. Today is coalition tax cut day. People are getting their tax cuts from the former coalition government, but what they are getting is tax increases from ACT Labor. What we should be able to get at the beginning of the financial year is some idea of where the government are going to spend the money they are asking us to appropriate. I would have thought it would be fairly reasonable for Simon Corbell to be able to say for each expense, revenue or capital measure reported in budget paper 3 which applies to his department what staffing increase is required. That is one question that he could not answer. Surely you would know what the staffing increase would be for the initiatives for each expense.

Why would you not be able to answer that, Mr Corbell? Is it because you have not done the work? Is it because you have just asked for a bucket of money and you do not know how you are going to spend it? Is it because you do not want to tell us? If that is the case, what we have is a government and a minister who are just showing contempt for the Assembly. What is the point of having an estimates process where we ask questions if they simply will not be answered?

I am not talking about complex questions; I am talking some of the most basic, fundamental questions about how will you spend taxpayers' money? It is interesting to note what the minister did take the time to answer. The minister spent time answering the question about what he has delivered on time and on budget. He went trawling through the past to try and find something that he delivered on time and on budget. He found water-saving shower heads—and good luck to him that he was able to deliver the water-saving shower heads on time and on budget—but why could he not actually do the work of answering the basic questions about his budget?

What we are debating today is whether to pass this budget. This government seems to take it for granted—it may have received those kinds of assurances from the Greens—that no matter what is in the budget and no matter what they answer, it will be passed. That appears to be the case, and that is unfortunate. They are treating it in the same way they used to treat it when they had a majority government. They have got the tick-off from Ms Hunter; they got the tick-off at the beginning of the process. They are not going to be bothered with answering those pesky questions about how they will be spending money. They will spend money however they see fit. It is only if this Assembly stands up to them that they will change that. At the moment, it is only the Liberal Party that will ask them those questions and stand up to them on these issues.

I highlight it again because it is important that we get answers. We have got a massive budget deficit projected and we have examples of poor priorities, wasted expenditure and service delivery that is not there. With ambulances, for instance, we see most

suburbs in the ACT not getting the kinds of response times that they deserve. Some suburbs are getting very, very low response times. It is reasonable that we would say: “Well, how are you going to do things better? One of the ways is to tell us how you are going to spend the money. Are you spending the money in the right place? Are you spending too much over here and not enough over there?” We do not know, because the minister will not answer the questions.

There are serious unanswered questions. I do appreciate that the minister went to the trouble to tell us all of the things—I am sure Mr Smyth will touch on this when he speaks—that have been delivered on time and on budget. It is unfortunate that most of the big things that have ever been delivered by him were not delivered on time and on budget. The minister has had to go trawling through the past. Perhaps it was as a result of that trawling through for something that he delivered on time and on budget that he did not do the work to be able to answer the basic questions. Those questions should be able to be answered. It is 1 July. You should know how you are going to spend our money by now. If you do not, this budget simply does not deserve to pass.

MR SMYTH (Brindabella) (4.35): The emergency services line inside the justice and community safety budget is a very important line, and there are a number of issues relating to the management and delivery of emergency services in the ACT. The 2010 budget deals with prevention and mitigation, preparedness, response and recovery. I note, just to start at the broad, that the total cost for emergency services increases by just more than one per cent, from \$95.9 million last financial year to \$96.9 million this financial year, and that government payments for outputs increases by 16 per cent, from \$68 million to \$78.8 million.

It is interesting to note, however, that on budget paper No 4, pages 265 to 266, there were rollovers during 2009 to the tune of \$2.9 million—that included \$1 million for the station’s relocation design project—and there were rollovers from 2009-10 to 2009-11 of \$13.2 million, which included \$4.2 million for the new headquarters building, funds for the new RFS sheds, a communications upgrade, a fire vehicle replacement and ICT infrastructure.

The new headquarters is a long-going and long-suffering project for the people of the emergency services community in the ACT. I asked a number of questions about it during the estimates process, including a fairly basic, fairly simple question that one would have expected to be answered. That is, of course: “what is the total all-up cost for that project?” I have not received an answer to that question. I am sure you would be shocked at that, Madam Assistant Speaker. It is budget paper No 4, page 276.

It is interesting that the 2010 budget provides an additional \$3 million for the new headquarters. It is right there in the small print on page 268. For those that missed it, there it is: emergency services agency new headquarters, note No 2, total estimated cost includes an additional \$3 million. The total estimated cost according to the budget is up to \$29 million, so we know that it has gone up at least \$3 million. My concerns with the project relate particularly to the cost of the project, and I refer to page 93 of the report of August 2009 by the Auditor-General on the government delivery of accommodation projects, where she says:

Audit expects the final costs of this project will be much higher ...

than the \$75.3 million identified by the Auditor-General, and that includes things like rent, costs et cetera.

We asked the Minister for Emergency Services about this:

MR SMYTH: That is okay. In the same paragraph, the Auditor-General says:

In total, the commitment is \$75.3 million from the date the lease for the new HQ building commences, plus the base rent spread over the subsequent 15 years.

Comparing apples with apples, what is the upgraded total cost of this project now?

Mr Corbell: A combined total of all the activities?

MR SMYTH: Yes.

Mr Corbell: I do not have one in front of me but I will take that on notice so that we can provide that to you later in this hearing. It should not be too hard to get.

Apparently, Madam Assistant Speaker, it is incredibly hard to get, because the question was taken on notice—it is question 406—and the printout from the Assembly website at quarter past four this afternoon shows the question had still not been answered. I am shocked. Here we have the minister saying, “It should not be too hard to get” on 25 May; there were another six days in May, there are 30 days in June, and there is today. So it is 36 days later. Apparently it was a little bit hard to get—or perhaps it is just a little bit embarrassing.

We know that according to the auditor it is \$75 million. The minister says it is not too hard to get, but 36 days later he does not have the courtesy or the courage to provide that answer to the people of the ACT. That is just deplorable of the minister. It is arrogant, and it does not improve this process, because we are here to pass a budget. We are being asked to pass a budget with details that we do not have. And that is a good reason not to pass it. If you cannot provide us with the detail of what the spending is, and if you are not willing to be held accountable, then you should not be trusted with the money. And, if there is one minister who should not be trusted with the money—

Mrs Dunne: Or the monergy.

MR SMYTH: Or the monergy—yes, the monergy, you should not be trusted with the monergy when Mr Corbell is around, and here is the perfect example: it is a project that is years late, it is a project that is millions of dollars over budget, there is an additional \$3 million in this year’s budget for the project, which is due in December this year, but we cannot be told by the minister, who says it should not be too hard to get the total all-up cost when you compare apples with apples. I think that goes to the heart of this minister: he is not good at managing his portfolios. As somebody said the other day, how many portfolios have you had now, Mr Corbell?

This also relates to the way in which the HQ will operate. We have now got activities split over at least two locations. Given the original proposal was to centralise them for efficiencies, it has now been split. It is a debacle, this project. It is running in a way that is so typical of so many of Mr Corbell's projects: we saw it in the prison, where, yes, it was delivered on time and on budget, except it was not the same project; it lost more than 70 beds, it lost a gym, it lost the chapel, it lost so many other things that would have made the prison work better. In Mr Corbell's attempt to prove that he could manage a major project on time and on budget, he changed the specifications.

Again we see that here with another major project. It is now seven years since the fires of 2003—seven years. One of the recommendations of the McLeod Report was that, for the emergency services community to be able to be to do their job and for the people of Canberra to be protected to the level that they deserve, we should actually have a new emergency services headquarters. Yet here we are, seven years later, with the new fire season three months away, and we still do not have that headquarters. That is negligent, gross mismanagement and an indictment of the ability of this minister to deliver anything—any major project.

The next part that we then moved on to was when I asked him, “Can you deliver projects?” This is what he said:

Mr Corbell: Plenty of projects, Mr Smyth—

MR SMYTH: Plenty? ... So you will take that on notice and detail these “plenty of projects”?

The list that came back was quite extraordinary. There are some interesting things there—removal of tanks and remediation and some asbestos removal. They are all important. I do not say that none of these are important but, when you are claiming that putting water saving shower heads on is a project that you have delivered on time and on budget, you are really scraping the bottom of the bucket. The personal protective equipment storage at all ACT Fire Brigade facilities sounds like a cupboard: Mr Corbell delivers cupboards on time and on budget. I think that will be his political epitaph.

It is unfortunate, because it is a very important area that we look at here. When you talk about the capital works project, it will be interesting to see whether or not Mr Corbell will ever bother to answer question 406, taken on notice 36 days ago—whether or not he will be able to give us a sum over and above that which the Auditor-General has already concluded has been spent.

There was the announcement of new capital works in the 2010 budget for emergency services, including a project that I have pushed long and hard for over a number of years: the new rural fire shed facility at Tidbinbilla. That is long overdue for the Tidbinbilla Rural Fire Service. They are the brigade that really are at the pointy end. They are closest to the corridor where the fires come down regularly. We all know the saga where Mr Corbell in March 2009 said that a new shed for Tidbinbilla “would be dealt with in the budget context”. Nothing happened in 2009, which was very disappointing, but so typical of this minister, and so I am certainly pleased, and I

know the volunteers are pleased, with the decision to replace the old facilities, largely due to pressure from the Canberra Liberals.

There is some interest in the new sheds. We asked some detailed questions about the new sheds for Jerrabomberra and Rivers. The total cost for these two sheds is \$2.27 million, but there are some interesting components in these sheds. A number of the volunteers from both the Rivers and the Jerrabomberra brigades have said to me, "These are the building the education revolution fire sheds." This is the standard: the money is just being thrown away. And they are very concerned. They want new sheds. They want good facilities. They want appropriate facilities. But a number of them have said to me, "Boy, there is a lot of money being spent here."

When you get the detail, the provision for preliminaries and margins is \$0.253 million and the provision for contingencies across the projects is \$0.159 million. A secondary provision for contingencies, including project management, is \$0.409 million. (*Second speaking period taken*) That is, a total of \$0.821 million, or 36 per cent of the total project costs, is attributed predominantly to margins and contingencies. I am not sure what the industry standard is for these sorts of buildings, but my inquiries to various groups around town suggested that several per cent might be added—two, three, four or five per cent might be added to a project, but when I read these numbers to them they just laughed and said, "Money for jam"; not monergy, but "Money for jam".

So how can you have so many provisions? I think it behoves the minister to explain why so much is seen as predominantly margins and contingencies. These provisions do appear excessive, especially when the projects are not particularly complex in either design or construction. I mean, these are straightforward construction techniques. There is a flat slab, and they are basically tin sheds with big roller doors. Inside, yes, we do need showers and the toilet amenities that people deserve. We need training rooms. But it does need to be asked whether the taxpayer is getting value for money with these projects.

Then there is the mysterious relocation project, Madam Assistant Speaker. There is a lot of mystery about this project. First and foremost, we have Mr Corbell's contradictions on the project. At one point in May's estimates, the minister was asked when he had received the report:

MR SMYTH: When did you receive that report?

Mr Corbell: I have not yet received the final copy of that report.

MR SMYTH: You have not received a final copy of the report?

Mr Corbell: No.

However, the minister on ABC Radio on the morning of 31 May this year said, "Well I was briefed on the station relocation feasibility study final report around the beginning of 2009, and that was then something that I looked at very closely."

How can you not receive a report but look at it very closely? It is beyond me. But then further on, just a couple of lines later, Minister Corbell also said in the same interview, "One of the main problems that emerged, once we received the report"—so, "We are

looking at it closely, but we have not seen it, but I received it.” It is up to members to make their own decisions about this minister and what he says. In the dissenting report, we have asked that the Minister for Emergency Services clarify, for the record, when he first received and saw the emergency services in the ACT relocation feasibility study report.

The thing that he then has to explain is why virtually nothing has happened for almost two years—it is a very important report—because, at the same time we get report No 4 of 2009: *Delivery of ambulance services to the ACT community*, which looks at the same question, the delivery of services, and whether we have the appropriate service levels that we deserve from the Ambulance Service.

I think all in this place would say to our intensive care paramedics: “Thank you very much for the excellent job that you do. To go out every day to the scene of accidents and illness and death must be very, very hard. We thank you for the work that you do.” Unfortunately, they are not being given the tools to do their job effectively, efficiently and without putting pressure on themselves. This is the whole purpose of the station relocation report—to make certain that we do get the best response times. When just a handful of Canberra’s suburbs meet the guideline or get the service delivered within the guideline stipulated by the government, there is something wrong. What the report says is, “If you move the locations, we can do better response times and we can do it better.”

Now the interesting thing for members is—and you probably would have missed it when you were laughing at the “infrastructure” report—there is a section on emergency services infrastructure. It is quite interesting, because emergency services infrastructure simply says:

Construction projects underway include a fit-for-purpose headquarters for Emergency Services and a new ESA training centre. The Station Relocation Feasibility Study will inform other future decision-making

So apparently this report is already informing future decision making. Yet again we have a contradiction from the minister. So this is a report that he has not seen or did see or looked at closely, and it has now been included in the Chief Minister’s infrastructure report and it says:

The Station Relocation Feasibility Study will inform other future decision-making.

So he has either got the report and he is using the report, or he has not got the report and they made that up in the infrastructure report. But there it is in black and white—everyone can read it.

Well done to the new commissioner: apparently he has taken the running on this, because the minister abandoned the report. Apparently some further work is being done. But the question—and some of the excuses that the minister used—seemed to be that the fire brigade objected to the methodology. Well, that is not quite true either. What the fire brigade objected to was the new facilities being built without the resources to make them work. There is no point in having a big shiny new building if you have not got the resources, because it just becomes a big shiny white elephant.

I think the minister was scrabbling when he was playing out these sorts of excuses—and we have seen this from the Transport Workers Union official, Mr Ben Sweaney, who represents the intensive care paramedics. He said ambulance officers were frustrated that the government had not acted on the outcome of the feasibility study. He said the union believed the methodology for the report was sound and the government needed to adopt the recommendations. He said people in growing areas such as west Belconnen may be disadvantaged due to the poor placement and resourcing of ambulance services.

So this notion that somehow the methodology was wrong is also refuted by a union. The minister needs to come clean. The minister is very quick and easy with his words sometimes. The same article says that at that time the emergency services minister, Simon Corbell, said the government was developing a new report. Hang on a minute: “We are using the station relocation feasibility study, and it will inform other future decision making in the infrastructure report,” but suddenly the minister is saying, “We are developing a new report.” The confusion here and the contradiction here are enormous, and it really does show that this minister is not up to the task of providing the infrastructure for emergency services. Of course, the minister, shy petal that he is, when asked this, refused interviews. Mr Corbell declined a request for an interview on the issue, but did issue a statement.

The station relocation feasibility study remains in draft form. My understanding is that the minister received a final copy. I have seen a front page that says “Final report” and it was endorsed by the senior officers of Emergency Services—the senior ambulance officer, the senior fire officer, the senior SES officer, the senior RFS officer and the commissioner and deputy commissioner at the time. It was signed off by the officials and sent to the minister.

But since then we have had nothing but delay, and that is unfortunate. These are important services. They do need to be resourced properly and located appropriately. So the question the minister needs to stand up and answer is: what is the truth about the report and his receipt of it, and how is he looking at it closely, if he has not got it? When will something be done and when will the people of the ACT get the services that they deserve from their emergency services—and when will the valuable staff, the uniformed and non-uniformed officers of the ESA, be given the tools to do their job properly? We have a lot of lip-service given to the McLeod report, most of which has been undone, we have a lot of lip-service given to the coronial inquiry’s report, most of which has not been done or has been undone, but what we do deserve is a better standard of leadership. The officers of the Emergency Services Authority are certainly not getting it.

Just in the minute remaining, Madam Assistant Speaker, JACS is a very large area. It covers a number of areas. Mrs Dunne has looked at the court system. Mr Hanson has looked at corrections. One area of a great deal of importance to many Canberrans is the Unit Titles Act. We look forward to the minister’s explanation as to how he will move forward on the Unit Titles Act, given how many people it does affect. The dissenting report does ask that the minister, Mr Corbell, consult with Mr Barr to make sure that we do get a seamless process here.

The recommendation is that the Attorney-General immediately read the terms of reference, in consultation with other relevant stakeholders, including but not limited to ACTPLA, the Owners Corporation Network and other ministers as relevant—and the opposition and the crossbench parties. That is not an unreasonable recommendation, given the number of Canberrans that will be affected by this legislation and the outcome of its review. I look forward to the minister answering that recommendation as well.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.56): I thank members for their comments in relation to the proposed appropriation for the Department of Justice and Community Safety. There is a range of issues that I will seek to address this evening. The first relates to the pre-emptive critique by the Liberal Party in relation to proposals for a district court. What is particularly interesting about the Liberal Party's critique is that, of course, they are very happy to sink the boot in on the proposal but they failed to mention two things.

The first is that they offer no solutions themselves. Indeed, they proffer no view whatsoever as to how the delays in the Supreme Court should be addressed. It adds a certain fundamental weakness to their criticisms of the government's proposal that they themselves have no ideas of their own as to how to address the issue.

What they also failed to mention, of course, is that their spokesperson, Mrs Dunne, is on the record as saying she is not convinced that a fifth judge is the appropriate solution for the delays in the Supreme Court. On the one hand we have the Liberal Party saying what a dastardly, terrible idea the government's attempt to improve access to justice is when it comes to the establishment of a—

Mrs Dunne: Come on, tell us one person who thinks it is a good idea.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Excuse me, members—

MR CORBELL: I heard the Liberal Party in absolute silence for over an hour. I have now been on my feet for less than 30 seconds and they just cannot accept that there has to be a response to the critique that they have put of the government's budget. I ask them to extend the same courtesy that I have extended to them for the past hour and a half, in fact.

MADAM ASSISTANT SPEAKER: Members of the opposition, please hear Mr Corbell in silence. Mr Corbell, you have the floor.

MR CORBELL: That is the fundamental problem with the Liberal Party. They say that the district court will not work but they have no solution of their own, none whatsoever. They have no constructive suggestion whatsoever. Secondly, the shadow attorney-general is on the record as saying that she is not convinced that a fifth judge is the solution. I think that the Liberal Party need to go back and actually do some thinking on this issue rather than simply seek to score some fairly cheap and vacuous political points.

When it comes to the appropriateness of the proposal, let me put some clear points on the table. One criticism has been, particularly from those opposite and, indeed, from others, that this will increase the work of the Magistrates Court. The government has very clear advice from the Chief Magistrate in this regard. He believes that the existing permanent complement of 6.25 magistrates in the Magistrates Court is sufficient to manage the work of the court as it is currently undertaken. There are 6.25 permanent positions. That is six permanent full-time magistrates and a quarter or a part-time special magistrate. What is the government proposing to do in relation to making a provision for funding in the Magistrates Court?

We are providing funding for 7.25 magistrates. That means that with two magistrates potentially appointed as judges of a new district court, the Magistrates Court will have exactly the same complement of judicial officers to do its work then as it does now. Is there any extra impost in terms of the work? Is there any draining away of existing resources from the Magistrates Court? No, there is not and the argument is fundamentally flawed. It is fundamentally flawed in that regard.

Some criticism has also been levied at the district court proposal because the suggestion has been that it has come out of thin air, that it has never been raised before. I refer members to the conclusions of the Supreme Court working group in this regard. The Supreme Court working group came to two fundamental conclusions. They said that if you want to address the workload problems in the Supreme Court, you essentially have two options. The first is to increase the number of judicial officers in the Supreme Court. The second is to change the jurisdiction of the Supreme Court—that is, provide for a broader range of matters that are currently dealt with by the Supreme Court to be dealt with elsewhere in a justice system.

That is exactly what the district court proposal does. It changes the jurisdiction of the Supreme Court and it proposes the removal of a range of matters that are currently dealt with by the Supreme Court to be dealt with either in the Magistrates Court or in a new district court for the territory. So it should come as no surprise whatsoever that the government is proposing this course of action, because it draws completely and directly from the conclusions reached by the Supreme Court working group.

I note that the submissions that have been received and, indeed, the critique that Mrs Dunne provided made the suggestion that lesser reforms may solve this problem. In relation to those lesser reforms, let me deal with those. I deal first with the matter of bail. The government has already indicated that it will be introducing legislation to provide for reform of the bail process, particularly a review of bail applications, so that they can be dealt with entirely within the Magistrates Court. That is a matter that I will make further announcements on later this year, but the government has developed a comprehensive proposal already in relation to the bail matter.

Another suggestion has been made that the jurisdiction of the Magistrates Court should be changed insofar as it relates to the civil matters that the Magistrates Court deals with and to lift that threshold from \$50,000 to \$100,000. The government has adopted that recommendation and will be proposing legislation to provide for that.

But the real question, I believe, is this: are those reforms sufficient? Will some changes to bail, a review of bail applications, and lifting the civil jurisdiction of the Magistrates Court be sufficient to deal with the fundamental workload problems that our Supreme Court faces? I am not convinced that they will be sufficient. When you look at the range of matters that are coming before our justices—bail, review of bail and matters between \$50,000 and up to \$100,000 in the civil jurisdiction—whilst certainly not a small number, they do not compose the most significant parts of the Supreme Court's workload. They simply do not.

Whilst I believe it is desirable that these relatively straightforward matters should be dealt with in a lower court—this is why the government has adopted this approach—I am not convinced that it will address the fundamental structural problems we see in the Supreme Court at this time.

I think it is incumbent on those who say that this is the solution to demonstrate with confidence that it will solve the workload problem. Otherwise, Mr Assistant Speaker, it will just make it worse. It will prolong the problems, the waiting lists and the delays in hearing trials in the Supreme Court. I do not want to see that happen. I do not want to adopt a half-hearted solution, only to have to put off the pain for another 12 or 18 months until we really fundamentally understand that we need some fairly significant report on the operations of our courts. That is the issue that all members in this place will have to come to grips with.

The government is consulting with the legal profession and other interested stakeholders at this time. I have held a detailed roundtable with representatives of the Bar Association and the Law Society. I think there is clearly some agreement that there is a need to change the jurisdiction of the Supreme Court. Once you reach that conclusion, the question then becomes: where do those matters go? Do they go to the Magistrates Court or do they go to a new court, a district court?

Flowing from that is this that if you are going to have some matters that are currently dealt with in the Supreme Court dealt with in the Magistrates Court does that mean that we are only dealing with matters that can be dealt with summarily or are we dealing with matters that involve jury trials? If we are dealing with matters that involve jury trials, is the Magistrates Court the appropriate place to conduct jury trials? In my view, no, it is not. It is a summary court and it should deal with the low-level garden variety, if you like, matters that are common to all courts of that nature.

But the problem is that jury trials require a higher level of consideration and detail, of judicial oversight and conduct, whilst perhaps not necessarily reaching the threshold to go to the highest court in the territory, the Supreme Court. That is a question that we will need to seriously contemplate.

Mr Assistant Speaker, there are some other parts of the justice portfolio that I will address. I note the usual tirade from the Liberal Party when it comes to the operations of the Alexander Maconochie Centre. The Alexander Maconochie Centre continues to provide a very important service for the community. It has not been without its challenges in operation. That is not unexpected in the context of the development of a

new facility, particularly one of this nature here in the ACT. But I note that the Liberal Party continues to perpetuate the lie. That is what it is—a complete lie—that the government was at fault for the delay in the opening.

Mr Seselja: Are you calling Mary a liar?

MR CORBELL: We know, and it is on the record—it has been independently arbitrated by a legally appointed arbiter under the contractual terms—

Mr Seselja: I would just seek your ruling, Mr Assistant Speaker.

MR ASSISTANT SPEAKER (Mr Hargreaves): Mr Corbell, I think you should—

MR CORBELL: I withdraw, Mr Assistant Speaker.

Mr Smyth: Yes, so you should.

MR ASSISTANT SPEAKER: Game over.

MR CORBELL: The Liberal Party continues to perpetuate the myth, Mr Assistant Speaker, the absolute myth—

Mr Seselja: Are you calling Mary a liar?

MR CORBELL: and they knowingly perpetuate—

MR ASSISTANT SPEAKER: Mr Seselja, you might have to withdraw also in a minute.

MR CORBELL: They knowingly perpetuate that myth, Mr Assistant Speaker.

Mr Seselja: I am asking the question.

MR ASSISTANT SPEAKER: you have got a turn later.

Mr Seselja: Are you calling Mary a myth-maker?

MR CORBELL: They knowingly perpetuate that myth, Mr Assistant Speaker—

MR SPEAKER: Mr Seselja!

Mr Seselja: Mary, the myth-maker.

MR CORBELL: that the government was at fault for the delay in the opening of the prison. Let me put it on the record once again, for those opposite who are clearly not smart enough to get it through their skulls, that what occurred in relation to those delays was the subject—

Mr Seselja: Whose fault was it, Simon?

Mr Smyth: Whose false opening was it?

Mr Hanson: Whose fault was that?

MR ASSISTANT SPEAKER: Order! Mr Hanson, just because the others are talking you do not have to join in. You have had enough. You have just joined us. Take your lead from Mrs Dunne who, for once, is being quiet. So you can do it too. Mr Corbell, you have the floor.

Mr Hanson: He is picking on me, now.

MR ASSISTANT SPEAKER: I remind you that you are on a warning.

MR CORBELL: The reasons for the delay were subject to a detailed independent legal arbitration between the territory, the contractor and its subcontractors. That independent legally binding arbitration determined that the delays were the result of the failure of the contractor to properly manage the installation of the security system. That is the truth, Mr Assistant Speaker, and no amount—

Mrs Dunne: That's your version of the truth.

MR CORBELL: No amount of manoeuvring, no amount of myth-making on the part of the Liberal Party can avoid that fundamental fact. An independent legal arbiter determined that the reason for the delay, and therefore the legal obligation on the part of the contractor to pay compensation to the territory, was the contractor's failure to deliver the system in accordance with the territory's specifications. That is the fact of the matter.

I turn to the issue of emergency services. Emergency services are provided for generously in this budget. I am grateful for the support of my colleagues to see additional financing, particularly for the ACT Ambulance Service. The ACT Ambulance Service will receive over \$5 million and 11 new full-time positions to help manage demand and to maintain and improve response times for the community when it comes to the delivery of essential emergency medical response.

This funding will provide for additional positions in the comcen to take the calls when they are received through triple zero to give a more detailed level of clinical triage so that ambulances are sent to the most pressing and urgent of cases, that demand and response is accorded appropriate priority, and that those cases that do not require ambulance attendance are appropriately directed to services that can provide support and assistance. This has been recognised as an appropriate way to manage demand. A number of other leading ambulance services in the country are acting in this manner, particularly in Victoria, and the government is pleased to be able to provide this assistance.

We continue to take the steps that a number of members have outlined in relation to improvements in community safety. The introduction of the new liquor bill, which will be debated by this Assembly in due course, will deal with those matters. The additional funding that is being provided will see more police on the beat to deal with alcohol-related violence in our city.

This builds on the significant investment the government has put into improving community safety, particularly in our city centres, through the installation and expansion of the CCTV network, including at places like Manuka and Kingston for the first time, Canberra Stadium and Manuka Oval. We have also put in place for the first time real-time live monitoring of the CCTV network to give police extra eyes and ears on the beat during those busy times on Thursday, Friday and Saturday nights. This live monitoring has already assisted police in detecting crimes, in intervening in incidents earlier, and in assisting them with their investigations and prosecutions.

Finally, I would like to briefly mention the reforms the government is making in relation to occupational health and safety. It is always a fundamental commitment of Labor governments to properly protect workers in the workplace and to make sure they are able to return safely to their families and friends at the end of the working day.

For that reason, the government is providing additional funding to completely overhaul work safety regulation in the ACT. This includes the establishment of WorkSafe ACT as a new division within the Office of Regulatory Services, five additional inspectorate staff to give us additional capacity to deal with workplace safety and the creation of a combined position of commissioner for work safety with the head of the new job of WorkSafe ACT. This will bring the education and compliance roles together into a single function. These are important reforms.

I notice that Ms Bresnan raised the issue about the desirability of a dedicated building inspectorate capacity. This is something that I am very supportive of as well as, indeed, is the commissioner and executive director, Mr McKay. I understand that he is progressing work in relation to that type of approach.

This remains a strong budget for justice and community safety. Whether it is in tackling access to justice, improving community safety in Civic, Manuka, Kingston and other night spots around the city or improving the safety of workers in the workplace, I am pleased to commend the budget appropriations to the Assembly.

MR ASSISTANT SPEAKER: The question is that the proposed expenditure for the—

Mr Smyth: What about the—

Mr Corbell: And you are a liar.

MR ASSISTANT SPEAKER: Members, please!

Mr Smyth: He must withdraw that. He cannot say, “You are a liar.”

Mr Seselja: He just keeps saying it. He is angry.

MR ASSISTANT SPEAKER: I am sorry, if there is a point of order, I did not hear it. I was trying to—

Mr Seselja: He said it very clearly.

Mrs Dunne: Point of order, Mr Assistant Speaker, he has to withdraw.

MR ASSISTANT SPEAKER: What was the point of order?

Mrs Dunne: Mr Corbell called Mr Smyth a liar and it needs to be withdrawn.

MR ASSISTANT SPEAKER: I did not hear it. If that is so, I would ask the minister withdraw that.

Mr Corbell: I withdraw, Mr Assistant Speaker.

MR ASSISTANT SPEAKER: Thank you, very much. We will move on. If everybody would just like to take a Bex and have a good lie down for a couple of seconds, I can deal with the business.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.14—Department of the Environment, Climate Change, Energy and Water—\$23,470,000 (net cost of outputs), \$15,137,000 (capital injection) and \$1,350,000 (payments on behalf of the territory), totalling \$39,957,000.

MR SESELJA (Molonglo—Leader of the Opposition) (5.16): I want to talk about just a couple of issues in the department's budget. One of the things that arose out of estimates was the issue around solar panels on Canberra Stadium. It was an example, I think, of not handling a process very well. I will give Simon Corbell the benefit of the doubt: it may not have been all his fault; he may have inherited some of this.

We had an original proposal, which was for three wind towers and 200 photovoltaic panels, which was announced on 14 December 2007. The result was 72 solar panels announced on 3 December 2009. We read comments by the project manager in documents received under FOI: "It has been agreed previously that the original scope for the works at Canberra Stadium had been poorly conceived and that we should re-evaluate the process and return to concept development." They had announced something that simply was not feasible. It is a bit of a pattern with this government that they are big on the announcements but not so big on the follow-through. This is another example of that.

Then we saw that the system was not operational when it was opened by Minister Corbell on 3 December 2009. There was another email from the project manager on 10 December 2009: "For your information, the solar system at Canberra Stadium is currently turned off, as our electrical contractor has failed to obtain necessary clearances to commission the system, despite previous assurances from him that this was being done." It is worth repeating that: "The solar system at Canberra Stadium is currently turned off, as our electrical contractor has failed to obtain necessary clearances to commission the system". So potentially it was not legal to turn these on, to install these panels. The minister was asked:

If the clearances had not been obtained, whether it can be clarified that when the meter was running that you saw, was the meter—was it switched on legally? Was it legally able to be switched on?

He answered:

DECCEW has no regulatory role in this matter.

That was not the question. The question was whether or not it was actually complying with the law. Given that the minister has failed to answer this, presumably the Minister for Planning will have to answer the question at some point as to whether or not this was legal or whether the minister acted illegally. We do not know the answer to that question, but we do know that the solar system at Canberra Stadium was turned off as the electrical contractor had failed to obtain necessary clearances to commission the system prior to it going ahead. We wait with bated breath for the answer to that question. If the minister for environment is not going to answer then we will have to pursue it with the planning minister and see if we can get a straight answer out of him as to what happened.

Other questions were taken on notice. There were some concerns about the size of some of these costs. We have got the monergy campaign. The monergy campaign is there to tell us that if we save energy we save money.

Mrs Dunne: And how much does that cost?

MR SESELJA: \$120,860.

Mrs Dunne: And how much did the word “monergy” cost?

MR SESELJA: Well, the creative campaign concept fee was \$25,000. It cost \$950 for the monergy press ads, \$750 for the monergy web banners, \$1,116 for the monergy launch, \$25,000 for radio ads production and placement and \$800 for the Canberra Show panel.

Mrs Dune: What about the front page of the *CityNews*?

MR SESELJA: The cost of the monergy advertising print placement was \$21,783. It cost \$30,000 for bus advertising placements, \$10,500 for Adshel advertising, \$2,700 for the design for banner system, \$975 for the DL brochure design and \$922 for the promotional material. It is interesting that when this was raised recently in the *Canberra Times* the minister said that they needed to pay \$25,000 for the concept and, I think, the copyright and the intellectual property. If you look up “monergy” on the internet, it is not a new term, I am told; “monergy” has been around for a while. You can go to urbandictionary.com and find “Monergy = Money + Energy”. So we are on the same wavelength. This is from 2008. They have got a different concept—

Mrs Dunne: Someone had typed “money + energy” into Google and they came up with “monergy”.

MR ASSISTANT SPEAKER: Order, members! You seem to be entertaining yourselves. Please allow Mr Seselja to entertain the rest of us.

MR SESELJA: Thank you, Mr Assistant Speaker. They have a different concept. It says:

A man has gotta have some Monergy to go shopping at the mall with a woman ... A Monergy man is what we take home to meet our parents ... Don't even look my way if you ain't a Monergy man!

I do not actually understand. It is a different concept, but it is the same word.

Mrs Dunne: You're not down with youth culture, then?

MR SESELJA: I am not down with the youth culture, it would seem. I am not sure if this was an original proposal that was put to the government, and the government accepted it, or whether it is something different. But "monergy man" has a slightly different meaning. It has a different meaning if you go to urbandictionary.com. It is an interesting concept anyway.

Spending \$120,000 to tell people that they should save energy I think is over the odds, Mr Assistant Speaker. People are generally aware that energy does cost money and that if they switch off the lights and take the usual prudent measures in their home they will save money. People are well aware that they get a big electricity bill or a gas bill every quarter. They are also aware that there are all sorts of appliances that are more energy efficient. These are good things, but you do need to question whether we need to spend \$120,000 in order to tell us that.

Going to the theme that we have seen before in terms of not giving us details of the spending, I think the minister's answers to questions on notice appear to contradict each other. In question taken on notice 260, the minister answers that the department will reduce its consultancy budget—its quite substantial consultancy budget, I must say—by \$108,000 in 2010-11. I think that is about a \$2.8 million consultancy budget, by the way, so there is a question there as to whether that is necessary, whether there is not more in-house expertise that could be dealing with that. We are told they are going to reduce it by \$108,000 in 2010-11.

In question taken on notice 261, the minister answers that the department will reduce its travel budget by \$10,000 in 2010-11. I am glad to see that. However, in QoN 379, the minister is unable to provide the estimates expenditure for consultancies and travel fees for his department in 2010-11 as "internal budgets have yet to be completed". That does not add up. How can he say that consultancies will drop by \$108,000 and the travel budget will drop by \$10,000 when internal budgets have not been completed? Those answers are contradictory.

The minister needs to clarify this. They cannot both be true. You cannot say, "We can give you a precise answer as to how much we are going to cut out of our consultancy budget this year and we can give you a precise answer as to how much we are going to cut out of our travel budget, but we have not actually done our internal budgets."

This goes to the point we have been making across the board in relation to this budget: there is no detail. When we ask for detail, when we drill down for detail, they simply refuse to give it. We know they must have it. It is revealed in questions on notice 260 and 261. They have gone ahead and done it; they are cutting the consultancy budget by \$108,000 and they are cutting the travel budget by \$10,000, but when we ask them, they say, “Well, we haven’t done our internal budgets.”

Mrs Dunne: So how do they know?

MR SESELJA: How do they know? Again, they have caught themselves out by being cute. The minister is being cute on this and, in the end, he is showing contempt for the Assembly. He is showing complete contempt in his refusal to answer basic questions. He has been caught out by the fact that he has shown that they have done some internal budgets. They just will not share them with us. They will not share the internal budgets. They will not tell us what they are so that we can make our own judgements. Mr Assistant Speaker, I will not take my second 10 minutes now; we may well come back to this later.

MR RATTENBURY (Molonglo) (5.26): Obviously the Department of the Environment, Climate Change, Energy and Water is one close to my heart, as the work they do is work that I believe is so important to our future here in Canberra. They are a small department with a relatively small budget, and their main focus is to nut out the policy solutions for our natural environment, our energy future and our response to climate change.

Since the department was created, I know that they have been working hard to develop solutions. To be honest, I am expecting big things from them this year. We are expecting to see the government’s sustainable energy policy; greenhouse targets, an extended feed-in tariff; action plan 2 for weathering the change; a substantial piece of energy efficiency legislation that sets targets for retailers; a review of the Nature Conservation Act, at last; a review of think water, act water; and a review of the waste strategy. Many of these things are interlinked, and certainly all of them are important.

As I flagged in my speech on this a few weeks back when the budget was first tabled, the department has struggled to meet its anticipated outcomes this year. Progress on the energy policy has been slow, and the department’s policy branch failed to deliver 50 per cent of its strategic objectives in the 2009-10 financial year. There is no doubt that the extra funding for departmental staff is welcome. That new funding only translates into three new staff positions on climate change initiatives and one on water, and I suspect the department has just as much if not more work to get through this year. Against a backdrop of a tight budget with little new spending, it is at least good to be moving in the right direction.

The three extra climate change staff will be allocated to implementing national energy policies, ACT energy efficiency initiatives—which is presumably the retailer legislation—and one person will be working on the government’s carbon neutrality ambition, which will be framed around a short-term 2020 target and the road map to 2060.

In regard to this new spending that has been allocated to the department over four years, can I say that this is exactly the type of funding that will help build the institutional thinking to develop good policy. It probably comes under the heading of “dull but worth spending”—that is, money to build capacity to measure our performance against targets better, to measure the effectiveness of programs better, and to assess the potential effectiveness of different policy options so that we can decide with some confidence where we want to invest. It also puts resources towards the government cleaning up its own act in terms of greenhouse emissions and setting some efficiency standards of its own.

The minister has stated that the government will be setting carbon budgets for each department, which is not a bad way to proceed. But we are going to need to see what departments are actually using first before we can accurately tell them how to cut their use.

It was heartening to see improvements in the data that is now required in annual reports. The Chief Minister’s annual reports directions tabled last week outlined requirements for energy consumption, greenhouse emissions, transport fuel, waste stream reporting and water as the ACT government moves towards using OSCAR, the online system for capturing ESD data. In the next couple of years as we get better data that is more easily compared across departments, we are going to be very clear about improving performance right across government agencies’ operations. I wish DECCEW all the very best with implementing this work across all departments. It has certainly been quite some time coming.

The issue of government departments improving their energy efficiency links quite strongly to the disappointment that we had at seeing the government’s purchase of green energy only go up to 32.5 per cent from 30 per cent last year. This government has committed to increasing it by 10 per cent each year until we reach 100 per cent. The last Liberal government committed to almost the same thing and, had they stayed in power, they say they would have delivered 100 per cent purchase of green energy for government operations by 2008.

I take some comfort from the fact that I know that everyone in this chamber supports increasing the purchase of green energy for government operations. I am just keen to see it actually happen. If we want to reach any kind of carbon neutrality in a meaningful time frame, this would be a useful contribution towards this and an easy thing to do. With energy efficiency saving across departments, it becomes an even easier thing to do as the savings are made that enable the additional purchase of that extra allocation of green energy.

I shall move on to climate change and energy policies and programs for the ACT. There is no doubt that, since the CPRS got so badly watered down by the federal coalition at the end of last year, it has seemed that climate change has been off the political and public agenda. I suspect, though, that this is just the media agenda and that people have not forgotten. The recent leadership change on the hill and talk of a federal election has certainly indicated that climate change has not gone away. The number of people who continue to raise it with me and, for that matter, write letters to the editor clearly underlines that fact.

As I indicated earlier, there are big expectations on this government to deliver on the climate and sustainability agenda this financial year. I respect the government's seeming commitment to this, but we have yet to see the proof which will be in the actual delivery of outcomes. Of course, one of the first big decisions is to decide a 2020 greenhouse target. The interim climate change committee report has already recommended setting a 40 per cent target off a 1990 base line. This is the position that the Greens have quite clearly supported.

In reflecting on the setting of greenhouse targets for the ACT, I came across some pertinent statements made by one of my colleagues here in this chamber, and I quote:

I am of a generation that does not need convincing on environmental issues ... In our new Assembly we have a chance to make a real difference, to do things differently, more cooperatively and more effectively.

Mrs Dunne: I thought you'd quote me rather than Zed.

MR RATTENBURY:

... there is the technology and the intellect to meet this challenge. What we have not had to date is the will to make it happen ... We have the will to do more than take a broad approach with meaningless statements, but to put clear targets on the record ... Setting targets will send a message that we take this issue seriously, and we commit ourselves to a solution seriously.

Mrs Dunne has got ahead of me here and she has clearly worked out that these comments were made by Mr Seselja when he tabled the Liberal's bill in this place at the end of 2008 that called for a 30 per cent reduction in the ACT's greenhouse emissions by 2020. The Greens believe that is too low; we think we can do better, and the science is telling us that we must do better. But I was encouraged to reflect that the Canberra Liberals have a reasonably progressive position on a climate change target for the ACT. Now perhaps it only remains to convince the government to come to the table with a position of leadership on this. I know the Canberra community are looking for this to happen.

We have the potential as the Assembly to inspire our citizens and set a benchmark which can make them proud. Certainly a local campaign here in the ACT is calling on all of us to set a 40 per cent target. I am sure you have all become aware of the "Canberra loves 40 per cent" campaign, which is made up of a coalition of groups from right across Canberra who actually want to see action on climate change. I had the good fortune to attend the media launch for the campaign a couple of weeks ago and was impressed by the passion and thoughtfulness of those concerned Canberrans. They told me that they have had an overwhelmingly positive response from the people they have been meeting at shopping centres and doorknocking, and that there is a great sense of the opportunity that setting a strong greenhouse target here in the ACT presents to us.

I personally hope that we, as legislators, do not let these people down. My sense is that governments and parliaments are often the slowest to act and that the community are losing patience with us on that front. When we say we care, they want to see that

we actually do care. When we say we are going to act, they want to know that we really are going to act, and we have that opportunity in the coming months.

I have talked before about the kinds of programs and policies that the Greens would like to see implemented to drive us towards a more energy efficient city. I feel as though we are still in somewhat of a hiatus on this policy debate as we await the government's energy policy. I sense that the government is going to have more coming down the pipe than it currently has going on. I certainly hope so.

What we would like to see is not just a greenhouse target but a comprehensive scheme that drives energy efficiency improvements across the city, standards that improve energy efficiency in old and new buildings, increased purchase of renewable energy by residents, businesses and governments and increased generation of renewable energy on a small and large scale.

While I remain an optimist about what we can do and what people are prepared to do, we still have quite some way to go, so we cannot be too frequent to claim systemic change when we are just tweaking around the edges. As an example, the minister was not only extolling the greenness of the government through its purchase of more green energy than any other government in Australia, but he also noted that the ACT public now consume around 118,987 megawatt hours of green energy each year. I congratulate those people who are doing that. Make no mistake, they are the early adopters, the people who care, those who are prepared to put their money where their mouths are on climate change.

The figure of 118,987 megawatt sounds impressive, until you remember that the ACT consumes around 2,800 gigawatt hours of electricity each year. Our green energy purchase is only a small percentage of that amount. I am not using this to say that it is pointless and that people should not make that choice to buy green power. In fact, quite the contrary—we should be doing more. My point is: what can we do as legislators to further encourage a much broader uptake of renewable energy by consumers right across the territory, because this is part of what are going to need to figure out. I will continue in my comments later in the debate.

MRS DUNNE (Ginninderra) (5.36): I will touch on some of the issues in this portfolio. Firstly, a few issues raised in the dissenting comments in relation to the estimates committee I think need to be addressed.

I am sorry that it makes me sound like a cracked record, but the unconscionable delay in the review of the Nature Conservation Act has to be commented upon again. This was an election commitment in 2004 made by the ACT government. The government committed itself to complete a review of the Nature Conservation Act by 2008. But here we are at the beginning of the financial year 2010-11. We were told by the minister that there would be a discussion paper on this matter released shortly and that some time in the next financial year—one presumes, therefore, in the calendar year 2011—we would see a completion of this process. We are 5½ years into a process that will take, by my calculations, possibly another 18 months. Seven years to complete what was supposed to be a four-year commitment, on something that was well overdue when the commitment was originally made, is unconscionable.

We saw just last week in the discussion on the commercial disposal of kangaroo carcasses and hides that one of the things that constrain us from doing that is the wording of the Nature Conservation Act. Simple things that would seem automatic and quite straightforward to the people of the ACT cannot be done because this piece of legislation has been unreviewed for 30 years. It is just far too long.

Under the Stanhope government since 2001 there has been very little done. There has been money appropriated and there has been a lot of talk—but not much else. I think it is time that the minister started to explain what “shortly” meant and to come up with a much more concrete timetable on the finalisation of the review of the Nature Conservation Act.

There is money in the budget for the transfer of responsibility of water regulation from the commonwealth. During the hearings, the minister was unable to answer a lot of questions about the number of users that would be caught up by the new arrangements, which are covered not only by the appropriation in the budget but also by legislation which is before this place.

There was no certainty as to whether current users were being metered and what equipment they would need to install to comply with the ACT legislation which would come into effect when it is passed in this place. The Liberal members in their dissenting comments made the recommendation that by the last sitting day in August 2010 the government table a plan for the implementation of the transfer of all water management responsibilities from the commonwealth to the territory, including the cost of implementation, what equipment will be required to install the number of water users that will require to be licensed, the revenue streams that will flow under the new arrangements for both one-off licence fees and ongoing extraction charges.

I thought these were simple and straightforward questions, but they could not be answered in the hearings, and it is particularly disturbing considering that there is legislation before this place at the moment.

I want to spend a little time on some of the water conservation measures that are the responsibility of the Department of the Environment, Climate Change, Energy and Water, and particularly to look at the stormwater retention artificial wetlands, which are becoming a part of the north Canberra landscape.

I think this is one of those quite laudable projects which seem quite simple in their conception but have a few problems along the way. I recall when the minister first became the minister, very early in the piece, he presided over the opening of the wetland behind the O'Connor shops. I was there for that and I think that has been a great success.

Mr Corbell: No. Brendan Smyth opened that.

MRS DUNNE: I thought you were the minister who opened it, just after you became minister, but not to worry.

Mr Corbell: No.

MRS DUNNE: You did something there, because I was there as a member. It was a Saturday morning. Anyhow, whoever opened it, it was initially an initiative from Mr Smyth and it is a great concept. But we have seen recently that some of this has fallen; the careful planning has been missing, it seems.

The minister, of course, is personally quite committed to this, and it was interesting when he was asked about this in the estimates hearing. He sort of looked a bit bored, as he does now, through most of it. But when you asked him about the wetlands system he immediately perked up and said, "I am really committed to this project." And he obviously is quite interested in it. Suddenly there was a bit more life about him and he did actually show some interest. It is clear that he is interested. He has tried to promote the wetlands by having bike rides around them and the like.

But it was interesting that he could not quite remember where some of them were. Banksia Street pond has just been finished, but Mr Corbell could not remember whether it was in Lyneham or O'Connor. It is a bit of a shame seeing as both Lyneham and O'Connor are in his electorate. I hope that this is not going to become one of Mr Corbell's great big ideas that fall a bit flat. The artificial wetlands are obviously something he is proud of, and I hope they are not going to become like Mr Corbell's district court.

One of the things that have befuddled this is the reaction of local communities and stakeholders, especially around the Lyneham wetland. There have been some very mixed views: some are in favour, some are cautious and some with actual expertise in the field are quite anti the whole process. The bottom line is that, irrespective of how much input the local residents have, it seems that their views are not being taken particularly seriously. It seems that Lyneham will get a wetland whether it likes it or not. I hope that this idea does not fall foul of community opinion because the minister has not listened to the community.

Not just the community have reservations about this; the latest addition to the list of people who have reservations about the process is the ACT Auditor-General, who only this week released her performance audit into water demand management. In that report the Auditor-General spoke about the Flemington pond, which is the first and the one highest up the creek. This project is part of the integrated waterways project of which the Lyneham pond is part. The Auditor-General found that the completion of the project in 2009 was more than 12 months late and that that completion did not include landscaping. The Auditor-General also found that eight months after the ponds had been completed they are not yet supplying non-potable water to end users, and none of the expected water savings from the CIUWP—the Canberra integrated urban waterways project—have been delivered as originally intended.

The Auditor-General also noted that the timetable for supply of non-potable water from the CIUWP—they need a better acronym—will not occur until 2015. The report further found in relation to the Flemington Road project that the prospect of developer contributions of \$3.3 million to the project had dried up, so to speak, and that the ACT government will have to absorb, so to speak, those costs. I did not write this actually; I will have to have a word to my staff. Mr Corbell's big new idea for the Canberra integrated urban waterways project, like many projects of the ACT Labor

Government, is an idea bereft of detailed delivery. (*Second speaking period taken.*) As a result, I think that the people of the ACT pay dearly for it. It has not been delivered on time or on budget. Importantly, it is taking much longer than planned to deliver the water savings that Mr Corbell and the department said that it would.

On the subject of water savings, the Auditor-General in her report also made comment about residential water savings. She was critical of the performance of the minister's department in this area as well when she said:

DECCEW needs to improve the reliability of the measures of water savings and compile sufficient and up-to-date information to assess the effectiveness and relative merit of various residential water saving initiatives.

It is interesting because the take-out message I took from reading the Auditor-General's report was that the domestic water saving measures in DECCEW, which are the ACT government's, were really a bit piecemeal. Pretty much a constant criticism of mine has been that you have a little project over here to appease some people and a different little project somewhere else to appease other people and that everywhere in public policy we do these things. Somebody says, "Why don't you have a program that does X?" and to appease that group you do it and you do not quite have a really good policy formulation for why you do it, what the outcome should be or the measures that you should be aiming for.

What the Stanhope government has done over many years in its residential water saving initiatives is to put a little bit of money here and scatter it around—sprinkle it around, should I say—and it does not actually give the benefits it should. I have advocated for a long time—and my colleague Mr Stefaniak before me for a very long time—that all of that money would be better spent if we had a project more like the Queanbeyan City Council tune-up program where you go house by house, do an audit and make some fundamental changes.

One of the things that we know is that people often do not pick up these projects if there is a co-payment, if it is hard to do et cetera. Queanbeyan got around that because they had a very strong imperative; they got around it by going house to house and offering people a suite of services up to a particular dollar value—change some tap washers, turn a single-flush loo into a dual-flush loo, change some showerheads. The Queanbeyan City Council set themselves measurable indicators and they met those. One of the reasons they did that was that they had to do something to stop the volume of water going into their water treatment works, and they actually did that by this water audit. It had the added benefit of reducing the amount of potable water that was being used in households, and it has been a very effective program, which we on this side of the border have always failed to emulate because the Stanhope government does not have the vision to do it.

It is interesting to look at the criticisms by the Auditor-General of DECCEW's programs. ToiletSmart is a great idea; it is part of what Queanbeyan has been doing for years, but it is not done as effectively as it was done in Queanbeyan. At the last election, we proposed that money should be put together in one big hit so that we could roll out ToiletSmart and target it to people on low incomes who could not easily do this themselves. If Mr Corbell were open to this, he could learn something from

this, as we have learnt from Queanbeyan City Council and the effectiveness of their domestic water reduction programs.

It is true that DECCEW is a new department brought together from a number of areas with disparate activities, but we are now 18 months or thereabouts into its operation and I think that we should be seeing a better and more responsive department than we have. That has been highlighted today by Mr Seselja when he pointed to either the incapacity or the unwillingness of the minister to reveal the programs that underpin the output classes.

Again, DECCEW was one of those agencies that refused to do this. DECCEW did not or would not answer questions about how they proposed to spend their money on travel and consultancies and things like this. They said that they could not answer the questions because they had not done the budgeting. Well, today is the beginning of the financial year and I think it might be time that the minister started to answer those questions.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.52): I think I can speak without closing the debate, and there is not really any closure of debate. I would like to speak now because, regrettably, I am on a pair from 7.30 this evening and I have some duties as minister for police. So I am going to address a number of issues now, although I am cognisant that the debate will continue in my absence.

First of all, I simply say that the silly and juvenile criticisms from the Liberal Party when it comes to budgeting are just that. Do they seriously believe that the budget is going to rise and fall on the internal allocation within departments of appropriations that this Assembly will approve? The Liberals know that the budget is determined on an output basis and that payments are made on that basis. They also know that it is not standard practice for every single element of internal budgets to be finalised in the period of time that we have been working through this estimates committee process. It is a silly, juvenile, nit-picking approach to this debate and it does them no credit.

In relation to the work of the department overall, I am very pleased with the funding that has been provided to the department. As Mr Rattenbury has observed, there is a large amount of policy work proceeding. A large amount of that is very well advanced and I am pleased with the very dedicated work of the officers of my department in bringing a very broad range of very complex policy matters to a timely conclusion. I look forward to making announcements in relation to a range of those policy matters in due course, and certainly this year.

It is interesting to observe that the Liberal Party's criticism does not really focus on the issue of climate change or greenhouse gas reduction targets, which, of course, is a crucial issue for the city. I note Mr Rattenbury's comments about the Liberal Party having a bill on the table for a 30 per cent reduction by 2020 based on 1990 levels. The interesting thing will be whether Mr Seselja sticks by that target, because he is on the record, in a soft, sort of weak, weaselly kind of way, as trying to dissent from the report of the committee on climate change and its report on greenhouse gas reduction targets, saying he is concerned about taking what he characterises as too extreme a position.

Of course, 40 per cent is only 10 per cent more than his 30 per cent, so I am just wondering whether or not he is still committed to that. That will be tested in the coming months when the government announces its position in relation to the 2020 target and I look forward to Mr Seselja certainly not backing down on what he has himself put on the table, although I must say I think he may end up being as weak as he has been on greenhouse gas reduction targets for the past year.

The government is providing funding for improvements in relation to the development of climate change policy, energy efficiency policy and a range of other activities, particularly within government. Mr Rattenbury has commented on those, and those are measures that the government will be working strongly on.

What has not been mentioned is some of the investment that is occurring in relation to water. Two very important programs are underway as a result of decisions in this year's budget. The first is for the design and installation of stormwater reticulation systems, pipes and pumps, at the new valley, Gungahlin and north-western ponds. This investment builds on the work of the existing Canberra integrated urban waterways project and, contrary to the criticisms of Mrs Dunne, in fact the investment in the Canberra urban waterways program is overwhelmingly supported by those communities. You only had to go to the community fair at Dickson that occurred about a month or so ago. Two thousand people in the suburbs attended that fair, overwhelmingly positive about the investment the government is making.

In relation to Lyneham, again, yes, there have been a couple of residents who have expressed concern, but again, the overwhelming comments have been extremely positive. My department has worked closely with the residents who have had concerns to talk through their concerns, and significant modifications to the scheme have occurred in the design for Lyneham as a result of that.

In relation to the Auditor-General's comments, particularly around the efficacy of programs such as ToiletSmart and so on, I do have to raise some concern about that issue, because the auditor took the view not that there was not value in replacing single-flush with dual-flush toilets but took issue with the way it was measured. She felt that the use of estimates was not acceptable from an audit perspective. Okay, I accept that might not be acceptable from an audit perspective. However, unless we go into every single person's house and physically measure the reduction as a result of the implementation of these savings measures, we are not going to get a more accurate estimate, a more accurate measure. From a cost perspective it is completely impractical, and from a privacy perspective probably quite objectionable, to go into each and every person's house who has had a toilet retrofitted and try and measure the water saving in detail to provide a better accounting of that saving.

So we use examples based on estimates. We know what we can generally save from replacing a 12 or 15-litre single-flush toilet with a nine, seven or four-litre—whatever it might be—low-flow, dual-flush toilet, and we make the estimates on that basis. It is very difficult to achieve the level of detail that the auditor was requesting and, whilst I understand that that may not be acceptable from an audit perspective, I think there are a number of other practicalities that need to be had regard to.

Finally, the government is providing significant funding for the development of a biodiversity conservation model. This is important in terms of managing future development in the city, the way that we provide protection of important parts of the national environment that require protection and how we manage offsets that may be associated with development activity. The development of that new model is ongoing.

There is a range of issues I could reflect on in this item but I think those are the primary ones, and I commend the appropriations to the Assembly.

At 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

Sitting suspended from 6 to 7.30 pm.

MR RATTENBURY (Molonglo) (7.32): Thank you, Madam Assistant Speaker, for the call and for taking the chair. Before the break, I was talking about energy policy when looking at the DECCEW line item. I want to make some further comments. I particularly want to start on energy for low income families. I know that the energy concession rebate technically occurs in the disability and housing portfolio, as does the administration of the water energy savings in the territory program, otherwise known as WEST. So there will be an opportunity to comment on those items more at that time.

But the way that we manage those in our community who will be most affected by increasing energy prices and the impacts of climate change will be central to designing energy policy over the next 20 years, particularly as we transition away from fossil fuel-based energy. We need to see a firm commitment to put at the core of programs for energy efficiency low income families and others at risk of energy poverty. I said in my last speech in this chamber that we had not seen many encouraging signs of that so far.

I note now that the government has since, indeed on the day of the estimates hearings, allocated a further \$1.3 million to be delivered by DHCS, to go towards improvements to public housing, installing ceiling insulation, replacing inefficient hot-water systems and for energy efficient appliances. And this is welcome. The very small but successful WEST program, which primarily assists public housing residents who have trouble paying energy bills, could teach us some valuable lessons about how we can best engage with householders about getting real and meaningful improvements in both the construction of houses and the behavioural changes that will reduce energy consumption.

In terms of energy programs that are currently underway, I think that learning about energy efficiency and how we can best save ourselves some money, as well as saving energy, is something that most of us could (a) learn more about and (b) be usefully reminded about. It is my view, and that of the Greens, that it is not an unreasonable thing for a government to promote the saving of energy to the community, much in the same way as we promoted the saving of water through campaigns such as use water wisely.

As such, I have to confess to being a little perplexed as to why the Canberra Liberals are so up in arms and have publicly complained about money spent on advertising energy efficiency to the ACT public. I think we all saw the article in Sunday's *Canberra Times*, and certainly Mr Seselja was remarking this point earlier. Frankly, I thought that it was a bizarre article. I think that their fascination with picking apart the expenditure on this campaign is unfortunate. There is the old adage—and as the party of entrepreneurs, as they would historically claim to be, they recognise—that you need to spend money to make money. And promoting energy efficiency is all about that. It is about spending a bit of money to save us a lot more money in the long term. I am sure members of the Liberal Party must have seen the McKinsey cost curves which detail the potential economic opportunities of energy efficiency.

I think it starts to beg the question: are there any policy measures that Mr Seselja would actually support when it comes to tackling emissions? Every time I hear him talk about this—be it the feed-in tariff, be it energy efficiency campaigns—I hear him critiquing policy ideas. And I am unclear what he would actually support in terms of trying to save energy and cut greenhouse emissions.

When it comes to the environment part of DECCEW, I spoke at some length the other day about the management of our parks and biodiversity as we discussed the TAMS budget; so I will not spend too long on it again here. Suffice it to say that we, along with Mrs Dunne, I know, wait with bated breath for the review of the Nature Conservation Act. And Mrs Dunne spoke about this in her comments earlier. It has been a long number of years coming and I think that the management of parks will benefit from the focus the review of the act will bring. Our parks and nature reserves are struggling to meet the challenges of feral weeds and animals and fight off encroachments on habitat. I sincerely hope that we do see the Nature Conservation Act discussion paper very shortly, because it is well overdue.

I note that the government has also funded a policy position to develop a biodiversity offsets policy. I was somewhat heartened to hear the minister say in the estimates hearings that biodiversity offsets were not a get-out-of-jail free card. I have to say that my fear is that the risk of developing a biodiversity offsets policy is that you end up institutionalising offsets, when offsets in fact will not always be an option for developers and proponents.

The ACT, in particular, will face very big challenges in finding offsets for lost habitats. Habitats are not created overnight and they cannot be picked up and moved. And often offsets are used by developers as the get-out-of-jail free card or biodiversity pardons when they are faced with a situation of losing habitats. This is going to be very apparent with the Molonglo development, where we are seeing nationally significant habitats being put under threat. I would like to debate further in this chamber, at some point, the efficacy of offsets policies.

I think many members would have seen the article recently in the *Canberra Times* from a scientist who was dissecting the notion of offsets policies and talking about the fact that it is fine to go out and plant trees today as an offset policy but, in fact, the important parts of the ecosystems that we are destroying are, in many cases, many hundreds of years old. It takes 100 to 150 years for a tree to develop the hollows that

species like the superb parrot can actually live in. And that is what we are losing in places like Molonglo or Crace, as Ms Le Couteur was asking about in question time today, when we knock over these stands of developed and mature trees.

I come now to water. Against the backdrop of the enlarged Cotter Dam, a project that perhaps we now understand to be ahead of its time or at least built to withstand the very worst of climate scenarios, I wonder whether conversations about managing the demand side of our water consumption seem a little disempowering for the average Canberran. I hope not. There is no doubt that we still have work to do on water demand management and that, with an expanding population and new developments going in, we need to learn how to do things better than what they have been done to date.

The government seems to have focused on water sensitive urban design at a precinct level but it is unclear that DECCEW is developing large amounts of expertise about the application of non-potable water services at a household level. We certainly are not getting any reassurance that household level non-potable water will be available by the time new suburbs are built.

The Greens support the development of the urban wetlands and non-potable water for public facilities but we think that the government will need to spend more focus on household grey water, which will also mean further work on the regulation issues and the impact of different grey water systems, the point being that we do not want to have rules that are too rigid and do not allow different options. But people who are selling products need to have a clear set of guidelines to abide by.

I spoke in my last speech about the fact that we are still waiting for the government to expand the ToiletSmart program to include a visit by a plumber to offer a home tune-up. Again, that is something Mrs Dunne spoke about earlier, the Queanbeyan experience. It is not a big ask really to include a free water tune-up for those who access the dual-flush toilet rebates. I understand that the government is loath to subsidise average income earners in Canberra for items that they can purchase themselves but I wonder whether the opportunity of a plumber's visit would also provide a tool for engaging with the public more effectively.

On this point, the recent Auditor-General's report indicated that residential water saving measures had low take-up rates, take-up rates that were small relative to the population of the territory. In some ways this does not surprise me, and I do wonder how we might be able to change our approach to capture the majority of houses and not just those few who are early adopters and who are motivated and perhaps have the time to get out there and do it themselves, but rather ensure that we implement these efficiency measures right across Canberra so that we can be confident in the knowledge that our houses have been retrofitted and tuned up.

I do not know that I have got the answer now for how that should be done but I think we can do it better. We really need to proactively engage people. We know that the National Water Commission has found that the ACT uses more water per property than Melbourne, Sydney, Adelaide or Brisbane. While we have done a good job cutting our water use by 20 per cent since 2003, we clearly still have much to do as a dry, inland city.

The Auditor-General's report also highlighted that we do not have mechanisms in place to get consistent measurements of water savings achieved from residential measures and that, indeed, savings were likely to be overestimated. Obviously this is going to be important as we move forward, reviewing the think water, act water strategy, to consider not just how we achieve better public engagement but also how we audit and account for the programs we put in place and the impact they are having. Once again, record keeping and reporting can often seem a little dull but, in measuring the effectiveness of public policy, it is essential that we do this.

In summary, on both climate change and water, we are in a place of consolidating data collection and analysis, improving the way we measure the effectiveness of programs. What we have learnt in the last 12 months or so, through Ms Le Couteur's particularly persistent questioning, is that we simply do not have the measures so far of where we are at, who is doing what, what our current performance is and, therefore, what our future performance will be. If we do not have the baseline, we certainly will not be able to measure where we are going.

So I think it is going to be a big 12 months for DECCEW. They have got some additional resources in this budget but we have great expectations from them that they deliver some very significant policy tools that this government needs in order to move beyond simply talking the talk. We need to see some real delivery in the next 12 months on some key policy areas of our energy, water, waste—the policies that are going to ensure that the ACT becomes the sustainable city that many of our residents expect it to be and that I and my colleagues in the Greens truly believe it can be.

MS LE COUTEUR (Molonglo) (7:42): I rise briefly to talk about the waste aspects of the DECCEW portfolio. I will only speak briefly because I spoke at some length about waste in discussing the TAMS portfolio. Of course, we have the situation, with waste, that TAMS is the actual program delivery agent but DECCEW is the policy maker. That is something which I think we are going to have to keep a very close eye on. Will the separation between the program delivery and the policy lead to a good outcome or lead to what seems to be happening at present, that is, only business as usual and we are not going anywhere?

I note that the year before last there was the Wright review. That was in 2008. That appears to have affected the government not at all. They have totally ignored, as far as I can tell, all the findings of that review. It certainly recommended an increased investment in waste processing. It said that, if we tried to move our diversion rate up to 90 per cent, it had economic modelling to demonstrate that that was the best deal economically for the ACT as well, of course, as a much better deal than what we have at present, where we only have a 75 per cent diversion rate.

However, I am aware that there is a new waste strategy coming out—I believe, in the next month. I can say that we are waiting with bated breath to see what is in it. We sincerely hope that it will be better than at present. But we do have some serious concerns about what is likely to be in it, and one of them is waste energy.

This could be done well but it also could be done not well. If it is not done well, incineration can be very problematic. Research shows that incineration can be even

more polluting than burning coal, and of course we would almost certainly have the incineration quite close to ACT residential areas. I caution the government to be very careful about waste energy schemes. From what I can see, there are some which would be a very good idea and some which would be a very bad idea.

There are other areas, of course, that the Greens would like to see the government address, areas within our parliamentary agreement—commercial waste, which is half our waste and is still not being properly dealt with, and organic waste. The parliamentary agreement talked about a trial of organic waste, although I think we have now gone past that. We do not need to trial it. We need to do it. We can follow the leads of more innovative communities such as Goulburn who have a wonderful composting set-up where every household has a third bin that they put in all their garden waste and their household food waste. It is taken away, is composted and is then sold to local farmers. So we get food going back to the soil to produce more food. This is the sort of thing the Greens would like to see. And if we did as well as our surrounding shires, we would be able to do it.

Something else I would like to mention is the issue of toxic waste. The Greens have been campaigning quite strongly about compact fluorescent lights and small, disposable batteries. Both of these contain toxins, mercury in particular. Both of these at present go straight into our landfill. And while there is not a problem right now, in 20 or 30 years there almost certainly will be a problem. The Greens would like to see the government put in collection points so that people can easily take what can only be called hazardous waste somewhere to be disposed of.

The government's response to date has been, "Yes, Ms Le Couteur, it is hazardous waste. That is why we are not collecting it." But the problem is that we are selling it in the ACT. We actually have to have some system for dealing with it, apart from just saying, "It is all too hard."

Of course, the other big waste issue is looking at the creation of waste in the first place. The quantity of waste in the ACT is going up every year. So even if our diversion rates also went up, the absolute quantity of waste is increasing, and this is something which, we as a community, and the government need to reverse.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.15—Department of Education and Training—\$502,137,000 (net cost of outputs), \$193,282,000 (capital injection) and \$236,998,000 (payments on behalf of the territory), totalling \$932,417,000.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (7.48): The ACT Greens are pleased with a number of the budget items for education and training. There are some big ticket allocations, such as the teacher quality institute, the productivity places program and the new schools operating costs, which will require close attention. We will be seeking updates on how these will be managed and progressed throughout the year.

The ACT teacher quality institute has a budget allocation of close to \$4 million over four years. We welcome this investment, which is part of the bilateral agreement

between the commonwealth and the ACT to improve teacher quality. It will bring the ACT in line with other jurisdictions that already have teacher registration bodies. Almost half of the \$4 million is to be spent in the next financial year. We were advised in estimates that this will be mainly spent on staff and IT.

Working through how the existing teaching workforce move easily into the new registration regime is important and needs to be consistent with arrangements in other jurisdictions, where transition arrangements were kept to a minimum, to limit any disruption to the teachers. We understand from evidence given in estimates from the department and the minister that there is a lot to do in establishing the institute in a short time frame, and it will involve significant work with the commonwealth on the national partnership requirements. Introduction of this registration system and nationally agreed standards are positive steps, and we look forward to receiving progress reports.

We are concerned that there appears to be little done in the budget to address the major issues raised by the Australian Education Union. Again in estimates, they raised the issues of professional development and salary rates for teachers. The minister indicated that professional development in the next 12 months will centre on implementation of the national curriculum. Obviously, this will be needed, but not at the expense of other professional development for teachers, and the union say this is lacking now.

There was also a key issue in the Shaddock review where a significant investment was called for in professional learning for public school teachers. Shaddock recommended:

... top priority is given to the development of capacity of teachers to teach all students. Support for classroom teachers should be provided through professional learning ...

The review also referred to the need to directly link teachers' current concerns and issues with their professional learning.

As I said, we understand professional development is needed for changes in the education system, such as a move to the national curriculum. But funding for professional development to address current concerns or issues, such as those raised by the Shaddock review—that is what the teachers and the union are calling for—is needed to ensure we improve what is happening in the classroom on a daily basis.

Our teacher salary rates are falling behind their counterparts in other jurisdictions. There are salary problems once the teachers get to the top end of the salary incremented scale. We understand that the salary rate for deputy principals is some 15 per cent below their counterparts in New South Wales. The minister acknowledged in estimates that we need a better way of rewarding teachers. We know that in relation to salaries the next round of enterprise bargaining is some 12 months away. In the interim, however, some broader strategies are required to attract, retain and reward our teachers, rather than hoping that school based management will save the day.

The minister, if he wants to fundamentally change the way we reward teachers, as he said later in estimates, needs to be open with teachers in the lead-up to the enterprise bargaining round, so that we end up with the best teachers and they are paid accordingly. If he maintains that restructure of the teaching system is critical and he sees the budget—through school based management, the teacher quality institute and national standard—providing this opportunity, he needs to move quickly and engage all parties in the process.

School-based management has been allocated \$600,000 over two years and involves trials in two schools, with the plan that other schools will move into this model in the future. Before school-based management is adopted, it will be important to understand the implications of the change and the impact on existing teacher workloads. We will need to see how it will produce the savings the minister predicted in estimates, and we feel that, if savings are made, it will be in the longer term rather than the short term, as hoped. Apart from, hopefully, gaining some advantage from reforms associated with the introduction of school-based management, the workload on teachers will not decrease. In fact, with the work involved in getting the national curriculum in place, the introduction of the online virtual learning environment, new legislation, with the implementation of earn or learn, and changes to things such as the suspensions regime and establishing new schools, in some cases teachers will be stretched considerably more in the coming 12 months.

In relation to this, I note that efficiency savings will result in a staffing reduction of some 35 staff from central office. We have been assured by Dr Watterson, the chief executive, that this will occur through natural attrition and that none of these reductions will impact on schools. With the current workloads, and with new initiatives on the agenda, teachers hope this is the case, but we will be following this issue to ensure there is proper consultation with the staff and the union about the cutbacks and the impact on teachers and students.

In relation to Aboriginal and Torres Strait Islander students; in estimates we asked questions concerning transitioning programs and extending the Gudan Gulwan program to years 11 and 12. Dr Collis, from the department, did confirm that there were a number of transition programs that look at the transition of young people right through to graduation. It was pleasing to hear that one program includes scholarships for students to move on to a teaching career. Dr Collis did indicate that the transitions were a keen focus of the department's work and that the department is in the process of undertaking consultation around a strategic plan for Aboriginal and Torres Strait Islander education. We note also Dr Collis's comments that it is clear that transitions, particularly primary school to high school and high school to college, are areas we need to continue to attend to and continue to address. The ACT Greens will be monitoring this, to ensure resources and appropriate funding are provided within the budget allocation for this area.

In response to our question in estimates on extending the Gudan Gulwan program to years 11 and 12, Dr Collis indicated that conversations were taking place in regard to this and that the department was keen to move forward with the program. Again, we are keen for this expanded program to be implemented sooner rather than later and call on departmental officials to keep progressing this matter.

One of the department's priorities is the aim of developing the next generation of teaching and learning online, including through the delivery of a new virtual learning environment. We have learnt this is being trialled in a number of schools, with a view to a full rollout to all schools at the beginning of term 3. Given the school safety issues raised in the recent student survey, which indicate one in three students have safety concerns at school, I am pleased to see that provisions have been made in the trial system for cyber safety.

Members would be aware of the worrying increase in the use of technology to harass and bully students. This is known as cyber bullying. It is essential that the government and the department pay close attention to this in introducing new technology, which I understand will allow students 24-hour, seven-day-a-week access to the system. I note access will be allowed for parents, as part of a later stage in the development. Certainly, it sounds an exciting innovation, but ensuring that all students are able to safely access the system, regardless of their home circumstances, is something that needs to be considered as the system is rolled out.

There was considerable discussion in estimates around the issue of cyber bullying and the use of mobile phones. We were informed that this issue was the focus of the safe schools task force, that they were having conversations around this matter and that the department is in the process of writing to the minister in regard to some ideas on how to tackle the issue of cyber bullying. It is planned to deliver a program around cyber bullying next year, to reduce cyber bullying. This is all very well, and we appreciate this is a complex issue, but it seems we are moving too slowly.

What concerns me is the fact that data on bullying is captured at school level only, and that is for a variety of reasons. We are therefore left to rely on the school safety survey which, as I raised in question time this week, shows that 30 per cent of our public students do not feel safe at school. Again, we look forward to seeing what will be done in this area in coming months, but suggest that, in light of recent events in relation to bullying in other states and the school safety survey results, the department needs to really focus on this area quite quickly.

In estimates, I raised the Auditor-General's report on students support services for public high schools, which was released on 21 May of this year. (*Second speaking period taken.*) The Auditor-General's findings were around schools failing to keep their obligations under the safe schools policy, leading to the risk that policies were not being implemented as intended and that most schools have failed to meet requirements to publish their school plan on websites. I note that, in the response to this, the department has undertaken to improve its performance indicators and its communication of support services. We certainly hope this is the case, as the student survey results show that this support is clearly needed.

We are pleased to see that the government has allocated \$1.6 million over four years to address some of the challenges in special education. In estimates, the minister and departmental officials indicated there is a significant amount of work planned in relation to special education. We appreciate that the Shaddock review was a very detailed review and that the Assembly committee inquiry into the needs of ACT children with a disability is yet to report its findings. But we need to ensure that issues

raised in the review, and those of concerned parents, are addressed as much as possible with the funding allocated in the budget. We are encouraged by responses by Dr Watterson and Dr Collis in estimates concerning improvements around the transparency of the SCAN funding model—and that they felt that the Shaddock recommendations on the process were timely.

The parents' views of the individual learning plans—and their satisfaction with these—were another issue we focused on in estimates. Dr Collis acknowledged that it was an area that we need to do more work around. We certainly will be following up to see how that work progresses.

We look forward to seeing how the government respond to the Shaddock review recommendations. It is clear from the number of options put forward in the review—and the minister indicated in estimates about the growth in the number of children with special needs—that investment beyond the \$1.6 million needs to be made in coming years to adequately support these students, parents and teachers. Professional development for teachers of students with a disability is something we have covered earlier, and it was a key issue that came up in that Shaddock review.

We welcome the allocation in the budget to ACT primary schools for the swim and survive program. This is something we have worked hard with the Royal Lifesaving Society and the ACT government and Minister Barr to progress, and we felt funding for this program was important. It is part of the ALP-Greens parliamentary agreement. The program will go a long way towards ensuring primary school students have access to vital swimming and water survival skills. Again, I do thank the minister, in a tight budget, for ensuring that this was progressed.

The major part of the education budget is taken up with new school operating costs in Harrison, Tuggeranong and Gungahlin, with almost \$14.5 million over four years. This represents a significant investment in areas where demand will be high. Given some of the cost concerns raised around the building of the education revolution school building work, this work needs to be well monitored to ensure the ACT obtains best value for money.

I raised in estimates the issue of portable classrooms being used at Harrison. I accept the reasoning for this, as demand for places fluctuates, but it is important that use of these type of temporary arrangements is kept to a minimum and, if used, that they are properly equipped to support students and teachers and provide a satisfactory learning environment.

The ACT Greens will be supporting the education and training budget. There is a considerable amount of work to be done, with the major part of funding for the larger initiatives allocated for the next two years. The estimates committee had concerns around the lack of robust accountability indicators for the users of public education services—for students and parents and carers—and we note the government, in their response, are working towards the development of these as part of national measures of satisfaction.

We will be monitoring the education budget, progressed against these, when they are developed—and the existing indicators as well—to ensure that ACT students, parents

and teachers are given the proper level of support to assist in obtaining the best education outcomes for all students.

MR COE (Ginninderra) (8.03): Madam Assistant Speaker, thank you for the opportunity to speak on this matter today. Steve Doszpot is unfortunately unable to be here due to a family commitment.

As with the other portfolios under Mr Barr, the strategy has been the same leading up to the budget and estimates—spin, spin and more spin. First, there is a comprehensive media release with big, overall numbers. As Minister for Education and Training, this portfolio's announcement trumpeted "\$59.5 million in ACT budget continues the government's commitment to education". And, as is now customary, the minister issued a series of media releases mixing, matching and singling out various components of the budget. The public are left with a sense that the government has invested more in schools than was initially thought.

For example, in one media release Mr Barr proclaimed \$14.4 million to fund new schools and in another and exuberant \$28.4 million to support two new schools. Which is the correct figure? I am sure the minister will say they both are, and perhaps he is right. However, in a budget that has been characterised as not accurate and transparent enough, this is the type of public relations voodoo that leads to further misinformation to the public.

Truth be said, the Stanhope government's budget is a mid-term budget poised to cement ACT Labor's legacy in the territory. There is great talk of marquee projects and capacity building, but it is thin on investing in Canberrans. This is understandable, given the minister's record on not consulting the community. It is, after all, far easier to build and say that the Stanhope government is doing something, than to consult and deal with the greyness of people issues. The formula is simple: capacity building projects costing money that in turn garner media attention and leave a tangible legacy. On the other hand, grassroots people and interest group issues take hard work, require listening skills and most often do not warrant good spin.

Take for example Ms Penny Gilmore from the Australian Education Union. She said, "Since Minister Barr has been the minister the meetings have become increasingly irregular, to the point where, at the beginning of this year, I received an email proposing three half-hour meetings for the entire year."

It is perhaps not a coincidence that throughout the budget and estimates the AEU have been unequivocal in stating that this budget is short on investing in people. By this they meant that the government's budget was thin on addressing issues such as teacher salaries, work-life balance, professional development and training, teacher workload and duties, and the list goes on. Keeping in mind the AEU sentiments throughout estimates, the minister was consistent that a restructure is critical within the ACT education system.

At worst, this critical restructure may be the catalyst for cuts to the teacher workforce, as intimated in the following exchange:

MR SESELJA: So some staff will have to go in order to get these \$18 million savings. What, if anything, will be quarantined from the \$18 million in efficiencies?

Mr Barr: At this point I am not quarantining anything. We will make those decisions based on sound advice from the department over the next few years.

MR SESELJA: So it will not just be out of head office; it will be also out of schools. It will involve the teaching staff—

Mr Barr: I am not ruling anything out at this stage. We will look at all of the options and make our decisions and our announcements in due course.

That exchange was on 20 May. As a worst-case scenario, this is an ominous exchange in light of the minister's expectation of being an early adopter of the national curriculum. As the minister reiterates:

... I think it would be appropriate to observe that a number of structural changes will clearly occur in the ACT system over the next few years with the implementation of a national curriculum ... We will have a national curriculum; so there will be a significant workload reduction in that area in the future.

The truth is that if the Stanhope government can get away with it, they will not think twice about doing away with the things that make this city proud. Recall in 2006 when the minister himself oversaw the closure of 20 neighbourhood schools in order to save money. Yet he has splashed out with millions of taxpayer money to fund his building projects. Then, in last week's Assembly sitting, the minister, uncomfortably supported by the Greens education amendment, provided indirect contrition that the sham consultations of 2006 under his watch should never have occurred and that processes need to be more rigorous.

The Canberra Liberals stand firm in their decision to oppose this bill as we feel that there is more scope to make it stronger and provide greater assurances to the communities within our city. Last week also saw the minister backflip on his position of extending funding to the Shepherd Centre and Noah's Ark. This is something Mr Doszpot campaigned for tirelessly. In front of one of these organisations the minister provided a curt response to our motion, uttering the following statements: "There is little benefit to the public in the Assembly debating funding of two non-government organisations in isolation from the wider policy developments that are at stake here."

He went on to say, "I think the people of Canberra will be better served by the chamber of serious policy debate." That sums up this minister's attitude. By the next day, Minister Barr recanted his position and extended funding until December this year. Without these organisations stepping up to defend themselves, the government would have ignored them in the hope that they would just simply go away.

True, they were informed that funding will cease. True, they were told that funding would be reallocated through a tender process. True, they were informed of tender priorities. Yet they were not given further details on the services to be tendered, no

information on the tender processes and only when finally cornered in the Assembly a prospective tender date was forthcoming. Both organisations have now provided a temporary reprieve until December. We hope that they will be able to continue providing their vital services in the ACT well into the years to come.

Again, I frame my statements with the fact that this budget is low on people investment. This is also apparent on the issues of safety in schools. The government boasted that since a safe school suite of policies was introduced, critical incidents involving violence fell from 75 incidents to 29 incidents in 2008-9, and this year to 15 incidents.

According to the government, there is a set of clear guidelines for schools to handle violent attacks at schools. These were called the critical incident guidelines. It is typical of the portfolios under the minister. They look impressive on the surface but scratch a little deeper and the true picture is more apparent. As it turns out, the critical incident guidelines do not refer to violence at schools but, in the government's words, to "an incident, or series of incidents, which result in significant disruption to a school's normal working day". They may require police attention. It may be an emergency. The school may go into lockdown or the school may be evacuated because of a major leak. Those are all classified as critical incidents.

It is distressing that the government equivocates on violent attacks and major leaks. It is even more distressing that the government did not mention anything about the security arrangements in a schools framework, which is supposed to address school safety issues. Perhaps this was an oversight in the heat of the moment, but what does this say about the minister's position on school safety?

Even more, what does it say about the government's own confidence in their own school security framework? Consequently, returning to the issue of critical incidents, disregarding incidents like major leaks and such, there were 10 violent attacks reported in ACT schools between January to March this year in comparison to five incidents over the same months in 2009. Altogether, while critical incidents may be decreasing, violence in schools has increased.

Appealing to the minister's sense of decorum with regard to policy making, I am sure the minister and his spin doctors can come up with a few media releases if he is to introduce CCTVs at schools. There is already an ACT government CCTV program and there is a government code of practice for CCTVs. So why has it taken so long for this added protection for our children to be implemented in our ACT schools?

As it stands, Canberrans are left with footing ACT Labor's legacy project in light of robust territory revenues in the last few years. In the minister's education portfolio he has identified creating economies of scale, efficiencies in functions like ICT and cleaning contracts. In essence, the minister intends to introduce larger, whole-of-government contracts as opposed to individual school-based contracts. The minister stated: "We would be looking to move to a cluster-based model—so a series of regions. We would, in fact, put out larger contracts rather than individual school-based contracts, as has been the case."

Madam Assistant Speaker, as has been learnt through the commonwealth government's experience, whole-of-government contracts presuppose a certain degree of scalability to qualify for such contracts. As we are an economy of small businesses, the government needs to consider the implications of this decision further. (*Second speaking period taken.*) For example, by increasing such things as the production rate requirement—square metres cleaned per man hour for cleaning contracts—small businesses may not even qualify for this tender.

Our concerns are warranted as we have already received representations from small businesses regarding this issue. When small businesses form the bedrock of our economy, we must be mindful that this segment of our private sector does not fall victim to Mr Barr's financial rationalisation agenda to make up for ACT Labor's lack of fiscal prudence.

The Canberra Liberals will not be supporting this unreliable, unbelievable, anti-family and poorly prioritised budget. It is a budget that is fiscally irresponsible. It is a budget that is inaccurate. It is a budget that is not transparent. It is a budget that contains much wasteful spending. And it is, of course, a budget with high taxes. This budget is anti family. Overall, it is a budget based not on rigour and what is in the best interests of our community but on the personal priorities of ministers. One needs to look no further than the arboretum as an example of this indulgence.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (8:15): This budget shows that the government are continuing to listen and to invest and deliver in education. We are delivering more than just services; we are delivering outcomes for students. I said today in question time that the old way in education was what I call the poker machine approach to education—putting an extra dollar in and hoping, with taxpayers as mug punters gambling on students' futures. Well, the poker machine approach to education is over. Tonight I will outline what we have delivered in the last year and what we will deliver through our investments in 2010-11.

Since last year we have delivered on teacher quality, better classrooms, smaller class sizes and new ways to teach and learn. In the area of teacher quality, we have negotiated a fair enterprise bargaining agreement with teachers during difficult economic times. For the first time, this EBA has performance review periods to enhance teacher professional development. We have begun establishing the new accomplished teacher and leading teacher classifications.

We are delivering over half a billion dollars worth of the new capital works—great new facilities to teach and learn, including new libraries, halls, gyms, performing arts centres and classrooms. We are building new schools where they are needed most. We are delivering lower average class sizes. Last year's budget invested \$28 million, and this year we were able to recruit 70 extra teachers. We have delivered on our election commitment to lower average class sizes to 21 in primary schools and high schools and 19 in colleges. We have invested \$6 million for new and refurbished classrooms to fit these smaller classes. We have already delivered completed works at 10 schools, with works underway at a further 11.

Another way to think about this achievement is to look at teacher-student ratios. In ACT public primary schools there is now one teacher for every 14 children. This ratio is amongst the best in the country. We are delivering new ways to teach and learn. We have 10 ACT schools trialling the national curriculum this year. Virtual learning environments and a \$7.5 million investment in new technology are being rolled out across the territory. It is a strong record of achievement.

I believe the ACT is now the benchmark in Australia for investment in education, in teaching, in classrooms and in new technology. These investments have returned dividends—we lead the country in reading; we lead the country in teaching our students about new technologies. If there were a measurement for teacher performance, I think we would lead that as well.

But my firm rule of policy is this: no investment without reform. After a year of investment, let me turn to our plans for the future—that is, our investments in the 2010-11 budget. We have listened to parents and we are investing in and delivering new schools where they are needed most. We are listening to teachers and investing in teacher quality and delivering new approaches to school-based management. We are listening to and supporting students, supporting students with a disability, delivering training packages, improving students swimming and survival skills and making school car parks safer for students.

Building new schools where they are needed most is important. This budget invests \$1.95 million over two years for the forward design of the Molonglo primary school. This initiative will provide facilities for preschool to year 6 students in the new suburbs of Coombs and Wright. The new school will open in 2014 and will have early intervention and autism programs.

The budget also provides \$1.4 million over two years for the forward design of the Franklin early childhood school. The school will provide services for children from birth to eight years of age residing in Franklin and surrounding areas of Gungahlin. Like our other four early childhood schools, Franklin will include childcare, community meeting areas, local recreation facilities, school-aged care programs and children's health programs. Opening in 2013, it is planned that this new school will have a 100-place childcare centre and be able to accommodate 300 preschool to year 2 students.

The 2010-11 budget provides \$1.8 million over two years for the forward design of the Bonner primary school. This school will cater for students within developing areas of Bonner and Forde and will open in 2013. All of these new schools will seek to achieve a five-star green rating from the Green Building Council of Australia.

The ACT government has also provided \$5.3 million over two years for the Red Hill primary school upgrade. This budget initiative will build new classrooms and allow the French-Australian preschool to remain at its current location. New schools and new classrooms where they are needed most.

All the evidence tells us that teacher quality is the magic ingredient in improving student outcomes. That is why the budget invests \$3.9 million over four years in the

ACT's first teacher quality institute. The institute will register all teachers across all sectors in the ACT. It will accredit preservice education programs and certify teacher's skills and knowledge against the national teachers standards. Extensive community consultation in 2008 showed strong support for an independent teacher registration body. We listened and we are delivering.

In the area of school-based management, I strongly believe that school principals must have the power to hire, develop and manage classroom teachers. Principals must have the power to create high performing teaching teams where one teacher's strengths are complemented by another's. Principals must be able to choose who teaches in their schools, and that is why I am proud to report to the Assembly that, starting in the coming school year, the ACT will introduce a new system of principal autonomy.

Within the framework of the current enterprise bargaining agreement and the Fair Work Act, principals will be able to interview and hire their own staff. This is a very significant change to the traditional centralised model. In conjunction with work under the improving teacher quality national partnership, we will also gradually devolve a number of human resources functions to schools. This reform is as a result of a key recommendation of the Allen Consulting Group's review of school-based management in the territory.

The report recommended that principals of high performing schools should be given the opportunity to opt in to gain greater autonomy. Our newest schools—Gungahlin college and the Kambah P-10—will be the first ACT schools whose principals will have these new powers. At least three other schools will also be included from 2011 onwards. These new principals will take responsibility for the performance of their staff who, in turn, take responsibility for student learning. The budget commits \$600,000 over the next two years to support this reform.

School principals also need more flexibility to create innovative school administrative structures and less red tape. The budget invests \$14.4 million over four years for innovative staffing structures at our newest schools—the Kambah P-10, Harrison high school and Gungahlin college. We need less red tape for principals, and that is why the budget invests \$360,000 over four years for an automated online enrolment system for students seeking a place in an ACT public school. This will allow parents to fill out the online enrolment form and to send it in online. That will cut red tape for schools, ending hours of data entry by school administrative staff.

In addition to this, \$656,000 over four years will establish a school staffing integrated management system—SIMS. This will provide principals with direct access to school staffing information, cutting red tape as they use one line budgets to manage staff. The government is listening, investing and then delivering.

In the area of training, we are listening to what students want and delivering the skills that industry needs. The ACT government is investing over \$9 million over the next three years in the productivity places program—a program I note the federal Liberals want to cut, a program I hope the local Liberals will want to fight for. In 2009, 1,625 workers and 948 job seekers in Canberra commenced training in the ACT under the productivity places program in certificate II to advanced diploma qualifications. This year we will be focusing our productivity places placements on skilling workers

in the human services, aged care, children's services and project management sectors. Investing in training and delivering jobs.

We are also supporting our students with disabilities with further investments in their education. The number of students with special needs attending ACT public schools continues to increase. The complexity of student needs has also increased. In response to this growth in demand, the government's investment in special education in public schools has increased from about \$44.6 million in 2004-05 to an estimated \$52.5 million in this year's budget.

The budget will provide an additional \$1.6 million over the next four years to support students with a disability in ACT public schools. This complements our investment last year to support students in non-government schools with a disability. This funding will also support the implementation of the department's disability education strategy that is being developed as a result of the Shaddock review. Investing in and delivering the needs of ACT students with a disability.

Ms Hunter alluded to the fact that the budget will provide \$300,000 over four years to further support the development of swimming and water survival skills for ACT primary school students. The initiative further develops and implements a plan to increase participation in the current Department of Education and Training swimming and water safety program. This investment will focus on schools who are servicing our most disadvantaged communities and a number of our introductory English centres which are in these schools.

It will be linked to the school's equity fund and the student support fund and will seek to increase student participation in swimming and survival skills. We will continue to work closely with the Royal Life Saving Society to implement this initiative. I would like to take this opportunity to again thank Ms Hunter and her office for working so collaboratively with the government on this important initiative. This is another commitment in the parliamentary agreement which has been fulfilled.

The 2010-11 budget provides \$1.25 million over the next three years for the car parks and traffic safety program. This initiative will provide funding for a number of schools to address student safety in school set-down and pick-up areas and in car parks. It will reduce the risk of accidents for children, parents and teachers.

In conclusion, last year I spoke about teacher quality, better classrooms and smaller class sizes. We have delivered on those commitments. This year we are investing in schools where they are needed most, investing in teacher quality and new approaches to school-based management, investing in training, and investing in supporting students with a disability. We are keeping students safer with the car park and traffic safety program and swim survival skills. I am sure these investments will deliver outstanding results for the ACT, improvements in literacy and numeracy, high quality teachers, and innovative and exceptional schools.

Last year the Canberra Liberals voted against funding measures for education. I had hoped this year would be different and that all members of this place would vote in favour of these investments and, by doing so, show their support for new schools where they are needed most, for teacher quality and for new approaches to

school-based management. I would like to see all members support the training packages which combat skill shortages and the investment in student safety. It would be particularly disappointing if, after all of his grandstanding in recent weeks and months, Mr Doszpot did not vote in favour of more funding for students with a disability.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.16—ACT Planning and Land Authority—\$40,758,000 (net cost of outputs) and \$1,814,000 (capital injection), totalling \$42,572,000.

MS LE COUTEUR (Molonglo) (8:28): I will start off with two very positive items in this budget, or related to this budget, for ACTPLA. They are two items which relate to the Labor-Greens parliamentary agreement. The first is solar access. It has been a long time coming but we finally have the draft territory plan variation for this. It has come out in the middle of this double sitting week so we have not yet had time to examine it in detail, but we are obviously planning to do so with great enthusiasm.

Solar access really should be a no-brainer for new houses. These days I would say it is almost criminal, with climate change and increasing energy prices, to build houses where people are condemned to live without access to the sun. But that is still happening in the ACT. Solar access is something which cannot be easily fixed after the house is built. You cannot pick them up and move them around very easily. If the block layout is right then solar access is easy. The Greens are very pleased that the government is finally acting on this very important building matter.

The other item that was in the parliamentary agreement and to be implemented by 2010 is six-star energy efficiency ratings for all new houses. This will reduce energy costs and improve the liveability of our houses. We think it is a very good first step, although we are calling upon the government to do more in the future and to move to a seven-star minimum. There are quite a few houses in Canberra at present which are seven-star or even eight-star rated. Modelling has shown that a seven-star rating is the most cost efficient over a period of time. The additional construction costs are minimal if the block is properly orientated. The energy savings and the increase in comfort will last as long as the house.

However, there is another item in the parliamentary agreement where progress is not quite so rosy. I refer here to Molonglo. The agreement commits the Labor Party to ensuring Molonglo incorporates excellence in sustainable design. This is a high priority for the ACT Greens. We acknowledge that work has been done by the government on this but, in the Greens' view, the current plans for Molonglo do not yet reach that standard.

While the budget made funding for roads and land release infrastructure clear, the budget's commitment to sustainability initiatives is much less clear. It talked about a sustainability strategy for Wright and Coombs, water saving device measures for new homes, maximum solar access requirements—which I have just touched on—a riparian management strategy for the Molonglo River corridor, and provisions for sustainable transport. Despite questioning about this in the estimates process and a considerable amount of discussion with the government, at this stage the Greens are not yet confident that all of these are proceeding at a satisfactory rate.

We are pleased that the government has allocated \$24 million to stormwater ponds, pipes and pumps in north Weston and Coombs. This, hopefully, will work on one of the items of our agreement, as far as Molonglo goes, to see that households have access to non-potable water to ensure that households can reduce their potable water intake. We look forward to hearing that Molonglo will have improved water saving urban design standards above the design standards which are in place for the rest of Canberra.

In the context of sustainable urban design, the East Lake proposals, which are currently undergoing community consultation, seem to be quite innovative and heartening. What is really frustrating is that the government clearly have some idea that they can do things better. ACTPLA are clearly exploring the ingredients of sustainable development, but they are not applying this learning to the major new development, which is Molonglo. They are just doing this in East Lake. To a lesser extent, they have said that they will do this in Lawson south, which has been touted in the budget as another sustainable showcase. Certainly, we think it is a really good place to be a sustainable showcase because it is so close to the University of Canberra, Belconnen town centre, Calvary hospital and Bruce CIT. It would be great, but why can we not have this in Molonglo as well? Why can we not have this in Gungahlin as well? We cannot understand why any development in the ACT would not be as sustainable as possible.

I will now move on to urban infill and master planning. It is an area which has exercised us a lot and is going to exercise us a lot more in the future, I am sure. We are pleased to see funding towards master planning for some specific areas—Tuggeranong, Erindale and Pialligo—and we have worked closely with the government to ensure that. One of the things in terms of master planning which does surprise people is that Civic is one of the areas that we feel needs master planning. The government recently put out a draft greater Civic plan, but that document is not actually a master plan. It is just a TAMS forward capital expenditure program. The other villages of Hall and Tharwa are strong contenders for master planning, along with Pialligo.

We were surprised to see \$130,000 in this budget for study into the potential eastern broadacre employment corridor, despite the fact that the eastern broadacre study is about to be released in a few months time. I hope that this further funded study includes substantial consultation with the residents of the area in question because so far they feel they have been excluded by the closed doors of this process.

We believe that through locality planning processes, master planning, precinct planning or neighbourhood planning—whatever word you want use—if this is done, the government would be much better equipped to resolve issues for stakeholders and the plans would better reflect the needs of the local communities. We will continue to work towards better community engagement around individual developments and we believe that working with local communities is the best way forward.

I am particularly conscious of this because I am often contacted by constituents telling me that where what was once a single house or two blocks near to them is now going to become six to 12 units. These units typically produce overshadowing problems and

traffic problems. The Greens clearly support high quality sustainable urban densification. It is a way of making the city more vibrant, more sustainable and making our transport system work better. But not all of the development that we are seeing would appear to be high quality.

I think that what we need is much more of a community conversation about urban densification. This will be even more required if, as I understand the draft territory plan variation proposes, blocks as small as 700 square metres can now have dual occupancies instead of the current 800. A lot more blocks will potentially become dual occupancies. We need to start looking at the balance between housing, gardens and open space. We need to look at transport and parking needs, which are changing as we become a denser city in a climate change and post peak oil environment. We need to look at affordability as homelessness and the demand for public housing increase in Canberra. We need to look at resilience in the face of a rapidly changing environment.

One concern that the Greens have raised regularly is that the government is nowhere near achieving the aim of 50:50 greenfield-infill development. When we asked, during the estimates hearing, how this is being improved, Mr Barr simply said that the answers are in the spatial plan. I think the major problem we have here is that there seems to be quite a difference between what is intended in the spatial plan and what actually happens on the ground.

I guess part of the problem is where land has already been sold. We are in a capital situation and the government only has limited control of what happens once it has been sold. Part of the problem is, of course, that greenfields are where the government gets a lot of land sales revenue from. It is easier, from a public community consultation point of view, for developers to build on greenfield sites. We have asked the government to look at levers and incentives for urban infill and to look at those as part of the goals of the spatial plan.

As I have just said, what we drastically need is more community engagement and education on urban density issues. The pressures on our suburbs are increasing and people who have lived in one place for a long period of time, or even in some cases for a short period of time, are watching their neighbourhood change before their eyes. When I say "suburbs", a few years ago I would have just been talking about Turner and Braddon, but it is happening everywhere now. It is happening from Chifley to Latham, from Narrabundah to Hawker and from Wanniassa to Dickson. We desperately need better community discussion on this. We need to have the community at least have some level of understanding and acceptance because otherwise it will continue to be a source of considerable angst in the suburbs. (*Second speaking period taken.*)

This infill is happening not just on existing house blocks. It is happening on golf courses, bowling greens and local shopping centres. I am not trying to say for one minute that this is all bad. Some of it is very, very good. Some of this change is what we need to make Canberra a more sustainable and vibrant place, and a better place to live in. But the local communities need to be taken along with it. People want to feel that they are living in a liveable neighbourhood and that they have some say in what happens.

Another ACTPLA program I am very interested in is the sustainable futures program. That seems to have done some quite innovative work. The fruits of this are being seen in the current rush of draft territory plan variations. I understand that there will soon be some community engagement processes run by ACTPLA as part of this in relation to human settlement. These will feed into the spatial plan. I think that, as I said, more consultation along these sorts of lines is a very good thing.

In terms of the new spatial plan, one of my questions would be: how is that going to integrate with the other work that is happening in the Assembly? I refer here, first, to the work that will soon be done by the climate change and environment committee in examining the ecological carrying capacity for the ACT and the region. Given that that is intimately related, I would have thought, to the spatial plan, I would very much hope that this work would be taken up by ACTPLA and integrated.

I know that ACTPLA has a deadline for COAG in January 2012, but I do believe there is still time for ACTPLA to consider the climate change committee's recommendations. On a more smaller scale, prosaic level, I am quite interested in how the planning committee's work on inner north redevelopment, which is ongoing, will be integrated into what actually happens on the ground and how ACTPLA plans for the inner north.

We also need to ensure that the other related government policies are in line with ACTPLA's density and transport orientated development policies, or at least their official policies. There is no point putting more and more people into suburbs if we are not going to deliver to these people any facilities, if we are not going to deliver them a decent public transport system to get them to work, to get them to town and to get to childcare or wherever they need to go. We need to stop the situation where planning and transport are separate. We need to start planning for the two of them together. It would be really great if the next iteration of the sustainable transport plan or the next iteration of the spatial plan integrated the two. This is what needs to happen for our city going forward.

I would like to quickly talk about the building certification and construction standards. I say "quickly" because we did have a debate on this subject earlier today. Of course, we are very pleased that the government has introduced the COLA legislation. I note that the mandatory disclosure legislation that Mr Barr alluded to, which started 11 years ago, was the brainchild of one of the earlier Green MLAs, Kerrie Tucker. I would also like to mention that last year—I think in April—the Assembly passed the Greens' motion asking for auditing of energy efficiency ratings because the system clearly is not working at present. I am very pleased that the government is coming on board in terms of energy efficiency assessment ratings and certification of assessors.

In terms of the building quality itself, we spoke about this at some length this morning. It is something that I have been interested in for a long time and something that clearly has been a community interest for a long time. Recently there have been the *Stateline* programs, but it was clearly an issue well before that. The government took quite a long time to respond to calls from the community as well as the questioning from the Greens and the OCN.

I feel that the Assembly made the right decision when it said that the government should continue its current process of negotiations and discussions with owners, occupiers and professional building bodies. The government will report back in September. The motion foreshadowed that at that point in time, or by November, the Assembly may well move to have its own inquiry into the issue. It is certainly a complex issue. There are no quick fixes. I think that it is appropriate that the government does the work that it can do with the experts it has available to it and then the Assembly reviews that work and sees if there is more work needed.

I will move to a different issue—data systems for ecological and planning purposes. We are very pleased that after many years the government is finally moving on integrating the various levels of ecological and vegetation mapping which TAMS, PCL, the conservator and I believe even the ESA have for bushfire management purposes into the GIS mapping system which ACTPLA use when they are laying out new areas for residential and industrial land development. This is something which was a long time coming. The Greens have been calling for it for many, many years.

It has always seemed ridiculous that when planning suburbs and then running through an EPBC or an EIS process, the government finally discover that the area that they are planning to do whatever to has high conservation value vegetation or habitat on it and we discover that the suburb should be redesigned. We know that TAMS has put a large amount of work into longer term planning to establish where our wildlife corridors should be and where our important grasslands and grassy woodlands are. But for some reason this information has not been passed from one government department to another. Rather, each department has mapped its own little silo and looked at matters independently.

The Greens are glad that there will now be some level of cooperation and information sharing. Of course, we look forward to seeing this all over government, not just in this area. Hopefully, this will be a positive result of a new centralised government building. Hopefully, this will lead to better protection of ecologically sensitive areas throughout our territory. We look forward to seeing the government's offset policy, which we understand the government is considering.

I will just touch briefly on trees. It has been a hot topic of debate in this budget, but has not yet been mentioned in the ACTPLA context. ACTPLA actually has a big role when it comes to tree protection and tree non-protection, tree destruction, because future urban areas are not, in fact, covered by a tree protection area, which means that the planning minister and ACTPLA have significant liberties when it comes to planning development in areas where there are significant existing trees and vegetations. We are concerned about the commitment of ACTPLA, and I guess the planning minister, in terms of promoting habitat protection and biodiversity conservation. We asked about this in question time today. The minister talked about balancing competing objectives. Of course, that is always the case. The issue is how the balance is made.

We talked about Casey, where it appears that 50 per cent of the medium value of significant trees may well have been removed, and certainly the industrial suburb of Beard has seen many trees destroyed. We are concerned that Casey too may also lead to significant tree destruction.

It was interesting to find out in the estimates that the tune up Canberra program is proceeding, but no money has actually yet been spent. However, the money from last year is quarantined for this use. I look forward to the next budget having some good news stories about what the government has actually achieved with tune up Canberra.

Again, I will not speak at length on the change of use charge because we already have. The change of use charge is relevant to two very important government policy objectives—government revenue and urban infill. Both of them are important. The Greens clearly are supportive of the government getting a fair and equitable return for the change of use charge, but we are still unclear what effects there may be on infill and urban development. So far there has not been any relevant modelling done, but I am very pleased that the government has agreed to the recommendation of the estimates committee report and the motion passed last night which will hopefully give us a better handle of this and ensure that the change of use charge does not stop urban infill.

In summary, Mr Speaker, there certainly have been some positive steps towards sustainability by ACTPLA in the last year, but there is still a long way to go. All the new developments in Canberra should have excellence in sustainable design.

MR SESELJA (Molonglo—Leader of the Opposition) (8:48): I might take up where Ms Le Couteur left off in relation to the change of use charge. We discussed, I think, some of the financial aspects in the Treasury portfolio and in the motion that was debated yesterday. We had the contribution from the planning minister where he claimed that talking about a deal or an arrangement was grubby politics. We are not sure whether it was before or after he realised that it was actually Katy Gallagher who talked about the deal or arrangement. So he was either having a crack at his cabinet colleague Ms Gallagher or he was showing his ignorance. We are not sure which it is. Perhaps he can clarify when he gets up.

We did pursue this issue with the planning authority. I asked Mr Savery:

From a planning perspective, does increased collection of change of use per development or overall enhance or work against the policy of seeing more people move closer to the city?

Mr Savery gave, I think, a very diplomatic answer:

I do not know that I am in a position to answer that. I do not know what the financial analysis is in terms of the work that Treasury is doing around the implications of both rectification and codification, and I am not a financial analyst. Clearly, we have a very strong policy of wanting to encourage increased densities of development but I am not sure what the flow-on effects will be.

I think it was a very diplomatic answer. I suspect that Mr Savery would have let us know if he did think that it worked against infill. There are very few analysts, apart from perhaps Mr Barr, who would claim that such a massive tax will not have a dampening on demand. Mr Savery went on about how markets adjust and this and that. Markets do adjust. And one of the ways they will adjust is they will be more likely to move to where the taxes are not. That is one of the ways the markets adjust.

Mr Barr: So people will move their land out of the ACT, will they?

MR SESELJA: He has again demonstrated his ignorance through that interjection. People do have a choice where they develop both in the ACT and over the border. They can choose greenfields which do not have the same level of taxes. We want to encourage greenfields and infill. Many may choose, as a result of a massive tax, to focus more on greenfields development than on infill. Mr Barr again, I think, has shown either he has not thought about this debate or he is in fact blindly following a policy that perhaps he did not sign up to. I do not know which it is.

But Mr Savery gave what I think can best be described as a very diplomatic answer, and I give credit to Mr Savery because he is in a very difficult position. It is difficult. He certainly cannot be openly critical of government policy on this, in his position, but I think it is a very difficult one for him to defect. I have a lot of respect for Mr Savery. We disagree on a number of issues. But I think he is someone who has the best interests of Canberra at heart. I think he genuinely wants to see infill. I think he genuinely wants to see—and we have had many discussions about this—Civic grow, as do I. He wants to see it change. He wants to see more people living around our town centres and in the city.

I think that Mr Savery and others would be looking at this and saying, “This massive tax is not going to help that. It can only hinder it. It can only mean that there will be less development going on in those areas where we want there to be more development. It could lead to a real imbalance in where development occurs.” There is a false economy in it too. There is a false economy in the fact that we will get development where we do not necessarily want it to be concentrated. But of course there are all the flow-on effects.

It is a relatively small tax, as it is now. They are making it a very large tax. But even as a very large tax, it is nowhere near as large as other property taxes such as stamp duty. I do not think the potential other flow-on effects in terms of revenue have actually been considered by this government. I do not think they have considered whether they will lose money in other areas as a result of increasing this tax. Have they modelled whether or not they will lose money in stamp duty because there are fewer transactions? If there are fewer units, then you are losing a lot of transaction taxes, which the government relies on.

So I would be interested to hear what modelling has been done on that. What other flow-on effects are there in terms of economic development, in terms of some of the choices that are made? It has not been explained. They have sort of fallen into it. Ms Gallagher talks about the deal or arrangement. Mr Barr says that is grubby politics. I do not know where the Labor position lies on that but we do know that this is a significant change. And we do know that they have not released any modelling that would tell us.

But we do get diplomatic answers from Mr Savery—and I respect that—but I think he is in a difficult position, as many other people within government would be, perhaps even Mr Barr. Perhaps Mr Barr deep down does not agree with the tax and is just doing his bit to defend the indefensible.

We saw the failure to sell blocks on the corners of Northbourne Avenue and London Circuit recently. And whilst that is not part of ACTPLA, there is no doubt that there is a lack of coordination at the moment in areas around planning, property development and land sales. I think splitting the tasks between two different ministers, between a land development agency and a land and property services department that works to Mr Stanhope and a planning and land authority which works to Mr Barr, is a mistake.

Let us go through how they have tried to make up for that. They have tried to make up for that by establishing a major projects facilitation unit within the Chief Minister's Department. Then they turned the major projects facilitation unit, along with a number of other areas, into the land and property services department. Then we had an announcement that an individual within land and property services would be responsible for coordination. That smacks of slapdash policy, where every few months we will try something different, because it is not working.

I would suggest that the first step would be for one minister to be responsible for planning and for the Land Development Agency. I think that would be one step forward in getting better planning outcomes in the territory. I think the failure to sell those blocks is indicative of a couple of things. Yes, there is a softening commercial property market. That has been exacerbated, I think, by the government's plans to build its own new government office building, therefore creating a lot more empty stock—another 40,000 or 50,000 square metres of empty stock—in order to fill that building.

I think it has been exacerbated by that, but there are other reasons, including the uncertainty in the government's approach. Their infrastructure plan, which was rightly condemned—it was widely and comprehensively condemned—does not provide certainty to industry. I think the ongoing rivalry between Mr Barr and Mr Stanhope in terms of these land releases for hotel sites—Mr Barr has got his hotel sites and Mr Stanhope says he will announce his—demonstrates that there does not seem to be any coordinated plan.

If you are a potential buyer looking at a hotel site, you would look down the road—and there is a very big block of land that sold for \$99 million that also allows a hotel—and you would think that there is not a lot of certainty in the approach of the government and, therefore, you would be cautious.

Mr Coe: No vacancies.

MR SESELJA: Indeed. And that is exactly what we saw at those auctions where those blocks were passed in. We saw uncertainty and we saw, I understand, the blocks coming in well below the reserve price. I do not think that is any surprise, given the approach that the government has taken. (*Second speaking period taken.*) I do not think there is much surprise. All of those factors—the softening property market, the fact the government is planning to be a major player with a \$300 million to \$400 million office project, the lack of planning where hotel sites are going to be, the lack of infrastructure planning, all of those things—will be contributing significantly to the concerns in the community, in the investment community and in the development community who would be looking at whether or not they can actually make that site work at the price that is being asked.

I would suggest that one important step for the government would be to actually bring it all under one. The development of a proper infrastructure plan would be another step. It would give more certainty and some level of confidence that there is a desire actually to do things. I have got no doubt that change of use did not have an impact so much on those sites as other sites but there is no doubt that that will dampen demand across the board as well and create more uncertainty across the board in terms of what is happening.

I want to touch on some of the decisions that have been made by ACTPLA. One in particular is the one that was reported in the *Canberra Times* on 19 April this year, under the heading "Kingston quayside plans in turmoil". There are no winners out of this. There are no winners when we see the government planning authority get it so wrong. There is a developer that has gone ahead, presumably in good faith, and has said, "This is what we want to build," and ACTPLA has turned around and said, "You can build that." It has gone ahead and sold. There are buyers who have committed their deposits and there are people waiting to get into the market. There are employees who are waiting to go.

So when we see these kinds of decisions, they do not really help anyone. But it is unfortunate that it gets to that point. It seems to me, from what the tribunal had to say and from the fact that ACTPLA did not bother to appeal it to the Supreme Court, that it was a pretty significant error. I have looked at the case, and it is hard to understand the rationale and the interpretation.

The report was that the ACT Planning and Land Authority would also be called upon to explain how an approved development was found by the tribunal to be too big, too tall, with too little open space and too few car parks. The tribunal's senior member wrote in her decision that it was a mystery to the tribunal how such a proposal could have been approved. When we get it so wrong, there are consequences. There are consequences in terms of the court costs. There are always legal fees, even in ACAT, when these things happen. So there is a cost to the taxpayer, there are costs to the developer. There are the holding costs. Then they have got to go ahead and re-do it. There are those who have bought. Do they get their deposits returned? Do they wait until it gets another approval in a different form?

We asked questions about court costs. It was noted by ACTPLA, in an answer to a question on notice, that it had spent \$565,467 to date in 2009-10 on defending legal cases. We recommended that ACTPLA include in its annual report, for each legal case where a decision by ACTPLA is overturned, the cost of each case and the reason for the outcome. I think that would be a reasonable thing for transparency. It will be good for us to get an idea as to how much is being spent as a result of poor decisions.

There will be cases that are very marginal. There will be cases that are very marginal and merits review, where one planner sees it one way and another person sees it another way, and it is a tough call. But this appears to be a fairly clear-cut case. We saw one in Kingston some time ago, with an extra floor approved. That does undermine confidence a little. This result will undermine confidence and it has some significant costs flowing on from it.

I will leave it there. There are a number of other issues. We do want to see some reforms in the way ACTPLA conducts its business. I think there have been some improvements, and I have acknowledged those in the past. I will acknowledge when I see positive changes within ACTPLA. I think there is a better legislative framework now than there was a few years ago, though it has some way to go. That would make it easier for ACTPLA to get on with its business.

But I do believe that there are some structural issues. They are not just confined to the fact that ACTPLA is operating under a separate minister from the Land and Development Agency, although that is important. I think there are some other structural changes that could be made to ACTPLA that would, I believe, make it more responsive and make the business of building houses in the ACT somewhat more streamlined, without losing the kinds of safeguards that we want to see.

So we believe there are some reforms to come. There are some more reforms needed, some significant reforms needed. I would reiterate that we want to see the government actually fix the dichotomy and the split that is currently occurring between land release and planning. We do not believe it is working. Industry, I do not think, believe it is working. The fact that the government has had to go through a couple of different models with some extra tweaks just in the last few months suggests that it acknowledges that it is not working as well as it should be.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (9:05): I thank members for their contributions. To put this planning budget in context—we are looking at the investments in 2010-11—I would like to restate the government's priorities in the planning portfolio. They are to support Canberra's economic growth; prepare for a sustainable future; plan for a compact, more affordable city; plan for better neighbourhoods; continue to listen to the community; and keep politics out of planning.

Although I will not speak on all of these priorities tonight, I would like to elaborate on two in particular, and the first is climate change. As I have said before, climate change changes everything, and the implications of climate change planning in our city are enormous. Climate change means that Canberra must change and our ideas for planning must respond to this. The government is planning for climate change. We are driving that change to planning policy through the sustainable futures program in support of the government's climate change strategy, weathering the change.

As Ms Le Couteur has referred to, in the last two weeks I have released two draft variations to the territory plan—301 and 303—which seek to further improve solar orientation and solar access. We are presently seeking feedback from the community and from industry on these draft variations. They will strengthen the rules around passive solar orientation for stand-alone blocks in new subdivisions. We will also be working with the community and industry to implement carbon targets for entire estates over the coming decade. We intend to implement more comprehensive measures to increase residential density in and around town and group centres and along transport corridors.

In a working partnership with the CSIRO, we will develop world's best practice in sustainable development demonstration projects such as the one at East Lake. Further enhancing stormwater harvesting in new estates is also on the government's agenda, as is establishing new approaches to water reuse in the Molonglo Valley development. The government will continue to drive energy efficiencies in new and existing homes, consistent with the COAG national strategy on energy efficiency.

The second priority I wish to emphasise is listening to the community. Perhaps the most difficult element of any development assessment system is balancing the rights of the community with the rights of the individual. The planning system impacts on these competing rights through the consultation process, the notification process and, to a limited extent, the appeals process. A key feature of the broader planning system is the focus of public consultation in the development of the territory plan and its related codes. This is designed to make the system fairer on everyone by engaging the community in setting the planning rules, rather than debating policy through individual development proposals.

It is the intent of the government to ensure that there are appropriate opportunities for the public to be effectively engaged in strategic planning projects and the development of planning policy, but we must do so in a way that limits the potential for adopted planning policy to be subject to contest through the processing of individual development applications. At the same time, the government will continue to encourage proponents to consult with those who may be affected by their proposals and respond appropriately before lodging a development application.

As we consider this budget, I would like to remind members that the government intends to maintain the statutory independence of development assessment. To ensure development assessment is undertaken without political or commercial interference, the government will continue to keep politics out of planning. It will remain a statutory function handled at arm's length from the government, providing the community and industry with confidence in the separation of power between policymaking and development application decisions.

Turning to the current budget, the government is committed to ensuring Canberra continues to develop in a way that includes our community, grows our economy and protects our environment. We are carefully targeting our planning investments into projects that achieve these three goals. The budget includes \$300,000 for the Tuggeranong town centre and Erindale group centre planning studies and \$100,000 for a planning study for Pialligo. It includes \$17 million for the construction of two ponds in the new suburb of Coombs in the Molonglo Valley. The ponds will provide a source of water for irrigation to enhance the amenity and appeal of the development without increasing reliance on Canberra's drinking water supply.

The budget also provides \$2.1 million for several feasibility studies, including stormwater management in the Molonglo Valley. Some \$130,000 has been allocated in 2010-11 to investigate the potential for an employment corridor on the eastern side of the ACT through the eastern broadacre study. This work is vital for Canberra's future. We need to identify land for industrial and related purposes to support the city's economy into the future.

Existing studies have identified the need for further detailed planning and environmental and infrastructure investigations to work out what areas within the eastern broadacre corridor will be suitable for commercial and industrial land supply. The carefully targeted investments we are making in this budget again demonstrate the government is committed to delivering for the future sustainable development of our city.

I would like members to join me in looking more closely at some of the excellent initiatives in this budget. The commercial and industrial land supply studies initiative supports future land supply for industrial and commercial purposes. It does so through continued investigations into the potential for employment-generating development, particularly in the Majura-Symonston corridor. This work is required to ensure the ACT is equipped to deliver land supply for business and to assist in employment creation into the future.

The continuing national reforms on planning and building proposals enable ACTPLA to contribute to ongoing national reforms in planning and related matters. This includes working with the commonwealth and other states and territories on COAG and other commitments. It will also support the continuing work of the Australian Building Codes Board and provide ICT support for the implementation of the national strategy on energy efficiency.

The master plans for Erindale and Tuggeranong will allow urban planning and design studies for the Erindale group centre and the Tuggeranong town centre to be undertaken. Urban planning and design studies will consider growth, new transport opportunities, land use relationships and community concerns for the future. These studies will identify planning strategies to direct future development and redevelopment opportunities.

Though smaller in scale, the Pialligo master plan is also important for the residents of Pialligo as well as the broader ACT community. This study will ensure Pialligo's distinctive identity into the future.

There are a number of important capital initiatives in the planning portfolio in this year's budget. I would like to detail some of these for the Assembly and the people of the territory. In Lawson south, the water quality control pond design initiative will design a storage and water quality control pond adjacent to Lake Ginninderra and a series of mini wetland areas along College Creek. This work is a necessary step before construction of a storage and water quality pond as part of the future urban development of Lawson. The initiative will also investigate the feasibility of a stormwater harvesting and reuse system. The feasibility study will take into consideration the concept of Lawson south as a model for sustainable urban development.

The Molonglo future stormwater management feasibility capital initiative will determine a stormwater management strategy for the Molonglo urban development. Mr Speaker, I can ensure you that the study will incorporate a thorough review of environmental, social, economic and technical issues. The Molonglo east-west arterial road and extension of John Gorton Drive to Molonglo River feasibility initiative will

investigate the feasibility of two arterial road alignments which are currently proposed for the Molonglo Valley development.

The study will consider John Gorton Drive from its connection to Coppins Crossing Road to the Molonglo River. It will also consider the east-west arterial road from its intersection with John Gorton Drive to the Tuggeranong Parkway. This investigation will also develop options for the trunk sewer alignment to service a future group centre site.

The Gungahlin town centre roads initiative will investigate the feasibility of implementing road network improvements recommended as part of the Gungahlin town centre transportation study in 2009. The study proposes recommendations to improve access both to and within the Gungahlin town centre and surrounding existing suburbs and forthcoming land release areas.

The Scrivener Dam upgrade study will enable the feasibility study and concept design of works required for the upgrade of Scrivener Dam to be undertaken. These works are required as a result of revised flood estimates for the catchment and changes to the dam's hazard category. This is needed given the urban development taking place downstream in the Molonglo Valley.

The ICT case management and data warehouse initiative will build on the e-development platform. It will deliver more effective case management, improve customer service, produce faster response times and use sophisticated reporting tools for analysis.

I might take this opportunity to reiterate to the Assembly some additional policy work the government has undertaken. The government is currently seeking public comment on a policy designed to improve solar access for new homes. This will make new developments more environmentally friendly. This policy is contained in draft variation to the territory plan 301. DV301 will mean that 95 per cent of single dwelling blocks in an estate are positioned to enable buildings to have direct sun in winter. The new code contains tables which identify the block size, block dimensions, slope and orientation which make blocks suitable for improved solar access. The draft variation will also streamline the development assessment process by incorporating some Department of Territory and Municipal Services standards into the code.

Draft variation 303 released last Friday will ensure that any building on a new block will not overshadow a neighbouring block by more than a shadow cast by a 1.8 metre fence on the boundary. I urge members of the community and the building industry—perhaps even the media, if there is anyone still here—to take time to have a look at draft variations 301 and 303 and to have their say during this eight-week comment period on each. These variations to the territory plan place the ACT at the forefront of ensuring new housing developments are able to make the most of solar energy.

As you can see, Mr Speaker, this budget is the latest instalment in Labor's practical work in the planning portfolio. Our investments are focused on practical measures that make a difference to people's lives, that give Canberrans a say, that maintain our city's beauty and that help it to continue to develop sustainably into the future. We have made modest, targeted investments over recent years, and we continue this trend

in this budget in the planning portfolio. I commend the planning investments in this budget to the Assembly.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.17—Department of Disability, Housing and Community Services—\$190,870,000 (net cost of outputs), \$17,615,000 (capital injection) and \$35,876,000 (payments on behalf of the territory), totalling \$244,361,000.

MRS DUNNE (Ginninderra) (9:18): Thank you, Mr Speaker. The most profound words uttered during the estimates hearings this year were uttered in the first hour of the first day. They were “institutionalised abuse”. That was how the grandparents and kinship carers association described the treatment meted out to them by the Department of Disability, Housing and Community Services. It was an extraordinary statement, delivered with great emotion, great passion and great despair. It was a statement not made lightly but made out of desperation and frustration, because the grandparents and kinship carers in our community have been given a raw deal by ACT Labor.

The grandparents and kinship carers in our community have what is probably the hardest job of all. They care for children and young people in our community, and it is not a foster care situation. These children and young people are their blood relatives. More often than not the care they provide is not temporary. The children and young people in the care of these very special carers are their own grandchildren, their nephews, their nieces and even their siblings.

These children and young people are at risk. They are often in the justice system, many have disabilities, many have mental health problems, many have been caught up in drug and alcohol, many have parents in jail or in detox units or in hospital, and some have parents who are dead, either by their own hand or at someone else's. Were it not for their grandparents, aunts, uncles, brothers and sisters, these children would be homeless, in the cold, in danger and extreme despair.

It does not stop there. The parents of the children in care, the brothers and sisters of the carers, they too are at risk. They are in the justice system, they are addicted to drugs and alcohol, they have disabilities and mental health problems and they are facing unemployment, homelessness and financial stress—and almost invariably they have fraught relationships with both their children and their children's carers.

Can you imagine the emotion that runs through the relationships when carers look after their kin? Grandmas and grandpas in their 70s and even older, looking after teenagers. They should be able to do what grandparents have always been able to do—build a special relationship with grandchildren. Instead, they become parents again. When they thought it was over, their job of parenting begins again.

Can you imagine, on top of that, the despair that these grandparents face, knowing that the children they brought into the world are facing the kinds of problems that I have already outlined? Can you imagine that these grandparents, at the age of 60 and 70 and 80, are having to cope with daily parental duties, instead of enjoying that

special grandparent-grandchild relationship? According to those who know, being a grandparent is a great job. You can spend quality time with your grandchildren, spoil them rotten and hand them back to their parents to be reprogrammed. But grandparent carers of grandchildren are robbed of that relationship. I have focused my comments largely on grandparents as carers, but the same applies to other kinship care arrangements.

But, Mr Speaker, why are the grandparents and kinship carers association describing their treatment at the hands of the department as institutionalised abuse? The starting point is the 2008 election commitment—a promise made of \$800,000 over four years to support grandparent and kinship carers. The purpose of this promise was outlined as follows:

ACT Labor will create a dedicated service run by a non-government organisation to provide information, advice and support to grandparents and kinship carers who are caring for children. This new service will help grandparents navigate the service system across governments and across the community sector.

The first tranche of \$200,000 was provided in the 2009-10 budget. It was welcomed, but where did it go? Twenty thousand dollars was provided to Marymead; \$60,000 was ripped out of the commitment to non-government organisations and put into the department to pay for a liaison officer who does not even work full-time on grandparent and kinship carer issues. In effect, 10 per cent of the first allocation has been provided to an NGO to support grandparents—not another dollar.

What happened to the remaining \$180,000 for 2009-10—and it is \$180,000, because I believe that the \$60,000 for the departmental liaison officer should be found within the department's budget and not taken away from the NGO support. The minister cannot or will not give a commitment that this money will be set aside for grandparents and kinship carers in an NGO. That is one reason why the grandparents and kinship carers describe the government's treatment as institutionalised abuse.

The other reason—and the main reason—that they used this description was the lack of support they received from the department. Let me summarise some of their allegations. There is inconsistency in the advice that carers receive from the department as to their entitlements, the decisions they can make as carers and the help and support that they can ask for or accept from other people. There is inconsistency in the material and equipment that the department provides for the care of children and grandchildren.

There are instances where grandparents and kin have been called at extremely short notice to collect babies or children and take them into care. There is a lack of information flow to carers as to the status of children and young people in the justice system. There is a lack of planning and care arrangements. There is a lack of mental health support. There is a lack of consultation between the department and the carers, and there are no post-care transitional plans. These are some of the other reasons why the grandparents and kinship carers association described the treatment as institutionalised abuse. There are plenty more.

The department simply does not know the extent of grandparent and kinship care in the ACT. The department simply does not know how to have a handle on how many young people are in such care, and the department has not made an effort to find out. The department has given the association statistics which are unreliable at best. The department cancels meetings with the association or sends officers to the meetings who know nothing about the sector and who cannot answer their questions. Those meetings have become a waste of time. The department is locked in a sea of bureaucracy and misinformation, and all of this should be sheeted back to the minister.

She is the person responsible for the management of this sector in our community. She has failed to develop a solid policy. She has failed to listen to people in the sector. She has ignored the plight of those grandparents, uncles, aunts, brothers and sisters in our community who take on the role of parent for some of the most at risk children in our community. That is another reason why they have described this as institutionalised abuse.

But possibly the most telling reason comes from the fact that the department, in legal terms, is the legal parent of these children in care, yet the department has abrogated its responsibilities as a parent. It has handed babies over to carers without giving carers even the most basic provisions. I heard of one case in which a baby was handed to a grandparent as she arrived at Canberra airport. There was no baby capsule, there were no clothes, there were no nappies, there was no food. What kind of parent would do that to their child? That is another reason the grandparents and kinship carers association described the treatment as institutionalised abuse.

Mr Speaker, the attitude towards the plight of grandparent and kinship carers is scandalous—and that is a kind description. The grandparents and kinship carers described it as institutionalised abuse. The government's failure to honour its election promise is scandalous. The association has called it institutionalised abuse. The government and its minister have failed to acknowledge that I, as a member of this place, and the grandparents and kinship carers of the ACT have a right to ask questions and have a right to get fulsome answers. That is scandalous. The grandparents and kinships carers association would describe that failure as institutionalised abuse.

This minister and this government have failed the grandparents and kinship carers of out community. They have failed to recognise or acknowledge the plight they face. They have failed to do anything about that plight, leaving those carers largely to fend for themselves, to take their case to the streets, essentially taking on the role of parents that is really the responsibility of the government. It is a shameful attitude, and it is institutionalised abuse.

Mr Speaker, I leave other members to make comments on this minister's portfolio for a while. I will recover my composure and come back and make comments on other parts of the budget later.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (9:28): Through the estimates process we have sought clarification about individual line items and different budget measures that have been put into place. While much of the work

being funded is, of course, supported, the ACT Greens still believe that investing comprehensively in the community sector and the work they do continues to be a missed opportunity for the ACT government.

Community service providers report that they have not received any substantial funding increases to maintain their work, let alone meet the increasing demands that are placed upon them. We continue to hear from community organisations through their evidence within evidence estimates that they are still grappling with turnover of staff, poorer conditions than their local and federal government counterparts and a tendency to be stuck at the front line doing the work with few resources.

We knew last year that the impact of the GFC would be massive on community services as families, children, men and women who had had no need to ask for help would be placed in circumstances that made it impossible for them to avoid it. However, what we have seen in this year's budget process is very little in the way of extra funding going into the non-government organisations.

While we commend the injection of funds into care and protection services, it is increasingly obvious that, unless we work towards some sustainable and long-term vision for the future for the non-government community and youth sectors, we are not going to be able to meet the need and will find it increasingly difficult to attract people to what is a rewarding area of work but one that faces pressures and difficulties at times that also make it heartbreaking.

In order to retain females and attract more males to positions within the community sector, we need to provide more attractive salary and work conditions. Unless we achieve parity between the government and non-government sector workforces, the sector will continue to struggle to employ and retain many workers who would bring great skills and experience to community sector agencies.

The second part of the message we send is that as a community we do not value the work that is being predominantly delivered by women—work that we know cares for and assists the most vulnerable people in our community. Something that worries me is that anyone at any time can be placed in a position of vulnerability and in need of support from within their community.

Canberra has experienced this first hand with the outcome and effects of the 2003 bushfires. Having experienced a crisis like this that now forms a part of our history and identity, we need to ensure that Canberra agrees and works towards fully supporting, funding and raising the profile of the work conducted by the community sector and to ensure that anyone at any time can access the supports and help they need.

In regard to therapy services, the ACT Greens believe it is an important area of work for government to improve outcomes for people accessing therapy. Children with autism were highlighted in estimates, as was the work of the Shaddock review and how this will be progressed. Although no recommendations were made directly in this area, I note that I have placed several questions on notice to seek further clarification about issues that were not able to be raised within the estimates process and were brought to my attention by constituents. I keenly await the answers to those questions.

Under the child and family centre, we are pleased that the programs continue to be rolled out across the ACT. We heard in estimates that this model is working towards an integrated family support program that fosters relationships between NGOs and government service providers. The key to ensuring families access help early in the life of an issue is to ensure that the services they access are welcoming, non-judgemental and staffed with highly skilled, qualified and understanding workers. This allows the opportunity to provide early intervention strategies and ensure that families have limited contact with systems such as care and protection.

We commend the continuation and strengthening of this program into the future and hope that the service provided to the families and children in Canberra continues to grow. Our key recommendation in relation to this is to guarantee that the child and family centres ensure they remain in touch with what their clients' needs and wants are, how service providers can work together to strengthen the client outcomes and that family and child centres continue to adapt and change to meet the needs of their past, existing and future clients.

Children's services are an area of very important work for children and families. We recognise the need to support families to make choices about work, access to respite, search for employment and access to training. In order to meet the expectations and needs of families, it is important that the ACT government work with our federal counterparts to make sure children are safe, their wellbeing is enhanced and supported and that early childhood education outcomes are achievable in childcare services.

To make this possible the ACT government needs to address the skills shortage in the childcare sector. We have heard that there have been increased enrolments in CIT childcare training places and that many students are due to graduate in late 2010, and this is pleasing. However, we are also acutely aware that at the heart of making the childcare sector attractive to workers there needs to be an adjustment of community attitudes about the value of the work and the remuneration received by workers in this sector. The Greens strongly encourage the government to work towards a stronger childcare sector through the strengthening of employment conditions. We need to value the work that involves the care of children.

Under community affairs and Aboriginal and Torres Strait Islander affairs, with regard to the Office of Aboriginal and Torres Strait Islander Affairs I note recommendations 11 and 18 of the estimates report, particularly recommendation 18, which links to recommendations of the Indigenous elected body's report of January 2010 calling for greater data collection in the ACT public service and the ACT government as a whole. The ACT government has not yet responded to the elected body's report and the concerns raised in it.

Improving the collection and provision of data about our Aboriginal and Torres Strait Islander communities is vital to improving social inclusion for these communities. Without data on these residents it is difficult to close the gap. Limited information means we cannot accurately measure improvement for the Indigenous community in key areas such as health, education and corrections.

When questions of data were raised in the estimates hearing for health, for education and for corrections, the departments noted the lack of information and a desire for improvement but were vague about how this could be done. I note the work being done by the ACT Demographer, the ABS and the government, led by DHCS, on the improvement of data collection for this area and I call on the government to use this work to improve data collection and collation and thereby give us appropriate tools to measure the government's programs and policies aimed at closing the gap. I hope to see the improved data reported in annual reports and in future budget papers.

As I noted, I welcome the government's commitment in the budget to the genealogy study. A lot of local elders have been calling for this to be done so that we can understand the history and culture of our region. However, this does not address the issues of social exclusion that were also identified by the elected body. So I ask the minister to not lose focus on issues such as lower health outcomes and also issues to do with the justice system and engagement in education.

I note in the responses to questions 432 and 729 a seeming inconsistency about the role of the Office of Aboriginal and Torres Strait Islander Affairs concerning programs across government. When I asked if the office would be part of monitoring "understanding the land through the eyes of the Ngunnawal people—a natural resource management program for ACT schools", the Chief Minister responded that each department is responsible for monitoring and evaluating their respective programs.

However, in his response to Mr Hanson's question on Close the Gap, the Chief Minister states that the office "is responsible for driving the whole of government effort". So I ask the Chief Minister to look at what responsibility the office has for driving programs under Close the Gap and what is involved, including looking at the whole range of ATSI-related programs in other departments.

I am also interested in the Chief Minister's response to questions 653 and 654, particularly the work being undertaken by the Productivity Commission, and I ask that the Chief Minister keep the Assembly informed of the work on expenditure for the Indigenous community as part of mainstream programs and let us know when the information will be released publicly.

The health and wellbeing of our Indigenous residents require attention and a strong commitment from government. That is why, I guess, I was disappointed by the government's response to recommendation 18 "that the ACT government use the Aboriginal and Torres Strait Islander population projections and data collection project to develop accountability indicators for service delivery, particularly in the areas of health, disability, housing, corrections and education and training". They have noted the recommendation but this does not show the level of commitment required to improve data collection for our Indigenous community.

I call on the Chief Minister and DHCS to respond to and act on the recommendations of the elected body and to reconsider their position on recommendation 18 of the estimates report. *(Second speaking period taken.)*

In regard to the Office for Women, the Greens have been consistently calling for gender-disaggregated data. It is part of our agreement with the ALP and we called for it in previous Assemblies. I am pleased to hear about the trial being undertaken through ACT Health, that this will be completed and provided to the Office for Women shortly and that this work is part of a broader commitment as part of the ACT women's plan 2010-15.

Gender-disaggregated data is vital to measure our progress against targets for improving the health, wellbeing and social inclusion of Canberra's women and girls. Without it, it is far more difficult to measure our progress against targets such as those outlined in the women's plan. Of course, women make up more than half of our community yet they are under-represented in leadership positions, they have lower incomes, they have specific health complaints and they are more likely to be socially excluded. We need the data to help us better address and focus government spending and government programs for the most beneficial impact.

I welcome the government's agreement to recommendation 38 of the estimates report and look forward to its timely implementation as it will increase the information available about women in the budget and annual reports. I note that this has been included in the Chief Minister's annual report directions.

I am disappointed by the response to recommendation 37 about getting a further breakdown of funding in the community services area. It would have really been helpful if we had had some understanding of how much money was given to the Office for Women, the Office of Aboriginal and Torres Strait Islander Affairs and so forth and we believe that this information would not be too onerous to provide.

With youth service, output 4.1, community-based youth services continue to experience significant challenges with regard to workforce development, recruitment and retention and are facing increasing demand. We know that a strong community-based youth sector is vital to support our young people. We know that youth services are often right on the front line of emerging trends for young people and have the opportunity to have significant input into the development of policy and practice that allow us to move forward the agenda of keeping young people safe, healthy and engaged.

The Greens are pleased to see additional funding allocated to the operating costs of Bimberi to ensure staffing ratios are adequate and that the intended rehabilitation and training programs can be run in the centre. We really need to continue with the focus of rehabilitation and life-changing supports for these young people. This is another critical life stage development and in order to break cycles of criminal behaviour we need to ensure that supports are rigorous and well funded to make follow-up and wraparound services a part of the rehabilitation of young people here in the ACT.

With care and protection, we saw a large amount of funding going into care and protection services in the ACT. It was necessary to seek further clarification about the detail of how these funds would be spent within the community. Question 657 gave some broad clarification about the out-of-home-care budget, where it is going to be spent. There were a number of areas that many of us would agree were valid areas and do need to receive much needed funding.

Many times during estimates, questions were asked about seeking more detail on expenditure that should already appear in the budget papers. I have already made this point. It really would help the community and MLAs, when we are looking at budgets, if we had more detail about exactly what was being funded under some of these overall areas, so that is something we certainly would like to see in the future.

In the area of specialised care for traumatised children, the government's response to recommendation 39 of the report demonstrates that the ACT is working towards acknowledging and understanding the nature of trauma and the impacts it has on the lives of children. This is a critical framework for both the non-government and government services to use to guide their policy and practice.

It is critical to policy and practice because we know through brain research and studies that children who have a trauma background can recover from these experiences if given the right supports and access to assistance during this developmental stage of their life. It is critical from a government's perspective to get this right, because the ongoing costs to the community of failing these children, their families and carers is enormous.

The risk factors for a child who has suffered trauma are extensive and put them at risk of even more negative life experiences related to drugs, alcohol, crime, violence, victimisation, poorer physical and mental health and lower educational achievement. In order to stem the ongoing costs to the community, we must act now, that is, during their childhood.

While the Greens support and recognise the work being done in relation to recommendation 39, we also believe that this framework requires substantial funding and assistance in the future to ensure that all workers within the youth and community sector have training on and insight into the effects of trauma and how they can work with children and young people to make steps towards recovery.

Kinship carers are a very important issue that came up during estimates and I believe that the emergence and development of kinship care is at a critical crossroads. We have heard evidence from members of the community outlining a number of concerns. There has also been some confusion within the community and within this place about what kinship carers are entitled to and what they receive in relation to the care of their kin.

The response from government to recommendation 40 outlines that this issue has been addressed with the grandparent and kinship carers association. A small working group has been convened with representatives from both the association and care and protection to progress the development of a fact sheet for grandparent and kinship carers and the department is in the process of finalising a handbook for kinship and foster carers. This is incredibly important. I would like to see this work finished and those resources out there as soon as possible.

Like many emerging issues and the formation of representative groups, there is a need to ensure that consultation and opportunities for providing feedback are wide reaching to ensure that as many kinship carers as possible can be included and given the

opportunity to participate and have their voices heard. I note in response to recommendation 41 that the department intends to distribute a training needs survey. I believe this is a very important step towards ensuring that kinship carers are supported in the extremely important role that they are playing.

I believe there is more information to be gathered in relation to the needs of kinship carers and some work to be done to make sure that they are not left feeling isolated or abandoned. One thing we know about carers is that often they do not even recognise themselves as carers and will just get on with the job of caring, which often means that they fail to look after themselves.

The lives and needs of kinship carers can be complex and difficult and we need to make every effort not only to protect the children but also to ensure that we are looking after the kinship carers, because we know that these children deserve our full support and assistance, and that means looking after their natural supports and ensuring that their natural supports are supported.

The ACT Greens are therefore happy with the allocations made within the appropriations to these areas.

MR HANSON (Molonglo) (9.46): I rise tonight to speak on the issues of disability and multicultural affairs. Obviously the shadow minister, Mr Steve Doszpot, is unavailable, and he is so because of a loss in his family. I take this opportunity, as there will be no adjournment speeches tonight, to pass on my sympathy to Mr Doszpot, to Maureen, to his family. I know that that sentiment would be shared by all parties within this place. I certainly thank the leader of the Greens for having passed that on to me. I commend Mr Doszpot for his understanding of the issues of disability and multicultural affairs, for his passion and for his engagement. I know that he will be greatly disappointed that he could not be here tonight to speak to those issues.

In terms of multicultural affairs, Mr Doszpot is a Hungarian and he is part of the multicultural community. He is a proud Australian, but he also has a proud heritage. I think that that heritage enables Mr Doszpot to have a level of understanding about what it means to live in a multicultural society which really shows through in the work that he does. When it comes to disabilities, he is a very passionate man. He is a people person and I think that that shows through. If any of our portfolios are about people, it would be multicultural affairs and it would be disabilities.

He meets endlessly with constituents. He is constantly on the road to meet with constituents or they are meeting with him. I know that he spends much time listening to them, talking with them and fighting for their causes. Very few of us would not have been to an activity that Mr Doszpot has run. Mr Hargreaves and others would certainly remember the event of last year, the Wheelchair for Scarlett appeal. There have been other nights. He ran one quite recently for Josh. He has been fighting for other people in the community, be it the Shepherd Centre that we were talking about recently, Karen Costello, Noah's Ark or people suffering from autism.

He shows an understanding in these two policy areas of the two things that a minister has to have an understanding of—that is, to treat people with a physical and mental

impairment in a way that allows them to live up to their human potential so they can really maximise what they have got and to extend justice to everybody, regardless of their ethnicity and place of origin, and to do this respectfully. I think that Mr Doszpot does that on both counts.

That is in stark contrast to the minister. Of all the ministers we have seen in the ACT Assembly she is probably the least qualified and the least capable of delivering on these two portfolio areas, and I will speak to those specifically. We have seen in her performance, both in the chamber and outside of the chamber, an absolute inability to advocate effectively on behalf of her constituents—that is, the disabled people of the ACT and people from a multicultural background.

ACT Labor, as it is moving forward, and the government—you can see it in this budget—have taken the focus away from people, people with disabilities and people in a multicultural society, and put the focus on infrastructure, spending money on infrastructure, legacy projects and pet projects. This is a government that has become self-interested rather than interested in the people of Canberra and the most important people in Canberra that need looking after—those with a disability.

When I say that I think the minister is incapable of dealing with her portfolio effectively, I can go to a number of examples. One that I think has been evident has been her inability to understand that disability is an issue that cuts across portfolios. It does not just reside within her department. We have seen people falling through the cracks and we have seen organisations falling through the cracks.

Karen Costello is a wonderful example of that inability—and I think that the blame rests with the health minister as well—to pick up where people have fallen between portfolios. We have seen it with her department and the education department as well. It was evident earlier in the year with her lack of understanding of the Shaddock report, the implications it had for people with disabilities in the school system and her basic lack of attention to that report and what was going on within schools. It may have been within DET, but that does not mean that she, as a minister, should not have taken significant interest and responsibility.

We saw last week in relation to the Shepherd Centre and Noah's Ark—a tender process that was occurring and priorities that were informed by the *Future directions: towards challenge 2014* report—that she clearly had not done her homework. She confidently challenged Mr Doszpot, saying:

I challenge the assumption of Mr Doszpot's motion that this is due to reallocation of funding by this government. Let us be quite clear, this issue has come about due to the cessation of funding by the commonwealth and not as a result of reallocation of funds by this government.

Mr Doszpot's assumptions, I think, were correct. The opposition's assumptions were correct. This was confirmed throughout estimates in a question on notice that was answered by Mr Barr. Even as late as yesterday, Ms Burch was adamant that she did not sign a question on notice about this reallocation of funding, but that is a moot issue. The fact is that, although this was a matter involving DET, Ms Burch made a statement without doing her homework. She has shown, in her inability to engage with the community—

Ms Burch: Give us a copy of it, Hanson. You can't produce it. You sit there bold-faced telling fibs.

MR HANSON: Mr Hargreaves—

MR ASSISTANT SPEAKER: Order!

MR HANSON: We have seen her inability to engage effectively with the Flynn Community Group and her selection of Alkira and Gumnut to occupy the building of the former site of the Flynn primary school.

Having mentioned the Shepherd Centre and Noah's Ark—and I understand that there are issues that fall within DET, Mr Barr's portfolio areas, as well—I would like to reiterate the big win for the Shepherd Centre and Noah's Ark. This is about children. This is about disadvantaged children. This is about children with a disability and, in the case of the Shepherd Centre, profound disability—profound hearing loss.

As to this government's rhetoric about us and opposition for opposition's sake, when it came to it, we exposed the fact that this government was prepared, either through negligence or incompetence, to let kids with a disability fall off the edge of a cliff. Was it a matter of departments not talking to each other? Was it disregard, or was it, as Ms Burch does—and Mr Barr does too—a failure to even listen to people who are desperate and crying out in need?

We saw this also with Karen Costello, whom I mentioned earlier. Earlier this month the *Canberra Times* ran a story entitled, "Going home after three years in hospital". It talked about the case of Karen Costello, a quadriplegic. She spent 1,100 days as a dischargeable patient at a Canberra hospital. That is just disgraceful. She could have been discharged, but she spent 1,100 days there because the department within the minister's portfolio could not find her a suitable home.

It is quite clear that the minister lacks an understanding of her portfolio. We would have seen her performance laid bare in question time this week, particularly today. It is quite clear that her inability to manage her portfolio is having a profound effect on disabled people in the ACT. It is having a negative effect on non-government organisations and it is having a negative effect on carers in the ACT. There are 43,000 carers, it is estimated, in the ACT. Although not all of them are looking after disabled people—some look after the elderly, some look after children and so on—the vast majority are looking after people with disabilities. I take this opportunity to pass on my regards and commend the work of Carers ACT and Dee McGrath—the work that she does with her organisation to support carers. I call on the minister to make sure she does everything within her capacity to support that organisation and support carers more generally.

Moving on to her portfolio of Multicultural Affairs, it is quite clear that the government and the minister are letting this area slip. The minister does not have an understanding of what seemed to be some fairly simple processes, particularly in terms of measuring programs that are introduced and failing to establish targets to measure whether they are successful or not. If you do not implement those targets and

you do not measure how effective a program has been, how can you report on something? (*Second speaking period taken.*)

The minister was asked about lessons learned from the \$500,000 blow-out in the financial year 2008-09 Multicultural Festival. You would be aware of that one, Mr Assistant Speaker Hargreaves. We note that the recent festival did not have the same financial complications. It was an opportunity for the minister to get out and toot her horn, and she did. It is certainly telling that she was unable to articulate the lessons learned from the 2008-09 festival. In trying to explain what she did know, she confused the matter with the results of a satisfaction survey. They are quite different things, minister.

Mr Assistant Speaker, I again reiterate that this minister is currently managing two of the most people-centric portfolios in Multicultural Affairs and disability. Her focus, and the government's focus, is on legacy building projects. It is on infrastructure that is costing outrageous amounts of money. The people who should be the focus of this government are being left behind.

I will take as an example a media release issued by the minister which boldly stated that the 2010-11 budget recognises the vital role of carers. It was announced that \$424,000 over four years would be committed for a carers advocacy service. Yet it was quickly noted by disability stakeholders that this was an ACT election promise which initially promised approximately \$800,000. Where is the remaining money? The truth is that government funding for elements such as welfare services for people with a disability and welfare services in general are decreasing in real terms.

When I talk about priorities, I talk about where those priorities are. It would be impossible for me not to deliver a speech on behalf of Mr Doszpot without mentioning the Grassby statue. Of all the statues and pieces of art in this town there is probably none that more symbolises the misdirected priorities of this government than the Grassby statue. The government spent, I think, \$75,000 on a statue to try to applaud a Labor mate, to look after a Labor mate. Putting up a statue of its mate—where he sits every day—reminds the people of the ACT what this government's priorities are. We saw just last week some money that was left over—the gross waste of money—from the \$2.5 million that was being spent on public art. The Chief Minister is spending another \$200,000-odd, I think, on another couple of statues for Labor mates in the parliamentary triangle. The arboretum is another. When you contrast those sorts of projects with the lack of funding and attention that this government is putting into both multicultural affairs and disabilities, the difference is profound.

Probably the clearest example of where this government is showing neglect is by putting the minister, Joy Burch, where she is. If you wanted a minister that was going to do the job effectively it would not be Joy Burch. This week has shown that quite clearly. The problem with this government is that it has simply run out of options. It is worth taking note of who this Labor government is and why Joy Burch is on the frontbench. It is quite simply that after Mr Hargreaves was removed from his job, she was the last one standing. She is now on the frontbench, warming that seat, because there is literally nobody else to do it. If we have got to a point where disability services in this town are being supervised and administered by someone that is simply

the last person standing then I think we have reached a really dire state of affairs in the ACT.

Moving away from Ms Burch and on to the issue of Indigenous affairs, which also falls under this area—although it is obviously supervised by the Chief Minister and he is the minister responsible for Indigenous affairs—I note that in evidence to the estimates committee, Mr Terry Williams, who is the chair of the Indigenous elected body, talked about closing the gap. He said:

Closing the gap. The gap is only getting wider.

While Mr Stanhope and others are going around signing the closing the gap statement and are getting every photo opportunity that they can, the reality on the ground is light years away from the happy snaps. It is no different from Mr Rudd and his apology—Sorry Day. It certainly was a sorry day because it was about spin and media management. Nothing tangible has happened on the ground. That was true of the federal Labor government under Kevin Rudd. I think he was booted out of his job by his own Labor colleagues because they saw that he was signing up for things and nothing was being delivered. That is a symptom that has crept in—it was probably there all along—and is apparent in this ACT Labor government.

When you speak to people on the ground, there are literally dozens of emails that are coming in about some of the things that we have organised in the last couple of weeks, be it about the Shepherd Centre, Noah's Ark, assisting people to get their elective surgery or introducing random drug testing. That is in stark contrast to this government's priorities and the spin that was put by the federal Labor government under Kevin Rudd. That is the way this government is behaving and it is heading towards the same grisly end. Mr Williams went on to say:

As to the funds that have been put into the budget at the moment, all I can say is that, truly, the allocation of funds directed to Indigenous people in the ACT is horrific.

Jon Stanhope is the man that goes out and puts himself forward as the champion of Indigenous causes, who loves the symbolism of it. When it actually comes to the reality, the chair of the elected body stood up and said—let me repeat it again:

As to the funds that have been put into the budget at the moment, all I can say is that, truly, the allocation of funds directed to the Indigenous people in the ACT is horrific.

I do not think you could get stronger language. This is not the Liberal Party saying it. It is fair to say that Mr Terry Williams is not a Liberal Party stooge. I know that that is normally the defence when something negative is said about the government. I think that that sort of language coming from the chair of an Indigenous elected body needs addressing. The Chief Minister basically said, "That's not the case. I've not had that conversation with Mr Williams." I question why it is that communications have broken down to such a point between Mr Stanhope and elements of the Indigenous community that Mr Stanhope was unaware that the chair of the Indigenous elected body considered the funding in this budget to be horrific.

We have seen photo opportunities of these meetings between the Indigenous elected body and the cabinet and we have seen an estimates process that they went through with the Indigenous elected body. We also saw a report that was put out by the Indigenous elected body. How is it that through that process Mr Stanhope was unaware that the chair thought that the funding allocated for the budget was horrific, if it is not the case? Is Mr Stanhope saying that Terry Williams is wrong? Is he calling him a liar? Or has he simply been failing to communicate with the Indigenous community?

Quite clearly, this is a government that has lost focus. Both Mr Stanhope and Ms Burch are failing to deliver for the community—I think for different reasons. I think with Ms Burch it is through a lack of competence, a lack of understanding and a lack of ability. I think with Mr Stanhope it is through an ideological obsession that is now about self-interest. If you look at what he is delivering in this budget, if you look at where his focus is, if you look at where he is trying to attack others who are trying to put forward good plans and good ideas—he attacks people who try to put through policies like random drug testing—you can see where this government’s agenda is heading with Mr Stanhope. It is certainly not looking after the Indigenous community, it is not looking after disabled people and it is not looking after our multicultural community.

MS BRESNAN (Brindabella) (10:05): Groups representing people with a disability have communicated to the Greens and, I believe, the Assembly some common themes over the last year. These groups are of an opinion that, while disability services have greatly improved over several decades, progress recently has been slow. Secondly, groups have argued that the government’s definition of “disability” is too narrow, as it is based on the medical model of diagnosis. Many groups argue that governments should be adopting the social model proposed by the UN convention on the rights of people with a disability. The disability sector also believe unmet need and demand should be measured and made public to assist in the disability portfolio lobbying for appropriate funding through the budget process.

The Greens asked questions about the government’s measurement of outcomes—specifically those outcomes listed in the document, “Measures of success”, that accompanied the future directions strategy. The data would be useful in terms of the measurements proposed. However, it seems that the government may not have gathered that data to date. Instead, the government hopes that, by moving from a three-year to a 10-year funding cycle, measurements can be collected and analysed utilising the funding contracts it has with non-government organisations and the manner in which they report to government.

It also became apparent during the estimates process that follow-up on the post-school options planning process was not being conducted adequately. Much planning goes into developing plans for post-school options for young people graduating from schools such as Black Mountain school. However, there is no actual analysis of how many of those plans are successful. The measurement of this program’s outcomes is important because we are hearing more and more stories about young people having nowhere to go and parents having to give up jobs to look after their adult children full time.

The estimates committee recommended that the government expand the availability of post-school options and pathways for people with a disability, including working with vocationally oriented organisations. The government noted the recommendations and said that people with a disability who are finishing school will need to link to generic services in the community.

The government also said that Disability ACT was working with Merici college to develop a program to train students from Black Mountain school in vocational employment activities. We hope that development is successful, because, until this problem is fixed, many young people will not have adequate or any post-school options. This has significant impacts on students and their carers and families in terms of social exclusion and also on their finances.

The committee's recommendation was about having a coordinated effort with all sectors. As I have noted, it is an issue which has been raised by a number of parents, including through the inquiry of the Standing Committee on Education, Training and Youth Affairs into disability education, and by Professor Tony Shaddock. Therefore, I hope the government will do more than note this recommendation.

The other estimates committee recommendation on disability was that a formula for growth funding be developed for disability services as per health funding and that this formula be applied to the 2011-12 budget process. The ACT government has said that it is waiting for commonwealth work, which is often used as a reason by the government. The Greens, like the ACT government, are hoping that the proposal for a national disability insurance scheme will be successful. But until such time as a scheme is up and running, which may be quite some time away, the ACT government has a responsibility to improve and reform funding to disability services.

The ACT government has also said in its response to the committee recommendation about growth funds that funding allocations for disability services will need to be considered in the context of competing priorities across the spectrum of other government services. I understand that there are competing interests and that each sector is in need of more funding. However, we need to address the growing demands on the disability sector, in particular, the impact on non-government service providers and the carers who care for people with a disability.

Disability does not typically attract the political or media attention that other areas do, which makes the sector's voice harder to hear. Both the inquiry of the Standing Committee on Health, Community and Social Services into respite care and the education committee's inquiry into the needs of students with a disability have highlighted the gaps in required services, and they are hardest felt by consumers and their families or carers. The many submissions from parents provided an example of the great hardships that people endure and demonstrated that we have to improve the system for people with a disability. This includes looking at how we define "disability" and the way programs are funded.

I would now like to move on to multicultural affairs. I am pleased that, after a lengthy consultation process and community submissions, the final version of the multicultural strategy is now more reflective of community needs. I note that the

expansion of the original themes and the inclusion of key performance indicators against all the themes has made this multicultural strategy a more realistic and practical document. However, I await a response from the minister's office to understand exactly what items in the strategy have been funded and what items have not.

While the strategy may have good intentions, we do need some detail on what funding will be allocated towards specific programs to action the strategy. In relation to this, I refer to one of the recommendations from the estimates report—recommendation 6, which is that improved accountability indicators be developed for each agency that include expenditure on specific plans that are administered by agencies. This is so when the government develop various plans, such as the multicultural strategy, there is accountability to ensure funding is allocated to programs to action these plans. This is so plans are actually implemented and are not just statements of intent. The government noted this recommendation, but their answer gives no assurances that this will be actioned.

The funding and relocation of Multicultural Youth Services is a welcome move by government. Since last year, the Greens have been working very hard to gather support for MYS. I am also aware that MYS have needed a larger space for their drop-in services for quite a while since the Griffin Centre could no longer accommodate the volume of people they were seeing. The move to the Theo Notaras building is a welcome one, and we congratulate MYS once again on their move and their continued service to Canberra's refugee community.

With regard to the Multicultural Festival and the arts—an important area for the community here in the ACT—the ACT Greens are supporters of the Multicultural Festival, particularly as it is really the only opportunity where Canberra's many ethnic communities can come together and celebrate and showcase their cultures. We still need clarity around the funding for the festival, primarily around the money from the multicultural budget which went to the fringe festival and whether or not that will be a permanent funding allocation. On this note, I believe it is important that we recognise that the arts are a vital means of cultural expression for people from culturally and linguistically diverse communities. The ACT Greens believe that the arts can be used as an effective means of communication and a tool to bring people together as a community.

It also has been brought to our attention that there is an increased interest in having a peak multicultural body representing many of the diverse groups in Canberra. I am aware of the history of peak multicultural groups in the ACT. However, I note the important role a peak group could play in informing government. The ACT Greens would like to see the government revisit supporting a peak multicultural body in the ACT.

I would now like to address ageing. The ACT Greens believe that older people have the right to feel safe and live free of abuse, neglect and violence. Providing high quality health and aged care services regardless of income, status, background or location is a policy we support strongly. We also support government and community organisations working together to improve the safety of older people in their homes and in aged care facilities.

The demographic profile of Canberra is rapidly changing. The growth in both the number of people in the ACT approaching retirement age and the retired population stands in contrast with national figures. This is having a significant impact on the nature of community demand and the manner in which services are delivered in the ACT. Social isolation is one of the most important issues when it comes to older people. Access to affordable housing, transport, health services and social opportunities are all key factors in keeping older people healthy and connected to their communities. A positive ageing strategy highlights activities aimed at decreasing social isolation, yet we do not have actual information on what funding is directed to the strategy. This issue again goes to recommendation 6 of the estimates committee report around accountability indicators for government plans and strategies.

The Council on the Ageing, COTA, has raised a number of issues which impact greatly on older people. The situation of older people dealing with the private rental market has continued to worsen with some older people having to pay half of their incomes on rent. Transport is also a key factor in combating social isolation, and it has been noted by COTA that the personal motor vehicle remains the principal mode of transport for older people in the ACT. It is reported that over 80 per cent of older people drive once a week and more than 25 per cent are passengers in their own vehicles. (*Second speaking period taken.*) Furthermore, it has been noted that limited alternatives for older people make the ability to drive and the use of a motor vehicle critical for mobility.

This is a further reason why accessible buses are important, particularly ensuring that they turn up on schedule. The community buses are a good initiative introduced by the government. However, I hope there will be consideration of greater flexibility with this service so they can work with existing public transport and also travel out of area if that is required.

Lastly, I would like to refer to recommendation 37 in the estimates report, which Ms Hunter has already mentioned tonight—that is, that future ACT budget papers include the funding breakdown for output 3.2 relating to community affairs. The government has not agreed to this recommendation, stating that reporting this level of detail would be onerous and expand the size of the budget papers.

I actually think this recommendation may have been somewhat misunderstood. The committee was asking for the total budget for this output, showing what is applicable to each of the areas or each of the agencies. I would have thought that this would have been clear, given that each office dealing with each area, such as the Office for Ageing, has a set budget. The government should know and provide to the community what is spent in each area or office.

MR RATTENBURY (Molonglo) (10:17): I just want to speak briefly about the energy concession rebate which falls under the DHCS portfolio. The government has made some changes in this year's budget. Some of them are welcome, and I would like to make some other comments as well. We were pleased to see the increase in the energy concession rebate in the budget, but it was not as much as hoped. It is \$20 a year, but prices rose by \$30 just in the last year alone. When it was announced, I noted in my budget speech a few weeks ago that there was nothing to make up for the

years gone by when the rate has not increased but that it was a step in the right direction and that, of course, is welcome.

The energy concession rebate used to be about 20 per cent of the average electricity bill, and so it had been dropping as a proportion of average electricity bills over the last five years. I will refer to figures from the ACTPLA submission to the budget this year, which note that the energy concession rate was \$189 in 2004-05 and it increased just a fraction to \$195 in 2008-09. In the same time, however, the average electricity bill has increased by \$350. In that period in which the average electricity bill went up \$350, the energy concession rebate was raised by \$6. Clearly there is some work to do to ensure that those at risk of energy poverty in the ACT continue to be protected against energy price rises.

I was interested and a little disturbed to receive answers to a question on notice from the minister in regard to the aspirations for the energy concession rebate in the context of the need to protect those at risk from energy poverty. When I asked the minister what percentage of the average annual household energy bill the rebate would be aiming to deliver, the response was only 15 per cent compared to the historical level of around 20 per cent.

I am unclear as to how the government reached this conclusion of what was an acceptable level at which to let the rebate sit, because when I asked for the modelling that had been undertaken to determine the new rate for the energy concession, I was provided with a description of the modelling rather than the modelling itself. So it remains unclear to me how this decision was taken, but it should be recognised that this is a significant downgrade of the value of what the rebate used to be. I will be seeking to contact the minister further to find out how she has reached that conclusion of 15 per cent, what the aspirations are for the future and whether there is scope to give that further consideration in light of the obvious impact that energy bills can have on households that are perhaps economically vulnerable.

I will conclude by saying that we welcome the fact that the government has addressed this issue and that there has been an increase. It is important that this step has been taken, but I am concerned that it does leave people who are struggling to pay their energy bills exposed. It is a discussion we hope to continue with the government, particularly as we move towards next year's budget.

MR SMYTH (Brindabella) (10.20): I just want to comment on one matter. I could speak on this in Chief Minister's business or planning with ACTPLA, but most of the Indigenous information that we are sharing tonight seems to have been concentrated in DHCS, so I will do it here.

When Terry Williams appeared before the committee as the chair of the elected Indigenous body, he spoke about the lack of support from this government to give the Indigenous community independence through developing their own business. The encouragement that we as a community provide to Indigenous people in the ACT is very important, and I want to speak in particular about the Billabong Aboriginal Corporation.

Many of us have been out there, including many Labor politicians. I know the Chief Minister has been out there and Bob McMullan has been out there. I note that you are nodding, Mr Assistant Speaker, so I assume you have also been out there. The problem is that there is long-standing apathy towards Billabong from this government. They do a lot of work with building hope and opportunity for Indigenous people. They do work especially for youth who are at risk. They have set up a number of businesses. They provide housing for Indigenous people. But the fundamental issue for the Billabong Aboriginal Corporation is that they must have some surety about their location in Holt, and they do not have that.

This is a matter I have raised for the last two or three years. They are currently on a short-term arrangement. It is most unsatisfactory. They cannot borrow against it. Therefore, they cannot expand. Billabong has invested a considerable amount of capital on the site and from this Billabong provides a range of valuable services. I am aware that Billabong has been attempting for some years now to negotiate with the ACT government for a long-term arrangement for the site. I asked the Minister for Aboriginal and Torres Strait Islander Affairs about this matter during estimates, and he told me that action is finally in train to amend the territory plan such that Billabong could have longer term access to the site. I look forward to the resolution of the matter.

The answer to the question, which the Chief Minister took on notice, is:

The Billabong Aboriginal Corporation currently occupies Block 1420 in the District of Belconnen.

Block 1420 is within the non urban NUZ3 hills, ridges and buffer zone of the Territory Plan.

The existing uses carried out by ... Billabong ... are inconsistent with the Territory Plan but ACT Planning and Land Authority is undertaking amendments to the Territory Plan to remedy this. The amendment is anticipated to commence in mid to late July 2010.

... Billabong ... has been in contact with LAPS who are preparing a direct sale application.

I hope it progresses smoothly, and I am sure we all look forward to it. Billabong has also been involved in many discussions with ACT government departments and agencies on a range of services that could be provided by Billabong. The minister has provided a brief answer to me on this matter, an answer I do not really consider to be satisfactory. It is dismissive of approaches from Billabong, and we will be following this up in due course, but it is worth a read. I asked:

What is meant by the statement: 'it has to be said that not everything that Billabong proposes or would wish to pursue is supported by the government.'

That is what the minister said—

What matters have been proposed by Billabong and have not been supported by the ... government ... Why have these matters not been supported by the ... government.

The answer was:

The Department of Disability Housing and Community Services has advised me that the Billabong Aboriginal Corporation has informally canvassed ideas for enhanced service delivery at the site over a number of years.

I understand that the ideas put forward by the Billabong Corporation were subject to discussion with various officials at the time and were not supported.

That is a most unsatisfactory answer. It is quite clear you have got a group of individuals here who wish to be independent of the government. They wish to support their community. They wish to look after those most at need in the community, and they have been shunned by this government. It is a shame that this has been going on for so long, and I wish the minister would take his responsibilities more seriously.

MRS DUNNE (Ginninderra) (10.25): There are other areas of this portfolio that I think must be commented on in this budget debate. I think I should start with the Bimberi Youth Justice Centre. I note that in the closing days of the financial year we saw an extra bailout of the running costs of Bimberi through the Treasurer's advance. Ms Hunter touched on this in her comments. She hoped that the extra money in this year's budget for Bimberi might mean that we will see some of the very expensive facilities that were built at Bimberi actually being put to use for the young people who find themselves there.

It is interesting that over the time the Canberra Liberals have been looking at the issues in relation to Bimberi, when things get tough, as is always the case with a Labor minister, we have to find a good news spin story. When there was criticism of Bimberi, we had Ms Burch out there with some inmates and some fruit and vegetables, which is laudable. I congratulate the young people for the work that they do for OzHarvest but I did wonder about the appropriateness of exploiting underage detainees for the benefit of Ms Burch's media spin.

There have been a number of assaults and security breaches, and action was only taken when the Canberra Liberals brought this to the forefront. There are some recommendations in the dissenting comments made by Mr Smyth and Mr Seselja about the need for the minister to come clean with this Assembly and, through this Assembly, the community about the steps that they are taking to ensure that there are not security breaches in the future.

There are issues in relation to staff shortages. Like Ms Hunter, I hope that the extra funding we see in this year will ensure that those staff shortages do not continue to put people at risk. I note that the question that Ms Burch quite famously committed over and over again to go away and get the detail on and to answer for the estimates committee remains unanswered. She has yet to answer the question in relation to the spitting incident that I have been told about. Ms Burch has provided an answer which is a non-answer. She committed to getting the details and coming back to the committee. She has failed to do that in the way that she has failed to do most things in her portfolio.

Perhaps the highlight of Ms Burch's foray into her first budget was the proposal to open a childcare centre at the former Flynn primary school. We remember that back in budget week. When Ms Burch was asked about this she said that this would be another 110 places, that this was an incredible increase in childcare in the ACT and that it would have a great impact on the people of west Belconnen in particular. It turned out that it was absolutely incredible in the classic sense of the word, because we discovered that those 110 to 120 childcare places are in fact net—somewhere between 10 and 20 new childcare places. So for all that money, \$4 million and 110 to 120 places, only 10 to 20 of those places are new places. Only 10 to 20 of those places are new places.

It seems that the Canberra Liberals were quite prescient when Mr Seselja and Mr Smyth made a recommendation in their dissenting comments that the minister tell this Assembly how she was going to fill those places, to assure the Assembly that they would be net new places and that they would not be used to relocated people who already had problems with their accommodation. Ms Burch promised the people of the ACT in this Assembly that they were new places and that promise has come to nought.

On top of that, we see the issue that she did not consult with the John Flynn Community Group about the agencies that might go in there. She did not tell them ahead of time that she had made this decision. She says all the time that she likes to talk to people. Ms Burch talks to people but she does not listen and she does not carry through.

When I was listening to Mr Hanson's comments about how Ms Burch does not engage with people with disabilities, I was reminded of some of the experiences I have had. I have taken constituents to see Ms Burch. I did this when she first became a minister because I thought, "Here is a woman who appears to be sympathetic, who seems to be willing to listen to people." I have taken a constituent on one occasion to see Ms Burch. Ms Burch sat there and she really empathised. She really empathised. I thought, "Good. At last I am going to get a breakthrough for this woman." But months later nothing has happened for that family who are still in distress and they still have not resolved their situation.

On a number of occasions, I have contemplated repeating that but I have decided it is just not worth the effort. It is an embarrassment to take constituents to see Ms Burch, to have their hopes raised only to have them dashed. When constituents go and see Ms Burch or organisations go and see Ms Burch, they get, "Oh dear. I feel for you. I deeply sympathise." That is the end of it because Ms Burch cannot deliver. She does not know how to control her department. She does not know how to be a minister and she fails to deliver to the most vulnerable people in this territory—people with disabilities, people who are in distress in all manner of ways. This minister fails to deliver for those people.

Another area where Ms Burch is failing to deliver is in the area of childcare. Since she has become a minister, this opposition has asked her time and again what she is doing to help the childcare sector, mainly the non-government childcare sector, the community based childcare sector. It is often run by small parent groups.

How are they going to gear up to be ready for 2012? What will be the impact on childcare centres of having to make arrangements for new space requirements, changing their staff-child ratios? What impact will that have? What impact will the government's portable long service leave scheme have on the cash flows of these and other organisations? What are the factors that will drive up childcare costs? What is the impact of things like the changes to the subsidies from the commonwealth which are now frozen at \$7,500? What is the impact of all sorts of government regulations which we have all seen that are driving up the costs?

What does Ms Burch do? Every time you ask her she says, "Access Economics has done some modelling." Access Economics has not modelled for the ACT. Access Economics has not modelled for how things are in the ACT. We have quite a different childcare structure to anyone else in the country and they have not modelled specifically on the ACT. Ms Burch does not know what will happen in 2012. Quite frankly, from her display here today and on other occasions it is clear that not only does she does not know but she does not care. She does not care that when people make decisions about childcare they are very difficult decisions indeed.

When the costs go up, mothers stay at home. That will have an impact on family incomes, it will have an impact on employment in the ACT and it will have an impact on skills in the ACT. A whole lot of those decisions are based on whether people can get good childcare at a reasonable price. Childcare is not inelastic. People will eventually move away from childcare if it is not worth their while to go to work, and Ms Burch, this minister, is doing nothing about this.

There we saw it again today. She sat in budget cabinet—I do not know whether she was awake—when they talked about the macroeconomic report into change of use charge. She did not notice, or no-one pointed out to her, that there is a tax of \$10,000 a child. Every time a childcare centre wants to increase the number of children under its lease, there is a \$10,000 tax. That will mean that every time, coming up to 2012—*(Time expired)*.

MR HARGREAVES (Brindabella) (10:35): Apart from my time in the chair, I have just sat here and listened to the debate. I have not actually taken part much, even though I did sit on the estimates committee and I have a reasonably intimate knowledge of the conversations that went on during that inquiry. I want to make a couple of points about this particular process with respect to the Department of Disability, Housing and Community Services.

What I have witnessed tonight is an absolute personal attack from Mr Hanson and Mrs Dunne on Minister Burch. There has been very little in the way of substance and a heck of a lot in the way of vehement, emotive language. There has been no substance. There has been hate-filled rhetoric and the same old same old that we have all come to expect from them. When they are short on substance, hysteria will do. They wave the finger around. That does not actually cut it.

When they are exposed as being a policy vacuum, what happens? They resort to vicious, vindictive and venomous language. That does not do anybody any good here. I have to say with respect to Mr Hanson's diatribe on Mrs Burch that really he ought

to develop a balanced character in this place. He wants to be a balanced politician. I suggest, for example, that he go back and have a look at the relationships of two people whom I regard as the pillars of politics—Fred Daly and Jim McClelland.

Both of those people were professionals. Both of them were absolutely determined to argue their case. Both of them did so with respect for one another. Mr Hanson has shown no respect for anybody in this Assembly other than his colleagues. I am sorry to say that because I do not think it is the way to go. I think it is a sad and sorry state that we have got a member in this place like that. I think he ought to show us that he has actually done some research.

I used to cross swords with Mr Pratt and I disagreed with him on many things. But I have to tell you that he actually did the work. He was not always accurate but he did work at it and you could see it. I have to say that I cannot say the same thing about Mr Hanson. I do not believe that the sensational stories actually cut it as research.

I want to address a couple of other points. One of them is the assertion from Mrs Dunne around the grandparent and kinship carer statement that there was institutional abuse. He forgot to say, of course, that that comment was qualified a little later by those witnesses and a different story emerged. Again, Mrs Dunne emotionally, tears brimming, quoted one example to prove her case—only one.

It was not her experience, as it happens. It was an anecdote given to her which she adopted as her own, as they do all too often, Mr Hanson is guilty of it. Mrs Dunne is guilty of it and in the estimates hearings Mr Doszpot did it. They quote one episode and then attribute systemic failure to that one episode. We saw it with different people who used one example. I think that is a pretty poor way of going about it.

I have respect for the way Mr Smyth conducts himself in the estimates process. I have said it in this place before; so it is not a great secret. I thought, however, that his comments today about Billabong were not particularly budget related. I could not see it. However, I think he used up a full 10 minutes of his time prosecuting just two cases on behalf of Billabong and putting one case forward. I think he could have used the time a little better on this sort of thing.

Mr Hanson: You are probably guilty of that too, John, I would have to say.

MR HARGREAVES: I propose not to respond to interjections this evening. I am going to treat Mr Hanson with the contempt that is due. Mrs Dunne, in her diatribe against Minister Burch, went on and on for 10 minutes about childcare. Childcare certainly is part of the minister's portfolio. But she went on and on and on. It must be about the fourth or fifth time we have heard her deliver the same speech.

But could she tell this place at one point what is the bad news that she obviously embraces that makes her so vehement as to oppose the childcare services going into Flynn? Was it not true that this initiative actually rescued two precarious childcare centres? I think so. That is missing from Mrs Dunne's presentation. She spent 10 minutes saying the same thing over and over again as if repetition is the substitute for substance. I am sorry; it is one of those old things. If you shout it long enough and hard enough, maybe someone will believe you. But not in this place; not in this place.

She then, for a little while in her speech, said that this portable long service leave is going to cost these centres a whole stack of money. I would like to ask two questions rhetorically. The first one is this: have not a lot of these centres already been putting money aside? Any additional cost might be a little on the top but have they, in fact, been giving people their entitlements? The answer is yes.

But for those people who left before their entitlements became due, what happened to those funds? What happened to those funds? I do not know but Mrs Dunne has not said what happened to those funds. It is okay for her to get up here and bang on about the cost of those centres but she should be telling us in this place where those funds went. Where did they go? Were they just pocketed? Were they used for investment? Where did they go? I would like to know. Now, Mr Speaker, the—

Mrs Dunne: They went back into services, and you know it, Johnno. Every time you do that you defame all those community organisations.

MR SPEAKER: Mrs Dunne, you were heard in silence and I expect the same from Mr Hargreaves.

Mrs Dunne: Actually, I wasn't, Mr Speaker.

MR HARGREAVES: Mrs Dunne did not hear from me, Mr Speaker, but she is going to hear from me now whether she likes it or whether she does not. There is another question on portable long service leave that I would like answered. Presumably, the extension of her view is that the childcare workers would be denied their long service leave entitlements.

If this scheme is about portability, that means that ultimately these people will be paid out their long service leave entitlements whereas the current situation is that people who leave after three years walk away from it. This issue of long service leave for the workforce is a right. It is a right. You get it in the armed forces, you get it in the bureaucracy and you get it in the private sector, but you do not get it—or you did not get it—in the community sector.

Mr Speaker, am I correct, therefore, in believing that Mrs Dunne would deny those workers those rights? I think so. However, the most telling part about all of the speeches of those opposite thus far, and I invite those people who have not spoken yet to address this point that I am going to make to you, is that hardly any of them have referred to the budget itself.

Mr Smyth: I certainly did.

MR HARGREAVES: I heard Mr Smyth and he did not refer to the budget for the Disability, Housing and Community Services line at all. He talked about Billabong and their difficulties as he saw them. But did they talk about the initiatives that were in the budget papers, Mr Speaker? I do not think so. The older carers respite program, with an expenditure of \$416,000 in the first year—did that get a mention? I do not think so.

Did we hear anything about the additional support of \$1.2 million for disability services? That did not rate a mention from any of those people opposite. I understand that the shadow minister for disability is not here. He does enjoy the sympathy of the people on this side of the house. We do send our condolences to Maureen and wish him to help her get over this terrible time. Mr Hanson, on the other hand, did not advocate very well on behalf of Mr Doszpot in this sense. He did not address the \$1.2 million at all. (*Second speaking period taken.*)

Did we see any comment about the \$1.3 million for the support for out-of-home care? No. What about the carers advocacy service? There is \$100,000 to be spent there. What about prevention of violence against women? You would have expected Mrs Dunne at least to have applauded that initiative. It has got \$344,000 in the first year. They were banging on about the autism issue. We know that autism is an issue. We are all sympathetic to that.

Mr Seselja: That does not sound very sympathetic—“banging on about the autism issue”. That is how seriously you take it, John.

MR HARGREAVES: Where was the \$100,000 mentioned?

Mr Seselja: Is that how seriously you take the issue of autism?

MR SPEAKER: Order!

MR HARGREAVES: Where is your claim about that? There is none.

Mr Seselja: Is that your attitude to people with autism—banging on?

MR HARGREAVES: What these people have done is go cherry picking. They have said, “We think we can make a political point here and there.” Is their comment balanced? No, it is not.

Mr Smyth: I think John just explained why he is on the backbench.

Mr Seselja: So are you going to give us some critical comments now, John?

MR HARGREAVES: They talked about the multicultural languages program.

Mr Seselja: Are you going to do some critical comments on the budget?

MR HARGREAVES: In relation to the multicultural languages program—

Mr Hanson: What is wrong with the budget, John?

MR SPEAKER: Order, members!

MR HARGREAVES: an amount of \$25,000 was allocated to increase the services to the Ethnic Schools Association.

Mr Hanson: So we are meant to praise the budget and you are meant to criticise it? Is that the way it is working?

Mr Seselja: Are you going to criticise it?

MR SPEAKER: Order, members! Let the clock run because we forgot to start it. Members, I have made a number of comments now. Mrs Dunne gave some very critical analysis and she was heard in silence. Mr Hargreaves is responding and I expect him to be treated in the same way. The next member who starts to shout across the chamber at him will be warned. Mr Hargreaves.

MR HARGREAVES: Thank you very much, Mr Speaker. I am talking about the multicultural initiatives in the budget. The multicultural languages program and multicultural youth services both came out of a consultation process and a continual consultation with the multicultural community over a series of years. It is a logical step along the way to a conversation between the government and the multicultural community.

I do not see any recognition, however begrudging, that these initiatives may very well assist somebody, particularly people who have English as their second language or even their third or fourth language. The multicultural youth service is a particularly valuable service and I am pleased to see some additional funds in the budget for that.

When they talked about the Indigenous people, did we hear a thing about the traditional owners genealogy project? No, we did not. Why was that? There is \$50,000 in the budget for that. Why do you think that is? It is because they did not read it. They did not know a thing about it. They have not said anything about it but Mrs Dunne is quite happy to scream her lungs out about a spitting incident. It shows how clever she is. In the hearing she suggested that someone might get hepatitis C from it and then she had to correct herself.

This is just an episode of opening her mouth before the brain is engaged. She should have known better on that one. She should have known better and she did not do it. But what happens here? She is going on about the so-called security lapses at that centre because of one episode where somebody spat on an officer. She got the answer she wanted. No, I tell a lie. She got an answer which showed the complete picture of that episode but still it is not good enough; still she thinks there are systemic issues to be had there. Where was the recognition from Mrs Dunne for the \$1.7 million in year one that went to Bimberi Youth Justice Centre operational costs? It is nowhere to be seen.

Then we talked about the upgrade of energy, electricity and gas concessions. Mr Speaker, you mentioned this in your address on the budget because it is an issue that is not only dear to your heart; it also is part of the expertise that you bring to this place. Those opposite have not mentioned it. There is \$440,000 in the first year.

What we are seeing, quite frankly, is a whole heap of initiatives that we have not had a comment about from those opposite. They have not said, "We think it is a good idea," or, "We think it is a bad idea." We have not had a comment from them to the

effect, “We would not have done that but we might have done something else.” We have not had a positive suggestion from those opposite since I have been listening to the debate on the budget. What we have seen is a diatribe.

When I look through their dissenting report I look for a positive contribution of some type. I have to tell you that the dissenting report did something that the estimates committee was not capable of doing—that is, make as many recommendations as possible to look into things. This is unheralded in the history of the Assembly. If you have a look at their dissenting report—its 100-and-something recommendations—you will see three-quarters of them are saying, “Please examine this, please review this; please do this.” But there are no concrete suggestions on what to do. There are no suggestions about doing something on the ground.

I will say this, though: there was one little pearl of wisdom in there. I looked at it and I thought, “No!” That was that the government actually pick up the Liberal Party’s policy on infrastructure. I thought that that has got to be a trick recommendation. That is to see whether we were reading them. I was and, again, I have to say that I did not see a whole heap of what they would do.

It is all well and good for Mr Hanson and Mrs Dunne to stand up here and criticise Ms Burch, as they do now. We see that Ms Gallagher is going to have a bit of a holiday now because they are now going to pick on Ms Burch. We saw that today. She got a yahtzee in question time today; all six questions. Yahtzee! The thing is that it is not doing anybody any good. It is not benefiting a soul.

Maybe their egos are getting a bit of a hit, but that is it. If they came up with a couple of solid suggestions, if they had some substance to them and if they were evidenced-based, maybe people would say, “That is not a bad idea.” I think it was you, Mr Speaker, who said that the executive benches do not have a mortgage on good ideas in this place. But let me tell you this: those people have not had a good idea in this place yet. If they have, they have not shared it with the rest of us.

Maybe that is my complaint. It is that if they had had a good idea they have not shared it with us. Certainly, you cannot waste the amount of time they have—an hour-and-a-half of debate—and not talk about the subject that we are supposed to be here to talk about. All that happened was invective and viciousness directed at Ms Burch. I am used to it because those people over there are short on substance and high on attack. They are high on personal attack. It goes off me like water off a duck’s back.

Mr Smyth: Apparently not.

Mr Seselja: It did not look like it today.

MR HARGREAVES: Yes, like water off a duck’s back. But I am not going to sit here and listen to that nonsensical diatribe against one of the members of the executive who is responsible for delivering these initiatives. Either put up or shut up.

Standing and temporary orders—suspension

Motion (by **Mr Corbell**) agreed to, with the concurrence of an absolute majority:

That standing order 76 be suspended for the remainder of this sitting.

Appropriation Bill 2010-2011

[Cognate paper: estimates 2010-2011—Select Committee report—government response]

Proposed expenditure—Part 1.17—Department of Disability, Housing and Community Services—\$190,870,000 (net cost of outputs), \$17,615,000 (capital injection) and \$35,876,000 (payments on behalf of the territory), totalling \$244,361,000.

Debate resumed.

MR SESELJA (Molonglo—Leader of the Opposition) (10:54): We can see from Mr Hargreaves's performance today that he does not take anything personally. He is far more complimentary of his cabinet colleagues in the chamber than he is elsewhere. It is quite amazing. What I did take particular exception to in Mr Hargreaves's diatribe over the last 17 or so minutes was his attack on the kinship carers. What we had was effectively the implication that what they had said was incorrect and they had had to correct all their evidence. That is not true. A small part of the evidence was corrected and none, I believe, of what has been quoted from the kinship carers has been corrected.

What we see from the Labor Party, and we saw it from the Greens in the committee, is an attack on the kinship carers and their credibility because they had to correct one small part of their evidence—nothing to do with the claims of institutional abuse. The carers claimed institutional abuse. That was not corrected at any stage or withdrawn by Marion Le, a respected member of our community, yet because another part of the evidence was corrected—to their credit, they came back and corrected a small part of their evidence—Mr Hargreaves's, and it seems the Labor Party's, position is to simply attack their credibility. It is disgraceful. It is a disgraceful attack on the carers because the Labor Party do not like what the carers had to say. What they had to say is a serious claim and it is a significant claim and it has not at any stage been withdrawn by Ms Le or the kinship carers. Ms Le said:

Do you know how serious I think this is? I spoke out about children in detention, and I said that that was abusive. I believe that what is going on here—this is very strong, and I will stand by it—is abusive. I believe it is systematic and institutionalised abuse. And people do not even see it any more. They are so used to it that they do not see it. It is systemic and it is abusive. It is abusive of the people who are caring for the children. I do not feel myself abused, because I went to court and got orders over the children very quickly. I knew my way through the process, and I am not blood related so I do not have all the emotional baggage that comes with that. But it is abusive. It is very abusive of the carers. It is very, very abusive long term of the children.

I think there would rarely have been a more damning piece of evidence or testimony from a community group in an estimates process. And what we have seen since then have been attempts by the Greens and the Labor Party to sanitise that evidence, to overlook that evidence, then culminating in Mr Hargreaves effectively attacking the credibility of the carers, with no basis—no basis whatsoever.

When asked about the institutionalised abuse, the minister in her appearance before the committee said, “I refuted it.” When asked if she had spoken to Ms Le about her comments, she indicated she had not but her department had. So she hears a claim of institutionalised abuse against her department and she says, “Well, I got my department to talk to them and I am satisfied.” She did not bother to talk to them herself. She did not bother to do the work. We have seen, unfortunately, from this minister, firstly, a complete lack of capacity. We see it in question time. Mr Hargreaves comes in here and blusters about it, but the reality is that he knows it and so do his colleagues. She comes in here consistently in question time and simply does not go anywhere near answering questions, either because she does not want to or because she is simply incapable of it. Either way, we do not get answers. We do not get answers and so she treats this place with contempt.

It is reasonable for us to expect that a minister who has carriage of a portfolio that looks after vulnerable Canberrans would answer questions, direct questions, in this place. But she does not and she consistently does not. We have seen it this week. We have seen it over two days; she just reads the script, whether it is relevant or not. She takes the cues from Mr Barr, who tells her how to not answer her questions. You even see it from her when the Greens from time to time ask her a question; she reads the script and it has got nothing to do with the question. She just reads.

The inability to get things done is one thing. But what we see in terms of the kinship carers is a callousness towards them, which I think is repeated by Mr Hargreaves’s attitude and the Labor Party’s attitude towards the kinship carers, to try and tear down a significant Canberran, to try and tear down a significant community advocate, because on this occasion she does not agree with the Labor government; she is critical of the Labor government.

I am sure that in the past Ms Marion Le would have agreed with the Labor government on a lot of things, and disagreed, no doubt, with the Howard government and others. She would not be seen as somehow aligned in any way, shape or form with our side of politics as a general rule. She has called it as she has seen it—and what she gets is abuse. What she gets is a questioning of her credibility.

Before I go on, I did want to just make mention of the outstanding job that Mrs Dunne has done in taking up the cause of not just the kinship carers but issues around childcare. She has shown compassion that is lacking on the other side of politics. She has shown that she will fight for people who need to be fought for. No matter what blocking or abuse she cops from the other side, she will not be deterred. I think people can see that in Mrs Dunne and I commend her for it.

Ms Gallagher interjecting—

MR SESELJA: I could not quite hear the interjection there from Ms Gallagher; perhaps she can speak up if she wants to stand by her interjections.

The Labor Party and the Greens are going to be voting for a budget that delivers horrific Indigenous funding, according to Mr Terry Williams. According to Mr Terry Williams, the Indigenous funding in the ACT by this government is horrific. And the ACT Labor Party and the ACT Greens will be voting for a budget that delivers that. You do ask the question with the Greens whether they bothered to do anything about it. They do have a significant negotiating position, one would have thought, yet they are going to be just simply voting for a budget which Terry Williams says is horrific. I think it has been pointed out before that no-one could accuse Terry Williams of having some conservative political agenda, out to get the Labor government, out to get the Greens. I do not think that is the case. I think, again, he is calling it as he sees it.

What we are going to see tonight is that the Labor Party and the Greens will be supporting that funding. They believe that that funding that Mr Williams has referred to as horrific is worth voting for and is worth supporting. You do ask the question: what are they actually getting? What are the Greens actually getting?

I will just finish by saying that Mr Hargreaves's comments are interesting in a week where we have seen the Chief Minister and the Labor Party acting as an opposition; acting as really the worst type of opposition, which is opposing something because it was not their idea, when it comes to roadside drug testing—opposing it on spurious human rights grounds because it was not their idea and maybe because it does not meet their philosophical agenda. They cannot quite decide which it is.

Mr Hargreaves is saying to us that we should be giving the government a plug. I did not hear Mr Hargreaves being critical of the government at all in his address. Apparently, according to him, the budget is perfect. So I guess the horrific levels of funding he is comfortable with; he is comfortable with the claims of institutionalised abuse from kinship carers that have not been addressed, that have not been dealt with. So we see that for what it is: the ramblings of a former minister who has shown his sensitivity tonight. He has shown his sensitivity today. He says it is like water off a duck's back. But I think we all saw today that that is indeed not the case.

MR SMYTH (Brindabella) (11:04): Mr Hargreaves in his little rant—it is interesting when you accuse people of doing things, then you stand and do it yourself—said that there had not been a single policy response from the Liberals in this portfolio, yet I draw his attention to the fact that we announced that we would conduct a childcare sector audit so that we could actually find out what was happening in childcare services, because the government is not going to do it, and that the policy would, therefore, result in a childcare master plan and then a centralised waiting list for all Canberran families. So, before you get up and shoot your mouth off, you should check your facts, because you embarrass yourself and you embarrass your party when you do not get it right. There is a lot of embarrassment on the other side of the chamber this evening.

MR COE (Ginninderra) (11.05): We have already had a pretty interesting display this evening from Mr Hargreaves and from a number of the other members. It is pretty disappointing when you have Mr Hargreaves addressing the chamber, for the best part of 20 minutes, telling us that we pretty much wasted the Assembly's time. That was pretty special.

Then, of course, we had him defending Ms Burch's behaviour; defending Ms Burch's decision to move a couple of childcare centres to Flynn as Ms Burch "saving" these childcare centres. If I recall correctly, I am pretty sure it was pretty much due to Ms Burch that Gumnut—yes, gumnuts—in particular were in a bit of strife in the first place. It was because Ms Burch and her department were unwilling to give them some certainty and was unwilling to give them a commitment that they went through so much angst in the first place. It was because of Ms Burch that registrations at Gumnut did actually slow down. It is because of Ms Burch that so many families in Belconnen went through a very tough time. It is only because of Mrs Dunne and the Liberal opposition that this issue came on the agenda here in this place, which brought about pressure to make Ms Burch actually listen to the Gumnut community and respond to their concerns.

In effect, what we had was Ms Burch pushing someone into a river, diving in after them, saving them and then asking to be thanked. It is all a bit special and I think it is indicative of how Ms Burch operates. She does not have a grasp of her portfolio. She is totally dependent upon her lifeline, being that folder. Any time we ask a question in this place, either Mr Barr gives her the answer or she quickly goes to the index, finds a couple of prepared paragraphs and reads it out, whether it is relevant or not. She does it with questions from the Greens, she does it with questions from us and she even does it to the odd dorothy dixer, which is not quite as easy as one might think.

There are a number of initiatives in this budget that have been marketed as being beneficial to young people. However, again we see very little in the way of a forward plan for service delivery, especially for the youth of the territory. While the ACT has a significant ageing population, we continue to have a higher proportion of young people than the national average. The 2001 ABS data indicates that 21.9 per cent of the population in the ACT—that is, 24,371—are aged between 12 and 24, compared with 19.3 per cent nationally.

Where is the forward planning from this government? Where is the actual implementation of the ACT young people's plan in this budget? It is a question that has not been raised much in the chamber yet, but I think it is something that is going to warrant more attention as the sitting days continue in the second half of the year. What we have here is a glossy document. We have got something that might look the part, but when it comes to actual tangibles, when it comes to actual deliverables, we are not seeing much by way of implementation of the ACT young people's plan.

It is important to note that youth policy is not just about skate parks, it is not just about mental health and it is not just about a lot of issues that do warrant a lot of attention; it is also about things like employment, it is also about things like housing affordability and it is also about things like general social engagement. It is about sport, it is about education—it is a very broad suite of things—and I think it is very important that we do not forget mainstream youth in our youth policy.

Whilst we cannot ignore those that are marginalised, we certainly cannot forget about the bulk of young people who are struggling to buy a house, who might be struggling to find a job, who might be struggling to drive their car, who might be struggling to get on a bus. Why? In particular about parking and driving, the cost of parking your car in the city is going up and up and up—we are up to \$10.50 now per day to park in the city. At the same time, bus fares have gone up yet again.

There is nothing strategic, there is nothing sustainable, about a transport plan that sees an increase in the cost of parking and the cost of catching a bus. It is poor policy. If the government were consistent with their strategy to use price levers to try and encourage people on to buses, surely they would not increase the cost of getting on a bus at the same time as increasing the cost of parking a car. This government is not strategic, this government is not actually delivering, and it is no wonder that this government is not implementing the ACT young people's plan. I urge the government to look at this document and to make sure it is worth something more than just the paper it is written on.

MS BURCH: (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (11.11): I thank Ms Hunter, Ms Bresnan and Mr Rattenbury for their informative and constructive comments this evening. This budget builds on and strengthens this government's commitment to improving the lives of our community. I am proud of what this government and the department I represent in this place have achieved. I would like to give you some examples.

In the area of disability services, the ACT government funding for services has increased by 78.6 per cent—that is, we have now reached \$74.1 million. This is an increase of two-thirds since this government has come into place.

Mr Coe: Gumnuts five times in a row.

Ms Gallagher: You guys crack yourselves up, don't you? If only you could sit here and see what you look like.

Mr Smyth: If only you could sit here and see your face.

Ms Gallagher: It is pathetic. You are just a bunch of bullies—nasty bullies.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Excuse me, one minute, Ms Burch. Ms Gallagher, I cannot hear Ms Burch. Members of the opposition, I cannot hear Ms Burch. She deserves to be heard in silence.

Ms Gallagher: She does, which is the point I am trying to make.

MADAM ASSISTANT SPEAKER Ms Burch, you have the floor.

MS BURCH: Thank you, Madam Assistant Speaker. In the area of disability services, the ACT government funding for services has increased by 78.6 per cent to

\$74 million. This is an increase of two-thirds since we have come into government. This budget's funding will also go directly to services for individuals and families. We have committed \$1.74 million over four years to provide priority respite services for up to four weeks for older carers aged 65 and older who are caring for a child with a disability. This is real money making a real difference where it is needed.

I am pleased that this year's budget also includes funding of \$425,000 over four years to support families with a child with autism or suspected autism and to assist families to coordinate and maximise the effectiveness of available services.

The work of carers has been recognised in the budget with \$424,000 over four years to establish a carer's advocacy service. The carer's advocacy service will enable carers to better make use of existing services and programs, reducing administrative and other impediments to accessing supports. People on low incomes, pensioners and other financially disadvantaged ACT households will benefit from a \$20 increase in energy concessions, with the CPI being applied each year to keep pace with the cost of living.

This year, the government continues to strengthen the supports for vulnerable families. We have provided \$70,000 to the Warehouse Circus to provide circus skills training for at-risk young people, people with disabilities and people from low income households. This government has expanded the base funding to support children in out-of-home care by providing an additional \$5.6 million over four years in recognition of the cost and the increase in the number of children and young people coming into care. This will help organisations such as the Foster Care Association of the ACT, the Richmond Fellowship and Barnardos to continue the valuable work that they do with our most vulnerable youth.

I would also like to note the estimates committee's interest in kinship carers. This government recognises the incredible work done by kinship carers. We have established a working group that includes representatives from the kinship carers association to progress the development of fact sheets and handbooks for carers. We also support carers with comprehensive training programs, for example, understanding and responding to complex trauma. There are five scheduled training programs for the remainder of the year.

I know there has been some talk here today about kinship carers and evidence, but I just need to put it on record that some of the kinship carers that have made contact with me and my office do not necessarily support the opinion that was expressed in the estimates committee. Indeed, they express high regard for the support that has been provided to them by the government.

But Mrs Dunne continues to misrepresent and to spread misinformation about my support to kinship carers. Let me state, yet again for the benefit of Mrs Dunne, that this government has committed funds to kinship carers, and I intend to have all funds appropriated that will go to kinship carer support. I absolutely refute Mrs Dunne's words that we do nothing for kinship carers.

It is really a bit of an outrage and it is quite damning on the Liberal Party that Mrs Dunne has just insulted each and every carer and protector here in the department.

This is from a party that, despite all their feigned distress, has not committed a single cent to support kinship carers—not in their election promises, not in an opportunity of the last budget reply and not in this budget reply. Not one single cent have those opposite through their crocodile tears thought the kinship carers were worthy of. Mrs Dunne also stands up with a long list of outrage. If she has genuine concern for children, then you need to bring it to me, take it to the department, raise it with someone, instead of standing there just being malicious and alarmist.

On children and young people, this government continues to strengthen supports for valuable families. We have ensured that the youth justice centre at Bimberi has operational capacity to accommodate the needs of young people who are placed at the centre by providing an additional \$1.7 million annually. This funding is for accommodation, rehabilitation and support to the residents of Bimberi. We also support vulnerable children, who will be assisted through a \$1.1 million initiative over four years.

Early intervention funding will provide two additional child and family workers who will work with vulnerable families. They will work from the third child and family centre which will be located in west Belconnen. It will have a focus on supporting Aboriginal and Torres Strait Islander families and children. The funding recognises the importance of intervening early and supporting families. The budget also provides funding to facilitate the introduction of the national quality agenda reforms. These are progressive changes that will improve the quality of childcare in the ACT.

We will also provide \$4 million to develop a childcare centre at Flynn. It has been well touted through this place this week that we have two well-regarded local providers moving in there. It seems that Mrs Dunne continues to oppose this. I do not know what she has got against Gumnut or Alkira moving in, but her continued negative and alarmist scaremongering is not acceptable.

The other treat we had today was the incorrect statements she is spreading around the place about the change of use tax. As the Treasurer has also said, this has been in effect since 1971. This is not a new tax, Mrs Dunne, but, again, you just take pleasure out of alarmist scaremongering and commentary that does nothing to support the sector. Again, in your 11th hour election promise there was nothing in your costings for childcare and not a zip, not a brass razoo, for kinship carers.

On ageing, the government is committed to creating an age-friendly city to promote positive ageing. We continue to support the seniors grants and sponsorships programs, the retirement and lifestyle expo, and the Council for the Ageing for the seniors cards issued to over 42,000 Canberrans and also to manage Seniors Week.

Moving to my responsibilities as Minister for Women, this budget provides \$1.26 million to increase support for women who are victims of domestic violence or sexual assault. The funding will assist the work of front-line crisis services, particularly the domestic violence crisis service and the Canberra rape crisis centre. We know that the opposition do not support programs to help women, and I can almost foresee that they are not going to support this. It is quite disappointing to see the opposition not supporting this, particularly the shadow minister for women.

This government also has a focus on improving women's economic independence. In March I launched a new and innovative initiative—the ACT women's microcredit program. The program gives women on low incomes the opportunity to access small interest-free loans of up to \$3,000. I am pleased to say that we have issued nine loans since the launch in March of this year.

On multicultural affairs, this budget continues our support on helping multicultural communities to maintain their cultural identity. An additional \$25,000 per year has been allocated to the multicultural language program to support community language schools with the implementation of their language programs. Funding of \$25,000 per year over the next four years will go to multicultural youth services to support young people, particularly refugees and asylum seekers.

This funding complements the recent opening of multicultural youth services with their relocation to the multicultural centre just across the way, giving the service increased and more flexible space. I am also pleased to say that not only does this budget provide initiatives to support direct service delivery to the community, but it also supports funding for a number of significant capital works aimed at improving infrastructure and support. This includes: \$2.068 million to enable a broad range of works across childcare centres and community facilities; \$3.412 million for the enhancement of a range of facilities, including new regional community facilities; and \$4 million to refurbish part of the former primary school site.

Let me finish by saying that this is a budget that I am proud to have been part of. This is a budget that will deliver money for carers, for vulnerable families, for women, for youth, for people with a disability, for our multicultural communities and for ACT families.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.18—Housing ACT—\$43,617,000 (net cost of outputs) and \$31,024,000 (capital injection), totalling \$74,641,000.

MS BRESNAN (Brindabella) (11:24): Analysing Housing ACT is a difficult exercise as the available numbers do not create an overly clear picture. There has been significant investment in housing through the federal stimulus funding. The Greens have asked, however, several times for the minister for housing to report on what the peak numbers of houses will be once the stimulus houses have come online. We have not yet received a clear answer on that, although the latest report is around 12,009 by 2012-13.

The Greens congratulate the government on passing that 12,000 figure, but we are concerned about what will happen once Housing ACT reaches that figure. Will the government continue to invest beyond that or will the numbers drop back? What good is the stimulus package if the numbers are not maintained? I do recall or at least understand that the stimulus package was meant to be on top of that investment which states and territories would normally make. The government has previously said that it maintains its stock numbers by selling some housing and then using the money to buy more. But it is unclear how much money the government reinvests in social housing stock.

In response to question on notice 724, which I asked in March this year, the government said that for the next three to four years, it will be selling \$30 million to \$35 million worth of housing stock each year. When I asked a question on notice via estimates about the amount of stock Housing ACT would be buying for each of those years, it was only about \$5 million to \$6 million a year. So the question then is: where does the surplus of \$25 million to \$30 million a year go, and is this being invested in housing stock?

The other point to consider is the government's commitment to securing public housing in new suburbs, a principle that is a key measure in the public housing asset management strategy. Harrison, for example, has only five public housing dwellings, yet there are about 1,000 houses. Casey has one. Crace, Bonner and north Weston, where building has occurred or will occur shortly, do not seem to have any allocated, as is the case with Coombs.

Some groups have said that it is time to update the 2003-08 ACT government public housing asset management strategy. I agree with that statement, for it is unclear where the government is planning to go after the stimulus housing has come online and what its commitment is separate to the stimulus housing. The government has said that it will release a revised strategy after the commonwealth has undertaken work on public housing viability, and this was a recommendation in the estimates committee report. Given it may be some time before we see the results of the commonwealth's work, this is work that should be undertaken within the next year by the government.

Development in new suburbs needs to be balanced with maintenance of dwellings in the inner north and city areas. The potential sale of the BAC flats causes some concern, as half of the current residents will be moved, but there is still not certainty about where that will be. Issues such as access to public transport and other essential services must be considered, along with the appropriateness of different age groups living in different areas.

The estimates committee made four recommendations with regards to Housing ACT. The first three revolve around issues of Housing ACT's financial sustainability, given the cost of running housing is increasing at a rate which is greater than the growth in revenue from tenants. The first recommendation was that the ACT government develop a funding formula for ACT Housing to ensure that housing maintenance funds are adequate, given the changing mix of full rent and rent rebate tenants. The government responded by noting the recommendation and saying that it was waiting on commonwealth work being done on public housing viability.

Rumours abound that the commonwealth will propose that one-third of public housing will be redirected to affordable housing, where rent is around 74.9 per cent of market rent. This is a proposal the Greens strongly disagree with, as it could lead to major gaps in the needs of people requiring housing across the spectrum, including crisis accommodation and community and public housing.

The second recommendation from the estimates committee was that the minister for housing provide the Assembly with a ministerial statement on the future of crisis, public and community housing by December 2010. The government has agreed,

saying that the ministerial statement will articulate the vision for the social and affordable housing continuum for the ACT.

What still needs to be clarified is what is being referred to when we say “affordable housing”. This is especially interesting given many of the government’s affordable housing projects could be described as being unaffordable for a person on a low income. These at a maximum should charge no more than 30 per cent of income. They are different from the forms of the affordable housing that the government has encouraged. Stating that \$400 per week is an affordable rent when referring to student accommodation is somewhat unrealistic. The overall issue of what is affordable requires further discussion and analysis and is something the Greens will be looking at closely.

MR COE (Ginninderra) (11.29): The housing budget and the housing policy area are particularly exciting areas where there are great opportunities. Over the last 10, 20, 30, even 50 years, the housing portfolio has been a bit of a policy vacuum to an extent. I think we have just evolved and we have just chugged along with the way we have always done things. Given the expenditure, given the capital, given the assets that we have, it is actually a portfolio where we have a tremendous opportunity to do some very exciting things with. I hope that, over the coming couple of years in this Assembly, we can make the most of that opportunity.

One thing that is, of course, a perpetual problem and one that I get a lot of concerned constituents contacting me about is antisocial behaviour in public housing properties. That is something that I did raise in the estimates process, and I acknowledge that it is a very tricky issue to deal with. It is not something which has a quick and easy fix. But, that said, I believe the department could do a lot more to tackle this problem. I hope that it is a priority of Minister Burch as she approaches her first year in the job.

In the estimates process, I spoke about the many people that contact my office, often in tears. I have had quite a few of them in my office in tears complaining about situations where they have a neighbour or someone across the street or a relative who has a neighbour who is really making their lives extremely difficult, whether it be through loud noise, domestic violence, vandalism or even assaults. We really need to clamp down on this.

When I asked a question of the officials during estimates about how long it takes to actually respond, they said, “We try and get an average of 21 days.” Well, the average is well above that. I am pretty sure—just going off memory here—the average was more like 28 days. Whilst that may not sound like a great deal, when you are lodging a complaint, it is usually after tolerating a situation for quite a while. After lodging a complaint and when you do not hear back or you just get a holding response for weeks on end, it can be a very distressing time. It really does fall upon this government and Minister Burch to do something about this so that the many Canberrans who are living near troublesome tenants actually get some sort of resolution.

Having said that, I think the vast majority of housing tenants do the right thing. The vast majority are good citizens and do no disservice whatsoever to public housing. But there are, of course, that small percentage that make life very difficult for many people. The government must clamp down on that as quickly as possible.

With regard to problems in the region and homelessness and a genuine strategic approach to housing, I think we need to make sure that we are dealing with Queanbeyan, in particular, but also Yass, Goulburn and Cooma. The borders that we have here around the ACT may well be significant in this place from a legislative and government point of view, but they do not mean a great deal to businesses and to individuals. If you are homeless and you are living in Queanbeyan or if you are homeless here in the territory, that border means absolutely nothing.

At the moment, I fear that the lack of communication we have, especially between the Queanbeyan City Council, community services in Queanbeyan, Housing ACT and community services here in the territory, is causing problems, and those problems should be resolved as quickly as possible. I do not think it is good enough that a border between Queanbeyan and Canberra should be so much of an obstacle that it dictates whether someone has a place to sleep on any given night. It is an appalling indictment of the bureaucracy when such an artificial barrier becomes such a significant barrier.

I note that the average cost of public housing per dwelling has increased by just under four per cent, going up to \$10,073. That is a huge cost per public house. As I said earlier, when you are spending that much money per public house and you have got somewhere in the vicinity of 10,000 to 11,000 houses, that is a great opportunity to do something very exciting with that money to make sure we actually are delivering a very good service. I certainly would be wanting to contribute to that discussion over the coming couple of years, but I do hope that other members of this place also contribute to that discussion as well.

Going on from what Ms Bresnan said about the stimulus package and the vagaries surrounding it, I think it is a very good point. I do not think anybody really knows exactly what we are getting for this stimulus package and the money as part of the national program. There seem to be many different levels and many different stages within this process. The ongoing capital expenditure seems to be mixed in with the national stimulus package money. To an extent, it really is very hard to determine what is normal ongoing capital expenditure and what is genuine special expenditure as part of the stimulus package.

I would like to see the minister for housing provide a very clear breakdown of what is national money, what is territory money, what would have happened had the national money not been given, what is happening now that it is being given, and when we will resume normal operations with a normal capital expenditure and recurrent expenditure as well.

It is also worth noting, of course, that the Labor-Greens agreement does have a 10 per cent commitment to public housing. We have discussed that on a number of occasions. For a while we heard some people in this place say it was a bit of a pipedream and something for well into the future. But, over the last few months, we have heard members of the Greens especially talk about this more so. If it is no longer going to be a pipedream and is no longer going to be something for the midterm or long term and may well be something to be achieved in the short term, then it is important for the government and for the crossbench to clarify what that 10 per cent

commitment to public housing actually means and the time frame in which it will be delivered. That is certainly significant from the taxpayers' point of view, from a budget point of view and from a policy point of view.

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (11.37): I believe the provision of social housing and responsive services to the homeless are key marks of a healthy society. That is why this government is pleased to be working alongside the commonwealth to achieve two long-term goals—halving the number of homeless people and offering supported accommodation to rough sleepers. This budget contains a number of commitments focused on achieving these two long-term goals, which I would like to outline.

In 2009-10, the ACT achieved a substantial injection of funds, which has been commented on here, through the stimulus funding. There was \$87 million for the construction of new properties and \$6.4 million for repairs and maintenance. As I reported to the Assembly last week, work is now well advanced on the construction of 297 two and three-bedroom properties for older Canberrans. The first development of 12 units in Curtin is due for completion in August, and 13 properties in Macquarie are due for completion in September. The vast majority of the remaining properties will be completed by the end of December this year.

As older tenants downsize and move into their new homes, the properties they vacate will become available for housing families on the waiting list. This significant increase in the supply of social housing properties will facilitate an increase in new allocations during the coming year. Under the homelessness national partnership agreement, capital funding of \$10 million over five years commenced in 2008-09 to provide new longer term housing solutions for homeless families.

The place to call home program provides accommodation to homeless tenants, who are given tailored support to sustain their tenancies. Eight properties have already been completed under this initiative, and a further two properties will come online in August 2010. The remaining 10 dwellings will be provided over the next two years, and half of the properties under this scheme will be made available to Indigenous families.

Many in the Assembly would be aware of the excellent work done by staff at the Pilgrim House early morning drop-in centre on Northbourne Avenue. This budget provides \$750,000 for the refurbishment of the centre and will enable Pilgrim House to provide showers, a laundry and storage facilities for their clients. This service will also link mainstream services with specialist homelessness services. This government is committed to supporting the most vulnerable members of the community, and the expanded Pilgrim House service will help address social exclusion issues by offering recreational facilities in a non-threatening environment for those people.

I am pleased to report that we have also made considerable progress in bringing new services online delivered by the St Vincent de Paul Society. Our streets to home program commenced in February this year. This service is designed to achieve long-term stable housing for rough sleepers through an assertive outreach service.

Importantly, this service focuses on breaking the cycle of homelessness that many rough sleepers experience.

During the latter part of this year, this government will be establishing a new central intake service for homeless people. For too long, people who find themselves homeless have had to navigate themselves around a complex network of services in order to find accommodation vacancies and identify the support services that best meet their needs. The central intake service will overcome these issues by providing homeless clients with one point of entry through which their accommodation and support needs can be addressed without the clients having to knock on multiple agencies' doors.

An unacceptably high number of women and children become homeless through domestic violence. That is why this government will continue to invest in measures to assist women and their children to stay in their homes after experiencing domestic violence.

The social housing sector and models of service delivery to homeless people are developing rapidly across all jurisdictions. As recommended by the Select Committee on Estimates, I intend providing the Assembly with a statement on the future of crisis, public and community housing later this year. This government intends playing a full part in reducing homelessness and achieving the commonwealth's 2020 targets.

Building new social housing, the place to call home initiative, investment in Pilgrim House, a new service for rough sleepers, simplifying access to homelessness services and increased resources for women suffering domestic violence and at risk of homelessness are measures that give us a good start on the road to our targets and deliver real service improvements to those vulnerable Canberrans who find themselves homeless or at risk of homelessness.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.19—ACT Gambling and Racing Commission—\$4,336,000 (net cost of outputs), totalling \$4,336,000.

MR SMYTH (Brindabella) (11:43): I have just a couple of issues to mention here. The first, of course, is the race fields fee. This has proved a vexed issue for a small jurisdiction such as the ACT. Once one state acted to impose a fee on providing race field details, all others had to follow to protect their revenue. The ACT waited as long as possible before putting its own legislation in place so that we could consider the nature of legislation put in place elsewhere and the outcome of legal challenges that were current.

A further positive outcome for the racing industry was a change in the way in which the industry will be funded. We saw a major backflip from Minister Barr, started by not supporting requests from the industry to maintain funding at previous levels. Just prior to the 2010 budget, as is his wont, Mr Barr backflipped and agreed to maintain funding for the industry—clearly, the value of opposition for opposition's sake proved yet again with this minister.

There is mention of the issue in the dissenting report. Of course, there has been a recent decision of the Federal Court which also bears on this matter. To give the minister his due, he mentioned that when we had this debate earlier in the year. The decision in *Sportsbet Pty Ltd v New South Wales* of 16 June 2010 supported the race field fee legislation in New South Wales but did not support the way in which the legislation was being implemented, specifically the way in which the fee was imposed by discriminating between bookmakers. The significant outcome is that the principle of the race field fee has now been supported by the Federal Court. So provided the ACT's legislation is consistent with that in New South Wales and we implement the fee properly, our race field fee should be secure, but we have asked the minister for an update and perhaps he will give it to us when he responds to this issue.

The second issue that came up, particularly during discussions in estimates when we had the commission before the estimates committee was, of course, the proposed sale of the Labor Club, concerns about the nature of the sale process, and the inquiry by the commission. We accept the outcome. We note concerns, particularly relating to documents that were protected by legal professional privilege, and we note that the commission was not empowered to seek information that might support action being taken by the Australian tax office or ASIC.

I would note a recent decision of the High Court in the matter of *Osland v Secretary to the Department of Justice* of 23 June 2010—yes, just last week—where the High Court found that certain documents were not protected by legal privilege. Rather, the public interest outweighed any privilege. I have not investigated the full facts of the case as to how they would relate to the commission's recent inquiry, but I will be taking this up with the commission in due course. It is an interesting case. Quoting from paragraph 4 of the decision:

Mrs Osland ... applied for access to all of the advices provided to the Attorney-General and associated departmental correspondence. On 2 January 2002, access was denied by an officer of the Department of Justice and again, on 8 February 2002, by an authorised delegate of the Secretary to the Department ... Access was denied on the basis, inter alia, that the documents attracted legal professional privilege.

I will not read all of it. I will read the last paragraph as it is probably the best one to read:

Having regard to the basis upon which the Tribunal's decision can be supported by reference to the contents of the documents in the circumstances of this case, there is little room left for the exercise of any discretion adversely to Mrs Osland.

The interesting thing, of course, is that 86 documents were withheld by the Labor Club, which created problems for the commission. The reference to them being held was "legal professional privilege", so one cannot really be sure what is in there. There is now a case that says that if there is a public benefit to be made then legal professional privilege in this case does not apply. So it will be interesting to see how it is applied in future and, indeed, what the commission will do in due course. We had Mr Jones from the commission before us. He said things like:

We got a lot of documentation and we had many, many hours of interviews ...

It was interesting that he again said that the people who tried to influence the decision, to influence the board of the Labor Club, were in fact the executive of the local ALP and the federal executive. There we have, again, the conflict of interest in the use of poker machine licences in the ACT well and truly made by the fact that we had organisations trying to influence an outcome. Had they been successful, they would have broken the law. The fact that they were not successful lets them off the hook, quite clearly, but it is an interesting result.

In relation to gaming, Mr Barr has been rolled on poker machines. I note the recent revelation that Mr Barr took a proposal to caucus to reduce the number of poker machines and he was rolled. It was not a very clever strategy, really, for getting a result. We had mention of it the other day in the chamber as well—that he would like to see the number of poker machines reduced. So we will see. The WIN transcript reads:

The ACT Gaming Minister, Andrew Barr, has been forced to shelve a plan to cut the Territory's poker machine cap by 600 machines.

Perhaps he was thinking of shutting down the Labor Club and getting their licences back, or taking some off the Tradies.

Mr Seseljja: That would be the easiest way to do it.

MR SMYTH: That would be an easy way. It continues:

WIN: The Gaming Minister has been forced to back down from a controversial plan to cut the number of pokies.

Barr: Look. I'm very concerned about the number of poker machines in the ACT and my view is that we should be reducing the number of machines in the Territory.

But clearly he was beaten by his colleagues. Yes, he has a position, but he is not able to push it. There are a number of issues there but, given the hour of the night, I might leave it at that. Needless to say, I think the whole issue of the sale of the Labor Club is not finished. We look forward to the result of the review that the minister is doing, and potentially legislation in this place, later in the year.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.50): In the coming financial year the ACT Greens will be watching developments in relation to gaming and racing with interest as there are some key strategic operational issues being pursued. We note that in April this year the Gambling and Racing Commission released an issues paper called the "Review of the Governance Provisions in the Gaming Machine Act 2004". This followed considerable debate in the Assembly in respect of the proposed sale of the Canberra Labor clubs in 2009 and the report the Gambling and Racing Commission prepared following its investigation into possible breaches of the Gaming Machine Act 2004 in that process. Following a two-stage consultation phase with the community and the gaming industry, we expect to see in the Assembly the Gambling and Racing Commission's recommendations and possibly changes to the Gaming Machine Act 2004 should the recommendations be adopted. I will be closely monitoring this process.

In estimates and in response to questions in question time this week, the minister indicated that he was keen to bring forward legislation which may centre on options to reduce poker machine numbers across the ACT, bearing in mind that we have the highest number of poker machines per capita of any state or territory. It may also include measures to encourage a greater community contribution from gaming revenue and opportunities for newer housing areas to have access to limited gaming facilities. We understand matters relating to the possible transfer of poker machines will be considered as well.

Overall, though, we support the approach that the ACT government needs to become less reliant on revenue from gaming or poker machines. The ACT Gambling and Racing Commission review paper indicates that the review will cover such things as the licensee's memorandum and articles of association and relationships between clubs and associated organisations. These are significant changes for many of our long-established clubs. There is a need to ensure that consultation is wide ranging and that any change is carefully considered.

We understand that it is difficult to find the right balance with gaming policy. Gambling is something a significant number of people enjoy. It generates employment. Policy changes need to ensure, as far as possible, that benefits are preserved for those people who enjoy casual gambling while, at the same time, measures are put in place to assist gamblers facing risks or harm. As we all know, there is a significant social cost of problem gambling. In the Australian government Productivity Commission gambling inquiry report, released in June 2010, it was estimated that the cost was at least \$4.7 billion across Australia's 95,000 problem gamblers and the 600,000, or four per cent of the population, that play poker machines at least weekly.

A major issue of concern for the ACT in these statistics is that the ACT Council of Social Service, in their submission to the Productivity Commission gambling inquiry, indicated that the ACT's regular gamblers appear to be younger than those in other jurisdictions. In the ACT, 25.4 per cent of the 18 to 24 years age group are regular gamblers, as opposed to the national average of 17.8 per cent. Overall, ACTCOSS indicated in their submission that the ACT problem gamblers represent a highly vulnerable group in terms of their age, income and proportion of income directed to gambling.

The 2010-11 ACT Gambling and Racing Commission budget priorities in seeking to address this problem gambling issue centre on developing and enhancing the commission's community education program relating to problem gambling. Having looked at the Australian government Productivity Commission report, it would seem that a number of their recommendations would be worth while incorporating not only into education around problem gambling but possibly into legislation. In particular, their recommendations to address the emerging issue of online gambling and the risks from offshore sites need to be considered. Others include limiting the amount being bet per "button push", daily cash limits on club ATMs and relocating ATMs away from gaming areas.

As a general note, it is pleasing that financial matters relating to the ACT racing industry participants seem to have been satisfactorily resolved. A major concern, though, is the ability of ACTTAB to remain competitive in the gaming market. In estimates, the deputy chair of ACTTAB, Mr Quinlan, indicated that, without the more integrated betting system and sales terminals which have been on the drawing board for some time, ACTTAB are losing revenue. In particular, they are losing the bigger punters because ACTTAB cannot compete with the betting options and the rebates which are freely available to retain big punters. What was concerning was that ACTTAB lost one individual punter who turned over between five and \$10 million per year. It will be interesting to see how the new systems that are due to be installed in the course of the 2010-11 financial year progress. The ACT Greens will be supporting this appropriation.

MR SESELJA (Molonglo—Leader of the Opposition) (11.55): I just want to say a few words about the evidence that came before the committee in relation to the Gambling and Racing Commission. Mr Jones was quizzed about the report into the Labor Club sale. The commission found there was considerable evidence that attempts were made to direct and influence the club's board in relation to the process. I quizzed Mr Jones about his investigation. I put it to him that one of the things that he found was that there was considerable evidence that attempts had been made. I asked him:

Who made those attempts to direct and influence the club's board?

He stated:

The commission's investigation found that both the national executive of the ALP and the ACT branch of the ALP attempted to influence the decision of the club board but were unsuccessful.

I put to him:

So this is the national executive, which Kevin Rudd sits on, and the local executive, which the Chief Minister sits on?

Mr Jones replied:

I am not sure. I do not recall the exact make-up of the two executives or who actually sits on the ACT branch. But, yes, it was those organisations.

I think Mr Smyth has touched on just how much this highlights the conflict of interest that the Labor Party members have in relation to the issue of gaming. The issue of poker machines, as Mr Barr has found, is a sensitive one. It is one which is heavily regulated, as it should be, because they are very lucrative machines that have the potential for a very significant return. They are limited to clubs. In having such a heavily regulated industry, it is a clear conflict for a party that derives much of its revenue from those clubs, or from particular clubs, but also regulates that industry.

It became quite stark when we had the ACT executive of the Labor Party and the national executive of the Labor Party seeking to influence the individual board

members, presumably, of the Labor Club. That became quite a stark and significant conflict of interest which the government simply cannot deny. The Labor Party simply cannot deny how strong that conflict of interest was—the fact that the executive in the ACT and nationally tried to influence board members to effectively do something that would have been illegal, to act at the direction of people outside of that entity.

Mr Stanhope made public comments about this. He was effectively saying, “Well, this is our club.” The fundamental power under the act is that clubs cannot be subject to outside direction. But from what Mr Stanhope was saying, it appears that the Labor Party have treated it as if they can. Of course, they can appoint board members and do all of those things to influence it. As Mr Smyth touched on, what was found in the report was that attempts were certainly made to influence directors to breach the gaming act and it found that those attempts were unsuccessful.

We also heard about a number of documents that were denied to the commission. The commission was denied 86 documents as a result of legal professional privilege. All Mr Jones received was a short, one-line description of those documents. He said:

That description would typically be “Legal advice by X law firm to client”—that sort of thing. But that is as far as it went.

In the end, this is where the cloud still remains. It still remains because the Gambling and Racing Commission was not able to get all of the information. It was not able to get access to all of the documents. Despite that, it was still able to find that there were serious attempts by the ACT executive and the national executive of the Labor Party to do something that was inappropriate, to try and influence members of the board to do something that was illegal. These are very serious issues. It has never been fully resolved as to who on the various executives was actually responsible for that and why there was that desperation to influence the process.

How is this now going to be fixed up? We cannot have a situation where this is able to continue. Does the Labor Party still consider that it owns these clubs? Does it still consider that it is able to direct how things operate? That certainly seems to be the way it has operated in the past. That was fundamentally the problem. That was fundamentally a big part of the problem under the gaming act and issues around other laws, which Mr Brian Hatch raised, which led to this investigation. Mr Brian Hatch pointed to a number of other laws. We do not know whether the documents for which privilege was claimed would shed some light on those issues. There are a number of unanswered questions on this, Mr Speaker, and there will be a need for the Assembly to further examine it in due course.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (12.02 am): I thank members for their contributions in this area of the budget.

Members would be aware that the government decided late in 2009 to reform the funding of the racing industry in the territory. There were a number of significant challenges that meant that the funding model supporting the industry was no longer sustainable and that a new one had to be developed. In response to the situation, the government, in consultation with the industry, developed a new model and the budget introduces this new and more sustainable model.

The main changes to the existing funding arrangements were introduced with the race fields product fee system on 1 March this year. The racing development fund has been replaced with a combination of taxpayer funding and revenue raised through the race field product fee system.

Between them, these reforms mean that the ACT racing industry no longer depends on the performance of the TAB. The introduction of an ACT race field product fee system broadens and diversifies the source of funding for the racing clubs. It charges interstate wagering operators for betting on ACT racing and provides the ACT racing clubs with funding. It is a new source of revenue for the ACT racing clubs and one that the industry and government hope will grow over time. The government estimates that the product fee system will generate about \$1.5 million for the industry in 2010-11.

The race fields system provides a great opportunity for local clubs to grow their funding through increasing the use of their product by wagering operators throughout the country. It will also help put the industry in a better position if and when a national racing funding scheme is created. We should also note, as I think Mr Smyth alluded to, that the race fields legislation was drafted to minimise the risk of legal challenges. We certainly learned from issues that have been faced by other jurisdictions.

Under the new arrangements, the ACT racing industry in 2010-11 will receive \$7.27 million in budget funding on top of the \$1.5 million anticipated in race fields product fees. This is an increase compared to what the racing industry received under the old funding model based on ACTTAB turnover. Importantly, the new funding model provides more certainty and encourages self-reliance within the industry through the race field product fee scheme.

Canberra Racing Club will also receive a one-off payment of \$500,000 in 2010-11 to assist it in paying off its capital loan. This will further enhance the long-term sustainability of the code in the territory.

This outcome is not all that the industry wanted. There were difficult negotiations and there was compromise on both sides. I would like to thank the industry for their commonsense approach. We certainly had robust negotiations and there was a frank exchange of views, but they did lead to a balanced outcome in the interests of the community as a whole, and I am happy to advise that the industry are pleased with the negotiated outcome. Peter Stubbs from the Canberra Racing Club wrote to me, on behalf of the ACT racing industry and particularly the racing club, wishing to thank me for the time and effort devoted to finalising the agreement to deliver funding to the ACT racing industry. He said:

The funding will allow racing to continue to operate at competitive levels and ensure the future of racing for the next twelve months and the important economic and social benefits it delivers to the community.

In the same correspondence, the CRC indicated that a combination of budget funding and race fields legislation revenue will lead to “a renaissance of the racing industry in the ACT”. These are indeed exciting words.

The government and the industry are working on developing a memorandum of understanding to be signed by the government and the three racing clubs. I envisage the MOU will outline the funding arrangements for the 2010-11 financial year and forward years of the budget. It will provide a strong basis of accountability and understanding between the government and the industry.

Central to the MOU will be a racing industry review. That review will look at a number of aspects of the racing industry, including the appropriate allocation of funding between the three racing codes. It is anticipated this review will be undertaken in this financial year. That said, the actual timing of the review will be principally dictated by how quickly the terms of reference can be agreed by the racing clubs and the government. It will also depend on the time necessary for the reviewer to analyse the data available on the impact of the new funding arrangements, including the race field product fee system.

This time last year the Canberra Liberals voted against funding measures for Canberra's racing industry. They then spent six months arguing for more money for the racing industry. Much that defines ACT politics was summed up by the politics of the racing funding debate. Here was the Labor government engaged in a serious discussion with industry, protecting revenue, working within a fiscal strategy and taking into account the interests of the whole community. And there was the Liberal opposition, scaremongering in private, offering to spend anything, blowing the budget bottom line and interested only in a short-term political win.

I said many times that I am not an automatic teller machine. But the opposition said, "I have a blank mind; here is a blank cheque." To put it another way, I agree with our new Prime Minister when she said, "I believe in a government that rewards those who work the hardest, not those who complain the loudest." I think the people of Canberra do too, but we know that our opponents do not.

I commend to the Assembly the investments in this budget. But, as in so many areas of public policy, the rule holds: no investment without reform. The commitments in the budget represent a balanced outcome, a workable compromise that acknowledges the importance of the industry while delivering significant structural reform through an incentive-based model. I look forward to their passage through the Assembly.

In relation the Gambling and Racing Commission, they will be pursuing a number of strategic and operational priorities in 2010-11. Ms Hunter referred to a particularly important one, the commission's community education program in relation to problem gambling. But they will also continue to implement legislative changes to the various gaming laws, which we will see in the next financial year; to enhance the effectiveness of their compliance program on a continual risk assessment basis; and assess the findings and recommendations of the relevant gambling research projects in relation to compliance and policy issues.

I might just take a moment to touch on one important aspect of gambling regulation in the territory and that is the compulsory community contribution element. This is the cornerstone of our approach to regulating gambling in the territory. The Gaming Machine Act 2004 provides that the commission may approve contributions made by

a gaming machine licensee to a stated entity for a stated purpose such as community contributions. The commission must be satisfied the contributions will contribute to or support the development of the community or raise the community's, or part of the community's, standard of living.

Categories of community contributions include charitable and social welfare, problem gambling, sport and recreation, non-profit activities and community infrastructure. All gaming machine licensees are required to record each community contribution made and to provide the commission with a copy of those records, together with a financial report for the financial year.

The commission gives the minister a report summarising the extent of the legislative compliance and analysing the level of community contributions by gaming machine licensees. This report is available on the commission's website. The 2009-10 report will be available later this year.

The Gaming Machine Act 2004 requires clubs that are gaming machine licensees to make a minimum contribution of seven per cent of net gaming machine revenue to eligible community organisations. Other sorts of gaming machine licensees such as hotels and taverns must report their community contributions, but there is no minimum requirement.

As you can see, Mr Speaker, consistent with this government's work in other areas, the commission's work in the field of gaming and racing continues to be independent of government and of a high standard. The commission does very important work and I commend the investments in this budget to the Assembly.

I note again that last year the Canberra Liberals voted against funding for the commission as part of their doctrine of opposition for opposition's sake. And yet they claim again in the course of this debate to be concerned about the regulation of gaming machines. We had hoped that this year would be different, that all members in this place would have voted in favour of funding for the commission and shown their support for a more sustainable and prosperous Canberra community, but again it would appear we will be disappointed.

MR SMYTH (Brindabella) (12.11 am): (*Second speaking period taken*). It is sad that the minister just cannot stand up and say, "I got it wrong." Indeed, it was only two months ago that Mr Barr said, "I am not an automatic teller machine that simply says yes to every request I get from an industry." Well, apparently the minister is now just that: the automatic teller machine of the ACT.

The minister opposed funding the racing industry properly. You will remember this, Mr Rattenbury, because we moved a motion, which the Greens voted for, to ask the minister to reconsider, and under pressure in this Assembly the minister buckled. That is the reality: there was pressure from the community, there was pressure from the industry and there was pressure from the Assembly.

The minister can get up and attempt to rewrite history as many times as he likes. I notice he actually did not use the line tonight about "opposition for opposition's sake". I am sure he used it at that time—the same as last week when we raised the very

important issue of the Shepherd Centre; again, that was “opposition for opposition’s sake”.

It was the same with the Barr backflip. Just the day before the budget, drop the issue: “I’m going to roll over. I got it wrong. I’ve been rolled by my colleagues. I know now that I got it wrong, but we will just drop it quietly away.” It was the same with the Shepherd Centre: lose the debate on the Wednesday, come into this place on the Thursday. To give him his due, he did come in and say that he would reverse the decision. But it was another example of where Mr Barr’s starting position was that, because the Liberals oppose something, it is opposition for opposition’s sake. But he does cave in, and maybe in the future he will be known as the “roll Barr” because he rolls over under pressure. He stands up, he gets all hairy chested and says, “I’m not backing down; I’m not giving in,” but then he rolls over under pressure, caves in, and he is now the automatic teller machine of the ACT, apparently.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.20—ACT Insurance Authority—\$10,000,000 (capital injection), totalling \$10,000,000.

MR SMYTH (Brindabella) (12:14 am): We can do this quickly and efficiently, but, if the Treasurer wants, I can do the long version of the speech if she wants to stay for 20 minutes on each of the remaining lines. Given the hour, I will endeavour to be brief. The Insurance Authority has been and continues to be an agency that is contributing in a quiet but effective way to enhancing government across the ACT. Of course, there was a significant change during the last financial year with the former general manager, Peter Matthews, moving on, and we acknowledge Mr Matthews’s contribution and his own quiet but extremely professional way in dealing with a range of very complex insurance matters in recent years. I vividly recall the way he handled the aftermath of the January 2003 bushfire disaster. His confidence in explaining such complex matters as reinsurance and the ACT’s insurance policy was very reassuring. I congratulate him on his time there at the authority and the good job that he did. In saying that, I need to acknowledge John Fletcher, who has taken over from Mr Matthews as general manager of the authority.

I would like to comment on a couple of matters relating to the activities of the authority: firstly, I commend the authority on its continuing efforts to enhance the capacity of the ACT government departments and agencies to manage their risk. This includes developing risk strategies and identifying risk matters, particularly those that may lead to claims and hence establish liabilities for the ACT government. The authority is encouraging departments and agencies to collaborate with the authority in seeking to mitigate risk. Risk management has been an area of management that has tended to slip under the radar, so to speak, with this government. In later years claims can emerge that were not anticipated, and this can lead to a significant cost to the government. It is gratifying that risk management is now recognised as an important area for management.

The second matter concerns capital injections for the authority. I raised this matter in the estimates hearing. In 2009-10 the authority budgeted for an injection of \$10 million, but only \$5 million of this was required, and \$5 million was returned to

Treasury, for which the Treasurer said she was grateful. I was, therefore, surprised that a capital injection of \$10 million has also been proposed for 2010-11, particularly given the significant increase in the cash holdings of the authority this financial year. The cash balance is already forecast to go from \$211 million to \$252 million.

This is a decision the government has taken, and we do have to question why this provision for further capital injection was made for this financial year. Responses in the estimates hearings were not entirely clear about the need for this injection. In fact, as I pursued the matter—people can check it out on page 282 of the *Hansard*—I was told there may not be a need for the injection. I also observe that the Treasurer said that making provision for a capital injection during 2010-11 was prudent. You have to question whether it is so prudent when the financial parameters of the authority appear to be very strong.

Indeed, it is the performance of the authority itself that has been so prudent over recent years. The authority has been very successful in negotiating with insurance companies and with reinsurers to achieve good outcomes for premiums that are paid by the ACT government's departments and agencies. In large part, this is because of the work that the authority has done in improving the management of risk across the ACT government, especially in the reporting by departments and agencies of incidents and, through the authority, improving the base of information about risk issues across ACT government operations.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (12.18 am): The appropriation bill provides for \$10 million to be appropriated to the ACT Insurance Authority. Last year the same amount was appropriated and \$5 million of the \$10 million has now been returned. During the estimates hearings, the authority indicated that it may well be that the money, or some part of it, appropriated this year is, in fact, again not needed this year. The Greens accept that, whilst this may be the case—we hope that it is the case—it is prudent to appropriate this amount of money given the nature of the authority and the need to have funds available for insurance provision.

I would like to address a couple of matters relating to the activities of the Insurance Authority—firstly, their role in assisting agencies to address and reduce their particular risks, one of the most important outputs of the agency. The authority does a very good job in identifying and addressing the particular risks across agencies, and I congratulate it for its positive initiatives. One particular issue I would like to raise is the provision of insurance for midwives to provide home birth services. I note that progress has been made so that insurance is now available for unplanned home births, subject to a range of conditions.

The issue that remains to be resolved is that of planned home births. Mothers and families should have the choice to have their babies at home, and it is most unfortunate that this is no longer the case. I do acknowledge that the authority is actively working on the issue and that it is a vexed issue that involves third parties and some particularly complicated arrangements. It must be said that, given we are appropriating this amount of money and the apparent likelihood is that it will not be needed, there is a case for the ACT to self-fund this particular risk.

As I said, I am well aware of the complicated nature of the required insurance arrangements and that significant further discussions will be required. The Greens appreciate that the ACT government has progressed the issue, and we look forward to continuing work with the government to develop a scheme that allows for planned home births in the ACT.

As I said, the Insurance Authority performs an essential function for the effective operation of the government, and the Greens are pleased to support the appropriation to the Insurance Authority.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.21—Actew Corporation—\$10,195,000 (net cost of outputs), totalling \$10,195,000.

MRS DUNNE (Ginninderra) (12:20 am): This may surprise some of you, but, given the lateness of the hour, I shall be brief. I have to make a few observations about Actew in the context of this budget. Before I do that, I want to put on the record once again the Canberra Liberals' support for the policy to secure Canberra's future water supply. Members will recall that the Canberra Liberals went to the 2004 election with a commitment in this area and dragged the Stanhope government kicking and screaming after us.

We acknowledge the importance of the work that is being done to enlarge the Cotter Dam, upgrade the Googong spillway to build the Murrumbidgee to Googong pipeline and to secure all the licence entitlements from Tantangara. Indeed, I take the opportunity to record my thanks to Actew Corporation for the opportunity afforded me and my colleagues Mr Seselja and Mr Smyth a couple of weeks ago to tour the major water project works at the Cotter Dam, the pipeline and the spillway projects. I am sure Mr Seselja and Mr Smyth would echo those thanks.

What we do not support is the way the development of these projects from concept to delivery has been managed. We have heard technical language that has caused confusion both in this place and in the community, and it is a little alarming that even those high up in Actew have had some problem with the technical language and some of their utterances, most notably on radio in the ACT where they have confused some of the terminology. Some of us correct things when we get it wrong, but, to my knowledge, some of those in Actew have not so far clarified their language, which has meant that there has been no little public confusion about some of the terminology.

The most important thing about this issue is the ever-spiralling costs related to the major water projects over the past four years. In the case of the enlarged Cotter Dam it went from \$120 million in 2005 to an announced total project cost in 2009 of \$363 million. In the case of the Murrumbidgee to Googong pipeline, it went from \$35 million to \$45 million in 2005 and to \$148.9 million in 2009.

The people took these early cost estimates in good faith. They took them as costs to deliver these projects. No qualifications were offered for those figures; no information about what was included or excluded was provided. There was no information about

the potential future cost increases, except back in 2008 when the ICRC and Actew agreed that the \$145 million cost of the dam might increase by 30 per cent. Those figures were given to and accepted by the community and, I might say, the ICRC in good faith. But that good faith has not been rewarded.

The final announcement of the cost of the enlarged Cotter Dam was \$363 million and for the Murrumbidgee to Googong pipeline, \$150 million. There have been lots of excuses for the final cost increases, one of which was that the number of cost elements had not been included in earlier estimates. One of those related to profit margins, one of the most fundamental elements of projecting costs. We have heard issues about the behaviour of Actew when negotiating with landowners in New South Wales for easement through their properties for the Murrumbidgee to Googong pipeline. I expect and I think most members in this place would expect that, when ACT-owned corporations negotiate and deal with people in and around the ACT, they would behave as exemplary corporate citizens. I will not comment on whether all of these stories are entirely factual, but the research that I have done gives me some concern about the behaviour of Actew.

There seems to be a lack of transparency of process. Questions have been hedged, and the non-answers continue to cause me legitimate concern. Even papers prepared for the Actew Corporation board—the decision maker for the expenditure of hundreds of millions of dollars on these projects—have been brought into question by the misuse of technical language. In this context, we even heard another new technical term the other day, which only serves to create more confusion.

A further illustration of the lack of transparency is the delivery of FOI documents. Recently I made an FOI request following the announcement in the media in late April about the cost of repairs to the holding tanks at the Stromlo water treatment works. I recognise that this is not directly associated with the major water security projects, but it serves to illustrate the transparency issues that we have been facing here in the Assembly.

I made an FOI request and Actew came to me and said, “Actually, Mrs Dunne, we think that you’ve asked for a horrendous number of documents, and could we chat about what it is that you actually want?” My staff and I attended a meeting with Actew officials where we described what it was that we wanted and assured Actew that we did not want to take away half a semitrailer load of documents. We had what I thought was quite an amicable discussion. We talked about the time line for delivering those documents, and I made an offer which I thought was fairly reasonable. At that stage we were at about day 27 of an FOI request, and I said, “Look, we’ve had this meeting today. We’ve clarified what it is that I am looking for. How about you do this: you write to me and confirm in your letter the proceedings of this meeting and I will consider that to be the beginning of the FOI process.”

It was agreed that the FOI clock would restart when I received a letter from Actew. It took 10 days almost for Actew to send that letter, and that was five weeks ago. The 30 days have well and truly passed, and the lack of transparency does give me reason to pause. Even when I thought that I was dealing in good faith with Actew, I was somewhat disappointed at the slowness of that. The lateness of these documents is in spite of meeting with officials and trying to sort out things and to act in good faith.

The transparency issues relating to the major water security projects were of such concern that this Assembly asked the ICRC to investigate, amongst other things, the prudence and efficiency of the enlarged Cotter Dam project in terms of its ability to meet the water security standards required of Actew. I note that the Canberra Liberals proposed a motion in the Assembly in November last year to establish a select committee to inquire into the conduct of the major water security projects. Ultimately, the Greens and the government conspired to water down the terms of reference and instead referred the matter to the ICRC.

The ICRC's final report, as you will all know, was only released yesterday and, at first blush, this is not a very good report for Actew. It will need more consideration than my colleagues and I have been able to give it at the same time as the budget debate is going on, and we will say more about that in the near future; suffice it to note the ICRC's finding on whether the enlarged Cotter Dam project meets the prudence and efficiency test.

In summary, the ICRC found that the enlarged Cotter Dam by itself did not meet those tests and that in combination with other projects may—note the word “may”—prove prudent over time. So the ICRC has also cast a cloud over the prudence and efficiency of the enlarged Cotter Dam but has stopped short of coming to the conclusion as to whether or not the major water security, in concert with other projects, will secure Canberra's water supply into the future. There is much more that needs to be said about this when members in this place have an opportunity to more closely scrutinise what is in the ICRC report. This, too, puts doubt on the management practices behind the development of these projects. It may even put doubt on the prudence and efficiency of these projects altogether. But, as I have said, this is a matter for another day.

The take out for this government from the whole experience over the last four years is to review the whole process from start to finish and learn from that review. Mistakes have been made, whether they were deliberate or otherwise, and this government needs to be able to be willing to acknowledge those mistakes, learn from them and improve the processes. (*Second speaking period taken.*) The denials of the past must be put aside for better processes in the future. We cannot have a situation where the major shareholders have spent the last four or five years essentially with their hands off the wheel waiting for somebody else to make the decisions.

The estimates committee dissenting report by Mr Seselja and Mr Smyth recommended:

... that the Government undertake a case study of the management of the major water security infrastructure projects with a view to developing policies and guidelines for future major infrastructure projects to ensure the community is kept as fully informed as reasonably possible during the development and delivery of those projects.

I commend that recommendation to the government, but I note from the earlier tirade from Mr Hargreaves that he probably does not agree with that, because it is actually asking the government to undertake a review. It seems that Mr Hargreaves does not think we should learn from our mistakes.

Actew Corporation is a vitally important part of the fabric of the ACT. Its work in securing our energy and water security and maintaining the sanitation of the city is vital. But I think that our experiences over the last couple of years in relation to the spiralling costs of the major water projects have somewhat diminished the confidence the people of the ACT have in the corporation. There has been significant damage to the brand through the saga of mismanagement and underestimation of costs. I hope that in the future Actew can regain its reputation with the people of the ACT.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.22—Canberra Institute of Technology—\$67,336,000 (net cost of outputs) and \$15,445,000 (capital injection), totalling \$82,781,000.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (12:33 am): The ACT Greens are pleased to see among the priorities the priority work being undertaken in Gungahlin to promote and provide a range of locally based CIT training courses. We understand that this will be available from 2011. The feasibility study into a new CIT learning centre at Tuggeranong seems to complement this and it is a positive step. We are keen to see the results of both these initiatives, particularly the Tuggeranong study, as there is a fairly significant amount of \$250,000 devoted to what we were told in estimates would be a six-month project.

A proposed use of more e-learning with a view to having this as a core teaching strategy and expanding online services to clients are steps in the right direction. There is certainly much to do around the continued rollout of the productivity places program. Commonwealth funding of \$20 million has been allocated across the country. We are yet to learn of the ACT's share of the \$20 million provided for this. It is reasonable to expect though that our share can make a real difference and provide an opportunity not only to reduce the skill shortages but also to develop the new skills needed now and into the future.

Combined with the youth attainment and transitions agreement, which incorporates the earn-or-learn approach to keep young people in education, training or employment until 17 years of age, these are ambitious priorities which will need to be well managed by CIT if the objectives and targets set are to be reached.

I note from estimates answers that there are attainment targets of 94.3 per cent for 2012 and 95 per cent by 2015 for young people aged 20 to 24 to obtain a year 12 certificate or a certificate II. In the same response, however, the attainment target for Aboriginal and Torres Strait Islanders is 80.2 per cent by 2020. These figures show that a significant number of these students are missing out on a good level of education and will be for some considerable time unless action is taken.

The government has released a discussion paper titled *Creating a connected ACT tertiary education environment* in which it is seeking feedback on how ACT tertiary education providers can meet the COAG targets. Industry has professional needs for innovation and growth and how tertiary education pathways can be strengthened. We look forward to seeing the results of this exercise and being given the opportunity to provide input to any proposed improvements.

The minister, in launching this paper, said that there is much to do and much at stake; so we will take our time to get it right. But then he said that now is the time for bold ideas, now is the time for reform. We hope that reform of this sort takes place after proper consultation with all parties.

Another concern we have relates to the capacity of our present CIT system to deliver the training programs. From an answer to a question on notice following estimates we were advised that since July 2009 the CIT has delivered only 12 per cent of the productivity places program with 31 private providers delivering the remaining 88 per cent. This is something the estimates committee raised as well and we look forward to seeing what is planned to raise CIT's ability to deliver a bigger share of these training programs.

I also raised in estimates concerns around the quality of training some organisations are providing and the importance of auditing all providers. I was advised that we are moving towards a national regulator for all vocational education and training providers and that this will provide the ACT with better outcomes. It does seem from evidence given that legislation to put this in place is some way off and some states may not be signing up to the scheme.

While I was assured there were no systemic training provider issues that have been identified in the ACT in the period leading up to any possible change in commonwealth audit arrangements, we will need to be continuing our audits and keeping the Assembly informed of progress with commonwealth legislation. The productivity places program extends over the next three financial years and a considerable amount of funding is involved.

We are concerned that through the estimates process there are a number of issues raised as to how results from the program were assessed and what accountability indicators might assist in the evaluation of outcomes. In this regard, we are pleased the estimates inquiry report recommends, and the government supports in their response, that accountability measures and outcome targets for the productivity places program be included in future budget papers.

In *ACT annual vocational education and training priorities 2010* there is specific mention on page 11 of the implications for industry for training and workforce development of the growing focus on environmental sustainability. The Industry Skills Council has developed a definition which is shown in the priorities. It places responsibility for environmental sustainability across industry sectors. The priorities for 2010 state that many industry-specific responses to sustainability issues are still emerging from the intersection of industry and technical innovation, consumer expectation and government policy. The real concern is that we are moving very slowly towards getting these skills into our training and the workforce.

The priorities report refers to the Ministerial Council for Vocational Education and Training VET sustainability policy and action plan. It is concluded on page 6 that:

... ultimately units of competency with a specific focus on sustainability will be integral to all training packages.

“Ultimately” is not good enough in the year ahead. We need to see how the training and skills development in these new techniques will be incorporated into vocational education and training to ensure these desperately needed skills no longer are emerging but are embedded in our skill development and training.

This was confirmed for us in estimates when the issue of industry requests for sustainability training was used as an example of an innovation priority for vocational education and training. We were advised that sustainability, for example, is still relatively innovative in the sense that a lot of training is still unaccredited. It is not necessarily formally embedded in formal training packages yet.

Minister Barr advised us in estimates that under the vocational education and training priorities program there are about 10,000 additional training places over the next four years. We need to take advantage of this opportunity and get the skills associated with sustainability—skills that industry is asking for and that will meet present demand in our workforce.

In the ACT we are in the midst of a significant building period. Plans are in place to continue this into the future with sites in the south-west and north of the city. The Master Builders Association advised us there is a shortage of apprentices. They are allocating all of their apprentices to builders and have none left over where normally there are some available for builders to use at short notice.

The Chief Executive of the ACT Chamber of Commerce, Chris Peters, said in the *Canberra Times* last Sunday that the city’s skill shortages will get worse and the skill shortage will at least double in the next five years. Ms Jane Service, Chairman of the ACT Building and Construction Industry Training Fund Authority, indicated in estimates that we still have a number of skills shortages. Green skills around the use of solar energy, building and construction, and additional apprentices trained in these emerging skills, as the priorities report states, will assist the ACT to work towards a more sustainable future and address the skills shortages.

The government can achieve results in this area through the school and CIT system, the MBA and through organisations such as Actew and AGL as providers for electricity, natural gas and water services. Ensuring ActewAGL, Actew and others are encouraged to develop environmentally sustainable initiatives, which will see apprentices and tradesmen with green skills leading the way, is the sort of investment required for the future.

The opportunity also exists for the Department of Education and Training to work with corrections ACT to provide adult education and vocational training packages for the detainees of the Alexander Maconochie Centre. We are pleased to see the department has taken up the committee’s recommendation in this regard.

Madam Assistant Speaker, the ACT Greens will be supporting this line in the appropriation.

MR COE (Ginninderra) (12.42 am): As I mentioned earlier and as others from the opposition have said, we are taking turns to assist in reading Steve Doszpot’s speeches as he is unable to be here.

The CIT is the ACT's largest tertiary education provider. It offers over 500 courses to all types of students, including students from approximately 50 different countries. As an institution that prides itself on providing its students with practical education, it is vital that the CIT maintains close ties to industry and attracts qualified educators with field experience. This is made even more essential given the fact that the CIT is a revenue generation entity, according to the minister, drawing a third of its income from own-source revenue options.

Hence, it is important that the CIT has a clear road map and a firm sense of its business development objective. That said, being a government organisation with a revenue imperative, it is important that the government maintains necessary processes to objectively consider the merits of tenders. It is one thing for the CIT and CIT Solutions to strive to be the most favoured tenderer of the ACT government; it is another that they are actually positioned to be so.

This is an important distinction as the CIT or CIT Solutions can be competing with approximately 120 registered training organisations in ACT government tenders. The government has a dual responsibility here. On the one hand, it is to ensure that the CIT succeeds based on the quality of its training programs. On the other, it is to ensure that RTOs, many of which are small business enterprises, are also given a fair go.

In the government's push to find scale efficiencies it is important to highlight that the bedrock of the ACT economy is primarily small to medium-sized enterprises. I say this with the commonwealth government's productivity placements program, PPP, in mind. Many RTOs in Canberra rely on it as part of their revenue scheme. It is important that the government does not establish inadvertent institutional monopolies. Instead, it should create an economy that fosters SME growth and prosperity through competition.

As we have seen in the case of the Shepherd Centre and Noah's Ark, both organisations were once supported under commonwealth government funding managed within Mr Barr's portfolio. There was little consideration of merit in service provision and due process when it came to the Stanhope government's funding reallocation.

On a related matter, it is interesting to note during estimates that the five priority industries for the PPP included one core innovation. Although the other industry priorities—government services, construction and property services, community services and health, and business skills—seem self-explanatory, it is felt that innovation has the propensity to be treated as a catch-all category.

This is especially the case in the light of the government's response to provide further information regarding this matter during estimates. We were told during the committee's hearing on 21 May 2010:

We have got scope in our own funding and through the priority support program, which gives us a bit more flexibility than what you can sometimes do with traditional apprenticeship and traineeship funding ... Sometimes industries will

come to us and what is innovative for them is perhaps an add-on to traditional-type qualifications, to add business skills. So it is not necessarily an innovation in itself but, the combination of that with other training for their workers, we might have capacity for that there.

Although the spirit of this element is somewhat understood—loosely defined as it currently is—it is uncertain whether innovation in the context provided is a priority industry or a method or content of training delivery.

Returning to the point of CIT revenue generation, it is important that it has a risk management plan in place with regard to drivers affecting its revenue stream. For example, what would happen if immigration policies led to a strong decrease in international student enrolments? What would happen if PPP funding decreased or was subsumed under a different commonwealth government initiative? Similarly, the consideration such as the minister's proposal to follow the failed Tasmanian polytechnic model would have knock-on affects on an organisation like the CIT. These may seem far-fetched at the present moment but that is part of the process of managing risk.

It was disappointing to see that two years on, the government's \$900,000 feasibility study, which included looking into the redevelopment of the CIT's Reid campus, as outlined in the Reid master plan, was so incredibly light on details. With regard to the actual work of the redevelopment, the minister could only advise that there has been some discussion about a public-private partnership for the student accommodation at Reid and also for a new building on the corner of Constitution Avenue and Coranderrk Street.

Subsequent mention of the matter by the government included next step initiatives like doing a business case for approaching possible developers, litmus test developers to gauge interest in the project, and finally looking into a mixture of commercial revenue options. My question is this: should this have not already been done in the \$900,000 feasibility study? What exactly did we get for almost \$1 million? What tangible can the ACT people actually expect for that huge expenditure?

As we have said before, this budget is not fiscally responsible. It is not accurate; it is not transparent. It contains so much waste. It contains higher taxes. It is an anti-family budget.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (12.48 am): The CIT is the major provider of vocation education and training for Canberra students as well as for many students from interstate and overseas. The government is continuing its significant investment in the CIT through this budget.

An amount of \$3.2 million will be provided for the new CIT learning centre at Gungahlin college. This will meet unmet demand in the Gungahlin community and provide locally based vocational training opportunities and local access. CIT's presence at Gungahlin will include recognition of higher learning; self-pace, start-any-time flexible learning courses; bookable access to computers and the internet for any CIT student; semester-based classes for a range of courses; a drop-in location

for occasional support for courses studied online; and access to careers and counselling services.

The budget also provides \$250,000 to examine the feasibility of expanding learning services and options in Tuggeranong. One option might be to locate the new services of the ACT's proposed new southside trades training centre near the Kambah P-10. This model could have an expanded range of CIT learning options similar to those proposed at the CIT Gungahlin learning centre.

The budget also invests \$2 million to complete the Canberra Institute of Technology online. This will provide state of the art online services to students and give students more flexibility to study when and where they want to. Almost \$8 million will be invested to complete the relocation of the CIT's electro-technology program to the Fyshwick trades skill centre. This will provide skills to young people and skills that employers need now and into the future.

Other budget investments in the CIT include \$1.2 million each year for technology and major equipment upgrades and \$500,000 each year for plant and equipment; over \$2.2 million each year in the next four years for capital upgrades; \$150,000 as part of the better TAFE facilities national partnership; almost \$1 million for the Lions youth haven at Westwood Farm; and we continue to support students with almost \$1.5 million over four years going towards fee assistance in areas of skill shortage. The government is committed to building strong foundations to support a productive workforce to help drive our economy into the future.

We have listened, invested, and delivered. But as I have said, in the education and training field there should be no investment without reform. That is why I have recently released a discussion paper creating a connected tertiary education environment to reform the ACT's tertiary and training environment.

The Bradley review has foreshadowed a new era in tertiary education, and in Canberra we have a unique opportunity to create a truly connected and integrated higher education environment which gives students what they want and what they need. The federal policy landscape is changing quickly around us. The Bradley review and national regulators for higher and vocational education, combined with new skills shortages, mean we have an opportunity now.

We need new and bold ideas to make Canberra Australia's lifelong learning capital. This is a unique opportunity for the territory. On the supply side, our skills shortages and federal targets for degrees and certificates mean we need more students to come and study in Canberra. On the demand side, we must give students what they want and what they need. If a student wants to create a new combination of courses across a range of institutions, I do not want to see funding and red tape get in the way.

We also have industry demand. We can improve how we match up workforce and labour supply with industry needs. The government recognises the opportunity before us and we will not let it slip, but we do remain genuinely open to new ideas and solutions in this area—to new models that may emerge from the discussions over the coming months.

The public debate so far has included a variety of new structures and teaching models: an online ACT education portal where students mix and match courses from across institutions; an option to make training funding more contestable and easier for more providers to access; greater independence for the Canberra Institute of Technology; partnerships between schools and higher and vocational education and training providers, such as those recently announced between the University of Canberra, Lake Ginninderra college, and Kaleen high school; a polytechnic at the University of Canberra; and foundation degrees—a vocational qualification designed in partnership with industry.

I am sure that we will hear even more good ideas over the coming months. We are not just listening and investing though, Madam Assistant Speaker. We are delivering outcomes for ACT students and the ACT economy. I certainly warmly endorse the budget initiatives in the Canberra Institute of Technology line this year and hope that all members will be able to support this worthwhile investment in skills and training in the territory.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.23—Exhibition Park Corporation—\$370,000 (net cost of outputs) and \$3,060,000 (capital injection), totalling \$3,430,000.

MR SMYTH (Brindabella) (12:53 am): Exhibition Park Corporation has been somewhat of a political football over the last couple of years. We saw the ill-fated attempts by Minister Barr to drag Exhibition Park into TAMS and his equally flawed attempts to stack the board of the corporation with public servants; and we remember that he was not able to count how many people he should have appointed to that board. There have been a number of matters to mention.

What I would like to do, though, is start by acknowledging the sterling work of the former General Manager, Mr Tony Sadler, in building up the commercial activities at EPIC. He has taken his leave of the service and retired. We all wish him well in retirement and we look forward to working with his replacement, Ms Liz Clarke.

The issue of EPIC remaining as a statutory authority I think is well known to all in this place, and during the estimates we had to raise the misleading statement in the government's budget papers for the 2010 budget about the corporation. On page 493 of budget paper 4 there is the incorrect statement:

The Government subsequently retained EPC as a stand-alone Statutory Authority with its own budget.

It is couched nicely to make it look like it was all the government's work. But the statement is nonsense; it was actioned by the Canberra Liberals in the Assembly to defeat the downgrading of the corporation. The government did not retain the corporation; it was told by the Assembly to retain it. But certainly there has been no apology for this mislead and no correction as yet. There were a number of matters with the appointment of the board. We are certainly disappointed with the antics of Mr Barr and his hand-picked former board—that had too many members.

He claimed progress in many matters affecting the future of EPIC. In reality, this progress suggests that the bureaucracy were being less than helpful in dealing with the board when it was chaired by the former chair, Mr Brian Acworth. There were long delays with the acquisition of block 751; there were long delays with the approval of a master plan, which was subsequently never approved. There were long delays with the resulting issue of low-cost accommodation at the site—much to the detriment of the ACT and much, I think, to the shame of the government.

An issue that was canvassed during the hearings was the redevelopment of the old petrol station site. It is a key component of the overall EPIC site, and we certainly look forward to the progress in redeveloping the site. There are a number of issues that the EPIC management decided to claim commercial-in-confidence on. For those members that are not aware, the old site has been surrendered by the former lessee and at its expense EPIC is cleaning up the site and removing the existing facilities—all at a time when it is not earning any rent on the site. We were not allowed to know what this is costing the people of the ACT.

But we do look forward to the new facility. It would appear there will be a service station and a fast food outlet on the site, so we do certainly look forward to the site being redeveloped in keeping with its position on Northbourne Avenue, at the entrance to Canberra, and hopefully it will be an asset to EPIC overall.

It really is a great time for EPIC. They have now secured the block, which will allow them to develop some low-cost accommodation that will give them an extra revenue stream. We look forward to that progressing quickly and successfully and we look forward to the redevelopment of the petrol station site, the emergence of the new facilities and a great future for EPIC.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.24—Cultural Facilities Corporation—\$7,440,000 (net cost of outputs) and \$1,686,000 (capital injection), totalling \$9,126,000.

MR SMYTH (Brindabella) (12:58 am): For me in particular, the Cultural Facilities Corporation means the Nolan Gallery and the debacle that is the loss of the wonderful asset that those paintings were for the ACT. It was clear that it was the intention of the artist that they be in Canberra; they be in a rural setting so that the actual contents of the paintings in question were reflected in their surrounds. I think it is a shame that we have not been able to come to an arrangement that would see them return back to our electorate, Mr Assistant Speaker Hargreaves, where they have been for so many years.

It is a shame that the building that we currently have there has over time deteriorated and that the full collection is not able to be shown to its glory and, indeed, is not able to be shown that it might become a major attraction for that part of Canberra in conjunction with the Lanyon homestead. There is a lot to celebrate in the works of Sidney Nolan and it is a shame that they are not going to be celebrated here in southern Canberra.

MRS DUNNE (Ginninderra) (12:59 am): One of the greatest disservices to the community by this ACT government and its colleagues in the commonwealth is the loss of hundreds of works of art that had been loaned to the Australian people by the late Sir Sidney Nolan. These works accompanied a gifted set of works, including the famed foundation collection of 24 Ned Kelly paintings.

This happened because the ACT and commonwealth Labor governments decided that the gifted paintings should no longer be housed and displayed at Lanyon as Sir Sidney wanted. They claimed that the Nolan Gallery at Lanyon was an unsuitable facility for the paintings, although it was a purpose-built building. They claimed that it had insufficient security and that the humidity levels were too high. They claimed that visitor numbers did not warrant the cost of having government staff located there. They claimed that housing the works at CMAG would provide a better opportunity for Canberrans and tourists to see them.

But in all these claims there was no foundation. The fact is that the ACT Labor government, in particular, did not want to spend money to upgrade the Nolan Gallery or to promote it or to develop a program that would attract visitors. It even ignored the recommendations of its own commissioned feasibility study, which recommended, amongst other things, that the expansion of the Nolan Gallery building to incorporate additional facilities would enhance the overall visitor experience and understanding of the works and would ensure these works were cared for appropriately, for example, with the provision of educational facilities, improved storage areas and upgraded climate control.

An integral part of this recommendation was to provide visitors to the Lanyon estate with improved introductory information, including a visitors and orientation centre—perhaps somewhere to have a cup of tea. Yet this ACT government ignored this recommendation because it did not want to put its hand in its pocket so as to provide the improvements that would address the issues about security, humidity and visitor numbers.

In doing so, it and the commonwealth have conspired to dishonour the extraordinary gift that Sir Sidney Nolan made to this nation and they have conspired to insult Sir Sidney's widow, Lady Nolan, and to treat her disrespectfully. Indeed, Lady Nolan was so incensed by the treatment she received from both the ACT and commonwealth Labor governments that she has demanded the return of the works that Sir Sidney Nolan loaned to augment the foundation collection.

In the media, Mr Stanhope tried to downplay the importance of these works when he described the works as a few early sketches. I do not know which of the loaned works he has viewed, but many of the ones that I have seen are quite iconic in their depiction of the Australian landscape and others are unique and innovative in their artistic interpretation. Mr Stanhope's description of these works is yet another insult, not only to the memory of Sir Sidney Nolan and his generosity but also to the people of Australia. And now those hundreds of loaned works will be lost to the people of Australia forever.

The ACT government is now spending \$260,000 to upgrade the facilities at CMAG to display the foundation collection. I question whether the upgrade will be suitable or adequate; only time will tell. In addition to that \$260,000, an unknown amount of money—because the commonwealth minister at this stage cannot tell me how much money—will be spent, at the cost of the Australian taxpayer, on packaging, insuring and returning the loaned elements back to the Nolan Foundation in the UK.

What about the Nolan Gallery at Lanyon? This matter was raised in the estimates committee last year and we were told that the government would consider a range of possible reuses of the building. We were told, and I quote from the *Hansard*:

Those uses could include developing the building as a visitor interpretation centre for Lanyon or other uses in the immediate term, possibly for staff office accommodation ...

No matter what is done with the Nolan Gallery at Lanyon, it will involve spending money. Security will have to be improved, climate control will have to be upgraded and staff facilities will need to be improved. So the question is whether the cost of these upgrades, when combined with the money being spent at CMAG and the money being spent to send the Nolans to the United Kingdom to be lost forever to the Australian people, would not have covered the cost of implementing the recommendations of the 2003 feasibility study.

Might not that have honoured and respected the wishes of Sir Sidney and been respectful to his widow, Lady Nolan? Might not that have meant that the hundreds of works loaned to us, the people of Australia, would stay in Australia? This has been a short-sighted move by the government on the part of the Chief Minister.

That said, let me finish with a brief word or two about the Cultural Facilities Corporation. The CFC has a diverse range of duties to discharge, from managing a major theatre, a visual arts exhibition space and Civic Square, and managing preserving some of our most important heritage sites, to curating an exciting program of visual arts exhibitions, theatre events and public programs.

On top of that, it runs a commercial venture and places as little reliance on government funding as reasonably possible, even given its role in managing government assets. It does its work efficiently and with great skill, with a great team. I pay tribute to the work done in our community by the Cultural Facilities Corporation and congratulate the team for the richness they contribute to Canberra's cultural life.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.25—Independent Competition and Regulatory Commission—\$497,000 (net cost of outputs), totalling \$497,000.

MR SMYTH (Brindabella) (1:06 am): I would just like to congratulate the government on their reappointment of the commissioner, Mr Baxter. I think he does a fabulous job—and well done to him.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.26—Legal Aid Commission (ACT)—\$8,904,000 (net cost of outputs) and \$429,000 (capital injection), totalling \$9,333,000.

MRS DUNNE (Ginninderra) (1:06 am): The Legal Aid Commission, in the light of the debate that we had yesterday on community legal centres, has been brought to the forefront. It does an extraordinary amount of important legal work in the ACT, with very little funding.

There have been issues over the years, probably since about 1996, relating to the rate at which legal aid is funded by the commonwealth. There have been ongoing problems, which seem to be intractable. There seems to be a little bit of movement around the edges about some flexibility in cost sharing with commonwealth funding for legal aid, but there are some considerable problems there. We heard, in answer to questions on notice, that, in response to a fall off in the ACT Legal Aid Commission's capacity to provide legal services, we are now down to only about 76 per cent of people who apply for legal aid being able to receive assistance from the Legal Aid Commission, whereas about three years ago that was 80 per cent.

The Legal Aid Commission has told the Assembly, through its answer to a question on notice, that it would need close to another \$800,000 to restore the status quo from 2005. This is an alarming state of affairs, particularly in the light of the discussion that we had yesterday about people in need being able to access legal services.

In that context I am concerned about the move of the Legal Aid Commission into its new premises. I understand the reason for the move and, having visited the Legal Aid Commission in its old premises in Moore Street, that a move was very much needed. I understand the new premises are pretty good. We note that in last year's budget there was a sum of \$2 million set aside by the ACT government for that move and that Legal Aid had been able to obtain some more funding from the commonwealth for the purposes of setting up its mediation rooms for family law matters.

We note from answers to questions on notice that the relocation cost was in the region of \$3.27 million, which is substantially more than the \$2 million that was allocated by the ACT government, and I note that some of the cost was borne through an agreement that the Legal Aid Commission came to with the owner of the building that they were moving into. The owner of that building cashed out an incentive payment, which equated to rent over a period of time—from recollection, about six months worth of rent.

I am concerned about this because what we have seen is that the Legal Aid Commission would have recurrent money in its budget to cover rent, but it has had some money cashed out as an incentive to move into a building. I do not actually know the quantum of that and I gather that is commercial-in-confidence. But, instead of turning that into recurrent money which may have been used to provide legal services to clients or potential clients of the Legal Aid Commission, it was spent on the fit-out. We do have a rather large sum of money spent on a fit-out and the cost of the move, which is a little more than 50 per cent more than was planned for.

I do have some concerns. Members of the legal profession do raise with me the efficiency of the Legal Aid Commission and I think that the actions in taking the rent paid in advance and turning it into capital expenditure, rather than turning it into recurrent expenditure and providing services to clients, was a retrograde step. I think that it does not reflect all that well on the Legal Aid Commission.

The Attorney-General does need to advise whether he approved of this funding and this treatment of the cashed-out incentive payment and to justify why this money was not spent on legal services, which, after all, is what the Legal Aid Commission was established to do.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.27—Public Trustee for the ACT—\$669,000 (net cost of outputs), totalling \$669,000.

MRS DUNNE (Ginninderra) (1:12 am): I would like to very briefly note the proactive and strategic approach the Office of the Public Trustee takes to its business management. The openness and transparency of this office is a model for other government agencies. I am very impressed with the attitude of the Public Trustee to give fulsome answers to questions of the estimates committee and in subsequently answering questions on notice and questions taken on notice. These answers showed that the Public Trustee is an experienced, efficient and much valued service provider to the community. I commend the officers of the Public Trustee's office for their sterling support for the people of the ACT.

Proposed expenditure agreed to.

Total appropriated to agencies—\$2,367,825,000 (net cost of outputs), \$1,031,798,000 (capital injection) and \$475,943,000 (payments on behalf of the territory), totalling \$3,875,566,000.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.28—Treasurer's advance—\$29,000,000.

MR SMYTH (Brindabella) (1:14 am): Thank you, Mr Assistant Speaker.

Ms Gallagher: You couldn't resist.

MR SMYTH: You were challenging us to speak. You were disappointed we did not earlier, and now that we do, you are still disappointed. The Treasurer's advance is a hidden component of the annual budget, yet it is very significant because it has enabled additional spending of tens of millions of dollars. Once again, in 2010 we see the Labor government resorting to a panic driven end-of-financial-year spending binge to utilise the Treasurer's advance, committing nearly \$19 million in June 2010 to a range of projects and departments.

Activities that utilise the Treasurer's advance should be subject to much closer scrutiny. The purpose of the Treasurer's advance is to fund extraordinary and unexpected charges that the government finds, but we had the extraordinary statement from the Treasurer last week about the Treasurer's advance when she said when tabling the document showing a spending binge of \$19 million that:

This saving demonstrates the government's ability to control costs and our strong track record on financial management.

What a load of nonsense. The Treasurer is arguing that, because the government did not use all of the Treasurer's advance, this shows that the Labor government has control of costs. This completely misunderstands the purpose of the Treasurer's advance. The Treasurer's advance does not exist to be spent; rather, the Treasurer's advance is a backup for those occasions where this is an urgent and unforeseen need for additional funds.

The fact that \$14 million out of \$37 million allocated to the Treasurer's advance was not spent in the 2009-10 appropriation is not evidence of cost control. On the contrary, under the Labor government, it is evidence of an inability to control costs—reference requests in 2009-10 from TAMS for an additional \$19 million; education, an additional \$7 million; Bimberi, an additional \$1 million; and CMD, an additional \$0.6 million. That is contrasted with 2008-09 where TAMS received an additional \$8 million; Disability, Housing and Community Services, an additional \$5 million; JACS, an additional \$3 million; and ACTPLA, an additional \$3 million.

Concerns about the rationale for requests to access the Treasurer's advance exist. It is hard to see the basis for satisfying the urgency requirement. It is more likely to be a failure to budget properly or to effectively manage. I am also concerned about the failure of the Treasurer to impose her authority on departments and agencies to contain costs and achieve savings.

There is, of course, the final charge. The Treasurer also said last Thursday that she would table the final charge against the 2009-10 Treasurer's advance. These are identical words that were used in the documents that were tabled on 18 August 2009. I am not aware of the final charge having been tabled last week or, indeed, this week. I recall that you, Treasurer, failed to table the final charge for 2008-09, apparently due to an administrative oversight. I will remind you of your letter from last year where you said:

I can report that the Final Charge has not yet been tabled due to an administrative oversight. I have asked the Treasury to review their processes to ensure that this does not occur again

I think the Treasurer apologised to the Assembly for the failure at that time. What did she say at the time? She said that she would get Treasury to review their processes. I am not sure if she you tabled it today. I certainly did not see it. It looks like perhaps she has failed again. It looks like either Treasury ignored the Treasurer or their new processes failed their first test. Yet again, there is work to be done inside the Treasury by this Treasurer.

MR SESELJA (Molonglo—Leader of the Opposition) (1:18 am): Just a couple of quick words on the Treasurer's advance and then some comments to sum up on the budget. The Chief Minister told us last year what he thinks about using the Treasurer's advance as a saving measure. People might recall that, before the last election, we said we would cut the Treasurer's advance in half as a savings measure because it was being used as a slush fund. It was being used to reward wasteful expenditure and encouraged a culture of waste. The Chief Minister did not agree with that.

We see in this budget that they do use it as a saving measure. They did not go the half—I think they went the quarter, but we know what the Chief Minister thinks of that. He said in this place:

It is interesting, too, to note that the other major saving of the Liberal Party—the Treasurer has mentioned this without attempting to be too scornful—was to actually cut the Treasurer's advance, which is not a saving at all. It really is just fiddlesticks. That is just smoke and mirrors.

Mr Smyth: Fiddlesticks.

MR SESELJA: Fiddlesticks. He said that is just smoke and mirrors. Smoke and mirrors.

Mrs Dunne: Smoke and mirrors and fiddlesticks.

MR SESELJA: Yes, indeed, now this is what the Chief Minister had to say around—

Mr Hanson: Not a saving, Mr Seselja?

MR ASSISTANT SPEAKER (Mr Hargreaves): Okay, order members! We have all had a good time; it is getting ratty in the morning.

MR SESELJA: So when it was a Liberal saving, it was fiddlesticks and smoke and mirrors.

Ms Gallagher: Okay, on to your general comments now.

MR SESELJA: I am not quite finished with the fiddlesticks. I do like that terminology, "fiddlesticks"—it is quaint. There is a 0.25 per reduction to the Treasurer's advance this year. They could not bring themselves to go the whole way. They should have done it properly, but they are in two minds as to whether it is actually a saving. According to the Chief Minister it is fiddlesticks and smoke and mirrors.

To sum up on the budget generally, this is a budget that delivers massive deficits. The government still fails to get its spending right at a time when it has record revenues. At the same time as it spends more than any other government has in the past, it continues to fail in the basics of service delivery.

Taxes are going up; they are going up through the roof. There is a massive tax on housing, yet they are delivering deficits as far as the eye can see and services that continue to degrade. The priorities in this budget are wrong. We see that time and time again. Because they have not been able to control their spending, the people of the ACT do not get the appropriate services. We can look right across the board. In the health area we are doing so much worse than the rest of the country. People in the ACT are paying more and they are waiting longer and they are getting less, and this budget is another reflection of that.

This ACT Labor government would prefer to spend on their legacy projects than on the basic services that the people deserve. To pay for that, they continue to raise taxes. They have raised taxes every year, and we see it again with a massive tax on housing. This is a budget that is irresponsible; it does not deliver the core services. It delivers massive deficits, and that is why the Liberal Party in the ACT will not be supporting it.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (1:22 am): The bill provides for a reduction in the Treasurer's advance from \$36.8 million to \$29 million, an approximate reduction of 21 per cent reduction in real terms. The Treasurer said that the reason for this is that agencies were required to stay within their appropriated budgets and that base funding has now been built into agencies' budgets to ensure they do not need to access the Treasurer's advance at the end of the year. The Treasurer said they took the view that they would not need to do that any longer because they have dealt with the base pressure in this budget.

The financial instruments tabled last week indicate that the total spent in the Treasurer's advance last year was \$23,229,000 less than the amount proposed to be appropriated in this bill. Over the last two weeks, almost \$19 million was expended from the advance. Whilst I do understand that it makes sense that agencies would come seeking funds at the end of the year, I think there is an obvious level of discomfort that this occurs each year. The Greens support the initiative to obviate this, but we note that it is curious that the amount provided for is still greater than the previous year's expenditure. The Greens support the proposed reduction and are pleased with the new strategy.

There was a considerable amount of discussion during the estimates hearing about whether or not this was a real saving as opposed to a reallocation to agencies. There is an obvious difficulty in saying that it is a saving if the money that is not being spent in this line item is being spent in other line items as base funding. The only way this could be a saving would be if it led to improved efficiency. It is a better process, but I am not sure that it is, in fact, a saving. Given that the amount is still less than what was actually spent, it does make it particularly difficult to categorise it this way.

To some extent, this is a semantic point. The real issue is the policy decision to attempt to reduce the call on the discretionary fund and provide the money in the budget so that we all have a chance to see where it goes beforehand rather than afterwards in financial instruments under the Financial Management Act. With those general comments in mind, the Greens will support the line item.

I would like to take the opportunity to make a couple of final remarks on the budget. As we are now at the end of the process, I think it is worth briefly reflecting on that process. As a small parliament, we are in an almost unique position where every member of the opposition and the crossbench makes an in-principle speech and makes extensive comments during the detailed stage. All non-executive members participate and ask questions during the estimates committee process.

We have a comprehensive estimates report as well as a dissenting report that provides another point of view. I note that the committee report recommended a review of the process to ensure that it is as effective as it can be. But, overall, it must be said that we have all had the opportunity to put our arguments, and there can be no doubt in the community about where each of the parties sits on the key issues and even many of the minor issues within the budget.

Many hours have been spent questioning and arguing for alternative outcomes as well as defending the proposed appropriation, and I think this task of putting those views has been acquitted well. I think the estimates process achieved some positive outcomes as well as highlighting particular limitations that as a parliament we should address.

We have had the benefit of independent economic analysis of the budget as well as the views and perspectives of a broad range of community groups. I think it is fair to say that we are all aware of the economic circumstances and the consequences of the expenditure as perceived from the broad range of viewpoints. It would be different if it was a Greens' budget; it would reflect different priorities and make different choices. Greater emphasis would be put on achieving better environmental outcomes and supporting those most in need in our community. Different infrastructure would be built; it would provide people with a better range of transport options and lay a better foundation for our economy into transition to zero emissions.

I have said on many occasions that, particularly in regard to the infrastructure spend, we must be very careful to ensure that we are providing high quality assets that will be useful and relevant to the future taxpayers who will pay for them. We know that the economy must change, and the Greens are concerned that we provide the infrastructure and skills for that new economy rather than taking the easy option of just addressing the short-term demand.

Given the current economic climate and the broader circumstances we find ourselves in, the Greens' view is that, with the above concerns noted, the budget is fiscally responsible. We support the position that has been adopted to gradually return the budget to surplus rather than cut services. The budget funds some initiatives from the parliamentary agreement, and the Greens are pleased to have been able to secure the provision of these initiatives for the Canberra community.

The measures that we have pushed for represent value for money. They are efficient and pragmatic initiatives that will achieve results and make a practical difference to the people of Canberra—for example, the continuation and extension of the Redex bus service, new park and ride facilities, money for swim schools, an increase in mental health funding, a small increase in the purchase of renewable energy, and a feasibility study for the Gungahlin shopfront. We are also pleased to see a small

increase in the energy concession rebate for low income earners and the protection of the community sector from the efficiency dividend.

We agree, albeit with some reservations, that it is a prudent and appropriate budget that delivers the government services the community expects and is entitled to. For all the reasons I have outlined and with the concerns noted, we support the Appropriation Bill 2010-2011.

Proposed expenditure agreed to.

Total appropriations—\$2,367,825,000 (net cost of outputs), \$1,031,798,000 (capital injection) and \$475,943,000 (payments on behalf of the territory), totalling \$3,904,566,000.

Question put:

That the proposed expenditure be agreed to.

The Assembly voted—

Ayes 10		Noes 5	
Mr Barr	Mr Hargreaves	Mr Coe	Mr Seselja
Ms Bresnan	Ms Hunter	Mrs Dunne	Mr Smyth
Ms Burch	Ms Le Couteur	Mr Hanson	
Mr Corbell	Mr Rattenbury		
Ms Gallagher	Mr Stanhope		

Question so resolved in the affirmative.

Clauses 1 to 11, by leave, taken together and agreed to.

Schedule 2 agreed to.

Title agreed to.

Question put:

That this bill be agreed to.

The Assembly voted—

Ayes 10		Noes 5	
Mr Barr	Mr Hargreaves	Mr Coe	Mr Seselja
Ms Bresnan	Ms Hunter	Mrs Dunne	Mr Smyth
Ms Burch	Ms Le Couteur	Mr Hanson	
Mr Corbell	Mr Rattenbury		
Ms Gallagher	Mr Stanhope		

Question so resolved in the affirmative.

Bill agreed to.

Standing and temporary orders—suspension

Motion (by **Mr Corbell**) agreed to, with the concurrence of an absolute majority:

That so much of the standing and temporary orders be suspended as would prevent order of the day No 15, Assembly business, relating to the Government response to the Report of the Select Committee on Estimates 2010-2011, being called on and debated forthwith.

Estimates 2010-2011—Select Committee Report—government response

Debate resumed from 29 June 2010, on motion by **Ms Gallagher**:

That the Assembly take note of the paper.

Question resolved in the affirmative.

Adjournment

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

That the Assembly do now adjourn.

Multiculturalism—Korean community

MR COE (Ginninderra) (1.34 am): It is a pleasure to rise in the early hours today to pay tribute to Canberra's Korean community. The Korean community are a vibrant part of our Canberra multicultural scene, and I very much enjoy attending their events. I went to an event earlier this year at the Albert Hall and just recently I enjoyed watching a game of soccer with them in the World Cup. Unfortunately, they did not get up in that game and they did not make it beyond the round of 16, but they did extremely well, and I am sure that experience will put the team in good stead for the upcoming tournaments.

Koreans living in Australia are, of course, very proud of their new home, whether it be permanent or temporary, but they are also very proud of their heritage. They really are model citizens when it comes to being great members of our multicultural community. Korea is, of course, a very important trading partner for Australia and Korea as a country is, of course, a real beacon for democracy and a real icon since the Korean War. People in South Korea live in a very turbulent area, they do so with great courage and I very much admire their determination for a free and democratic world.

I would like to pay tribute to Keith Lee who is a football ambassador for Capital Football and also for the Korean Youth Football Association. He organised and put on the soccer viewings at the Belconnen Soccer Club to support the Korean community here in Canberra.

Since 2005, a Korean youth team in the under-12 category has visited the Kanga Cup and the team will be visiting again this year for the fourth time; that is the SinGok PS under-12 team. The Korean team will be hosting them, including providing the meals and accommodation, and the Monaro Panthers Football Club will be billeting them.

I wish the team all the best. I look forward to attending more events with the Korean community in the coming years and I very much commend all those involved for the great work they do in our multicultural community.

Question resolved in the affirmative.

The Assembly adjourned at 1.37 am, until Tuesday, 17 August 2010, at 10 am.

Answers to questions

Government—ministerial correspondence (Question No 532)

Mrs Dunne asked the Attorney-General, upon notice, on 10 February 2010:

- (1) Can the Minister advise why he has not yet responded to letters I sent to him on (a) 19 March 2009 regarding long-standing allegations of harassment by certain residents towards their neighbours, (b) 22 September 2009 regarding 12-months review of Unit Titles Act 2001, (c) 23 September 2009 regarding the performance of the ACT Civil and Administrative Tribunal, (d) 19 October 2009 regarding water extracted from the Murrumbidgee River and environmental flows from water storage facilities, (e) 21 December 2009 regarding the Brodburgher Van in Bowen Park and (f) January 2010 regarding suspension of inter-country adoptions from Ethiopia.
- (2) When will the Minister respond to those letters.

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

- (1) Responses to letters (b) through (e) have been provided to you.

Letters (a) and (f) were not received in my office at the time they were initially sent. However, copies of the correspondence have recently been obtained from your office and are receiving attention.

- (2) Responses to letters (b) through (f) have already been sent to you.

A response to letter (a) will be provided to you shortly.

Public service—staffing (Question No 653)

Mr Seselja asked the Treasurer, upon notice, on 18 March 2010 (*redirected to the A/g Treasurer*):

- (1) How many staff are currently receiving higher duties allowance (HDA) in the Minister's department and each agency in their portfolio.
- (2) At which levels are staff receiving this allowance.
- (3) What is the total value of HDA that has been paid to staff in (a) 2007-08, (b) 2008-09 and (c) 2009-10 to date.
- (4) How long, on average, has each staff member currently on HDA been receiving HDA.
- (5) How many of the positions that are filled by staff members on HDA have been advertised and are waiting for recruitment processes to be completed.
- (6) How long, on average, is each recruitment process in the agency or department, from date of first advertisement to the employee commencing in the position.

- (7) What is the average cost of each recruitment process.
- (8) How much is spent on advertising and the engagement of agency hire firms and contractors to assist with recruitment on each recruitment process.
- (9) How many agency hire firms or contractors are currently contracted to each agency and/or the department and what are the terms of their contract.
- (10) Will any contracts with agency hire firms need to be broken to enforce the ACT Government's policy to freeze recruitment of non-essential staff.

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

- (1) As at February 2010 there were 40 members of staff on HDA.
- (2) Levels on HDA range from the ASO4 level to SOGA.
- (3) \$310,527 in 2007-08, \$363,767 in 2008-09, and \$363,262 in 2009-10 to date.
- (4) The average length of time on HDA is 8.5 months (as at February 2010).
- (5) Two
- (6) 45 Days
- (7) This information is not collected separately and therefore is not available.
- (8) The advertising costs and scribe costs relating to the graduate program were \$17,100 (please note that future advertising costs will be \$12,000 lower as we will no longer be advertising in national papers). Recruitment on average costs approximately \$1,700 in advertising (outside of Govt Block), \$1,000 if a scribe is used and \$200 for various website advertisements.
- (9) Two agency hire firms are currently used in the department to support four contracted positions. The terms of the arrangements are short term contracts.
- (10) No.

**Public service—staffing
(Question No 654)**

Mr Seselja asked the Minister for Health, upon notice, on 18 March 2010:

- (1) How many staff are currently receiving higher duties allowance (HDA) in the Minister's department and each agency in their portfolio.
- (2) At which levels are staff receiving this allowance.
- (3) What is the total value of HDA that has been paid to staff in (a) 2007-08, (b) 2008-09 and (c) 2009-10 to date.
- (4) How long, on average, has each staff member currently on HDA been receiving HDA.

- (5) How many of the positions that are filled by staff members on HDA have been advertised and are waiting for recruitment processes to be completed.
- (6) How long, on average, is each recruitment process in the agency or department, from date of first advertisement to the employee commencing in the position.
- (7) What is the average cost of each recruitment process.
- (8) How much is spent on advertising and the engagement of agency hire firms and contractors to assist with recruitment on each recruitment process.
- (9) How many agency hire firms or contractors are currently contracted to each agency and/or the department and what are the terms of their contract.
- (10) Will any contracts with agency hire firms need to be broken to enforce the ACT Government's policy to freeze recruitment of non-essential staff.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

Given that ACT Health has over 5,000 employees to provide a response to this question would substantially and unreasonably divert the resources of the agency.

Schools—revenue (Question No 709)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 18 March 2010:

- (1) What purpose did each ACT government school receive revenue for in 2008-09.
- (2) If revenue was received from the Government what was this revenue used to fund.
- (3) How much bank interest did each school receive in 2008-09.
- (4) How much cash did each school have on hand as at 30 June 2009.
- (5) What fundraising programs did each school undertake and how much was raised from each in 2008-09.
- (6) How many grants did each school receive, for what purpose was the grant and from where did each come from in 2008-09.

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

- (1) To meet operational requirements devolved to schools under School Based Management.
- (2) Refer to point (1).
- (3) Schools received bank interest totalling \$1.1m in 2008-09. A breakdown by each school is provided in (Attachment A).

- (4) Schools bank balances at 30 June 2009 totalled \$21.8m. A breakdown by each school is provided in (Attachment A).
- (5) This information is not available as school fundraising is primarily undertaken by school Parents and Citizens associations.
- (6) The Schools financial ledger identified more than 2000 grants in 2008-09 totalling approximately \$4.2m. Grants are primarily monitored on revenue balance in the financial ledger, rather than receipts. Grants include direct Commonwealth Grants resource allocation from the department for specific purposes (such as the equity fund) as well as small grants from external sources. Resource implications and privacy concerns do not allow the individual break down of all grants by amount and purpose as requested.

Schools	Interest 2008-09 \$	Bank Balance June 2009 \$
COLLEGES		
Canberra College	46,019	1,081,009
Dickson	31,417	762,494
Erindale	29,912	366,015
Hawker	30,635	625,488
Lake Ginninderra	17,678	357,774
Lake Tuggeranong	23,344	531,259
Narrabundah	40,379	952,917
HIGH		
Alfred Deakin	24,857	644,654
Belconnen	19,483	471,645
Calwell	9,518	205,575
Campbell	28,636	526,047
Canberra	17,773	349,623
Kaleen	11,286	141,671
Lanyon	15,713	328,340
Lyneham	33,476	665,747
Melrose	20,946	376,742
Stromlo	12,027	298,572
PRIMARY		
Ainslie	9,386	203,009
Aranda	10,793	211,290
Arawang	9,071	201,723
Bonython	9,648	202,423
Calwell	6,730	60,583
Campbell	6,530	228,462
Chapman	11,923	139,256
Charles Conder	8,001	144,216
Charnwood	6,465	99,278
Curtin	8,394	122,532
Duffy	8,650	165,074
Evatt	7,160	87,913
Fadden	6,437	139,985
Farrer	4,187	68,732

Florey	6,836	94,794
Forrest	7,038	109,991
Fraser	6,743	78,081
Garran	11,595	203,583
Gilmore	9,207	249,991
Giralang	13,075	62,183
Gordon	7,302	116,103
Gowrie	4,823	176,856
Hawker	4,909	86,615
Higgins*	6,477	0
Holt*	7,408	0
Hughes	13,421	258,923
Isabella Plains	6,090	74,406
Jervis Bay	6,064	160,978
Kaleen	14,712	338,119
Latham	5,850	102,373
Lyneham	7,239	82,930
Lyons	6,578	84,688
Macgregor	4,328	132,834
Macquarie	7,659	152,845
Majura	6,498	288,308
Maribyrnong	7,017	119,257
Mawson	13,423	98,175
Miles Franklin	9,150	194,759
Monash	10,600	195,773
Mount Rogers	8,565	190,733
Narrabundah	11,996	175,090
Ngunnawal	11,175	205,650
North Ainslie	10,861	203,920
Palmerston	6,310	131,484
Red Hill	10,547	181,749
Richardson	8,912	199,724
Southern Cross	8,516	162,847
Taylor	7,771	94,048
Theodore	6,109	113,831
Torrens	21,835	112,763
Turner	12,793	431,904
Urambi	10,368	190,357
Wanniassa Hills	7,709	125,801
Weetangera	8,996	164,677
Yarralumla	5,651	126,297
COMBINED		
Amaroo School	26,717	524,596
Caroline Chisholm School	27,902	443,371
Co-operative School	4,242	79,234
Gold Creek School	30,212	470,982
Harrison School	9,060	147,827
Kingsford Smith School	17,620	599,613
Melba Copland Secondary School	26,336	264,199
Telopea Park	34,329	785,944
Wanniassa School	31,514	540,447

SPECIAL		
Black Mountain School	16,264	343,351
Cranleigh Special	14,622	250,843
Malkara Special	6,810	145,631
Woden Special	10,561	195,486
TOTAL	1,144,813	21,825,012

*The bank accounts for these schools were closed in June 2009

Sport—government support (Question No 712)

Mr Doszpot asked the Minister for Tourism, Sport and Recreation, upon notice, on 18 March 2010:

- (1) What capital investments did the Government make into sporting facilities in 2008-09 and what was the value of each investment.
- (2) What new sporting facilities will be provided by the ACT Government in 2009-10 and what is the anticipated annual maintenance cost for each facility.
- (3) How many existing sporting facilities are maintained by the ACT Government and what was the cost of maintaining each in 2008-09, including, but not limited to, (a) security costs, (b) provision of toilet facilities, (c) provision of canteen facilities and (d) lighting.
- (4) How much revenue was raised through the hiring of each sporting facility available for hire in the ACT, by facility name, in 2008-09.
- (5) How much revenue was received from government and non-government schools for the use of sporting facilities in 2008-09.
- (6) What was the cost of repair of vandalism, including graffiti vandalism, and damage from vehicles to ACT Government sporting facilities in 2008-09.
- (7) What specialist equipment and vehicles are available for the sole purpose of maintaining ACT sporting facilities.

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

- (1) Projects funded through the TAMS capital works program and expended in 2008/09 were:
 - Civic Pool Air Dome Replacement-\$2,001,597;
 - Civic Pool Future Options Study-\$90,148;
 - Griffith Oval Fence-\$11,200;
 - Gungahlin Enclosed Oval Forward Planning-\$12,529;
 - Gungahlin Leisure Centre Feasibility Study-\$42,200;
 - Harrison District Playing Fields-\$3,518,120;
 - Lakeside Leisure Centre Refurbishment-\$3,660,008;
 - Phillip Oval Refurbishment-\$593,427;
 - Facilities Improvement Program 07/08 (rolled over)-\$686,711;

- Facilities Improvement Program 08/09-\$1,331,981; and
- Throsby Sports Precinct Design-\$122,632.

The total expenditure for 2008/09 was \$12,070,557.

- (2) The Phillip Enclosed Oval will be completed in 2009/10 and the annual maintenance cost is expected to be approximately \$150,000.
- (3) There are approximately 102 sportsground locations across Canberra. The sportsground maintenance budget does not individualise costs per facility. Total sportsground maintenance expenditure in 2008/09 was \$9,781,373.
- (4) Total revenue received from the sports ground hiring system in 2008/09 was \$1,357,272. The breakdown per facility is listed on the attached ground revenues printout.
- (5) The database does not separate income based on hirer details.
- (6) Vandalism repairs are not separately monitored, but are accounted for in the repairs and maintenance budget.
- (7) The attached list (*Passenger Vehicle and Light Commercial Fleet-Sport & Recreation Facility Management*) shows the vehicles and specialist equipment that is used for the sole purpose of maintaining ACT Government sporting facilities. Hand tools and smaller equipment has not been included.

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

Sport—sportsgrounds electricity use (Question No 714)

Mr Doszpot asked the Minister for Tourism, Sport and Recreation, upon notice, on 18 March 2010:

- (1) How much electricity was used for each ACT Government sporting facility and at what cost.
- (2) How much of the electricity use referred to in part (1) was for lighting.
- (3) How much (a) potable and (b) non-potable water was used to maintain ACT sports grounds and what was the cost for this in 2008-09.

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

- (1) In 2008/09 the cost of the total consumption of electricity at all ACT Government sportsgrounds was \$185,997.05. The attached twenty page spreadsheet (*Electricity Accounts and Invoice Amounts for 2008-2009*) shows the cost at each facility.
- (2) ACT Government Sportsgrounds do not have dedicated metering of floodlighting systems at all grounds and therefore the amount of electricity consumed specifically for floodlighting is not available.

- (3) The amount of potable water used to maintain ACT Government sportsgrounds in 2008/09 was 1,089,419 kl at a cost of \$4,146,863. The amount of non-potable water consumed was 87,353 kl, at a cost of \$347,213.
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**Schools—sportsgrounds water use
(Question No 723)**

Ms Bresnan asked the Minister for Planning, upon notice, on 18 March 2010
(*redirected to the Minister for Tourism, Sport and Recreation*):

- (1) Given the fact that the government has had to rationalise the watering of ovals and school grounds during the current drought conditions, how are ovals and school grounds determined as priority areas and therefore maintained by the department.
- (2) Who makes the decision about what areas are determined as priority.
- (3) Will the Minister provide a list of ovals and schools that have been determined as priority areas.

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

- (1) Within the current drought period of 2004 – 2010 the government has not had to rationalise the watering of ovals. All sports ovals currently in operation are determined as priority, hence the watering regime has continued.
- (2) In 2007, in anticipation of the introduction of level 4 restrictions, Sport and Recreation Services worked with industry representatives to prioritise grounds of use with Priority 1 ovals being the most essential to continue their activities. The exercise findings were never required to be implemented as stage 4 has not been required.
- (3) The priority list from the 2007 exercise is attached. Should stage 4 or more stringent water restrictions be required this list will need to be renewed.

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

**Public service—staffing
(Question No 729)**

Mrs Dunne asked the Attorney-General, upon notice, on 23 March 2010:

- (1) What was the head count and the full-time equivalent (FTE) count for staff employed at the ACT Civil and Administrative Tribunal (ACAT) as at 31 December 2009.
- (2) How many of those staff referred to in part (1), both head count and FTEs, were (a) presidential members, (b) members, (c) registry staff, (d) legal professionals, (e) support staff and (f) other staff as at 31 December 2009.
- (3) What were the roles and classification of those staff referred to in part 2(f) as at 31 December 2009.

- (4) What were the staffing costs, broken down into salaries and on-costs, for each category referred to in part (2) for the period 1 July to 31 December 2009.
- (5) What is the projected head count and FTE count for (a) presidential members, (b) members, (c) registry staff, (d) legal professionals, (e) support staff and (f) other staff, as at 30 June 2010.
- (6) What are the projected staffing costs, broken down into salaries and on-costs, for each category referred to in part (5) for the period 1 January to 30 June 2010.
- (7) How many (a) matters were lodged with the ACAT, (b) matters concluded, (c) matters appealed and (d) appeals concluded for the period 1 July to 31 December 2009.
- (8) What was the breakdown by (a) unit title, (b) small claims, (c) planning, (d) residential tenancies, (e) energy and water, (f) mental health, (g) fair trading and credit, (h) discrimination, (i) guardianship and related matters, (j) professional/occupational matters and (k) liquor, for each of the matters referred to in part (7).

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

The answer to questions (1), (2), (4)-(6) are set out in the following table:

	Headcount as at 31/12/09	FTE as at 31/12/09	Actual Salaries 1/07/09- 31/12/09	Projected headcount as at 30/06/10	Projected FTE as at 30/06/10	Projected Salaries 01/01/10- 30/06/10
Presidential Members (Legal professionals ¹)	3	2.5	\$325,572	3	2.5	\$305,318
Part-Time Members	88	0.43	\$382,958	88	0.5	\$394,265
Registry staff	25	25	\$733,823	21	21	\$607,535
Support staff	1	1	\$28,017	1	1	\$29,127
Other staff	0	0	0	0	0	0
TOTAL	117	28.93	\$1,470,370	113	25	\$1,336,245

The department uses the Department of Treasury Salary and Admin On-Cost Model (October 2008) to determine salary on-costs estimates for each generic classification based on an average salary cost for each classification, and a standard figure for administrative on-costs.

The salary on-costs include estimates for Superannuation; Employer Productivity Superannuation Contribution; Long Service Leave Provision; Annual Leave Loading; Workers' Compensation Premium, and other issues as necessary on a case-by-case basis. The salary on-cost total is 16.41% of the average salary.

The administrative on-cost model is based on average estimates for IT and communications related costs; accommodation; insurance; training; fleet; other administrative items including OH&S expenses, office machines and equipment, stationery and postage; and a corporate component covering payroll and human resources costs per FTE across Government. The total standard figure for administrative on-costs (in the October 2008 Guideline) was \$15,790 per person.

The Salary and Administration On-Cost Model is updated annually to assist with budget preparation.

¹ Only presidential members have a formal prerequisite requirement for qualification as legal professionals.

(3) The ACT Civil and Administrative Tribunal has no “other Staff”.

The answers to questions (7) and (8) are shown in the below tables:

Matters lodged and closed for the period 1.7.2009 – 31.12.2009

Jurisdiction:	Matters lodged	Matters closed
Guardianship and Management of Property	131	22 ²
Mental Health	184	0 ³
Residential Tenancies	543	642
Residential Tenancies - Endorsements	325	314
Administrative review - General	38	33
Administrative review – Land & Planning	11	30
Occupational discipline - Health Professions	1	1
Occupational discipline - Liquor Licensing	2	7
Occupational discipline - Legal Practitioners	6	4
Occupational discipline – Security & Agents	2	2
Discrimination	3	7
Civil disputes < \$10K	900	553
Civil disputes – Unit titles	6	1
Credit	0	0
Energy & Water – hardship & non-hardship	686	543
Total	2838	2159

ACAT Appeals Division

Jurisdiction	Matters lodged	Matters closed
Administrative review – General	3	
Administrative review – Land & Planning	1	
Discrimination	2	2
Occupational discipline – Health Professions	1	
Occupational discipline – Legal Practitioners	2	1
Occupational discipline – Liquor Licensing	1	
Residential Tenancies	6	3
Civil disputes < \$10K	3	4
Total	19	10

² Guardianship and Management of Property matters remain open cases until the person subject to an order of the Tribunal dies. Records for this period report 22 matters closed.

³ Mental Health matters remain open cases until the person subject to an order of the Tribunal dies. Records for this period report 0 matters closed.

**Public service—staffing
(Question No 730)**

Mrs Dunne asked the Attorney-General, upon notice, on 23 March 2010:

- (1) What was the head count and the full-time equivalent (FTE) count for staff employed in the courts administration unit as at 31 December 2009.
- (2) How many of those staff referred to in part (1), both head count and FTEs, were (a) legal professionals, (b) support staff and (c) other staff.
- (3) What were the roles and classifications of those staff referred to in part 2(c) as at 31 December 2009.
- (4) What were the staffing costs, broken down into salaries and on-costs, for each category referred to in part (2) for the period 1 July to 31 December 2009.
- (5) What is the projected head count and FTE count for (a) legal professionals, (b) support staff and (c) other staff as at 30 June 2010.
- (6) What are the projected staffing costs, broken down into salaries and on-costs, for each category referred to in part (5) for the period 1 January to 30 June 2010.

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

The Answers to (1), (2), (4)-(6) are set out in the following table:

Courts Administration						
	Headcount as at 31/12/09	FTE as at 31/12/09	Actual Salaries 1/07/09- 31/12/09	Projected headcount as at 30/06/10	Projected FTE as at 30/06/10	Projected Salaries 01/01/10- 30/06/10
Legal professionals	4	4	*	*	*	*
Support staff	2	2	*	*	*	*
Other staff	13	12.59	*	*	*	*
<i>Only salary splits available:</i>						
Court Executive including MC Registrar	6	5.89	\$340,577	4	4	\$299,237
SC Registrar including SC Deputy Registrar and EA	3	3	\$149,898	3	3	\$150,312
Finance Unit	5	4.7	\$162,559	5	5	\$163,100
Business Services Unit (BSU)	5	5	\$126,972	4	4	\$110,886
TOTAL	19	18.59	\$780,006	16	16	\$723,535

The department uses the Department of Treasury Salary and Admin On-Cost Model (October 2008) to determine salary on-costs estimates for each generic classification based on an average salary cost for each classification, and a standard figure for administrative on-costs.

The salary on-costs include estimates for Superannuation; Employer Productivity Superannuation Contribution; Long Service Leave Provision; Annual Leave Loading; Workers' Compensation Premium, and other issues as necessary on a case-by-case basis. The salary on-cost total is 16.41% of the average salary.

The administrative on-cost model is based on average estimates for IT and communications related costs; accommodation; insurance; training; fleet; other administrative items including OH&S expenses, office machines and equipment, stationery and postage; and a corporate component covering payroll and human resources costs per FTE across Government. The total standard figure for administrative on-costs (in the October 2008 Guideline) was \$15,790 per person.

The Salary and Administration On-Cost Model is updated annually to assist with budget preparation.

*The Department's reporting mechanism is unable to provide year to date salary splits as per the categories requested.

(3) The roles and classifications for staff referred to as "other staff" as at 31 December 2009 are as follows:

Courts Administration	<p><i>Executive</i></p> <ul style="list-style-type: none"> • Court Administrator (Executive 1.3) • Policy Officer SOGB -Assist Court Administrator with Ministerials, Policy Development, Reviews in relation to Court Administration Matters, act in place of Court Administrator when required • Registry Manager SOG A (across all 3 registries) Implementation of Administration requirements including corporate governance requirements, HR related tasks including recruitment, supplier contract negotiations, represent Courts at various internal and external administration forums, etc. <p><i>Finance Unit</i></p> <ul style="list-style-type: none"> • Finance Manager SOGB Budgets, Reporting, Accounting Supervision and Management • ASO5 Supervision, Financial Analysis and Reporting, Accounting and statistics (currently part-time hours) • ASO4 Supervision and Transaction Approvals, Trust Accounts and reconciliations • ASO3 Administer Accounts Receivable and Accounts Payable • ASO3 Administer Direct Debit and Banking <p>Finance unit administers on behalf of all courts and tribunal the accounting and banking of revenue, accounting of expenses, refunds, witness payments, jury payments, cost recovery including staff parking, ACAT funding and lodgement fees, forensic medicine - cross border and AFP, Jervis Bay, Norfolk Island, internal budget development and reporting, trust receipts and payments, travel related administration and payments including payments to visiting judiciary and staff, credit card reconciliation, petty cash issue and audit, audit of counter cash, FBT data collection, performance and statistics reporting, financial reporting both for internal and external purposes.</p>
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BSU

- Unit Manager SOGC - Building Maintenance requests for Supreme Court, Magistrates Court, Forensic Medical Centre, and Court Cells, including building access, Project Management for small projects, Purchasing Supplies including supplies for Forensic Medicine Centre and contract supervision - cleaning and other maintenance, Supervision of Client Services - Counter and Pool Registry (9 positions)
- 3 x ASO2 BSU support and mail services
- 1x ASO3 BSU support and mail services

Public service—staffing (Question No 731)

Mrs Dunne asked the Attorney-General, upon notice, on 23 March 2010:

- (1) What was the head count and the full-time equivalent (FTE) count for staff employed in the Magistrates Court as at 31 December 2009.
- (2) How many of those staff referred to in part (1), both head count and FTEs, were (a) magistrates, (b) registry staff, (c) legal professionals, (d) support staff and (e) other staff as at 31 December 2009.
- (3) What were the roles and classifications for those staff referred to in part (2)(e) as at 31 December 2009.
- (4) What were the staffing costs, broken down as into salaries and on-costs, for each category referred to in part (2) for the period 1 July to 31 December 2009.
- (5) What is the projected head count and FTE count for (a) magistrates, (b) registry staff, (c) legal professionals, (d) support staff and (e) other staff as at 30 June 2010.
- (6) What are the projected staffing costs, broken down into salaries and on-costs, for each category referred to in (5) for the period 1 January to 30 June 2010.

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

The answers to questions (1), (2), (4)-(6) are set out in the following table:

	Headcount as at 31/12/09	FTE as at 31/12/09	Actual Salaries 1/07/09- 31/12/09	Projected headcount as at 30/06/10	Projected FTE as at 30/06/10	Projected Salaries 01/01/10- 30/06/10
Magistrates (all legal professionals)	7	7	\$1,342,811	7	6.6	\$791,210
Registry staff	41	40.49	\$1,325,451	40	40	\$1,171,562
Judicial Support staff	9	9	\$302,206	8	8	\$205,688
Other staff	0	0	0	0	0	0
TOTAL	57	56.49	\$2,970,468	55	55	\$2,168,460

The department uses the Department of Treasury Salary and Admin On-Cost Model (October 2008) to determine salary on-costs estimates for each generic classification based on an average salary cost for each classification, and a standard figure for administrative on-costs.

The salary on-costs include estimates for Superannuation; Employer Productivity Superannuation Contribution; Long Service Leave Provision; Annual Leave Loading; Workers' Compensation Premium, and other issues as necessary on a case-by-case basis. The salary on-cost total is 16.41% of the average salary.

The administrative on-cost model is based on average estimates for IT and communications related costs; accommodation; insurance; training; fleet; other administrative items including OH&S expenses, office machines and equipment, stationery and postage; and a corporate component covering payroll and human resources costs per FTE across Government. The total standard figure for administrative on-costs (in the October 2008 Guideline) was \$15,790 per person.

The Salary and Administration On-Cost Model is updated annually to assist with budget preparation.

(3) The Magistrates Court has no "other staff".

Public service—staffing (Question No 732)

Mrs Dunne asked the Attorney-General, upon notice, on 23 March 2010:

- (1) What was the head count and the full-time equivalent (FTE) count for staff employed in the Office of Regulatory Services as at 31 December 2009.
- (2) What was the head count and the FTE count for staff employed in (a) Births, Deaths and Marriages, (b) parking, (c) fair trading, (d) rental bonds, (e) Land Titles, (f) Workcover and (g) Business and Industry Licensing as at 31 December 2009.
- (3) How many of the staff referred to in part (2), both head count and FTEs, were (a) executive, (b) professional staff, (c) support staff and (d) other staff as at 31 December 2009.
- (4) What were the staffing costs, broken down into salaries and on-costs, for each category referred to in part (3) for the period 1 July to 31 December 2009.
- (5) What were the roles and classifications for those staff referred to in part (3) as at 31 December 2009.
- (6) What is the projected head count and FTE count for each category referred to in part (2) for (a) executive, (b) professional staff, (c) support staff and (d) other staff as at 30 June 2010.
- (7) What are the projected staffing costs, broken down into salaries and on-costs, for each category referred to in part (5) for the period 1 January to 30 June 2010.

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

- (1) Total Head Count (HC) =179 and total FTE =171.66. These figures include five officers on maternity leave and one on leave without pay.
- (2) Head counts and FTE counts for staff as of 31 Dec 2009 are mentioned below

As at 31 December 2009	FTE	HEAD COUNT
Births, Deaths, Marriages	8.42	9
Parking		
• Operations	27.8	28
• Devices	8.14	12
• Review	9	9
Fair Trading	20	20
Rental Bonds	8	8
Land Titles	12.89	14
Workcover	27.64	28
Business & Industry Licensing	19	19
Total for these business units	140.89	147

- (3) Breakup of FTE and head counts indicated in part(2) is mentioned below

As at 31 December 2009	FTE	HEAD COUNT
Executive	3	3
Professional Officers	0	0
Support Staff	81.09	87
Other Staff	56.80	57
Total for these business units	140.89	147

- (4) and (7) Staffing costs and projected staffing costs:

Staff Classification	Salary from 1/7/09 to 31/12/2009	Projected Salary from 01/01/10 to 30/06/10
Executive	\$233,173	\$234,688
Professional Officers	\$0	\$0
Support staff	\$2,395,453	\$2,290,817
Other staff	\$1,855,972	\$1,862,395

The department uses the Department of Treasury Salary and Admin On-Cost Model (October 2008) to determine salary on-costs estimates for each generic classification based on an average salary cost for each classification, and a standard figure for administrative on-costs.

The salary on-costs include estimates for Superannuation; Employer Productivity Superannuation Contribution; Long Service Leave Provision; Annual Leave Loading; Workers' Compensation Premium, and other issues as necessary on a case-by-case basis. The salary on-cost total is 16.41% of the average salary.

The administrative on-cost model is based on average estimates for IT and communications related costs; accommodation; insurance; training; fleet; other administrative items including OH&S expenses, office machines and equipment,

stationery and postage; and a corporate component covering payroll and human resources costs per FTE across Government. The total standard figure for administrative on-costs (in the October 2008 Guideline) was \$15,790 per person.

The Salary and Administration On-Cost Model is updated annually to assist with budget preparation.

(5)

Executive Level 2 – Executive Director
 Executive Level 1 – Senior Director Compliance
 Executive Level 1 – Senior Director Registration & Client Services
 SOG B – Senior Manager Compliance
 SOG C – Senior Managers – R&CS, Manager – Parking Operations, Manager – Fair Trading Advice & Complaints
 ASO 6 – Team leaders – R&CS; Fair Trading, Manager – Parking Review
 ASO 6 – Inspectors – Workplace Health & Safety, Fair Trading, Trade measurement, Business & Industry Licensing
 ASO 5 – Inspectors – Fair Trading, Business and Industry Licensing
 ASO 4 – Support staff counter officers, team leaders parking operations and devices)
 ASO 3 – Support staff
 ASO 2 – Support staff

(6) Estimated Head counts and FTE counts for staff as of 30 June 2010 are mentioned below

Projected as at 30 June 2010	FTE	HEAD COUNT
Births, Deaths & Marriages		
• Executive	0	0
• Professional	0	0
• Support	8.65	9
• Other	0	0
Parking operations		
• Executive	0	0
• Professional	0	0
• Support	1	1
• Other	26.8	27
Parking Devices		
• Executive	0	0
• Professional	0	0
• Support	8.14	12
• Other	0	0
Parking Review		
• Executive	0	0
• Professional	0	0
• Support	9	9
• Other	0	0
Fair Trading		
• Executive	1	1
• Professional	0	0
• Support	8	8
• Other	11	11

Rental Bonds		
• Executive	0	0
• Professional	0	0
• Support	9.65	10
• Other	0	0
Land Titles		
• Executive	0	0
• Professional	0	0
• Support	11.24	12
• Other	0	0
Workcover		
• Executive	1	1
• Professional	0	0
• Support	5.64	6
• Other	19	19
Business & Industry Licensing		
• Executive	1	1
• Professional	0	0
• Support	14.67	15
• Other	0	0
Total for these business units	135.79	142

Public service—staffing (Question No 733)

Mrs Dunne asked the Attorney-General, upon notice, on 23 March 2010:

- (1) What was the head count and the full-time equivalent (FTE) count for staff employed in the Supreme Court and Court of Appeal as at 31 December 2009.
- (2) How many of the staff referred to in part (1), both head count and FTEs, were (a) judges, (b) registry staff, (c) legal professionals, (d) support staff and (e) other staff.
- (3) What were the roles and classifications for those staff referred to in part (2)(e) as at 31 December 2009.
- (4) What were the staffing costs, broken down into salaries and on-costs, for each category referred to in part (2) for the period 1 July to 31 December 2009.
- (5) What is the projected head count and FTE count for (a) judges, (b) registry staff, (c) legal professionals, (d) support staff and (e) other staff as at 30 June 2010.
- (6) What are the projected staffing costs, broken down into salaries and on-costs, for each category referred to in part (5) for the period 1 January to 30 June 2010.

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

The answers to questions (1), (2), (4)-(6) are set out in the following table:

	Headcount as at 31/12/09	FTE as at 31/12/09	Actual Salaries 1/07/09- 31/12/09	Projected headcount as at 30/06/10	Projected FTE as at 30/06/10	Projected Salaries 01/01/10- 30/06/10
Judges including Master (all Legal Professionals)	5	5	\$741,268	5	5	\$872,193
Registry staff	10	9	\$322,577	10	9	\$294,633
Support staff	10	10	\$316,351	10	10	\$290,554
Other staff	15	14	\$386,799	15	14	\$376,973
TOTAL	40	38	\$1,766,995	40	38	\$1,834,353

The department uses the Department of Treasury Salary and Admin On-Cost Model (October 2008) to determine salary on-costs estimates for each generic classification based on an average salary cost for each classification, and a standard figure for administrative on-costs.

The salary on-costs include estimates for Superannuation; Employer Productivity Superannuation Contribution; Long Service Leave Provision; Annual Leave Loading; Workers' Compensation Premium, and other issues as necessary on a case-by-case basis. The salary on-cost total is 16.41% of the average salary.

The administrative on-cost model is based on average estimates for IT and communications related costs; accommodation; insurance; training; fleet; other administrative items including OH&S expenses, office machines and equipment, stationery and postage; and a corporate component covering payroll and human resources costs per FTE across Government. The total standard figure for administrative on-costs (in the October 2008 Guideline) was \$15,790 per person.

The Salary and Administration On-Cost Model is updated annually to assist with budget preparation.

(3) The roles and classifications for staff referred to as "other staff" as at 31 December 2009 are as follows:

Supreme Court	<p><i>Russell Fox Library</i></p> <ul style="list-style-type: none"> Library Manager SOGC (Manager Library Resources, Manager Library Staff and Judges Staff, Law Research including assistance to unrepresented litigant) Information Technology Officer PO2 (Websites and other technology support and Law Research) 1 x ASO3 (filled by 2 part-time officers) (Law Research and collection support to SC, MC and ACAT) <p><i>Sheriff's Office</i></p> <ul style="list-style-type: none"> 1 x ASO5 1 x ASO4 9 x ASO3 <p>Sheriff's Officers perform the following tasks:</p> <ul style="list-style-type: none"> Supreme Court courtroom security Supreme Court jury administration and support Execution of warrants such as seizure and sale orders, etc, for all Courts and Tribunal Other ad hoc including Supreme Court tours, etc
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Government—appointments (Question No 735)

Mrs Dunne asked the Attorney-General, upon notice, on 23 March 2010:

- (1) Which boards, authorities and committees in the Minister's portfolio have vacancies because appointments were not made in time to take over immediately from members whose terms expired as at 17 March 2010.
- (2) In relation to each board, authority or committee in the Minister's portfolio with vacancies as at 17 March 2010, (a) how many vacancies were there, (b) for how long have those vacancies continued, (c) why have appointments not been made in time so as to avoid the vacancies, (d) when will the vacancies be filled and (e) when will the appointees take up their appointments.
- (3) For each board, authority or committee in the Minister's portfolio during (a) 2007-08, (b) 2008-09 and (c) 1 July to 31 December 2009, (i) what on-going or professional development training was provided to members, (ii) how much did that training cost, (iii) did any of that training relate directly to the skills required to conduct the particular work of the relevant board, authority or committee and (iv) did all members avail themselves of those training opportunities.
- (4) If no training was provided for those members referred to in part (3)(a) to (c), why not.

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

- (1) Based on information held by the Department of Justice and Community Safety, the following boards, authorities and committees had vacancies as at 17 March 2010:
 - a. Public Trustee Investment Board
 - b. Sentence Administration Board
 - c. Legal Aid Commission

However, the member should note that enabling legislation for statutory boards and committees may prescribe requirements for composition and membership, including a minimum member number, or a range, of members rather than a fixed number of members for constitution of the entity.

- (2) In relation to these three boards and committees, answers to questions (a) – (e) are set out in the following table.

	Public Trustee Investment Board	Sentence Administration Board	Legal Aid Commission
Numbers of Vacancies:	1	3	2
Date vacancy commenced:	2 March 2010	Since 17 February 2010	i. Since 1 February 2010 ii. Since 28 September 2009.

Reason:	Enabling legislation does not require any more than 3 members in total. Sufficient board members are in place without replacing the departing member.	Consideration of suitable members is continuing following public advertisement consultation. The Board has a quorum with three members. At no point did the board not have a quorum.	i. Consultation with the Commission was required. ii. This appointment was in a category created as a result of legislative amendment. Time was required to seek suitable candidates in the community. At no time did the Board not have a quorum.
Due date for filling:	The vacancy will not be filled.	Within the next three months.	The appointments have now been made.
Due date for appointees to commence:	The vacancy will not be filled.	From the commencement of the appointment.	i. 9 April 2010 ii. 6 May 2010

(3) Members of these entities are selected for appointment on the basis of their skills, attributes and expertise, or to represent a particular interest group. The provision of training and professional development is a matter for each individual in consultation with each entity.

(4) Not applicable.

Government—appointments (Question No 738)

Mrs Dunne asked the Minister for Police and Emergency Services, upon notice, on, 23 March 2010:

- (1) Which boards, authorities and committees in the Minister's portfolio have vacancies because appointments were not made in time to take over immediately from members whose terms expired as at 17 March 2010.
- (2) In relation to each board, authority or committee in the Minister's portfolio with vacancies as at 17 March 2010, (a) how many vacancies were there, (b) for how long have those vacancies continued, (c) why have appointments not been made in time so as to avoid the vacancies, (d) when will the vacancies be filled and (e) when will the appointees take up their appointments.
- (3) For each board, authority or committee in the Minister's portfolio during (a) 2007-08, (b) 2008-09 and (c) 1 July to 31 December 2009, (i) what on-going or professional development training was provided to members, (ii) how much did that training cost, (iii) did any of that training relate directly to the skills required to conduct the particular work of the relevant board, authority or committee and (iv) did all members avail themselves of those training opportunities.
- (4) If no training was provided for those members referred to in part (3)(a) to (c), why not.

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

- (1) Based on information held by the Department of Justice and Community safety, the following boards, authorities and committees had vacancies as at 17 March 2010:

a. Civic Safety Camera System Audit Committee

b. ACT Bushfire Council

However, the member should note that enabling legislation for statutory boards and committees may prescribe requirements for composition and membership, including a minimum member number, or a range, of members rather than a fixed number of members for constitution of the entity.

- (2) In relation to these three boards and committees, answers to questions (a) – (e) are set out in the following table.

	Civic Safety Camera System Audit Committee	ACT Bushfire Council
Numbers of Vacancies:	4	3
Date vacancy commenced:	Since 11 December 2009	Since 31 December 2010
Reason:	The committee is to be replaced by a new entity.	ESA has been developing options for short and long-term filling of the positions with a view to ensuring a succession plan for the Council that will enable it to remain capable and relevant into the future.
Due date for filling:	The vacancies will not be filled.	Subject to Cabinet agreement, within three months.
Due date for appointees to commence:	The vacancies will not be filled.	As soon as practicable after the appointments are made.

- (3) Members of these entities are selected for appointment on the basis of their skills, attributes and expertise, or to represent a particular interest group. The provision of training and professional development is a matter for each individual in consultation with each entity.

- (4) Not applicable.

Government—appointments (Question No 755)

Mrs Dunne asked the Attorney-General, upon notice, on 24 March 2010:

- (1) In relation to each board, committee, advisory council or committee, or similar within the Minister's portfolio, including statutory authorities, government owned corporations and government business enterprises, what is the (a) name of the each body and (b) each body's function or role.
- (2) What are the names, positions and qualifications of the members of each body referred to in part (1) and when do their terms expire.

- (3) How many vacancies are currently carried on each body and how long have those vacancies remained unfilled.
- (4) When will the vacancies referred to in part (3) be filled.
- (5) What is the remuneration of each member of each body, annual or per diem as appropriate.
- (6) What are the allowances of each member of each body.
- (7) Which members of each body are required to travel to Canberra in order to participate in meetings.
- (8) What is the cost, on average, per body meeting for those members to travel to Canberra to attend body meetings.
- (9) Why was each member referred to in part (7) appointed to the body in preference to seeking local members.
- (10) What was the total remuneration, allowances and travel costs paid to body members in (a) 2007-08, (b) 2008-09 and (c) 2009-10 to date.
- (11) Do any members of each body have the use of a government vehicle; if so, (a) on what basis, (b) at what cost, and (c) did the member privately garage the vehicle.
- (12) Is the use of a government vehicle included as part of a remuneration determination by the Remuneration Tribunal; if not, who authorised it.
- (13) How often does each body meet and what is the average length of meetings.
- (14) Does each body ever meet outside Canberra; if so, (a) why, (b) how often and (c) at what cost.

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

- (1) My portfolio includes a large number of boards, committees and councils. These include statutory and non-statutory bodies. The functions of the statutory bodies are set out in statute and the instruments of appointment are generally available on the Legislation Register.
- (2) The instruments of appointment for statutory positions, which include the names of appointees, their position, and the expiry date of the appointment, are generally available on the Legislation Register. Information on many boards and committees is also included in the Annual Report of the Department of Justice and Community Safety.
- (3) The member should note that enabling legislation for statutory boards and committees may prescribe requirements for composition and membership, including a minimum member number, or a range, of members rather than a fixed number of members for constitution of the entity. A statutory board or committee that does not have the maximum number of members does not necessarily have a vacancy. I am advised that vacancies currently exist on the Sentence Administration Board and that these vacancies have existed since 17 February 2010.

- (4) Vacancies are filled as required. I expect that the vacancies on the Sentence Administration Board will be filled within the next three months.
 - (5) Where Board members are paid, most of the members are remunerated as per Remuneration Tribunal determinations. The ACT Remuneration Tribunal website provides information about remuneration.
 - (6) Where Board members are paid, most members' allowances are as per Remuneration Tribunal determinations. The ACT Remuneration Tribunal website provides information about remuneration.
 - (7) (14) These are matters for each board, committee or council. The answers to these questions should be sought from the entities concerned.
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**Government—agency overhead fixed costs
(Question No 804)**

Mrs Dunne asked the Attorney-General, upon notice, on 24 March 2010:

What are the overhead fixed costs for each agency within the Department of Justice and Community Safety, including ACT Courts and the Director of Public Prosecutions.

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

The Department's overhead fixed costs that do not vary significantly with the Department's activities during the financial year includes rental, utility and outgoing costs, services provided by Shared Services including finance, procurement and human resources, ACTIA insurance premium, workers compensation premium, ACT Audit Office fees and depreciation and amortization of fixed assets.

**Public service—staffing
(Question No 805)**

Mrs Dunne asked the Attorney-General, upon notice, on 24 March 2010:

- (1) In relation to staffing, for each agency within the Department of Justice and Community Safety, including ACT Courts and the Director of Public Prosecutions, what was the average per officer staffing oncost for (a) 2008-09 and (b) 1 July to 31 December 2009.
- (2) What is included in the oncosts referred to in part (3).
- (3) What is the marginal oncost of an additional worker at the current staffing levels.
- (4) What (a) specialist qualifications are required by staff to undertake their roles and responsibilities and (b) skills are currently lacking in the staffing base.
- (5) What are the current employee numbers, both headcount and full-time equivalent, and levels.

- (6) What is the average salary for employees with specialist skills required to undertake their roles and responsibilities.
- (7) What training must employees undertake on a regular basis to maintain their specialist skills and what is the cost of this training.
- (8) What specialist equipment is required for officers to undertake their work.
- (9) For each piece of equipment referred to in part (8), (a) how many are required, (b) what is the capital cost of each, (c) what is the running cost and (d) over what period is each piece of equipment depreciated.
- (10) How many graduates are currently employed in each agency.
- (11) What is the average cost of employing graduates for each agency.
- (12) How many graduates, on average, have been employed each year since 2001.
- (13) How (a) many staff have been recruited and (b) much has been spent on recruitment, in 2009-10 to date.
- (14) In relation to staff who leave, (a) how many staff have left in 2009-10 to date, (b) what were the reasons for leaving, (c) are exit interviews conducted; if so, what has been learned and changed as a result and (d) what was the average termination pay.
- (15) What is the average amount, per employee, of recreation, personal and long service leave in both time and cost currently owed to staff.

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

In relation to costs and personnel of the Emergency Services Agency within the department, I refer to Member to my answer to question 927.

- (1)-(3) The department uses the Department of Treasury Salary and Admin On-Cost Model (October 2008) to determine salary on-costs estimates for each generic classification based on an average salary cost for each classification, and a standard figure for administrative on-costs.

The salary on-costs include estimates for Superannuation; Employer Productivity Superannuation Contribution; Long Service Leave Provision; Annual Leave Loading; Workers' Compensation Premium, and other issues as necessary on a case-by-case basis. The salary on-cost total is 16.41% of the average salary.

The administrative on-cost model is based on average estimates for IT and communications related costs; accommodation; insurance; training; fleet; other administrative items including OH&S expenses, office machines and equipment, stationery and postage; and a corporate component covering payroll and human resources costs per FTE across Government. The total standard figure for administrative on-costs (in the October 2008 Guideline) was \$15,790 per person.

The Salary and Administration On-Cost Model is updated annually to assist with budget preparation.

(4)(a) The table below sets out specialist qualifications that are required by staff of agencies to undertake their roles and responsibilities.

Classification	Specialist Qualifications
ACT Civil and Administrative Tribunal <ul style="list-style-type: none"> – General President – Appeals President – Part-time President – Acting Presidential Member 	Law Degree
Chief Solicitor	Bachelor of laws or equivalent qualification, including some higher degrees (Masters or Doctorate), admission to legal practice in the ACT Supreme Court or the another jurisdiction and hold a current practicing certificate from the ACT Law Society.
Deputy Chief Solicitor	Bachelor of Laws or equivalent qualification, including some higher degrees (Masters or Doctorate), admission to legal practice in the ACT Supreme Court or another jurisdiction and hold a current practising certificate from the ACT Law Society. In addition each lawyer must hold an authorisation from the chief Solicitor under the Government Solicitor Act 1989 (ACT).
Chief Finance Officer	Accounting Degree or equivalent, membership of an Australian professional accounting body.
Custodial Officer	Certificate III in Correctional Practice following 12 months of service. Senior First Aid Certificate or equivalent.
Assistant Director (Director of Public Prosecutors)	Admitted to practice or eligible to practise as a barrister and solicitor in the ACT. Not less than 5 years experience as a legal practitioner.
Director of Public Prosecutors	Admitted to practice or eligible to practise as a barrister and solicitor in the ACT. Not less than 10 years experience as a legal practitioner.
Judge	Law Degree at least 5 years relevant work experience as a legal practitioner and be less than 70 years of age
Legal 1 / 2	(1) Bachelor of Laws or equivalent qualification degree in law of an Australian tertiary institution, or a comparable. (2) For legal practitioners, admission as a practitioner, however described, of the High Court, or the Supreme Court of an Australian State or Territory.
Master of the Supreme Court	Law Degree at least 5 years relevant work experience as a legal practitioner and be less than 70 years of age
Magistrate	Law Degree at least 5 years relevant work experience as a lawyer
Registrar of the Magistrates court	Law Degree and the relevant period of working experience as a Legal Practitioner
Registrar/Deputy Registrar of the Supreme Court	Law Degree and the relevant period of working experience as a legal practitioner

Special Magistrate	Law Degree at least 5 years relevant work experience as a lawyer
Prosecutor Graduate 1 (lower and upper), 2 and 3	Admitted to practise or eligible to practise as a barrister and solicitor in the ACT
Health Professional	Degree in Psychology or Social Work. In addition (1)Psychologist must be registered (2)Victim Support Case Manager, post graduate qualification in counselling.
Senior Information Technology Officer	Information technology qualification from a tertiary institution
Senior Professional Officer B / C	Tertiary qualifications in a relevant discipline e.g. Psychology degree, Finance, Accounting, Law, Library, Social Work or Human Services.

- (4)(b) There is no specific area of skill shortage readily identifiable in the agencies.
- (5) The details as reported by Shared Services for the Department of Justice and Community Safety excluding Emergency Services at 31 March 2010 were 921.74 full time equivalent. The corresponding headcount was 973.
- (6) To facilitate the accurate compilation on the average salary for employees with specialist skills, staff would need to be brought offline to undertake this analysis as the requested information is not readily captured. Current resourcing does not allow for this information to be gathered.
- (7) The table below sets out the training that must be undertaken on a regular basis by employees to maintain their specialist skills and cost of this training.

Training and Cost
<ul style="list-style-type: none"> Commencing 1 July 2010, the ACT Law Society will introduce the Continuing Professional Development Program whereby ACT lawyers who hold practising certificates are required to undertake mandatory training modules to a total of 10 points per year (1 April to 31 March). At this juncture it is estimated that it will cost \$1,200 to \$1,500 per lawyer to undertake the mandatory training requirements.
<ul style="list-style-type: none"> Corrections Officers Grade 1, 2 and 3 must be assessed as competent in First Aid (senior or equivalent) every three years (26 participants in financial year 2009/2010 at a total cost of \$2880) Corrections Officers Grade 1, 2 and 3 must be assessed as competent annually in Breathing Apparatus (50 participants in financial year 2009/2010 at a total cost of \$5,490.89) Corrections Officers Grade 1, 2 and 3 must be assessed annually as competent in fire drills, batons and knowledge of policies and procedures. This training is conducted in house as part of the Training and Development Unit's usual functions. Court Transport Unit Officers, Field Training Officers, Armourers and K9 Unit Officers require annual training in firearms (\$500 in financial year 2009-10) and chemical munitions (\$5,710.23 in financial year 2009-10).

- (8)-(9) The answers to these questions are set out in the following table:

ACT Corrective Services

Equipment	Capital Cost each (b)	Running cost (c)	Depreciation period (d)
Drug sniffer dogs	\$2,500	\$4,500	n/a
Metal detectors	\$757	n/a	n/a
X-ray body scanner	\$260,000	\$17,000	10 years
Mobile trace detector (ionisers)	\$50,942	n/a	5 years
Itemiser	\$83,437	n/a	5 years
Radio Frequency Identification Device	Leased	\$444,400 (estimated annual cost over a 7 year lease)	10 years
Guns/holsters	\$721	n/a	n/a
Shot guns	\$990	\$100	n/a
Speed loaders and pouches	\$100	n/a	n/a
Weapons safes	\$348	n/a	n/a
Gun locker	\$800	n/a	n/a
Suicide smocks	\$367	n/a	n/a
Breath analyser	\$1,695	\$100	n/a
Resuscitator	\$310	n/a	n/a
Gas sniffer and digital manometer	\$4,430	\$200	n/a
Specialised prisoner transport vehicles	Leased	\$20,000	n/a
Batons	\$202	n/a	5 years
Handcuffs	\$179	n/a	5 years
Two way radios and associated equipment	\$1,837	\$100	5 years
Personal protective suits	\$3,983	n/a	n/a
Helmets	\$500	n/a	5 years
Vests	\$167	n/a	n/a
Knee pads	\$63	n/a	n/a
Shields	\$500	n/a	n/a
Breathing apparatus	\$1,966	\$100	5 years
Hoffman knives	\$100	n/a	n/a
Camera monitors	\$600	\$100	n/a
Suicide blankets	\$250	n/a	n/a
Restraining belts	\$250	n/a	n/a

Note: The release of information sought for question 9(a) as it relates to ACT Corrective Services may compromise safety.

Office of Regulatory Services

Equipment	Capital Cost each (b)	Running cost (c)	Depreciation period (d)
Digital Comparator C2000	\$18,084	n/a	120 months fully depreciated
5 Tonne Comparator	\$20,010	n/a	120 months fully depreciated

Digital Balance C3000	\$14,500	n/a	120 months fully depreciated
Primary Meter	\$8,000	n/a	120 months fully depreciated

Note: Other Equipment costs (Non-capital) required in the Trade Measurement Unit = \$38,858.55

- (10) Two graduates are currently employed in the Department of Justice and Community Safety under the ACTPS Graduate Program.
- (11) The average cost of employing the graduates is \$83,852.
- (12) On average, 1-2 graduates have been employed through the ACT Government Graduate Program by the Department for each year since 2001.
- (13) In 2009-10 to date,
- 311 staff have been recruited as at 30 March 2010.
 - Information on how much has been spent on recruitment is not collected separately and therefore is not available.
- (14) (a) 53 people have separated from the Department in 2009-10 as at 14 April 2010.
- The main reasons for their separation were resignation and retirement.
 - The Department is not able to provide comprehensive data to specify the reasons why staff were leaving. While staff are encouraged to complete an exit survey it is not mandatory.
 - There is no average termination payment as staff have separated of their own volition.
- (15) The average amount per employee, of recreation and long service leave in time and cost currently owed to staff, as reported by Shared Services, is stated in the table below.

Description	Average per Employee	
	Time	Amount (with oncost)
Recreation Leave	140.07 hours	\$7,418
Long Service Leave	48.06 days	\$11,917

Public service—training programs (Question No 806)

Mrs Dunne asked the Attorney-General, upon notice, on 24 March 2010:

- In relation to training programs for staff, for each agency within the Department of Justice and Community Safety, including ACT Courts and the Director of Public Prosecutions, (a) how much has been spent in the period 1 July to 31 December 2009, (b) what was the purpose of each training program, (c) where was each training program held and (d) how many staff participated.
- What in-house training programs were undertaken (a) in 2008-09, and (b) during 1 July to 31 December 2009 that resulted in (i) no marginal cost to the Government and (ii) a cost to the Government and what was that cost.

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

- (1) (a) \$358,566 has been spent in the period 1 July to 31 December 2009.
- (b) The table below lists the training programs participated by staff. The purpose of training programs provided to staff included:
- Meeting legislative requirements;
 - Maintaining current qualifications required of the job;
 - Developing core skills/knowledge identified across the Department; and
 - Professional Development.

Centrally Organised Programs
Specific to Department Policies <ul style="list-style-type: none"> • JACS Induction • Personal Achievement and Development Plan • Harassment and Bullying Workshop • Records Management
Key JACS Skills <ul style="list-style-type: none"> • Dealing with Difficult Clients • Freedom of Information • Understanding Legislation • Privacy Act • Writing for the Minister
Management/Supervisory Skills <ul style="list-style-type: none"> • Dealing with Misconduct and Inappropriate Behaviours, • Managing Employee Performance • Leading and Managing Teams
Workplace Health and Safety / OHS <ul style="list-style-type: none"> • Introduction to Mental Health • Health and Safety Representative Training • OHS Information Session • Workplace Health and Safety for Managers • Organisational Stress and Psychological Injury • Predict, Assess & Respond to Aggressive/Challenging Behaviours (PART) Training, • Senior First Aid Certificate
Accredited Training Programs <ul style="list-style-type: none"> • Certificate IV in Project Management • Certificate IV in Frontline Management
Executive/Senior Managers Development Programs <ul style="list-style-type: none"> • Workforce Planning • 2009 Administrative Law Forum • APSC SES Breakfast (Subscription 2009-2010) • Executive Media Training • ANZSOG Annual Conference • Australian Service Leadership Study Tour • Professor Rosabeth Moss Kanter Australian Tour • CMD Executive Leadership Program • and Executive Coaching, CMD Future Leaders Program • Australian and New Zealand School of Gov – Managing Regulation, Enforcement and Compliance • Ethical Strength • Australian Lawyers Alliance Medical Law Conference • Australian Government Legal Training Program • AWFL – Leadership Toolkit • Leadr Congress • Commonwealth Ombudsman National Conference • Canberra Women’s Leadership Alliance Program

General Enabling Skills <ul style="list-style-type: none"> • Effective Communication • The New Executive Assistant • Mail Handling • Emotional Intelligence at Work • Business Planning • IT Training – including Excel, Word, Outlook • Policy Development • Financial Management • Workplace Behaviour and Conflict Resolution • Job Application and Interview Skills • Business Writing • Procurement Awareness • Effective Writing for ASO1-4
Agency Specific Programs
ACT Corrective Services <ul style="list-style-type: none"> • Certificate III and IV in Correctional Practice • Diploma of Community Welfare • Allen's Training • Fire Training • Gas Exposure Training • Psychiatric Training • Government Investigation Course • Schneider Electrical • Motivational Interview Skills Training
ACT Courts and Tribunals <ul style="list-style-type: none"> • Law Society Seminar • ROGS Seminar • 4th International Conf on Training of the Judiciary • Australasian Residential Tenancy Conference • AIJA Tribunal Conference • Asia Pacific Coroners Society Conference • Course -The Obligation to Assist • JCA Colloquium 2009 Conference • Jury Research & Practice Conference • ACT Law Society - ADT update • CIT Course • Phoenix Magistrates Program • Committing Crime Seminar • Sentencing Conference • Oracle • Excel Training • CPA Congress
ACT Government Solicitor <ul style="list-style-type: none"> • Australian Corporate Lawyers Association (ACLA) ACT'S 10th Birthday Event • ACLA Government Lawyers Conference • 2009 Government Lawyers' Forum • ACT Human Right Commission's Human Rights Forum :Fulfilling Rights and Accessing Justice • Constitutional Law Forum • Contract Law • Coronial Inquiries • E-Discovery Australia • Obstetric Malpractice

<ul style="list-style-type: none"> • Reimagining Copyright for the 21st Century • Some Recent Developments in Administrative Law • The Legislative Process • The Obligation to Assist: Model Litigants-AAT Proceedings • Thomson Legal Online & Westlaw Training • Building & Construction Law
Director of Public Prosecution <ul style="list-style-type: none"> • Mental Health First Aid • Australian Association of Crown Prosecutors • AIJA Family Violence Conference • Advocacy Skills Workshop • Accrual Accounting • Paralegal Training Course • Sudanese Training • Asia Pacific Conference • ACSSA Forum • Jury Conference • Library Conference
Human Rights Commission <ul style="list-style-type: none"> • Mediation • Cultural Awareness • Reconciliation Action Workshop • Advanced internet searching • Fair Work Act • Child Abuse & Neglect • HR Conference • Anti-Discrimination Conference • Disability Support Worker Conference • PowerPoint • Practice talking
Office of Regulatory Services <ul style="list-style-type: none"> • Construction/Induction Card Training • Improving Advocacy Skills • Asbestos Awareness • Administrative Law – Improving Decision Making Process • Safe Effective Blasting • AIP Contractor Work Clearance Induction
Parliamentary Counsel's Office <ul style="list-style-type: none"> • Clayton Utz • 1 July 2009 • DHCS, 4 & 11 August 2009 • C'wealth Australian Govt Solicitor 11 November 2009 • C'wealth Australian Govt Solicitor 20 November 2009
Public Advocate of the ACT <ul style="list-style-type: none"> • APCCA 2009 • Child Abuse & Neglect: Looking through the lens of Prevention • Rights, Responsibilities Rhetoric Mental Health Conference • Children of Parents with Mental Illness • Practice Talking 2009 Conference
Public Trustee for the ACT <ul style="list-style-type: none"> • AGAC Forum • Trustee Corp Association National Council Forum • CGT Report Software • Trust officer in house training • Financial Literacy and Estate Planning

Security and Emergency Management Branch <ul style="list-style-type: none"> • Certificate IV In Government (Financial Services) • Incident Management Systems – Enhancing & Benchmarking your Response to Crises
Strategic Finance <ul style="list-style-type: none"> • CPA Congress
Strategic Planning and Support <ul style="list-style-type: none"> • Certificate IV in Building and Construction
Victim Support ACT <ul style="list-style-type: none"> • Working With Clients with Complex Issues • But life here is different • Adults surviving child abuse • Children who challenge us
Legislation Policy Branch <ul style="list-style-type: none"> • The Legislative Process • Reimagining Copyright for the 21st Century • Turning Data into Information • Making Quality Informed Decisions • The Professional Executive Assistant • Introduction to the Human Rights Act • Dear Minister

- (c) Training programs were held at:
- The department's premises; or
 - Training Provider premises.

(d) There were 1,141 staff attendances at the training.

- (2) (a) Six in-house training programs were undertaken in 2008-09 that resulted in no marginal cost to the Government. They were Freedom of Information, Understanding Legislation, Delegations, Personal Achievement and Development Plans; Certificates III and IV in Correctional Practice.
- (b) (i) Five in-house training programs were undertaken during 1 July to December 2009 that resulted in no marginal cost to the Government. They were Privacy Act, Understanding Legislation, Personal Achievement and Development Plan, and Certificates III and IV in Correctional Practice.
- (ii) One in-house training program was undertaken during 1 July to December 2009 that resulted in a cost to the Government. The training program was Workplace Harassment and Bullying delivered by the Human Rights Commission. The cost was \$4000.

Government—appointments (Question No 808)

Mrs Dunne asked the Attorney-General, upon notice, on 24 March 2010:

- (1) How many working groups, consultation groups, inter-departmental committees, roundtables and other intra-Government committees, in each agency within the Department of Justice and Community Safety, including ACT Courts and the Director of Public Prosecutions, are chaired or organised by the Minister's department and agencies.

- (2) What is the (a) cost of administering and (b) purpose and terms of reference of each group referred to in part (1).
- (3) How often and where does each group referred to in part (1) meet and what costs are associated with each meeting.
- (4) Which other ACT Government departments or agencies are represented on each group referred to in part (1).
- (5) What (a) records of meetings are kept and (b) briefings are provided to the Minister and to other Ministers whose departments are represented.
- (6) How many community consultation groups, roundtables, or committees are chaired or organised by the Minister's department and agencies.
- (7) What is the (a) cost of administering and (b) purpose and terms of reference of each group referred to in part (6).
- (8) How often and where does each group referred to in part (6) meet and what costs are associated with each meeting.
- (9) Which other ACT Government departments or agencies are represented on each group referred to in part (6).
- (10) What (a) records of meetings are kept and (b) briefings are provided to the Minister and to other Ministers whose departments are represented.

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

- (1) A total of 17 committees, consultation or working groups have been or will be chaired, organised or created by the Department of Justice and Community Safety in 2009-10.

(2), (3), and (4)

A response to these questions as they relate to each entity is provided in the table attached.

- (5) Records of each entity are created in accordance with the requirements of the Territory Records Act as it relates to the functions and purpose of the entity. Dependent upon the formality, structure and administrative arrangements around the entity records created could include, minutes, agendas, working notes, records of selection and appointment of representatives, and documents flowing from the functions of the entity such as reports, issue papers, correspondence etc.

(6), (7), (8) and (9)

Information in respect of the community consultation organised or chaired by the Department of Justice and Community during 2009-10 will be provided in the Department's Annual Report.

- (10) Refer to my response for question 5.

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

**Government—information technology services
(Question No 809)**

Mrs Dunne asked the Attorney-General, upon notice, on 24 March 2010:

- (1) What is the cost of the provision of information technology (IT) services per employee on average for (a) 2008-09 and (b) 1 July to 31 December 2009 for each agency within the Department of Justice and Community Safety, including ACT Courts and the Director of Public Prosecutions.
- (2) What is the marginal cost of the provision of IT services for an additional employee at the current staffing levels.
- (3) In relation to specialist IT services, what (a) services are required, or have been custom-built, (b) is the cost of each and (c) is the depreciation cost of each.

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

- (1) The answer to the member's questions is detailed below. These figures are based on the costs of the Department's Service Level Agreement with InTACT and including staffing to support Information and Communication Technology (ICT).

Intact ICT Distribution per FTE Average		
	2008-09	Up to 31Dec09
Department of Justice & Community Safety (excluding ESA)	\$6,963.47	\$3,524.63

- (2) The marginal cost of providing IT services for an additional employee may vary depending on the role of employee and the IT requirement associated with the position. Based on standard InTACT charges a general office based position with a standard PC and desktop interface environment general base IT services the cost for additional staff will be \$3,423.80.
- (3) The answer to the Member's questions on specialist IT services excludes any costs associated with systems currently under development as part of the department's ICT capital program.
 - a. The services required include:
 - Projects
 - Specialised Business System support
 - Application Development activities
 - Business Analyst services
 - Solutions Architect Services
 - Remote Access tokens, and
 - Recurrent costs associated with Business Systems, Database Hosting and Website hosting

These are provided under the InTACT Service Level Agreement and the cost of these services is also incorporated in the average cost per employee detailed in Question (1).

- b. The total value of the above services is \$603,525.00.
 - c. The depreciation value of the department's business systems is \$148,409.20.
-

**Public service—commonwealth liaison staff
(Question No 827)**

Mr Seselja asked the Treasurer, upon notice, on 25 March 2010 (*redirected to the A/g Treasurer*):

- (1) How many officers liaise with the Commonwealth Government on a regular basis from the Minister's department and each agency in the Minister's portfolio.
- (2) How many staff are solely dedicated to liaison with the Commonwealth Government.
- (3) What is the average level of the staff members referred to in part (2) and what specific programs do each work on.
- (4) How much money has been received from the Commonwealth in the 2009-2010 financial year to date and how much is expected to be received in the remainder of the 2009-2010 financial year.
- (5) What is the money, referred to in part (4), for.

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

- 1. This is a matter which comes under the Chief Minister's portfolio not the Treasurer.
 - 2. This is a matter which comes under the Chief Minister's portfolio not the Treasurer.
 - 3. This is a matter which comes under the Chief Minister's portfolio not the Treasurer.
 - 4. As at 21 May 2010, Treasury has received \$1,476 million in Commonwealth grants. Treasury expects to receive \$192 million in the remainder of the 2009 10 financial year.
 - 5. The Commonwealth grants that the Territory receives are detailed in the 2009 10 Budget Paper Number 3 page 165.
-

**Government—websites
(Question No 847)**

Mr Seselja asked the Minister for Aboriginal and Torres Strait Islander Affairs, upon notice, on 25 March 2010:

- (1) In relation to the Minister's department and each agency in the Minister's portfolio,
 - (a) how many websites are managed and maintained, (b) which websites are they and (c) what is the purpose of each.
- (2) Who manages and maintains the websites referred to in part (1) and is this in-house responsibility or the responsibility of contractors.

- (3) What is the current annual cost of maintaining and managing the websites.
- (4) If contractors are engaged to perform some of this work, how much is the annual cost of engaging the contractors.
- (5) Does each website allow people to subscribe to a mailing list; if so, (a) what is the purpose of the mailing list, (b) how many subscribers does it have and (c) how many subscribers have an email address that end in "act.gov.au".
- (6) When did each website go live.
- (7) What was the initial development cost of each website.
- (8) Is the website considered an asset which is depreciated; if so, what is the (a) depreciation rate and (b) annual depreciation cost of the site.
- (9) How many individual visitors does each website receive on average per week.

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

1. (a) One.
(b) Aboriginal and Torres Strait Islander Elected Body
<http://www.electedbody.com.au>
(c) Information relating to the Elected Body.
2. The website is managed and maintained by Online Services within DHCS which consists of 1 x SOGC & 2 x ASO6.
3. \$198 Annual Hosting costs including GST with a portion of staff costs from the unit mentioned in 2 above.
4. Not applicable.
5. No.
6. 2008
7. The Website was developed in-house.
8. No
9. 112 unique visitors on average per week

**Health—funding
(Question No 874)**

Mr Smyth asked the Deputy Chief Minister, upon notice, on 25 March 2010
(*redirected to the A/g Treasurer*):

- (1) What arrangements are in place between the ACT Department of Treasury and the Department of Health to manage the flow of information into the relevant Minister's office.

- (2) What joint analysis about the future of health funding have been completed by these departments.

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

- (1) The circumstance of the Treasurer holding another portfolio responsibility is not unusual in the ACT. Treasury works with ACT Health on a wide range of policy and financial issues. Treasury follows the same processes and protocols in communicating with ACT Health as it does with all other ACT Government Departments.
- (2) ACT Treasury has worked closely with ACT Health on many aspects of the future of health funding. Recent collaborations include preliminary costings of the National Health Reforms, reviewing and assisting with the development of the Capital Asset Development Plan (CADP), representation on the CADP Steering Committee and the Redevelopment Committee, and reviewing ACT Health 2010 11 Budget proposals.

Treasury also works with the Department regularly and provides input to the development of Cabinet Submissions on policy and legislative proposals, which may or may not have funding implications.

Public service—staffing (Question No 876)

Mr Smyth asked the Treasurer, upon notice, on 25 March 2010 (*redirected to the A/g Treasurer*):

- (1) In relation to each board, committee, advisory council or committee, or similar within the Minister's portfolio, including statutory authorities, government owned corporations and government business enterprises, what is the (a) name of each body and (b) each body's function or role.
- (2) What are the names, positions and qualifications of the members of each body referred to in part (1) and when do their terms expire.
- (3) How many vacancies are currently carried on each body and how long have those vacancies remained unfilled.
- (4) When will the vacancies referred to in part (3) be filled.
- (5) What is the remuneration of each member of each body, annual or per diem as appropriate.
- (6) What are the allowances of each member of each body.
- (7) Which members of each body are required to travel to Canberra in order to participate in meetings.
- (8) What is the cost, on average, per body meeting for those members to travel to Canberra to attend body meetings.

- (9) Why was each member referred to in part (7) appointed to the body in preference to seeking local members.
- (10) What was the total remuneration, allowances and travel costs paid to body members in (a) 2007-08, (b) 2008-09 and (c) 2009-10 to date.
- (11) Do any members of each body have the use of a government vehicle; if so, (a) on what basis, (b) at what cost, and (c) did the member privately garage the vehicle.
- (12) Is the use of a government vehicle included as part of a remuneration determination by the Remuneration Tribunal; if not, who authorised it.
- (13) How often does each body meet and what is the average length of meetings.
- (14) Does each body ever meet outside Canberra; if so, (a) why, (b) how often and (c) at what cost.

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

Treasury facilitates compliance with statutory requirements on behalf of the Treasurer for the following:

ACT Insurance Authority Advisory Board
 Investment Advisory Board
 Totalcare Industries Limited – Board of Directors
 ACTEW Corporation Limited
 ACTTAB Limited
 Rhodium Asset Solutions

The following answers are provided in relation to each:

(1) (a) **ACTIA Advisory Board**

- (b) The purpose of the ACTIA Advisory Board is to provide technical advice on insurance and risk management.

(2)

Position	Name	Qualifications	Appointment Expires
Member	Mr Peter Matthews	ANZIFF (Fellow) CIP, OMIE AUST, AIMM	31-Dec-2010
Member	Mr David Sandoe	OAM, ANZIIF (Fellow), CIP, FAIM, FAICD	31-Dec-2010

- (3) No vacancies currently exist on the ACTIA Advisory Board.
- (4) Not applicable.
- (5) Remuneration is set by the ACT Remuneration Tribunal. Refer to Determination 17 of 2009 - Part-time Holders of Public Office. Remuneration of each member of the ACTIA Advisory Board is \$19,655 per annum plus 9 per cent superannuation.
- (6) There are no allowances provided for ACTIA Advisory Board members.
- (7) Mr Sandoe travels from Sydney to Canberra to attend Board meetings.

- (8) The average cost per Board meeting for Mr Sandoe's travel is \$600 per meeting inclusive of airfares and airport parking fees.
- (9) Mr Sandoe was appointed to the body as he has skills and experience in the area of insurance which are not readily found in the Canberra area. Mr Sandoe has over 37 years insurance and financial services industry experience and is a Principal of an independently owned firm of actuaries and insurance consultants.
- (10) Refer below table:

	Remuneration	Allowances	Travel Costs
2007-08	\$17,860	Nil	\$2,147.80
2008-09	\$18,575	Nil	\$1,200.69
2009-10	\$19,655	Nil	\$4,095.61

- (11) No members are provided the use of a Government vehicle.
- (12) Not applicable.
- (13) The ACTIA Advisory Board meets 4 times a year and meetings last for approximately 3 hours.
- (14) The ACTIA Advisory Board does not meet outside of Canberra.

(1) (a) **Investment Advisory Board**

- (b) The purpose of the Investment Advisory Board is to advise Treasury in relation to financial returns and management of risks, including governance matters, associated with Treasury's investments on behalf of the ACT Government.

(2)

Position	Name	Qualifications	Appointment Expires
Chair	Ms Barbara Yeoh	Bachelor of Science (Honours) majoring in Pure and Applied Mathematics, – Theory of Statistics Part II (Honours), Statistics 400 (Honours).	30 Sept. 2010
Member	Mr Phil Charley	FCPA, FAICD, Masters Financial Management, GD Tax, GD Strategic Studies.	30 Sept. 2010
Member	Mr Neville Page	Bachelor of Commerce, Masters of Commerce, FCPA, FPNA, SA Fin.	30 Sept. 2010

- (3) No vacancies currently exist on the Investment Advisory Board.
- (4) Not applicable.

- (5) Remuneration is set by the ACT Remuneration Tribunal. Refer to Determination 17 of 2009 - Part-time Holders of Public Office.
- Chair: \$27,175 (annual) plus 9 per cent superannuation
 - Member: \$20,315 (annual) plus 9 per cent superannuation
- (6) Allowances are set out in the above Remuneration Determination.
- (7) Ms Yeoh travels to Canberra from Melbourne to attend Board meetings.
- (8) The average cost of travel per Board meeting for Ms Yeoh is \$700 inclusive of airfares and taxi fares.
- (9) Persons with the most appropriate skills and experience were sought for the Board. Two of the three members of the Investment Advisory Board are local members.
- (10) Refer below table:

	Remuneration	Allowances	Travel Costs
2007-08	\$62,648	\$1,186	\$2,000
2008-09	\$69,635	\$719	\$2,000
2009-10	\$50,887	\$205	\$500

- (11) No members are provided the use of a Government vehicle.
- (12) Not applicable.
- (13) The Investment Advisory Board meeting a minimum of four times a year with an average meeting length of 4.5 hours.
- (14) The Investment Advisory Board does not meet outside of Canberra.
- (1) a) **Totalcare Industries Limited – Board of Directors**
b) Although Totalcare Industries Limited is no longer active as a business, the company still exists as a corporation so the Board of Directors exists as part of the fiduciary obligations under the *Corporations Act 2001*.

(2)

Position	Name	Qualifications	Appointment Expires
Chair	Mr Jeremy Pyner	Bachelor of Science (Honours)	7 Nov. 2011
Deputy Chair	Mr Tom McDonald	LLB (Hons), LLM, JSSC	7 Nov. 2011
Member	Ms Susan Lebish	Bachelor of Commerce, ACPA	7 Nov. 2011

- (3) No vacancies currently exist on the Totalcare Board of Directors.
- (4) Not applicable.
- (5) Due to the wind down of the company, remuneration continued as set by the ACT Remuneration Tribunal. - Part-time Holders of Public Office.
- Chair: \$25,000 (annual)
 - Member: \$20,315 (annual)

- (6) Allowances are set out in the above Remuneration Determination.
- (7) Mr Pyner travelled from Alice Springs to Canberra to attend Board meetings in 2008-09 but is now situated in Canberra or will attend via teleconferencing.
- (8) The total cost of travel for 2008-09 was \$995.30 inclusive of airfares and taxi fares.
- (9) Mr Pyner was situated in Canberra when first appointed to the Board. Persons with the most appropriate corporate knowledge, skills and experience were sought for the Board.

(10) Refer below table:

	Remuneration	Allowances	Travel Costs
2007-08	\$25,000	Nil	Nil
2008-09	\$25,000	Nil	\$995-30
2009-10	\$25,000	Nil	Nil

- (11) No members are provided the use of a Government vehicle.
- (12) Not applicable.
- (13) The Board usually meets bi-monthly and average length of the meetings is two hours.
- (14) The Board does not meet outside Canberra. Teleconferencing would be used if this were to happen.

- (1) (a) **ACTEW Corporation Limited (ACTEW)**
 (b) ACTEW is a Territory-owned corporation with assets and investments in water, wastewater, electricity, gas and telecommunications totalling \$1.4 billion.

As per the constitution the objects of the Company are: to supply energy, including electricity and water; to promote and manage the use of energy and water; to provide sewerage services; the provision of communications services and to undertake other related business or activity which may be undertaken by a natural person.

(2)

Position	Name	Qualifications	Appointment Expires
Chair	Mr John Mackay	AM, BA FAIM	1 July 2011
Deputy Chair	Mr Michael Easson	AM, BA (Hons), FAICD	30 June 2012
Director	Dr Allan Hawke	BSc(Hons), PhD (ANU), FAIM, FIPAA, FAICD	6 Dec 2012
Managing Director	Mr Mark Sullivan	AO, BES, FCPA. FAIM, MAICD	14 July 2013
Director	Mr Edward (Ted) Matthews	PSM, BA, MAICD	2 July 2011
Director	Ms Wendy Caird	MAICD	6 December 2012

- (3) ACTEW has capacity to have another Director appointed to the Board.

(4) ACTEW's vacancies may be filled at the discretion of the Voting Shareholders.

(5) The remuneration for each member is as follows:

ACTEW	Mr John Mackay AM	\$55,002 per annum plus 9% superannuation
ACTEW	Mr Michael Easson AM	\$31,625 per annum plus 9% superannuation
ACTEW	Dr Allan Hawke	\$27,501 per annum plus 9% superannuation
ACTEW	Mr Mark Sullivan	NIL
ACTEW	Mr Ted Mathews PSM	\$27,501 per annum plus 9% superannuation
ACTEW	Ms Wendy Caird	\$27,501 per annum plus 9% superannuation

(6) There are no allowances for ACTEW Board members.

(7) Mr Michael Easson travels to Canberra from Sydney to attend Board Meetings.
Ms Wendy Caird travels to Canberra from Sydney to attend Board meetings.

(8) The costs for Mr Easson's travel are shared between ACTEW and ActewAGL. The average cost of return travel is \$700. If an overnight stay is required, accommodation and meals are approximately \$300 per night.

Costs associated with Ms Caird's travel to Canberra include petrol of approximately \$45 and overnight accommodation and meals of approximately \$300 per night.

(9) Mr Easson has been a member since 1995. His strategic business acumen and financial management analytical skills are highly regarded.
Ms Caird's background and experience complement the range of knowledge and skills of the other Board members.

(10)

	Remuneration	Allowances	Travel Costs
(a) 2007-08	\$255,420	Nil	Refer Answer 8
(b) 2008-09	\$212,954	Nil	Refer Answer 8
(c) 2009-10*	\$136,166	Nil	Refer Answer 8

* Estimated amount calculated to end of March 2010.

(11) No Board members are provided with the use of a Government vehicle.

(12) Not applicable.

(13) ACTEW has advised that the number of meetings held each year is reported in the annual report as required by corporations law. In 2009-10 year to date, eight board meetings have been held. The length of each meeting is dependent on the business to be dealt with and may last up to four hours.

(14) ACTEW has conducted meetings outside Canberra as per the following:

- 2005 – 1 meeting in Bowral
- 2007 – 1 meeting in Sydney
- 2007 – 1 meeting in Melbourne
- 2008 – 1 meeting in Melbourne

The meeting held in Bowral in 2005 was a three day board and strategy meeting. The cost was \$30,000 for travel, accommodation, meals and the hire of meeting room facilities and equipment.

The meeting held in Sydney in 2006 was a two day board and strategy meeting. Meetings were also held with ACTEW's joint venture partners. The cost was \$40,000 for travel, accommodation, meals and the hire of meeting room facilities and equipment.

The meeting held in Melbourne in 2007 was a three day board and strategy meeting. Meetings were also held with ACTEW's joint venture partners. The approximate cost of the meetings was \$42,000 for travel, accommodation, meals and the hire of meeting room facilities and equipment.

The meeting held in Melbourne in 2008 was a two day board and strategy meeting. The ActewAGL and Ecowise Environmental Pty Ltd boards also met in Melbourne. Meetings were also held with ACTEW's joint venture partners. The approximate cost of the meetings was \$35,000 for travel, accommodation, meals and the hire of meeting room facilities and equipment.

The costs for the above meetings were covered by ACTEW.

(1) (a) **ACTTAB**

(b) ACTTAB is a Territory-owned corporation. It exists to provide wagering and gaming services to the Canberra community.

(2)

Position	Name	Qualifications	Appointment Expires
Chair	Mr Con Kourpanidis	Bachelor of Arts (Accounting) Bachelor of Law	31 July 2011
Deputy Chair	Mr Ted Quinlan	Bachelor of Arts (Accounting) Fellow Certified Practising Accountants Australia Fellow Australian Institute of Company Directors	9 January 2013
Director	Ms Susan Proctor	Bachelor of Arts Bachelor of Law Admitted as a Solicitor and Barrister in the ACT and High Court, Australia Unrestricted Legal Practising Certificate	29 December 2012

(3) ACTTAB has capacity to have another two directors appointed to the Board.

(4) ACTTAB's vacancies may be filled at the discretion of the Voting Shareholders.

(5) The remuneration for each member is as follows:

ACTTAB	Mr Con Kourpanidis	\$39,037 per annum plus 9% superannuation
ACTTAB	Mr Ted Quinlan	\$21,630 per annum plus 9% superannuation
ACTTAB	Ms Susan Proctor	\$16,583 per annum plus 9% superannuation

(6) There are no allowances for ACTTAB Board members.

(7) There is no interstate travel required.

(8) Not applicable.

(9) Not applicable.

(10)

	Remuneration	Allowances	Travel Costs
(a) 2007-08	\$84,202	Nil	Nil
(b) 2008-09	\$84,202	Nil	Nil
(c) 2009-10*	\$63,152	Nil	Nil

* Estimated amount calculated to end of March 2010.

(11) No Board members are provided with the use of a Government vehicle.

(12) Not applicable.

(13) The ACTTAB Board usually meets each month with an average meeting length of four hours.

(14) No meetings are held outside Canberra.

(1) (a) **Rhodium Asset Solutions Limited**

(b) Rhodium is a Territory-owned corporation and has been providing asset leasing solutions to both government and the private sector. The Board is managing the wind-down of the company in accordance with the Government decision of 2008.

(2)

Position	Name	Qualifications	Appointment Expires
Chair	Ms Megan Smithies	Under Treasurer, Bachelor of Economics	23 February 2012
Deputy Chair	Mr Philip Mitchell	General Manager, Legal and Compliance, Land Development Agency Bachelor of Commerce and Bachelor of Laws, University of NSW Admitted to practice in the High Court and Supreme Courts of the ACT and NSW	23 February 2012
Executive Director	Mr Ken Moore	BA Macquarie University, PCPA and FAICD	Until wind down
Director	Mr Michael Vanderheide	BA Macquarie University, MBA University of New England.	23 February 2012
Independent Member, Audit, Risk and Compliance Committee	Ms Di Fielding	Bachelor of Economics, Bachelor of Commerce, FCPA, FAIM, MAICD	Until wind down

(3) There are currently no vacancies on the Rhodium Board.

(4) Not applicable.

(5) The remuneration for each member is as follows:

Rhodium	Ms Megan Smithies	Nil
Rhodium	Mr Philip Mitchell	Nil
Rhodium	Mr Ken Moore	Nil
Rhodium	Mr Michael Vanderheide	Nil to 26 October 2009 and \$18,100 per annum plus superannuation from that date.
Rhodium	Ms Di Fielding	\$1,000 per monthly meeting

(6) There are no allowances for Rhodium Board members.

(7) Mr Vanderheide may be required to travel to Canberra from Melbourne to attend meetings.

(8) Mr Vanderheide usually participates by teleconference. Actual cost for Mr Vanderheide's one trip to Canberra from Melbourne was \$386.72.

(9) Mr Vanderheide was appointed in September 2008 as one of three ACT Public Service Executives to oversee the winding down of Rhodium. Mr Vanderheide subsequently resigned from the ACT Public Service in October 2009 to take up a position in the Victorian Public Service. He has agreed to continue as a Director of Rhodium to assist with winding down the company.

(10)

	Remuneration	Allowances	Travel Costs
(a) 2007-08	\$92,959	Nil	See Answer 8
(b) 2008-09	\$24,212	Nil	See Answer 8
(c) 2009-10*	\$14,636	Nil	See Answer 8

* Estimated amount calculated to end of March 2010.

(11) No Board members are provided with the use of a Government vehicle.

(12) Not applicable.

(13) The Rhodium Board usually meets monthly with an average meeting length of 2 hours.

(14) No meetings are held outside of Canberra.

ACT Health—employee separation rates (Question No 896)

Mr Hanson asked the Minister for Health, upon notice, on 25 March 2010:

(1) What is the current employee separation rate of ACT Health.

- (2) What is the current employee separation rate of (a) The Canberra Hospital (TCH), (b) Calvary Public Hospital (Calvary), (c) Community Health, (d) Mental Health ACT, (e) Aged Care and Rehabilitation Service and (f) Capital Region Cancer Service.
- (3) What specific surgical units have constituted the top five highest separation rates within (a) TCH and (b) Calvary.
- (4) What medical specialties within TCH have the highest staff vacancy rate and can the Minister list the top 10.
- (5) How have services been affected by the vacancy rates referred to in part (4) and has there been a reduction in service; if so, how much for each service.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

- (1) As at 31 March 2010 the employee separation rate for ACT Health was 9.02%

- (2) As at 31 March 2010 the employee separation rates were

(a) The Canberra Hospital (TCH),	8.54%
(b) Calvary Public Hospital (Calvary),	9.75%
(c) Community Health,	8.51%
(d) Mental Health ACT,	13.12%
(e) Aged Care and Rehabilitation Service and	14.58%
(f) Capital Region Cancer Service.	14.5%

- (3) The surgical units with the top 5 highest separation rates in TCH were.

Surgical Unit	Separations	Headcount	Rate
Plastic Surgery	1	3	33.33%
Resuscitation Unit	1	3	33.33%
Surgical Discharge Support	1	4	25.00%
Ophthalmology	1	5	20.00%
Accident & Emergency (Nursing)	17	94	18.09%

The surgical units with the top 4 highest separation rates in Calvary were.

Surgical Unit	Separations	Headcount	Rate
Theatres	17	85	20%
Emergency Department	11	94	11.7%
Endoscopy	2	8	25%
4W	4	35	11.4%

Due to the small numbers involved separation rates can be very volatile and should be considered carefully.

- (4) In February 2010 there were only six medical specialties in The Canberra Hospital with vacancy rates. Those were;

Plastic Surgery	33.33%
Anaesthesia VMO/Specialists	20.00%
Intensive Care Registrars	14.29%
Surgical registrars	11.76%
Haematologist	5.00%
Emergency Specialists	1.90%

Due to the small numbers involved vacancy rates can be very volatile and should be considered carefully.

- (5) **Plastic Surgery** - A locum has been engaged to maintain services.
Anaesthesia VMO/Specialists - No impact on services
Intensive Care Registrars - No impact on services
Surgical registrars - No impact on services
Haematologist - A staff specialist resigned in August 2009. Recruitment to fill this position is complete. An additional permanent staff specialist was employed through this recruitment process. Between July 2009 and February 2010 there was a 5% reduction in Haematology outpatient occasions of service compared to the same period the previous year.
Emergency Specialists - No impact on services

Hospitals—statistics (Question No 898)

Mr Hanson asked the Minister for Health, upon notice, on 25 March 2010 (*redirected to the Acting Minister for Health*):

- (1) How many public hospital beds were there in the ACT in March 2010.
- (2) What was the daily average number of public hospital beds in the ACT for this financial year to date.
- (3) Can the Minister provide a breakdown of the number of beds referred to in part (1) in terms of the relevant classification used by ACT Health.
- (4) Can the Minister provide, for each classification of bed referred to in part (3), the average daily (a) cost for a single bed, (b) staffing requirement for a single bed, including medical, administrative and general and (c) bed occupancy rate.
- (5) What is the replacement capital cost of each bed.
- (6) What is the marginal cost for an additional bed for each classification of bed.

Mr Corbell: I am advised that the answer to the member's question is as follows:

- (1) There were a total of 942 public hospital beds in the ACT in March 2010.
- (2) The average daily number of public hospital beds in the ACT for this financial year to date was 909.
- (3) The breakdown of ACT public hospital beds is:
 - 60 subacute beds
 - 24 adult critical care beds
 - 24 neonatal specialised care beds
 - 834 acute beds

- (4) This information is not regularly collected as ACT Health monitors activity against nationally agreed performance measures. The time and cost associated with obtaining the answer would out-weigh the value of providing a response.
 - (5) This information is not regularly collected as ACT Health monitors activity against nationally agreed performance measures. The time and cost associated with obtaining the answer would out-weigh the value of providing a response.
 - (6) This information is not regularly collected as ACT Health monitors activity against nationally agreed performance measures. The time and cost associated with obtaining the answer would out-weigh the value of providing a response.
-

Calvary Public Hospital—resignations (Question No 901)

Mr Hanson asked the Minister for Health, upon notice, on 25 March 2010:

- (1) How many resignations of medical specialists for consultant physicians, either Visiting Medical Officers (VMOs) or Staff Specialists, have occurred at Calvary Public Hospital (Calvary) for (a) January 2010, (b) February 2010, (c) March 2010.
- (2) How many of the individuals referred to in part (1) have been offered exit interview and how many actually conducted exit interviews.
- (3) How many vacancies are there currently for specialists or consultants, either for VMOs or Staff Specialists at Calvary.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

- (1) (a) One. The Staff Specialist who resigned became a contracted locum medical officer the following day.
(b) Nil.
(c) Nil.
 - (2) N/A.
 - (3) There are currently three staff specialist vacancies.
-

Canberra Hospital—computer terminals (Question No 902)

Mr Hanson asked the Minister for Health, upon notice, on 25 March 2010:

- (1) In relation to the information technology hardware needs of The Canberra Hospital, how many general computer terminals are provided throughout the entire hospital for doctors and nurses on duty for the purposes of accessing diagnostic services and test results.
- (2) Can the Minister provide a breakdown of the number of computers referred to in part (1) for each unit in which they are located.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

- (1) There are approximately 800 active general computer terminals throughout use in the Canberra Hospital for doctors and nurses to utilise whilst on duty.
- (2) Data is not available in the form and at the level of disaggregation requested by the Member without diversion of significant resources from ACT Health's ongoing businesses that I am not prepared to authorise.

Hospitals—waiting lists (Question No 903)

Mr Hanson asked the Minister for Health, upon notice, on 25 March 2010:

- (1) How many people are currently on the elective surgery waiting list by category.
- (2) What is the median waiting time for each category.
- (3) What are the current longest waiting times for elective surgery in each category.
- (4) How many patients are currently waiting longer than a year for elective surgery.
- (5) What proportion of patients, for the financial year to date, waited longer than the recommended waiting time for each category.
- (6) How many people were on the elective surgery waiting list at the end of July 2009.
- (7) How many people joined the elective surgery waiting list in (a) August 2009, (b) September 2009, (c) October 2009, (d) November 2009, (e) December 2009, (f) January 2010, (g) February 2010 and (h) March 2010.
- (8) How many people were removed from the elective surgery waiting list in those months referred to in part (7).

Ms Gallagher: I am advised that the answer to the member's question is as follows:

- (1) As at May the ACT public elective surgery waiting list was:

Category one	148 patients
Category two	3,068 patients
Category three	2,268 patients
- (2)

Category one	13 days
Category two	105 days
Category three	200 days
- (3) The longest waiting times by category:

Category one	80 days (Two patients – One patient admitted in June and one is scheduled for surgery in late June).
Category two	1,797 days (Medically indicated Non urgent cosmetic surgery)
Category three	2,307 days (Medically indicated Non urgent cosmetic surgery)

- (4) 848
- (5) Category one 3%
Category two 59%
Category three 22%
- (6) 4,975.
- (7)
- | | | |
|-----|----------------|-------|
| (a) | August 2009 | 1,095 |
| (b) | September 2009 | 1,204 |
| (c) | October 2009 | 1,098 |
| (d) | November 2009 | 1,116 |
| (e) | December 2009 | 958 |
| (f) | January 2010 | 561 |
| (g) | February 2010 | 1,025 |
| (h) | March 2010 | 1,226 |
- (8)
- | | | |
|-----|----------------|-------|
| (a) | August 2009 | 1,016 |
| (b) | September 2009 | 1,089 |
| (c) | October 2009 | 1,044 |
| (d) | November 2009 | 1,056 |
| (e) | December 2009 | 882 |
| (f) | January 2010 | 312 |
| (g) | February 2010 | 1,143 |
| (h) | March 2010 | 1,243 |

**Alexander Maconochie Centre—security incidents
(Question No 907)**

Mr Hanson asked the Attorney-General, upon notice, on 25 March 2010:

- (1) How many critical incidents or breaches of security have occurred at the Alexander Maconochie Centre (AMC) since the commencement of operations.
- (2) Can the Minister list every type of incident or breach referred to in part (1) that has occurred.
- (3) How many items of contraband have been detected within the AMC since the commencement of operations.
- (4) Can the Minister list every type of contraband item referred to in part (3) that has been detected.
- (5) How many breaches of any policy in total have occurred relating to the management of the AMC, specifically as set out in the relevant legislative instruments under the Corrections Management Act 2007.
- (6) Can the Minister list the breaches referred to in part (5) by (a) what type of breach and (b) of which policy.

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

- (1) ACT Corrective Services does not have a definition of a critical incident. For the purpose of this Question on Notice, ACTCS has defined a critical incident as one involving:

- a death of a prisoner;
- a death of a corrections officer;
- an injury to a corrections officer requiring hospitalisation;
- an injury to a prisoner requiring hospitalisation;
- an escape or attempted escape;
- a breach or attempted external breach of the perimeter; or
- a hostage situation.

There have been four critical incidents at the AMC between the opening of the prison and March 2010.

- (2) Yes. Two incidents involved the hospitalisation of prisoners following incidents of self harm. One incident involved the hospitalisation of a prisoner following an altercation with another prisoner. The final incident involved the death of a prisoner.
- (3) A 'prohibited item' (contraband) is any item that is illegal, offensive, or prejudicial to the health of any person or to the security or good order of the AMC. Prohibited items include mobile phones, explosives, liquor, drugs and other illegal substances, implements used for administering drugs, weapons and tattoo guns. A full list of prohibited items can be found in the AMC Contraband Policy on the ACT legislation register.

There have been 127 instances of prohibited item (contraband) finds within the AMC since the commencement of operations until 30 April 2010.

This figure includes prohibited item finds detected within the AMC (including the AMC carpark). Additionally it contains items detected on both visitors and staff prior to their entry into the AMC.

- (4) The type of prohibited items referred to in question (3) are:

Drug-related substances
Drug-related implements
Unauthorised prescription medicine
Unauthorised kitchen implements
Unauthorised food
Unauthorised recreational items
Unauthorised tobacco-related items
Alcohol
Sharp items (e.g. razor blade, broken toothbrush)
Unauthorised technology items (e.g. mobile telephones)
Miscellaneous items (e.g. containers, currency)

- (5) The following information does not include prisoner breaches of policies or procedures.

There have been seven breaches of policy or procedure by ACTCS staff (where an investigation has been undertaken into the breach) relating to the management of the AMC.

These breaches refer only to breaches of policies or procedures made under the *Corrections Management Act 2007 (ACT)*.

(6) Please see the table below:

Type of breach	Policy/Procedure breached
Not following the required observation regime	Observations, Musters and Head Checks Policy
Unauthorised removal of firearm	Firearms Policy
Missing Radio Frequency Identification bracelets	RFID Policy
Providing goods (coffee) to prisoners	Contraband Policy
Allowing greater than authorised access to the internet	Email/Internet for Prisoners Policy
Prisoner erroneously released (verification/confirmation of sentence details)	Discharge Procedure
Prisoner discharged late (verification/confirmation of sentence details)	Discharge Procedure

Government—appointments (Question No 912)

Mr Hanson asked the Minister for Police and Emergency Services, upon notice, on 25 March 2010:

- (1) How many working groups, consultation groups, inter-departmental committees, roundtables or other intra-government committees are chaired or organised by the Minister's department and agencies in their portfolio.
- (2) What is the cost of administering each group referred to in part (1).
- (3) What is the purpose of each group.
- (4) How often does each group meet and what costs are associated with each meeting.
- (5) Which other ACT Government departments or agencies are represented.
- (6) How many community consultation groups, roundtables or committees are chaired or organised by the Minister's department and agencies in their portfolio.
- (7) What is the cost of administering each group referred to in part (6).
- (8) What is the purpose of each group referred to in part (6).
- (9) How often does each group referred to in part (6) meet.
- (10) Who is represented on each group referred to in part (6).

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

(1), (2), (4) and (5)

I refer the member to my response to question on notice 808 asked by Mrs Dunne in relation to this issue.

(6), (7), (8), (9) and (10)

Information in respect of the community consultation organised or chaired by the Department of Justice and Community during 2009-10 will be provided in the Department's Annual Report.

Government—costs (Question No 921)

Mr Hanson asked the Minister for Police and Emergency Services, upon notice, on 25 March 2010:

What are the overhead fixed costs for the department and each agency within the Minister's portfolio.

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

The Department's overhead fixed costs that do not vary significantly with the Department's activities during the financial year includes rental, utility and outgoing costs, services provided by Shared Services including finance, procurement and human resources, ACTIA insurance premium, workers compensation premium, ACT Audit Office fees and depreciation and amortization of fixed assets.

Public service—training programs (Question No 923)

Mr Hanson asked the Minister for Health, upon notice, on 25 March 2010 (*redirected to the A/g Minister for Health*):

- (1) How much has the department and each agency spent on training programs in 2009-10 to date.
- (2) What was the purpose of each training program referred to in part (1) and how many staff participated.
- (3) What in-house training programs were undertaken in (a) 2008-09 and (b) 2009-10 to date which resulted in no marginal cost to the Government.
- (4) What in-house training programs were undertaken in (a) 2008-09 and (b) 2009-10 to date which resulted in a cost to the Government and what was this cost.

Mr Corbell: I am advised that the answer to the member's question is as follows:

- (1) ACT Health has spent \$4.9 million on staff development in 2009-10 to the end of April 2010.

- (2) Data is not available in the form and at the level of disaggregation requested without diversion of significant resources from ACT Health's ongoing business that I am not prepared to authorise.
 - (3) Data is not available in the form and at the level of disaggregation requested without diversion of significant resources from ACT Health's ongoing business that I am not prepared to authorise.
 - (4) Data is not available in the form and at the level of disaggregation requested without diversion of significant resources from ACT Health's ongoing business that I am not prepared to authorise.
-

**Public service—staffing
(Question No 926)**

Mr Hanson asked the Minister for Health, upon notice, on 25 March 2010:

- (1) What is the average oncost for each officer in the Minister's department and each agency in their portfolio in 2009-10 and what is included in this oncost.
- (2) What is the marginal oncost of an additional worker at the current staffing levels.
- (3) What specialist qualifications are required by staff for the Minister's department and each agency in their portfolio to undertake its roles and responsibilities and what skills are currently lacking in department and each agency.
- (4) How many employees are currently employed and what level is each.
- (5) What is the average salary for each employee with a specialist skill that is required for the Minister's department and each agency to undertake its roles and responsibilities.
- (6) What training must employees undertake on a regular basis to maintain their specialist skills and what is the cost of this training.
- (7) What specialist equipment is required for officers to undertake their jobs.
- (8) For each piece of equipment referred to in part (7), (a) how many are required, (b) what is the capital cost of each and (c) what is the running cost.
- (9) Over what period is each piece of equipment, referred to in part (7), depreciated.
- (10) How many graduates are employed in the Minister's department and each agency in their portfolio.
- (11) What was the cost of employing each graduate referred to in part (19) and how many have been employed on average each year since 2001.
- (12) How many staff have been recruited in 2009-10 to date and how much has been spent on recruitment in 2009-10 to date.
- (13) How many staff have left the Minister's department and each agency in their portfolio in 2009-10 to date.

- (14) What is the average amount of (a) recreation and (b) long service leave currently held by staff members.

Ms Gallagher: I am advised that the answer to the member's question is:

- (1) ACT Health uses the Department of Treasury Salary and Admin On-Cost Model (October 2008) to determine salary on-costs estimates for each generic classification based on an average salary cost for each classification, and a standard figure for administrative on-costs.

The salary on-costs include estimates for Superannuation; Employer Productivity Superannuation Contribution; Long Service Leave Provision; Annual Leave Loading; Workers' Compensation Premium, and other issues as necessary on a case-by-case basis. The salary on-cost total is 16.41% of the average salary.

The administrative on-cost model is based on average estimates for IT and communications related costs; accommodation; insurance; training; fleet; other administrative items including OH&S expenses, office machines and equipment, stationery and postage; and a corporate component covering payroll and human resources costs per FTE across Government. The total standard figure for administrative on-costs (in the October 2008 Guideline) was \$15,790.

This Salary and Administration On-Cost Model is updated annually to assist with budget preparation.

- (2) Same as above.
- (3) Data is not available in the form and at the level of disaggregation requested without diversion of significant resources from ACT Health's ongoing business that I am not prepared to authorise.
- (4) As at payday 28 April 2010 ACT Health employed 5582 employees. This includes Permanent, Temporary and paid Casuals. A breakdown by classification is at Attachment A.
- (5) Data is not available in the form and at the level of disaggregation requested without diversion of significant resources from ACT Health's ongoing business that I am not prepared to authorise.
- (6) Data is not available in the form and at the level of disaggregation requested without diversion of significant resources from ACT Health's ongoing business that I am not prepared to authorise.
- (7) Data is not available in the form and at the level of disaggregation requested without diversion of significant resources from ACT Health's ongoing business that I am not prepared to authorise.
- (8) Data is not available in the form and at the level of disaggregation requested without diversion of significant resources from ACT Health's ongoing business that I am not prepared to authorise.
- (9) Data is not available in the form and at the level of disaggregation requested without diversion of significant resources from ACT Health's ongoing business that I am not prepared to authorise.

- (10) ACT Health employs approximately 3800 graduates in Medical, Nursing and Midwifery, Health Professional and other Roles. In 2010 ACT Health has employed 174 new graduates into positions as part of various new graduate programs. Another 24 new graduates are due to commence in the Graduate Nursing and Midwifery program in August 2010.

Profession	Graduates
Graduate Administrative Assistant	1
Social Worker	2
JRMO	61
Nursing	101
Medical Physicists	2
Physiotherapy	1
Speech Pathology	2
Psychologists	4

- (11) The average number of graduates per year employed by ACT Health from 2005 is as follows
- 56 Medical Officers and
 - 83 Nurses and Midwives

Data prior to 2005 is not available.

In relation to the members question regarding costs, of employing each graduate referred to in part (10), data is not available in the form and at the level of disaggregation requested without diversion of significant resources from ACT Health's ongoing business that I am not prepared to authorise.

- (12) There have been 244 commencements for permanent officers for 2009-10 to date. These numbers do not include officers who commenced as Casual or Temporary officers who were subsequently appointed to permanent positions.

There has also been an additional net increase of 214 permanent officers as a result. This includes officers appointed to permanent positions after commencing as a temporary or casual employee. It also includes promotions and transfers from other ACT Government agencies to ACT Health.

Together these represent an increase of 458 permanent officers.

In relation to the members question regarding the amount spent on recruitment in 2009-10 to date, data is not available in the form and at the level of disaggregation requested without diversion of significant resources from ACT Health's ongoing business that I am not prepared to authorise.

- (13) There have been 320 separations for permanent officers for 2009-10 to date.
- (14) The average amount of (a) recreation and (b) long service leave held by FTE staff members as of 30 June 2009 is \$13,032 and \$12,774 respectively. Figures at that date are being provided as year to date figures do not include on costs.

Attachment A

Row Labels	Headcount
ADMIN	
Admin Service Officer 2/3	100
Admin Service Officer 1	11
Admin Service Officer 2	171
Admin Service Officer 3	153
Admin Service Officer 4	136
Admin Service Officer 5	67
Admin Service Officer 6	126
ASO2 - MEDICAL TYPIST	8
ASO3 - MEDICAL TYPIST	53
Cadet	1
Clinical Coder	8
Contract Executive	19
Graduate Admin Asst	1
Indigenous Trainee	1
Info Tech Officer 2	2
Public Affairs Officer 1	2
Public Affairs Officer 2	2
Public Affairs Officer 3	1
Senior Public Affairs Off 2	1
Senior Info Tech Off A	2
Senior Info Tech Off B	2
Senior Info Tech Off C	2
Senior Officer A	39
Senior Officer B	81
Senior Officer C	158
DENTAL	1147
Dental Assistant 1/2	37
Dental Receptionist	7
Principal Dental Assist	2
GSO	46
Facilities Service Off 4	1
Facilities Service Off 5	4
Facilities Service Off 6	1
Facilities Service Off 7	9
Facilities Service Off 8	7
General Service Off 2	1
General Service Off 3	8
General Service Off 4	15
General Service Off 5	3
Health Service Off 10	5

Health Service Off 2	2
Health Service Off 2/3	47
Health Service Off 3	166
Health Service Off 4	66
Health Service Off 5	1
Health Service Off 6	7
Health Service Off 7	13
Health Service Off 8	2
Health Service Off 9	1
Senior Stores Supervisor 1	1
Sterilising Service HSO3/4	43
Sterilising Service Tech 1	6
Sterilising Service Tech 2	7
Stores Supervisor	4
MED	420
Career Medical Officer 1	2
Career Medical Officer 2	7
Casual Medical Officer	10
Junior Resident Med Off	65
Registrar	217
Resident Medical Officer	88
Senior Registrar	22
Senior Specialist	131
Specialist	86
Transitional Career Medical Officer	10
NURSE	638
Enrolled Nurse	15
Enrolled Nurse 1	253
Enrolled Nurse 2	12
Nurse Practitioner	2
Registered Nurse 1	1027
Registered Nurse 2	661
Registered Nurse 3	23
Registered Nurse 3.1	143
Registered Nurse 4.1	16
Registered Nurse 4.2	13
Registered Nurse 4.3	14
Registered Nurse 5.3	3
Registered Nurse 5.4	5
Registered Nurse 5.5	3
Registered Nurse 5.6	6
Registered Nurse L3 G2	80

PROF	2276
Chief Medical Physics	1
Dentist Level 1/2	12
Dentist Level 3	1
Dentist Level 4	1
Deputy Medical Superintendant 1	1
Health Professional 1	44
Health Professional 2	209
Health Professional 3	350
Health Professional 4	155
Health Professional 5	30
Health Professional 6	10
Medical Imaging Prof 1	3
Medical Imaging Prof 3	2
Medical Physics Registrar	3
Medical Physics Specialist	4
Post Graduate Fellow	4
Principal Med Physics Specialist	1
Principal Research Off	1
Professional Officer 2	0
Radiation Therapist 2	17
Radiation Therapist 3	8
Radiation Therapist 4	12
Radiation Therapist 6	1
Research Officer 2	0
Senior Prof Officer A	5
Senior Prof Officer B	1
Senior Prof Officer C	5
Teacher	1
TECH	882
Facilities Tech Off 2	1
Facilities Tech Off 3	1
Senior Tech Officer C	1
Technical Officer 1	112
Technical Officer 2	36
Technical Officer 3	16
Technical Officer 4	4
Trainee Tech Officer	2
Grand Total	5582

**Government—information technology services
(Question No 932)**

Mr Hanson asked the Minister for Health, upon notice, on 25 March 2010:

- (1) What is the cost of the provision of information technology (IT) services per employee on average for (a) 2008-09 and (b) 2009-2010 to date for the Minister's department and each agency within the Minister's portfolio.
- (2) What is the marginal cost of the provision of IT services for an additional employee at the current staffing levels.
- (3) In relation to specialist IT services, what (a) services are required, or have been custom-built, (b) is the cost of each and (c) is the depreciation cost of each.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

- (1) Estimated average cost for IT Services at staffing levels for 2010-11 would be:

IT Services 2010 -11 \$26,894,271 with staffing levels at 5034 = \$5,342;
IT Services 2009 -10 \$26,742,250 with staffing levels at 4861 = \$5,501;
IT services 2008 - 09 \$22,006,078 with staffing levels at 4652 = \$4,730.

- (2) InTACT currently charge \$3635 for each new PC.
- (3) ACT Health is projected to pay \$3,118,025 in FY 2009-10 for Business Systems Support.

**Government—information technology services
(Question No 933)**

Mr Hanson asked the Minister for Police and Emergency Services, upon notice, on 25 March 2010:

- (1) What is the cost of the provision of information technology (IT) services per employee on average for (a) 2008-09 and (b) 2009-2010 to date for the Minister's department and each agency within the Minister's portfolio.
- (2) What is the marginal cost of the provision of IT services for an additional employee at the current staffing levels.
- (3) In relation to specialist IT services, what (a) services are required, or have been custom-built, (b) is the cost of each and (c) is the depreciation cost of each.

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

- (1) The answer to the member's questions is detailed below. These figures are based on the costs of the agency's Service Level Agreement with InTACT and include staffing to support Information and Communication Technology (ICT).

Intact ICT Distribution per FTE Average		
	2008-09	Up to 31Dec09
Emergency Services Agency	\$7,981.93	\$3,512.81

- (2) The marginal cost of providing IT services for an additional employee may vary depending on the role of employee and the IT requirement associated with the position. Based on standard InTACT charges a general office based position with a standard PC and desktop interface environment general base IT services the cost for additional staff will be \$3,266.02.
- (3) The answer to the Member's questions on specialist IT services excludes any costs associated with systems currently under development as part of the department's ICT capital program.
- a. The services required include:
- Projects
 - Specialised Business System support
 - Application Development activities
 - Business Analyst services
 - Solutions Architect Services
 - Remote Access tokens, and
 - Recurrent costs associated with Business Systems, Database Hosting and Website hosting
- These are provided under the InTACT Service Level Agreement and the cost of these services is also incorporated in the average cost per employee detailed in Question (1).
- b. The total value of the above services is \$2.583m.
- c. The depreciation value of the agency's business systems is \$76,857.29.

Government—advertising (Question No 939)

Mr Hanson asked the Minister for Police and Emergency Services, upon notice, on 25 March 2010:

- (1) How much has been spent on advertising in 2009-10 to date for the Minister's department and each agency within the Minister's portfolio.
- (2) On what campaigns was the money referred to in part (1) spent.
- (3) What form of media was employed to undertake the advertising.
- (4) Which businesses were employed to undertake, or consult on, each campaign.
- (5) How many of these are small businesses from the ACT.

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

(1) and (2) The Emergency Services Agency has spent approximately \$53,600, as at the end of March 2010, on the following campaigns:

- StormSafe
- Bushfire Community Awareness
- Change Your Smoke Alarm Battery Campaign
- Emergency Alert trials
- ACT Community Notice Board
 - Hume Development Application
 - Strategic Bushfire Management Plan Public Consultation

(3) Newspaper, radio and internet media were used to undertake the advertising.

(4) The businesses employed to advertise the campaigns were local radio and newspaper businesses.

**Public service—training programs
(Question No 947)**

Mr Coe asked the Minister for Transport, upon notice, on 25 March 2010:

- (1) In relation to training programs for staff, for the department and each agency within the Minister's portfolio, (a) how much has been in 2009-2010 to date on training programs, (b) what was the purpose of each training program, and (c) how many staff participated.
- (2) What in-house training programs were undertaken (a) in 2008-09, and (b) 2009-2010 to date that resulted in (i) no marginal cost to the Government and (ii) a cost to the Government and what was that cost.

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

The information in relation to Transport has been provided in the response to QON 948.

**Public service—training programs
(Question No 948)**

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 25 March 2010:

- (1) In relation to training programs for staff, for the department and each agency within the Minister's portfolio, (a) how much has been in 2009-2010 to date on training programs, (b) what was the purpose of each training program, and (c) how many staff participated.
- (2) What in-house training programs were undertaken (a) in 2008-09, and (b) 2009-2010 to date that resulted in (i) no marginal cost to the Government and (ii) a cost to the Government and what was that cost.

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

(1)

(a) \$858,451.73 (1 July 2009 – 31 March 2010)

(b) A summary of training programs attended by TAMS staff is listed below, along with the number of staff that participated in each:

Training Program Category	No. Courses	No. Attendees
Administration	4	62
Auditing	1	3
Boards and Committees	1	1
Bushfire-related training	23	599
Business Continuity	1	2
Business Excellence	1	2
Change Management	1	18
Communications	1	2
Contracts and Procurement	9	98
Diversity	2	5
Executive Development	2	2
Financial Management	11	206
Fire Warden	1	98
First Aid	1	107
Fraud, Ethics and Security	6	95
Governance	1	22
Government	4	19
Harassment and Bullying	4	257
Health and Safety	20	466
HR Management	12	33
Injury Management	5	11
Innovation	1	6
Internal Facilitators	1	5
Job Applications and Interviews	2	43
Job-specific training	173	3010
Leadership and Management	17	203
Legal and Compliance	2	109
Masters in Public Administration	1	1
Microsoft Office	14	278
Negotiation Skills	2	15
Performance Management	2	5
Personal Development	5	104
Policy and Writing	7	36
Presenting and Facilitating	3	7
Project Management	4	97
Records Management	9	56
Recruitment and Selection	1	10
Risk Management	1	48
Time Management	1	4
Training and Assessment	4	61
Web and IT	12	276
Workforce Planning	1	1
Workplace conflicts and challenges	8	191
Young Professionals Network training	1	2

(c) See response to (b) above.

(2)

(a) 2008-09

(i) This information is not centrally recorded, as business units are responsible for organising appropriate in-house training for their staff as well as ongoing on-the-job training. I am not prepared to authorise the use of the considerable resources that would be required to answer the Member's question.

(ii) During 2008-09 the Department as a whole spent \$23,392.73 on internal training.

(b) 2009-10

(i) This information is not centrally recorded, as business units are responsible for organising appropriate in-house training for their staff as well as ongoing on-the-job training. I am not prepared to authorise the use of the considerable resources that would be required to answer the Member's question.

(ii) Between 1 July 2009 – 31 March 2010 the Department as a whole spent \$157,989.79 on internal training.

Government—appointments (Question No 956)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 25 March 2010:

- (1) How many working groups, consultation groups, inter-departmental committees, roundtables or other intra-government committees are chaired or organised by the Minister's department and agencies in their portfolio.
- (2) What is the cost of administering each group referred to in part (1).
- (3) What is the purpose of each group.
- (4) How often does each group meet and what costs are associated with each meeting.
- (5) Which other ACT Government departments or agencies are represented.
- (6) How many community consultation groups, roundtables or committees are chaired or organised by the Minister's department and agencies in their portfolio.
- (7) What is the cost of administering each group referred to in part (6).
- (8) What is the purpose of each group referred to in part (6).
- (9) How often does each group referred to in part (6) meet.
- (10) Who is represented on each group referred to in part (6).

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

- (1) Many groups incorporate interdepartmental or community members as identified in the following table (Attachment A). In this context questions are jointly addressed in the attached.
- (2) These groups are part of core departmental business and detailed costing information is not collected separately and is therefore not available.
- (3) Please see Attachment A.
- (4) These groups are part of core departmental business and detailed costing information is not collected separately and is therefore not available.
- (5) Please see Attachment A.
- (6) Please see Attachment A.
- (7) These groups are part of core departmental business and detailed costing information is not collected separately and is therefore not available.
- (8) Please see Attachment A.
- (9) Meetings are determined by the terms of reference for each group (if applicable), or emerging issues.
- (10) Please see Attachment A.

Attachment A

Name of Committee	Which Other Organisations / ACT Government Agencies are Represented (Not including TAMS)	Purpose
Transport Reference Group	Treasury, Land and Planning, ACTPLA, DET, ACT Health, DHCS, DECCEW, and National Capital Authority.	To consider cross government strategic transport.
ACT Government Insurance Managers Forum	Insurance Managers from all ACT Government Agencies Australian Capital Territory Insurance Authority	To consider matters pertaining to insurance.
ACT Government Audit Managers Forum	Representatives from each ACT Govt Agency	
Strategic Coordination of Information and Payments Inter-departmental Committee (SCIP IDC)	Execs from each ACT Govt Agency	Strategic development of information and payment services.
TAMS Community Advisory Group (CAG) Includes community members	Nil	Help target community engagement activities.
The Summernats Working Group	AFP Various community members	To coordinate staging of the Summernats.

Road Safety Task Force (RSTF)	NRMA, Department of Education, AFP, Department of Health	Provide input to the development of ACT road safety strategies and action plans and Report on progress against the ACT Road Safety Action Plan.
Road Users Working Group	Representatives from NRMA, Pedal Power, Motorcycle Riders Association, Pedestrian Association	To provide input on road safety matters.
Taxi Industry Roundtable	Taxi Industry Association Taxi networks x 2	To work with issues surrounding the taxi industry.
Wheelchair Accessible Transport (WAT) Consortium Roundtable	WAT Consortium representatives from People with Disabilities ACT, Women with Disabilities ACT, Carers ACT, ACT Disability Council, Sharing Places and Women's Centre for Health Matters.	To advise on public transport improvements surrounding wheelchair accessibility.
Rego ACT Steering Committee	Nil	To advise on the continual improvement of concerning Rego ACT services.
Ticketing System Steering Committee	Representatives from DHCS, DET, and vendor	To provide advice on the management and improvement surrounding ACTIONs ticketing system.
Crash Data Steering Committee	AFP	Analyse crash data to look at safety issues.
Motorcycle Users Group	Motorcycle Riders Association ACT motorcycle industry Stay Upright ACT Policing NRMA Motoring and Services	To inform TAMS on matters of road safety for motorcyclists.
TAMS/AFP Liaison Meeting	AFP	To work on shared issues of concern to TAMS/AFP.
TAMS Community Forum	Representatives from peak industry groups in the ACT	To identify which services are important to the community and discuss service delivery options.
Motorcycle Parking Working Group	Identified stakeholders included NMRA – ACT, Pedestrian Council of Australia, Council on the Aging (COTA), Blind Citizens Australia, Guide Dogs NSW/ACT, Human Rights Commission, ACT & Region Chamber of Commerce & Industry, Canberra Business Council, NRMA, Pedal Power and relevant ACT Government agencies	To explore the feasibility of allowing motorcycle parking on footpaths within Civic.

Road Safety Roundtable	Stakeholders include representatives from NRMA Motoring and Services, NRMA Insurance, NRMA-ACT Road Safety Trust, ACT Policing, Pedal Power, Australian Driver Trainers Association of the ACT, Motorcycle Riders Association, Canberra Pedestrian Forum, Council of the Ageing ACT, Australasian College of Road Safety, Australian Hotels Association, Clubs ACT, Alcohol and Drug Foundation ACT Inc and ACT and Federal Government departments.	To discuss what “Vision Zero” would mean for the next ACT Road Safety Strategy. Roundtable attendees also received a presentation on current road safety actions already underway under the ACT Road Safety Strategy 2007-2010 and Road Safety Action Plan for 2009 and 2010.
Weeds Advisory Group	Representatives from Parks Conservation and Lands, DECCEW and Conservation Council of the ACT	Undertake weed risk assessment, advise on declaration of pest plants, set priorities for weed control program according to the ACT Weed Strategy
Graffiti Steering Committee	Representatives from JACS, DET, DHCS, Arts ACT, ACT Policing, Minister’s Youth Council, ActewAGL, Property Management Council, Youth Coalition, Telstra, Canberra CBD Ltd	To implement the ACT Graffiti Strategy and provide a forum for stakeholders to discuss and advise on graffiti issues.
Conservation and Wildlife Stakeholders Group	DECCEW, National Parks Association, Canberra Ornithologists Group, Rural Lessees Association, Limestone Plains Group, Friends of Grasslands, Natural Resource Management Council, Conservation Council of the ACT	To maintain a forum for liaison and consultation with peak conservation groups.
Recreation Users Group	Representatives from the following organisations: Equestrian Association of ACT, Orienteering ACT, Australian Mountain Running Association, Canberra Off-Road Cyclists, Canberra Sled Dog Club, Capital Field Archers, Scouts ACT, ACT Cross Country Club, Outward Bound, ACT Walking for Pleasure, Light Car Club of Canberra, National Parks Association and ACT Veterans Athletics	To provide an opportunity for representatives from non-commercial recreational users to exchange information between the recreation group and Park, Conservation and Lands. To consult on strategic direction and provide updates on current issues and activities.
Health Parks Healthy People Working Group	Representatives from DET, ACT Health, DHCS and ACTPLA	To promote the mental and physical benefits of spending time in parks

Bimberi Youth Detention Centre (Question No 971)

Ms Hunter asked the Minister for Children and Young People, upon notice, on 4 May 2010:

- (1) Has the ACT Government received any feedback from the Aboriginal and Torres Strait Islander community or the indigenous young people in Bimberi, about the effectiveness of support programs run from Bimberi, such as the links with the Canberra Institute of Technology, for reducing recidivism and re-engaging these young people with education.
- (2) What are the rates of recidivism for young indigenous people in the ACT over the last five years.

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

- (1) Bimberi Youth Justice Centre (Bimberi) has mechanisms in place in order to receive feedback from Aboriginal and Torres Strait Islander services and the community. Bimberi staff hold regular stakeholder forums with the Winnunga Nimmityjah Aboriginal Health Service (Winnunga), Gudan Gulwan Youth Aboriginal Corporation (Gudan Gulwan) and the Aboriginal Justice Centre. These forums provide an opportunity for services to raise issues and provide comment on the programs provided to young people at Bimberi on an ongoing basis.

Bimberi also has mechanisms in place to receive feedback from young people including through the Official Visitor, the Public Advocate, Case Managers and operational staff.

All young people at Bimberi are required to attend a day program which is designed to deliver on educational and vocational outcomes. Literacy and numeracy skills are emphasised and are being incorporated into a responsive model for delivering vocational opportunities for young people, along with art, music, horticulture and physical education.

These programs include the Canberra Institute of Technology's sub-Year 10 program and the Access 10 program, as well as Year 12 options through the ACT Department of Education and Training.

Feedback is received from young people attending these programs (through the Murrumbidgee Education and Training Centre – METC) as part of the Individual Learning Plan (ILP) process. The educational goals of young people attending the METC are set out in their ILPs. The ILPs are regularly reviewed in individual meetings between the young people and staff at METC.

The educational and vocational opportunities provided at Bimberi enable those young people to successfully transition back to the community as part of 'Earn or Learn' and decrease their likelihood of reoffending.

A range of services are provided to Aboriginal and Torres Strait Islander young people in Bimberi to address their needs and reduce their risk of re-offending. These include:

- an Indigenous Case Manager/Liaison Officer who provides case management services to Aboriginal and Torres Strait Islander young people, advice to Bimberi staff on Aboriginal and Torres Strait Islander cultural issues and liaison with community services;
- an individual tutoring program two half days per week for Aboriginal and Torres Strait Islander young people with low literacy and numeracy skills;

- Winnunga provides a visiting medical service to Aboriginal and Torres Strait Islander young people and offers throughcare into the community;
 - Gugan Gulwan provides an art therapy program each week and provide cultural support for Aboriginal and Torres Strait Islander young people;
 - The Aboriginal Justice Centre attends Bimberi to advise young people on legal issues and liaise with the Bimberi case management team on individual legal issues; and
 - for sentenced young people, the cognitive behavioural program Changing Habits and Reaching Targets (CHART) to address offending behaviour.
- (2) The following data is based on calculations of the number of young people receiving more than one supervised sentence in a one year or two year period. This data should be interpreted with caution due to low population numbers in Bimberi Youth Justice Centre resulting in high variability.

For Community Youth Justice, the percentage of the total sentenced client population who are recidivist Aboriginal and Torres Strait Islander young people are:

2005-06	8.70%
2006-07	7.32%
2007-08	5.88%
2008-09	6.90%
2009-10	9.73% (note this is for the period 1/7/09-30/4/10)

For Bimberi Youth Justice Centre, data is available for the past three years. For the following years, the percentage of the total sentenced client population who are recidivist Aboriginal and Torres Strait Islander young people are:

2007-08	21.05%
2008-09	0.00%
2009-10	14.29% (note this is for the period 1/7/09-30/4/10)

Education—students—suspensions (Question No 972)

Ms Hunter asked the Minister for Education and Training, upon notice, on 4 May 2010:

- (1) Can the Minister provide the figures on the number of students in ACT schools suspended for (a) one day, (b) two to five days, (c) five to 15 days and (d) 15 days or longer for the period (i) 1 January to 31 March 2009 and (ii) 1 January to 31 March 2010.
- (2) Can the Minister advise, in the case of any suspensions in 2009 and 2010 of five days or longer, if the Department of Education and Training was advised of the suspensions.
- (3) How many of the students suspended and or their parents/carers were engaged with the Suspension Support Team pilot in 2010.
- (4) What support was given to those students who were not referred to the Suspension Support Team Pilot in 2010.

- (5) How many students and parents/carers did not take up the offer to attend the Suspension Support Team pilot in 2010.

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

- 1) The number of students in ACT public schools suspended for:
 - a) one day
 - i) for the period 1 January to 31 March 2009 is 196 students
 - ii) for the period 1 January to 31 March 2010 is 233 students
 - b) two to five days
 - i) for the period 1 January to 31 March 2009 is 173 students
 - ii) for the period 1 January to 31 March 2010 is 246 students
 - c) five to 15 days
 - i) for the days 1 January to 31 March 2009 is 0 students
 - ii) for the period 1 January to 31 March 2010 is 2 students
 - d) 15 days or longer
 - i) for the period 1 January to 31 March 2009 is 0 students
 - ii) for the period 1 January to 31 January 2010 is 0 students.

The Department of Education and Training does not have data relating to suspensions in non-government schools.

- 2) The Department of Education and Training was advised of the two suspensions of five days or longer in 2010 from ACT public schools.
- 3) Five of the students suspended from ACT public schools and six of the parents/carers were engaged with the Suspension Support Team pilot in 2010.
- 4) All ACT public schools convene a re-entry meeting with students that have been suspended and consult with the student's parents/carers to develop a program to support the student's return to school. Students in ACT public schools have access to a school counsellor and other departmental support if necessary.
- 5) One student suspended from an ACT public school did not take up the offer to attend the Suspension Support Team pilot in 2010. All parents/carers took up the offer to attend the Suspension Support Team pilot in 2010.

Roads—footpaths (Question No 974)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 6 May 2010:

In relation to the claims for compensation received by Roads ACT in relation to footpath accidents involving pedestrians from 2007-2010, (a) how many involved legal proceedings and how far did these progress through the court system, (b) how many involved a compensation payment by the Government, (c) what was the total amount that was paid by the Government in compensation for these matters in each of the years 2007-2010 and (d) what is the highest amount of compensation that was paid for a single matter.

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

(a) None of the incidents/claims have involved legal proceedings.

(b) 24 to date.

(c)	2007	2008	2009	2010
	\$21,000	\$30,000	\$15,000	\$400

(d) \$15,484 to date.

National Folk Festival (Question No 975)

Ms Le Couteur asked the Minister for Health, upon notice, on 6 May 2010
(Redirected to the A/g Minister for Health):

- (1) Has the ACT Health played any role in the Canberra Folk Festival's decision to stop using reusable drinking mugs for drinks served to its patrons and to start using compostable drinking mugs; if so, what was ACT Health's involvement.
- (2) Does any health and safety legislation prevent the Canberra Folk Festival from using reusable drinking mugs for drinks served to its patrons.

Mr Corbell: I am advised that the answer to the member's question is:

- (1) ACT Health has no knowledge of the reasons why the Canberra Folk Festival has decided not to use reusable drinking cups and mugs for drinks served to patrons.
- (2) The food legislation in the ACT does not prevent the use of reusable drinking cups or mugs, provided that food safety standards are met.

Roads—cycle lanes (Question No 976)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 6 May 2010:

- (1) What is the cost of the program to install signs on the Canberra cycleway network.
- (2) Over what period has the program referred to in part (1) operated and how much longer with it continue.
- (3) What is the cost of installing different types of signs, for example, destination signs and "Share the Path" signs.
- (4) What criteria are used by the Minister's department to assess the location of signs.
- (5) How many signs for cycleways have been erected in (a) 2008, (b) 2009 and (c) 2010 to date for (i) new and (ii) existing cycleways.

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

- (1) \$240,000 for signs installed on community paths.
- (2) The design and planning of this program commenced in late 2008 and is expected to be completed in 2010-11.
- (3) The cost associated with the installation of signs varies from around \$320 for a simple community path sign to some \$350 to \$488 for directional signs.
- (4) The installation of signs is in accordance with the TAMS Design Standard for Urban Infrastructure – 13 Pedestrian and Cycling Facilities. The final selection of the location of the signs was a result of stakeholder consultation with the ACT Bicycle Advisory Group.
- (5) A total of some 496 signs will be erected during the three year period 2008-11. The vast majority of these have been installed on existing community paths with the exception of twelve signs installed on the new Cotter Road Cycle Path.

Signs installation breakdown on new and existing cyclepaths:

- a) 2008 – Nil
- b) 2009 – 417
- c) 2010 – 79

In addition to these signs, it is also proposed to install sign posting around the four lakes, Lake Burley Griffin, Ginninderra, Tuggeranong and Yerrabi Pond. These signs and associated infrastructure such as seats and path modifications will generally be more substantial and the design of these are currently under development.

Questions without notice taken on notice

Housing—energy efficiency—Thursday, 24 June 2010

MS BURCH (*in reply to a supplementary question by Ms Bresnan*): Public housing is primarily targeted to those most in need including individuals and households on low incomes. Public housing tenants enjoy the benefit of the rental rebate system whereby tenants pay no more than 25% of their assessable household income in rent. Nevertheless, some public housing tenants experience financial difficulty and are unable to meet regular expenses.

The ACT Civil and Administrative Tribunal, and before it, the former Essential Services Review Council have undertaken significant promotional activities to ensure that public housing tenants are aware of their services.

MS BURCH (*in reply to a supplementary question by Ms Hunter*): Housing ACT supports in principle the idea of the creation of a curtain bank run through the community sector but considers this primarily a matter for charities and the community sector to provide.

The report produced by the Conservation Council in 2008 stated that Housing ACT requires vacating tenants to remove their curtains and tracks. This is not the case and where functional and safe curtains are left by tenants on vacancy or are included in a property purchased on the open market they are left for the new tenant's use. In regards to new developments, Housing ACT has made the decision to include pelmets as standard in all new construction. The 297 properties under construction for older persons include pelmets as part of the construction package.

ACT Ambulance Service—officer recruitment—Tuesday, 29 June 2010

Mr CORBELL: Mr Speaker I would like to firstly amend the record, I indicated yesterday that I responded to a question on notice on this issue during the Estimates process. Whilst I did address this issue at the hearing, and I refer to the member to the Hansard, it was not a question on notice.

In response to the member's question, the last recruitment campaign undertaken by the ACT Fire Brigade was in July 2008 with recruits graduating in November 2008. At estimates, the Commissioner advised that the ACT Fire Brigade is currently working on the next recruitment college. It is intended that the next recruitment round will commence in the first half of 2011.